

MONTANA DEPARTMENT OF JUSTICE
NONDISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY (EEO)
&
AFFIRMATIVE ACTION (AA) PLAN



Attorney General
STEVE BULLOCK

January 1, 2012 to December 31, 2012

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The Montana Department of Justice attempts to provide accommodations for any known disability that may interfere with a person's ability to participate in any service, program or activity of the Department.

Alternative accessible formats of this document will be provided upon request. For further information, please contact:

Central Services Division – Human Resource Services Bureau
Department of Justice
302 North Roberts/PO Box 201404
Helena, MT 59620

Phone Numbers:
(406) 444-4229
(406) 444-1887 Fax

PART I

NONDISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY & AFFIRMATIVE ACTION POLICY STATEMENT

It is the policy of the Montana Department of Justice to provide services and equal employment opportunity (EEO) to all persons regardless of race, color, religion, creed, sex, sexual orientation, national origin, age, mental or physical disability, marital status, or political belief with the exception of special programs established by law. Likewise, the Department 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. Additionally, the Department prohibits discrimination based on genetic information with respect to employment or state-sponsored group health plans in compliance with the Federal Genetic Information Nondiscrimination Act of 2008 (GINA). It is the Department's position that all employees have a right to work in an environment free from all forms of discrimination, including sexual harassment. As such, the Department practices zero tolerance of harassment in any form.

The Department of Justice makes a commitment to provide reasonable accommodation to any known disability that may interfere with an individual's ability to receive or participate in Department services or programs, an applicant's ability to compete in the selection process, or an employee's ability to perform the duties of the job.

The Department of Justice guarantees employee protection against retaliation for lawfully opposing any discriminatory practice, including the filing of an internal grievance alleging unlawful discrimination, the filing of a union grievance, the initiation of an external administrative or legal proceeding or testifying in or participating in any of the above.

The Department of Justice will take affirmative action (AA) to equalize employment opportunities at all levels of Department operations where there is evidence that there have been barriers to employment for those classes of people who have traditionally been denied equal employment opportunity.

Implementation of this department's affirmative action program is the responsibility of each division administrator and supervisor.

The designated EEO/AA Officer for the Department of Justice is Kila Shepherd, who is responsible for coordinating the Department's EEO/AA program and for resolving applicant and employee EEO complaints. Ms. Shepherd's address is 302 North Roberts, Scott Hart Building, Helena, MT 59620, and her phone number is (406) 444-4229.



STEVE BULLOCK
Attorney General

August 30, 2012
Date

THE MONTANA DEPARTMENT OF JUSTICE NONDISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY COMPLAINT RESOLUTION PROCEDURE

The Montana Department of Justice is committed to resolving complaints of discrimination in a fair and timely manner. The complaint resolution procedure is a dispute resolution process used when an applicant, client, customer or employee alleges that discrimination has taken place. Management must investigate when reports are received. Complaints concerning all forms of discrimination are submitted to the Department's ADA/EEO/AA Officer. This complaint resolution procedure may not cover members of a collective bargaining unit unless it is stipulated in the bargaining agreement.

A. COMPLAINANT'S RESPONSIBILITY

Any applicant, client, customer or employee who believes he or she or another person has been subjected to a discrimination of the Equal Employment Opportunity Policy is encouraged to report the incident(s) or action(s) to management as soon as possible after the alleged discrimination occurs. Complaints may be oral or in writing; however, complainants are encouraged to use the Department's complaint form. Early reporting is encouraged because management's ability to investigate and act on reports diminishes with time.

B. MANAGEMENT'S RESPONSIBILITY

Any supervisor who receives a report of an alleged discrimination shall immediately notify the Department's ADA/EEO/AA Officer regardless of their perception of the validity of the complaint. For complaints not submitted on a department complaint form, the Department's representative receiving the complaint shall obtain and document the following information:

1. name, address, and phone number(s) of the complainant(s);
2. date(s), time(s), and location(s) of the alleged discriminatory behavior or conduct;
3. name(s), if known, of the accused;
4. description of the behavior or conduct that resulted in the alleged violation(s);
5. whether the alleged discrimination was based on a protected class; and
6. names of potential witnesses who may have heard or observed the alleged discriminatory conduct or behavior.

