

Montana State Library

EEO Action Plan July 2019

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EEO, Nondiscrimination, and Harassment Prevention Policy

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I. PLAN PURPOSE

This Action Plan documents the steps the Montana State Library (MSL) takes to ensure that the agency does not discriminate in employment or programs or services based upon any protected class outlined in Administrative Rules of Montana (ARM) [2.21.4005](#). The State of Montana's Equal Employment Opportunity (EEO) Policy is the basis of this plan and may be reviewed at <https://montana.policytech.com/?public=true&siteid=1>.

II. EEO, NONDISCRIMINATION, AND HARASSMENT POLICY STATEMENT

MSL provides equal access to employment, programs, services, and activities without regard to 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 with the exception of special programs established by law. Furthermore, all employees have a right to work in an environment free from all forms of discrimination and harassment, including sexual harassment. Likewise, the agency will not tolerate discrimination or harassment because of a person's marriage to, or association with, individuals in one of the previously mentioned protected classes.

MSL provides reasonable accommodations, upon request, to enable qualified individuals with disabilities to perform the essential functions of their job, to enjoy equal benefits and privileges of employment, and to promote equal opportunity in hiring, unless doing so would create an undue hardship on MSL. Upon request, the agency will also consider reasonable modifications to policies and procedures and will provide effective communication to enable individuals with disabilities to participate in programs, services, or activities provided through MSL, unless doing so would create an undue burden.

MSL does not retaliate or allow, condone, or encourage others to retaliate against any patron, applicant, or current or former employee for opposing unlawful discriminatory practices, filing a discrimination complaint or participating in a discrimination proceeding, including testifying in court.

MSL makes good faith efforts to equalize employment opportunities at all levels of the agency where there is evidence of barriers to employment for those classes of people who have traditionally been denied equal employment opportunity.

Implementation of MSL's equal employment opportunity plan is the responsibility of each manager and supervisor.

The Central Services Administrative Assistant serves as MSL's Equal Opportunity (EO) Officer and American with Disabilities Act (ADA Coordinator). Individuals with questions or complaints may contact this person at (406) 444-3384.



7/1/19

Jennie Stapp, State Librarian

Date

III. GOAL AND STRATEGIES

MSL wishes to have a workforce that reflects the labor force in Montana. To this end, MSL's hiring officials will:

- review their recruitment, selection, and promotion process, as well as the on-the-job treatment of employees, to ensure that all classes receive equal opportunity to secure employment and promotion;
- annually review employment reports provided by the State of Montana to understand better workforce trends and to consider any factors that might contribute to employment barriers
- evaluate opportunities to mitigate any factors within our control that might positively contribute to the agency's equal opportunity workforce.

IV. UTILIZATION ANALYSIS

The State of Montana provides a utilization analysis report (see attachments) that compares MSL's workforce to Montana's labor force using weighted availability. If the workforce in a particular job group is less than the labor force, then the job group will be defined as underutilized.

Underutilization occurs when the percentage of employees in a protected group (such as women or minorities) is less than their labor force availability. The EEO Tabulation serves as the primary external benchmark for analyzing the race, ethnicity, and sex composition of an organization's internal workforce, and the equivalent external labor market, within a specified geography and job category. Montana is used for the relevant labor market in the utilization analysis. If there is a negative number in the field indicates underutilization. If there is no underutilization, a zero will be in the field.

The weighted availability takes into account the proportional relevance of each job code total (employee count), rather than treating each job code total equally. This weighted average is used in calculating the availability (labor force) at the occupational group level and at the EEO category level for females and minorities. For example, when calculating the occupational group availability, a job code with 15 employees will carry more weight than a job code with only two employees for the weighted availability.

After the 2017 plan was approved, MSL underwent drastic budget cuts that resulted in reduction of personnel. Since then, funding was found to refill some positions. That resulted in a change in number of positions and utilization both. MSL currently has a slightly smaller percentage of females compared to previously but still well over half. MSL also has increased the percentage of employees that are in other minority groups and so overall show absolutely no underutilization. Hiring officials have definitely met the goals for the previous plan.

V. EEO ACTION PLAN DISTRIBUTION

Each employee will receive a copy of this plan during new employee orientation and a review of the plan will be provided for all employees and the commission every three years. The plan will also be posted to both the Library's intranet page and the Library's external policy page.

VI. REPORTING A COMPLAINT

MSL encourages employees, applicants, clients, and customers who believe they have been discriminated against or harassed to contact agency management or the EO officer/ADA Coordinator, or human resources (HR) staff.

A. Agency Responsibilities

1. Employees and manager who receive a report of alleged discrimination or harassment shall immediately notify the agency EO officer/ADA Coordinator, or HR staff.
2. 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.
3. The agency EO officer/ADA Coordinator, HR staff, or appropriate management representative will promptly initiate an investigation upon receiving a complaint.
4. The investigator shall submit the results of the investigation to the Central Services 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.
5. Upon completion of the investigation, the appropriate manager shall promptly inform the complainant and accused, in writing, of the outcome of the investigation.
6. 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.

7. 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.
8. 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.

B. 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>.

VII. ATTACHMENTS AND LINKS

A. Policies

Both the state 'EEO, Nondiscrimination and Harassment' and 'Reasonable Accommodations and Equal Access' policies can be found at <https://montana.policytech.com/?public=true&siteid=1>.

B. Discrimination Compliant Resolution Form

The discrimination complaint resolution form can be found at <http://hr.mt.gov/newresources>.

C. Utilization Analysis

The current utilization analysis is an attachment to this document and may be found at the same website locations.