

# State of Montana

## Equal Employment Opportunity and Nondiscrimination Complaint Resolution Procedures

### Complaint Procedures

Montana state government is committed to providing equal access to employment, programs, services, and activities, and prohibits discrimination and harassment based on race, color, national origin, age, physical or mental disability, marital status, religion, creed, sex, pregnancy, childbirth or a medical condition related to pregnancy or childbirth, sexual orientation, gender identity or expression, political beliefs, genetic information, military service or veteran's status, culture, social origin or condition, or ancestry unless based on a bona fide occupational qualification (BFOQ).

State agencies are committed to resolving complaints of discrimination and harassment in a fair, timely, and impartial manner. Employees, applicants, clients, and customers may file a complaint under the state's complaint resolution procedures if they believe they have experienced discrimination, harassment, or retaliation. Complainants are encouraged to use the Department of Administration's complaint form found at <http://hr.mt.gov/newresources>.

Montana state government prohibits retaliation against employees, applicants, clients, and customers who opposes unlawful discriminatory practices, files a discrimination complaint, or participates in a discrimination proceeding, including testifying in court.

### Reporting a Complaint:

Montana state government encourages employees, applicants, clients, and customers who believe they have been discriminated against or harassed to contact agency management or the agency's equal opportunity (EO) officer, American's with Disabilities Act (ADA) Coordinator, or human resources (HR) staff.

### Agency Responsibilities:

- ✓ Employees and manager who receive a report of alleged discrimination or harassment shall immediately notify the agency EO officer, ADA Coordinator, or HR staff.

- ✓ Upon receiving a complaint, agency management, with guidance from the agency EO officer, ADA Coordinator, or HR staff, shall take appropriate steps to prevent the alleged conduct from continuing, pending completion of the investigation.
- ✓ The agency EO officer, ADA Coordinator, HR staff, or appropriate management representative will promptly initiate an investigation upon receiving a complaint.
- ✓ The investigator shall submit the results of the investigation to the human resource manager. The factual report shall remain confidential and may not be disseminated, except to persons having a need or right to know, which outweighs the privacy rights of persons involved.
- ✓ Upon completion of the investigation, the appropriate manager shall promptly inform the complainant and accused, in writing, of the outcome of the investigation.
- ✓ Agency management shall take appropriate corrective action if the investigation establishes that an employee has violated the state's EEO, Nondiscrimination, and Harassment Prevention Policy. Agency managers may only inform the complainant that appropriate action has been taken and not the details of any disciplinary action taken.
- ✓ If the investigator finds insufficient evidence to conclude that a policy violation occurred, agency management may inform all parties that no action will be taken, and the complainant's right to file an external complaint.
- ✓ Neither agency management nor any employee will retaliate against any employee for filing a complaint or for participating in any way in a complaint procedure.

## **Other Complaint Filing Options**

An applicant, client, customer, or employee may concurrently file a complaint of unlawful discrimination with:

1. the Human Rights Bureau, 33 S. Last Chance Gulch, Suite 2, P.O. Box 1728, Helena, MT 59624-1728, (406) 444-4356, (800) 542-0807, Montana Relay Service 711, or
2. the United States Equal Employment Opportunity Commission (EEOC) Seattle Field Office, 909 First Avenue, Suite 400, Seattle, WA 98104-1061, (800) 669-4000, TTY (800)-669-6820, ASL Video (844) 234-5122. The complaint must be filed either:
  - a. within 180 days of the alleged incident; or

- b. if the employee initiates action to resolve the alleged discrimination in accordance with this procedure or contract grievance procedure, within 300 days of the alleged incident.
3. Service members and veterans who believe they have been discriminated against in employment based on military service or veteran status may contact:
  - a. the Employer Support of the Guard and Reserve at (800) 336-4590; or
  - b. the Veterans' Employment and Training Service (VETS) at (866) 487-2365.

Service members and veterans may submit a formal, online complaint with VETS at <http://webapps.dol.gov/elaws/vets/userra/1010.asp>.