Upon receipt of a report alleging discrimination, including sexual harassment, the Department's ADA/EEO/AA Officer, legal counsel and appropriate division administrator shall meet to discuss the appropriate course of action. If the complaint is against any of these individuals, that individual is excluded from the meeting. The discussion must focus on measures to stop the alleged behavior, a review of the investigative process, and management's role in the process.

The Department shall take all appropriate steps to prevent the alleged conduct from continuing pending completion of the investigation. The Department will determine the steps to be taken by balancing the rights of the alleged victim, including the severity of the alleged conduct, the rights of the alleged harasser, and review of union contracts as relevant.

If management determines an internal investigation would not be appropriate because of a potential conflict, they may request assistance from the State Human Resources Division or other outside source. In the event the ADA/EEO/AA Officer appoints an investigator the ADA/EEO/AA Officer shall coordinate with the investigator and advise management throughout the course of the investigation.

Before the investigation begins, the appropriate manager shall separately explain the following to the complainant and accused:

1. the investigation process and anticipated timelines;
2. what retaliation is and that it is unacceptable behavior; and
3. expectations and consequences of discussing the complaint with anyone other than the investigator, management, union representative, or legal counsel.

In addition, the manager shall provide periodic updates to the complainant and the accused, and documentation of their initial meeting and all subsequent follow-up action to the investigator.

C. INVESTIGATING A COMPLAINT

The Department's ADA/EEO/AA Officer shall initiate an investigation or select another appropriate management representative to initiate the investigation no later than 10 working days after receiving notice of the alleged discrimination. The investigation shall include verification of the report, a recommended course of action and written documentation of the investigation. The investigator shall submit the results of the investigation to the Department's ADA/EEO/AA Officer. 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 the persons involved.

Within 5 working days of completing an investigation or receiving the investigator's factual report, the Department's ADA/EEO/AA Officer will, in writing, inform the complainant, any employees directly involved, their immediate supervisors and the Attorney General or the Attorney General's Chief of Staff of the results of the investigation, the Department's decision, and inform the complainant only that an action was taken, not the details of the action.

If the investigation establishes that there is insufficient evidence to find that illegal discrimination occurred, the department will inform all parties involved that no action will be taken. If the investigation establishes that discrimination occurred, the Department will take appropriate action, including, but not limited to, disciplinary measures pursuant to the Department's disciplinary policy, which may include termination.

D. CONFIDENTIALITY REQUIREMENTS

The Montana Department of Justice shall make every attempt to protect the privacy of individuals involved in the complaint process; however, individual privacy cannot be guaranteed. Employees involved in the complaint process (e.g., complainant, accused, witnesses, etc.) may not discuss the complaint or investigation with anyone other than management, the ADA/EEO/AA Officer, investigator, union representative, or legal counsel. Discussing the complaint or investigation with individuals who do not have an official need to know may result in disciplinary action. The investigative report and supporting documents will be maintained by the Human Resources Bureau in a secure, confidential case file separate from the regular employee file.

E. OTHER COMPLAINT FILING OPTION

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

Montana Human Rights Bureau (HRB)
PO Box 1728
Helena MT 59624
(406) 444-2884
(406) 444-0532 (TTY)

<http://www.erd.dli.mt.gov/humanright/hrhome.asp>

Complaints with the HRB must be filed within one hundred eighty (180) calendar days of the alleged discriminatory occurrence. It is necessary to file a charge with the HRB or EEOC in order to preserve the right to file a private lawsuit at a later date.

– or –

United States Equal Employment Opportunity Commission (EEOC)
Denver District Office
303 E. 17th Avenue, Ste. 510
Denver CO 80203
(303) 866-1300
(303) 866-1950 (TTY)
www.eeoc.gov

Complaints with EEOC must be filed within three hundred (300) calendar days of the alleged discriminatory occurrence. It is necessary to file a charge with the HRB or EEOC in order to preserve the right to file a private lawsuit at a later date.

