



ADMINISTRATIVE RULES OF MONTANA



2.21.4008 RESPONSIBILITIES

- (1) The Department of Administration shall:
 - (a) periodically review and update equal opportunity (EO) standards, guidelines, and administrative processes and procedures;
 - (b) assist agencies in maintaining an effective EO program;
 - (c) provide annual utilization analysis reports to agencies;
 - (d) create and maintain an annual report summarizing state government's efforts toward achieving diversity and inclusion;
 - (e) provide EEO analyses, reports, and technical assistance to agencies;
 - (f) recommend strategies to promote diversity and overcome potential barriers to employment;
 - (g) design and develop diversity and inclusion and equal opportunity training that includes minimum standards for new employee orientation and refresher training; and
 - (h) submit the biennial State and Local Government EEO-4 Report to the Equal Employment Opportunity Commission by the reporting deadline on odd-numbered years.
- (2) Executive branch department heads shall:
 - (a) appoint an EO officer responsible for:
 - (i) managing the agency's EO program;
 - (ii) training employees on EO;
 - (iii) assisting employees and managers with resolving EO issues;
 - (iv) conducting internal investigations;
 - (v) updating the department's annual EEO action plan, unless the department has a federal requirement to develop an affirmative action plan that extends to the entire department;
 - (vi) developing strategies, goals, and objectives for evaluating the effectiveness of the agency's EEO action plan or affirmative action plan;
 - (vii) reporting the agency's progress toward minimizing underutilization of women and minorities to the department by March 31 of each year;

- (viii) developing internal procedures for providing meaningful access (interpreters, translators, etc.) to programs, services, and activities for customers with limited English proficiency by March 31, 2017;
 - (ix) reporting to the department each year:
 - (A) the number of diversity and inclusion and EO and harassment prevention trainings provided; and
 - (B) the number of employees trained, by new employee and refresher training; and
 - (b) appoint an ADA coordinator responsible for:
 - (i) training employees on the ADA, disability awareness, and reasonable accommodations;
 - (ii) conducting self-evaluations to assess accessibility of programs, services, and activities; and
 - (iii) assisting with reasonable accommodation requests.
- (3) Agency managers shall:
 - (a) retain electronic records for all jobs recording the sex, race, and ethnic group of employees and applicants as provided in 49-2-102, MCA, and the Uniform Guidelines on Employee Selection Procedures (1978); 43 FR 38295 (August 25, 1978);
 - (b) provide reasonable accommodations, upon request, for qualified individuals with disabilities and for applicants and employees based on their religious practices, unless doing so would create an undue hardship;
 - (c) provide reasonable accommodations, upon request, for limitations resulting from pregnancy-related disabilities and the interaction of pregnancy with an underlying impairment, unless doing so would create an undue hardship for the agency;
 - (d) ensure employees provide meaningful access to programs, services, and activities for customers with limited English proficiency;
 - (e) include provisions in all contracts and subcontracts for construction of public buildings, other public works, and goods and services, that prohibit discrimination or 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 in hiring and accessing programs, services, and activities performed on the state's behalf;
 - (f) post the state's EO policy poster and complaint-resolution procedures, including contact information for the agency EO officer and ADA coordinator, in areas frequented by employees and the public;
 - (g) provide a copy of these rules to all employees;
 - (h) have employees sign a statement acknowledging their understanding and acceptance of the standards set forth in these rules and file a copy in their personnel file;

- (i) ensure all new employees receive diversity and inclusion and EO and harassment prevention training within 90 days of hire, beginning April 15, 2017, according to guidelines established by the department;
- (j) ensure all employees receive diversity and inclusion and EO and harassment prevention refresher training every three years or more frequently as needed, beginning April 15, 2017, according to guidelines established by the department; and
- (k) document all training in the employee's personnel file.

Authorizing statute(s): 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 2011 MAR p. 1672, Eff. 8/26/11; AMD, 2017 MAR p. 130, Eff. 10/15/16.