– or –

The United States Department of Justice, Civil Rights Division
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001
(202) 514-2000
Civil.feedback@usdoj.gov
www.justice.gov/civil

PART II

DISSEMINATION OF AFFIRMATIVE ACTION PLAN AND NONDISCRIMINATION/EQUAL EMPLOYMENT OPPORTUNITY POLICY STATEMENT

A. INTERNAL DISSEMINATION

The Department will make its Affirmative Action Plan (AA) and Nondiscrimination/Equal Employment Opportunity (EEO) Policy Statement known internally by:

- Placing the AA plan in the Department policy manual.
- Publicizing it or the Nondiscrimination/EEO policy statement in a memo, annual report, and other publications.
- Conducting meetings with administrators, supervisors and others responsible for its implementation, to explain the intent of the AA Plan and Nondiscrimination/EEO Policy Statement.
- Providing information on the AA Plan to employees through meetings, employee orientation, and training sessions.
- Discussing the AA Plan with union officials and requesting continued cooperation.
- Placing the Nondiscrimination/EEO Policy Statement where it can be viewed (i.e. employee bulletin boards).

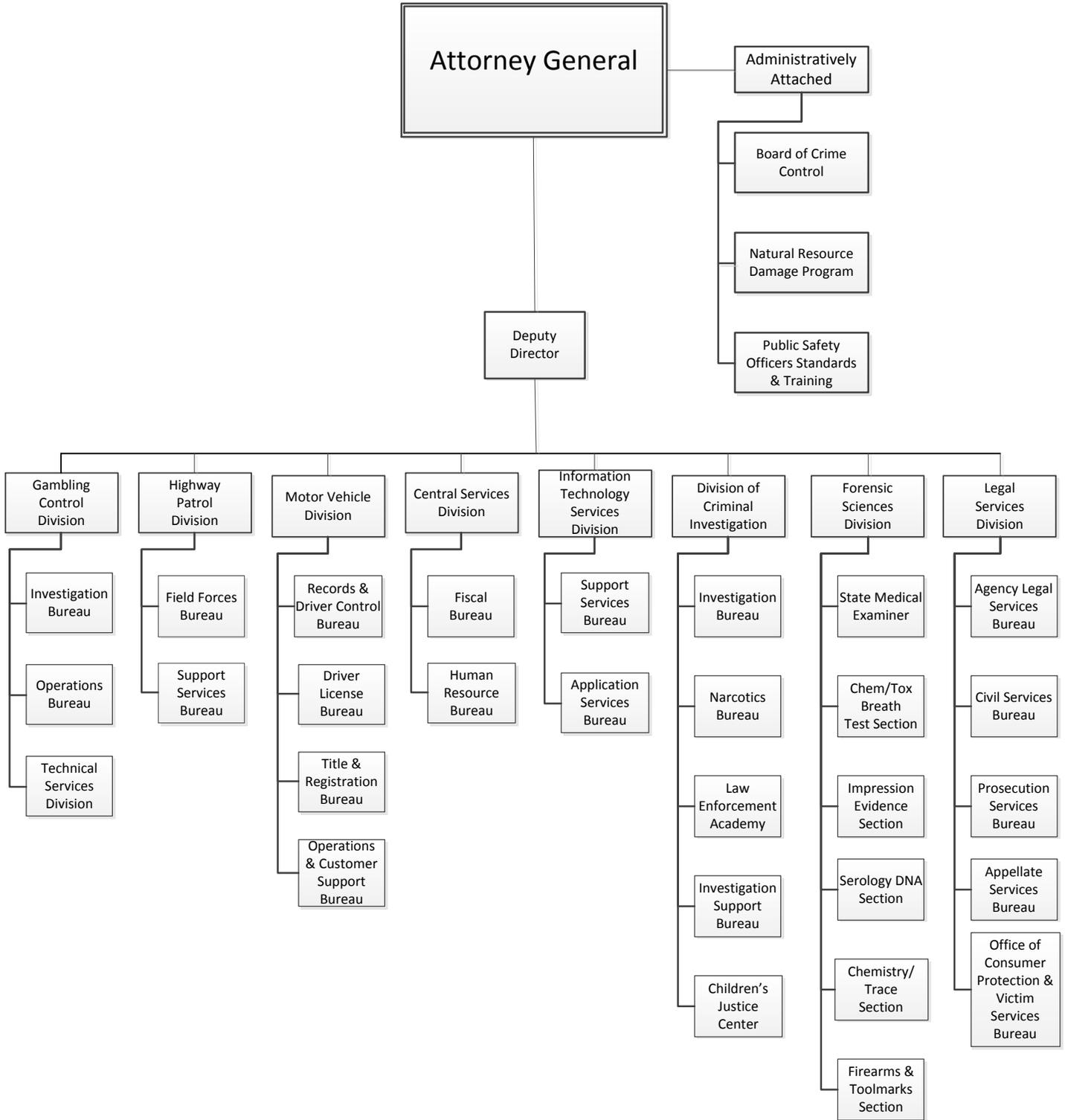
B. EXTERNAL DISSEMINATION

The Department will disseminate its EEO/AA Plan and Policy Statement externally by:

- Filing the AA Plan with the State EEO/AA Officer at the State Human Resources Division, Department of Administration.
- Placing a statement on vacancy announcements that EEO/AA is a policy of the Department.
- Informing recruitment sources about the AA Plan and asking that women, minorities, and people with disabilities are referred.
- Informing organizations for women, minority groups and people with disabilities about the AA Plan and providing them with a copy.

PART III ORGANIZATIONAL CHART

Part III
DEPARTMENT OF JUSTICE
ORGANIZATIONAL CHART



PART IV

DEPARTMENT OVERVIEW

Following is a summary of the Department of Justice job groups as they are designated according to Equal Employment Opportunity categories. The Agency Workforce Analysis dated January 25, 2012, showed the Department was under-represented in categories 1, 2, 3, 4, 6, and 7. The following is a summary of those that have the greatest variances in representation when compared to the labor force as evidenced on the Utilization Analysis dated January 25, 2012.

EEO Category	# Female	# Minority
1 - Officials/Administrators	1	2
<ul style="list-style-type: none">• Elected Official• Personal Staff/EO-Admin• Other/Prof-Admin		

EEO Category	# Female	# Minority
2 - Professionals	0	10
<ul style="list-style-type: none">• Insurance Claims Examiner• Compliance Specialist• License Examiner Specialist• Training Development Specialist• Human Resource Specialist• Management Analyst• Administrative Specialist• Business Operations Sup• Accountant• Auditor• Budget Analyst• Financial Specialist• Computer Application Engineer• Computer Support Specialist• Computer Systems Analyst• Database Analyst	<ul style="list-style-type: none">• Network Administrator• Computer Security Specialist• Data Control Specialist• Electronics Engineer• Environmental Science Specialist• Forensic Scientist• Health Program Representative• Lawyer• Paralegal Legal Assistant• Public Relations Specialist• Technical Writer• Medical Examiner• Highway Patrol Captain• Fire Inspector• Crime Analyst	

EEO Category	# Female	# Minority
3 - Technicians	5	5
<ul style="list-style-type: none"> • Training Development Tech • Computer Support Technician • Data Control Technician • Biological Lab Technician • Paralegal Legal Assistant • Highway Patrol Sergeant • Accounting Technician • Purchasing Technician • License Permit Technician • Human Resource Assistant • Benefits Technician • Administrative Assistant • Records Management Assistant • Compliance Technician 		

EEO Category	# Female	# Minority
4 - Protective Service	20	19
<ul style="list-style-type: none"> • Highway Patrol Lieutenant • Law Enforcement Manager • Crime Investigator • Highway Patrol Officer • Highway Patrol Specialist 		

EEO Category	# Female	# Minority
6 - Office/Clerical	0	6
<ul style="list-style-type: none"> • Personal Staff/EO-Clerical • Administrative Support Supv • Customer Service Supv • License Permit Clerk • Customer Service Clerk • Fingerprint & Evidence Tech • Police Fire Dispatcher • License Permit Clerk • Supply Assistant • Legal Secretary • Secretary • Insurance Claims Technician • Mail Clerk • Administrative Clerk 		

EEO Category	# Female	# Minority
7 - Skilled Craft	1	0
• Electronic Repair Tcg		
• Electric Electronic Inspectors		
• Maintenance Worker		

PART V

RESPONSIBILITY FOR IMPLEMENTATION

Steve Bullock, Attorney General and Director of the Department of Justice, has the overall responsibility for implementation of the EEO/AA program. Kila Shepherd, Human Resource Services Bureau Chief (EEO/AA Officer) for the Department, coordinates the responsibilities for the implementation of the program. The program implementation has the full support of management.

A. Duties of the Director:

- Designate the person who will serve as the EEO/AA Officer.
- Promote the program and see that management adheres to its tenets.

B. Duties of the EEO/AA Officer:

- Develop an EEO policy statement and an Affirmative Action Plan (AA Plan).
- Identify problem areas.
- Assist supervisors and employees in solving problems.
- Review analyses and reports from the Statewide Accounting, Budgeting and Human Resource System (SABHRS) to:
 - measure the program's effectiveness, and
 - indicate needed remedial action.
- Determine whether AA goals and objectives are being met.
- Stay informed about and inform management of EEO developments.
- Provide training opportunities for management and employees in the areas of EEO.
- Meet with management to ensure that the EEO policies and the AA plan are being followed.
- Update and review plan as necessary.

C. Duties of Management:

- Assist EEO/AA Officer in problem identification and establishment of Department goals and objectives.
- Review analyses and reports from SABHRS to:
 - monitor progress,
 - evaluate the program, and
 - determine effectiveness.
- Make the EEO/AA program known to all employees.

D. Duties of Employees:

- Inform management of any EEO violation.
- Take advantage of training.
- Read Department AA Plan and request clarification on any questions or concerns.

PART VI

PROBLEM IDENTIFICATION AND DEFICIENCY CORRECTIONS AFFIRMATIVE ACTION FOR WOMEN

Category 1 - Officials and Administrators

Job Group: Elected Official – Admin/Personal Staff

Total number of employees	21
Female availability percentage	39.35
Number of female employees in this job group	7
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: This group is composed of appointments by an elected official (10) and various program managers throughout the department. Many of the appointed staff positions require advanced technical knowledge and experience in historically white male dominated fields such as law enforcement.

Turnover of employees in the appointed positions generally only occurs in the Department when there is a change in the elected Department official, the Attorney General. The most recent change in Attorney General occurred in January of 2009 and resulted in the hiring of three female administrators; with the prior administration, there were no female administrators.

Goal: Administrators are appointed by the Attorney General. Upper management is aware of the under-representation of minorities and females and will encourage qualified minorities and females to apply for vacant positions. Should a vacancy occur, the Department will attempt to hire one qualified female and two minorities into positions in this job group.

Action items for category 1 – Officials and Administrators:

1. The Attorney General and Division Administrators will continue to seek and consider qualified female and minority applicants for appointed and management positions.

Persons Responsible: Attorney General, Deputy Director, Division Administrators, EEO/AA Officer, and the Talent Acquisition & Retention Specialist

Target date: Next available openings.

Category 3 - Technicians

Job Group: Training and Development Technicians

Total number of employees	4
Female availability percentage	69.3
Number of female employees in this job group	2
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: There are currently only four positions in the Department for Training Development Technicians compared to almost 70% of females represented in the labor force for this occupation title. Position availability is very limited as the turnover rate is very low in these positions. Additionally, the current positions are highly specialized because they conduct law enforcement training and are assigned to the Montana Highway Patrol and the Montana Law Enforcement Academy. This specialization narrows the percentage of available qualified females.

Goal: If a vacancy occurs we will attempt to hire a qualified female into this job group.

Target date: Next available openings.

Action Items for category 3 – Training and Development Technicians:

1. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. The Department will continue to work with recruitment sources (organizations having effective contact with women) to improve recruitment efforts.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. The Department will encourage the employment of women, minorities and people with disabilities who are not currently in the workforce by offering part-time employment, internships, or summer employment when possible.

Persons Responsible: Division Administrators in conjunction with the EEO/AA Officer, Human Resource Generalists, and Talent Acquisition & Retention Specialist

- Managers involved in the recruitment and selection process will be trained by a Human Resource Specialist to be sure they understand the EEO Program Action Plan, and are committed to its implementation.

Persons Responsible: EEO/AA Officer, HR Generalists and the Talent Acquisition & Retention Specialist

Job Group: Computer

Total number of employees	10
Female availability percentage	37.6
Number of female employees in this job group	3
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: Historically, males have made up a majority of the applicant pools for these positions.

Goal: When a vacancy occurs we will attempt to hire a qualified female into this job group.

Target date: Next available opening.

Action Items for category 3 – Computer:

- Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

- The Department will continue to work with recruitment sources (organizations having effective contact with women) to improve recruitment efforts.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. The Department will encourage the employment of women, minorities and people with disabilities who are not currently in the workforce by offering part-time employment, internships, or summer employment when possible.

Persons Responsible: Division Administrators in conjunction with the EEO/AA Officer, Human Resource Generalists, and Talent Acquisition & Retention Specialist

4. Managers involved in the recruitment and selection process will be trained by a Human Resource Generalist to be sure they understand the EEO Program Action Plan, and are committed to its implementation.

Persons Responsible: EEO/AA Officer, HR Generalists, and the Talent Acquisition & Retention Specialist

Job Group: Supervisors of Protective Services/Law Enforcement Managers

Total number of employees	34
Female availability percentage	5.1
Number of female employees in this job group	0
Under-representation	2

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: Historically the Department, like other law enforcement agencies, has experienced difficulty in recruiting qualified females to entry-level career law enforcement positions. Once selected for an entry-level position, it takes time for an officer or investigator to progress through the career chain to become eligible and qualified for these positions. Position availability is also very limited as the turnover rate is very low.

Goal: If a vacancy occurs we will attempt to hire qualified females into this job group.

Target date: Next available openings.

Action Items for category 3, Officials – Supervisors of Protective Services/Law Enforcement Managers:

1. In order to attract females to apply for the entry-level positions necessary to develop and progress into these positions, representatives of the Department will participate in university, college and high school career fairs and activities. By stimulating an interest in entry law enforcement positions, the Department hopes to build a pool of qualified applicants.

Persons Responsible: Division of Criminal Investigation and Gambling Control Division Administrators and Bureau Chiefs, Highway Patrol Lt. Colonel and Bureau Chiefs, EEO/AA Officer, HR Generalists, and the Talent Acquisition & Retention Specialist

2. Promotion selection interview teams will include a knowledgeable female either inside or outside the division.

Persons Responsible: Division of Criminal Investigation and Gambling Control Division Administrators, Highway Patrol , EEO/AA Officer, HR Generalists, and the Talent Acquisition & Retention Specialist

3. The Department will continue to review selection and promotion procedures to ensure criteria are job related and nondiscriminatory.

Persons Responsible: EEO/AA Officer and the Talent Acquisition and Retention Specialist

Job Group: Financial Clerks

Total number of employees	8
Female availability percentage	89.2
Number of female employees in this job group	4
Under-representation	3

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: There are currently only eight positions in the Department for financial clerks, with half filled by men. Position availability is very limited as the turnover rate is very low in these positions.

Goal: If a vacancy occurs we will attempt to hire qualified females into this job group.

Target date: Next available openings.

Action Items for category 3 – Financial Clerks:

1. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. The Department will continue to work with recruitment sources (organizations having effective contact with women) to improve recruitment efforts.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. The Department will encourage the employment of women, minorities and people with disabilities who are not currently in the workforce by offering part-time employment, internships, or summer employment when possible.

Persons Responsible: Division Administrators in conjunction with the EEO/AA Officer, Human Resource Generalists, and Talent Acquisition & Retention Specialist

4. Managers involved in the recruitment and selection process will be trained by a Human Resource Generalist to be sure they understand the EEO Program Action Plan, and are committed to its implementation.

Persons Responsible: EEO/AA Officer, Human Resource Generalists, and the Talent Acquisition and Retention Specialist

Job Group: Secretaries and Administrative Assistants

Total number of employees	32
Female availability percentage	96.3
Number of female employees in this job group	30
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: Although the Department is underrepresented in this job group, only two of thirty-two positions are not currently held by women.

Goal: If a vacancy occurs we will attempt to hire a qualified female into this job group.

Target date: Next available openings.

Action Items for category 3 – Secretaries and Administrative Assistants:

1. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include

the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. The Department will continue to work with recruitment sources (organizations having effective contact with women) to improve recruitment efforts.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. The Department will encourage the employment of women, minorities and people with disabilities who are not currently in the workforce by offering part-time employment, internships, or summer employment when possible.

Persons Responsible: Division Administrators in conjunction with the EEO/AA Officer, Human Resource Generalists, and Talent Acquisition & Retention Specialist

4. Managers involved in the recruitment and selection process will be trained by a Human Resource Specialist to be sure they understand the EEO Program Action Plan, and are committed to its implementation.

Persons Responsible: EEO/AA Officer, HR Generalists, and the Talent Acquisition & Retention Specialist

Category 4 - Protective Services

Job Group: Law Enforcement Workers

Total number of employees	219
Female availability percentage	13.8
Number of female employees in this job group	10
Under-representation	20

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: The Department has had difficulty recruiting sufficient numbers of women for entry-level Highway Patrol (HP) officer and investigator positions. The Department has been taking some proactive actions, and will continue to place emphasis on recruiting women for these positions.

The Department has altered its selection process to provide more opportunity for women to advance

in the process. We are also offering training opportunities to internally promote women into law enforcement positions.

The department is currently reviewing the selection process for Montana Highway Patrol Troopers and admission standards for the Montana Law Enforcement Academy to determine if there are employment barriers for females.

Goal: The Department plans on hiring as many female Highway Patrol officers and investigators over the next two years, as possible.

Action items for category 4 – Law Enforcement Workers

1. The Department does and will participate in university, college and high school career fairs to build a pool of eligible female applicants for these entry positions.

Persons responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. The Department will extend the recruitment period in these occupations to 20 working days to allow for increased notice and recruitment efforts by Department supervisors.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. The Department will include a female from within or outside the division on the selection team for any of these positions.

Persons Responsible: Division Administrators, Bureau Chiefs, Administrative Officers, EEO/AA Officer, and the Talent Acquisition and Retention Specialist

4. The Department will identify and establish a female officer point of contact for Highway Patrol career information and post on the Department website.

Persons Responsible: Highway Patrol Chief and EEO/AA Officer

5. Vacancy announcements will be sent through the Criminal Justice Information Network to each law enforcement agency in Montana in an effort to advertise availability and increase awareness of open positions.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

6. Highway Patrol Sergeants, Lieutenants, and Captains will identify and establish recruitment contacts and relationships with community groups to obtain referrals from interested female candidates.

Persons Responsible: Highway Patrol Chief

7. The Department will interview any female that passes both the initial application screening and the one-on-one interview, and possesses passing written test scores.

Persons Responsible: Highway Patrol hiring team, EEO/AA Officer and HR Generalist

8. The Department will focus on retention efforts by evaluating current assignment and shift processes when filling positions.

Persons Responsible: Highway Patrol Chief, MHP Recruitment Specialist, EEO/AA Officer, and HR Generalist

Target date: Next available openings.

Category 7 – Skilled Craft

Job Group: Installation, Maintenance, and Repair

Total number of employees	8
Female availability percentage	9.06
Number of female employees in this job group	0
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: Historically, males have made up a majority of the applicant pools for these positions. Position availability is very limited as the turnover rate is very low in these positions.

Goal: When a vacancy occurs we will attempt to hire a qualified female into this job group.

Target date: Next available opening.

Action Items for category 7 - Skilled Craft:

1. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include the following statement: "Women (and/or) minorities are under-represented in this position and are encouraged to apply. "

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. The Department will continue to work with recruitment sources (organizations having effective contact with women) to improve recruitment efforts.

Persons Responsible: Division Administrators, Bureau Chiefs, EEO/AA Officer, and Talent Acquisition & Retention Specialist

3. The Department will encourage the employment of women, minorities, and people with disabilities who are not currently in the workforce by offering part-time employment, internships, or summer employment when possible.

Persons Responsible: Division Administrators in conjunction with the EEO/AA Officer, Human Resource Generalists and the Talent Acquisition and Retention Specialist

4. Managers involved in the recruitment and selection process will be trained by a Human Resource Generalist to be sure they understand the EEO Program Action Plan, and are committed to its implementation.

Persons Responsible: EEO/AA Officer, Human Resource Generalists, and the Talent Acquisition and Retention Specialist

PART VII

PROBLEM IDENTIFICATION AND DEFICIENCY CORRECTIONS- MINORITIES

Category 1 - Officials and Administrators

Job Group: Elected Official – Admin/Personal Staff; Other/Prof-Admin

Total number of employees	21
Minority availability percentage	7.96
Number of minority employees in this job class	0
Under-representation	2

Problem analysis - factors in under-representation to consider are:

Recruitment problem	<input checked="" type="checkbox"/>
Selection problem	<input checked="" type="checkbox"/>
Upward mobility problem	<input type="checkbox"/>
Turnover problem	<input checked="" type="checkbox"/>
Other (please explain)	<input type="checkbox"/>

Department statement: This group is composed of appointments by an elected official (10) and various program managers throughout the Department. Many of the appointed staff positions require advanced technical knowledge and experience in historically white male dominated fields such as law enforcement.

Turnover of employees in the appointed positions generally only occurs in the Department when there is a change in the elected Department official, the Attorney General.

Goal: Should a vacancy occur, the Department will attempt to recruit and hire qualified minorities.

Action items for Category 1 - Officials and Administrators

1. The Attorney General will continue to seek and consider qualified minority applicants for appointed positions.

Persons Responsible: Attorney General and Deputy Director

2. The Department, whenever possible, will extend the recruitment period for vacant positions in this category to 20 working days, to allow contact with minority organizations.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. A listing of all job groups that are under-utilized will be maintained and used to review for all job postings.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

Target date: Next available openings.

Category 2 – Professionals

Category 2 under-representation: 10

Job Group: Business & Financial Operations

Total number of employees	52
Minority availability percentage	9.08
Number of minority employees in this job class	0
Under-representation	5

Job Group: Computer & Mathematical

Total number of employees	32
Minority availability percentage	6.95
Number of minority employees in this job class	1
Under-representation	1

Job Group: Life, Physical & Social Science Technicians

Total number of employees	30
Minority availability percentage	7.7
Number of minority employees in this job class	1
Under-representation	1

Job Group: Lawyers & Judges

Total number of employees	40
Minority availability percentage	3.5
Number of minority employees in this job class	0
Under-representation	1

Job Group: Fire Fighting & Prevention

Total number of employees	5
Minority availability percentage	12.2
Number of minority employees in this job class	0
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: The Department is not attracting through recruitment efforts a sufficient number of minority candidates to these professional positions. The turnover rate for most of these positions is low, as many of these positions are career positions for the employees involved. Further, some of the positions are filled via career path due to the specialized nature of the work. For example, License Examiner Specialists are usually hired from internal promotion up through the ranks as they are Regional Managers over Motor Vehicle licensing field offices.

Goal: The Department will attempt to hire qualified minorities into these job groups when and if vacancies occur.

Action items for Category 2 - Professionals

1. The Department will continue its efforts to attract qualified minority applicants by sending representatives to minority college career fairs, high school career activities, and EEO conferences.

Persons Responsible: Division Administrators, EEO/AA Officer, and Talent Acquisition & Retention Specialist

2. The Department, whenever possible, will extend the recruitment period for vacant positions in this category to 20 working days, to allow contact with minority organizations.

Persons Responsible: Hiring Supervisor, EEO/AA Officer, and Talent Acquisition & Retention Specialist

3. The Department will contact college organizations created for minority students for information on recruiting.

Persons Responsible: EEO/AA Officer and Talent Acquisition & Retention Specialist

4. Managers involved in the recruitment and selection process will be trained by a Human Resource Generalist to be sure they understand the EEO Program Action Plan and are committed to its implementation.

Persons Responsible: Division Administrators, hiring supervisors, EEO/AA Officer, and Talent Acquisition & Retention Specialist

5. The Department will encourage the employment of women, minorities and people with disabilities who are not currently in the workforce by offering part-time employment, internships, or summer employment when possible.

Persons Responsible: Division Administrators and EEO/AA Officer

6. The Department will continue to work with recruitment sources (organizations having effective contact with women, minority groups and persons with disabilities) to improve recruitment efforts.

Persons Responsible: Division Administrators, EEO/AA Officer, and Talent Acquisition & Retention Specialist

7. The Department will post all external vacancy announcements on the State of Montana employment website: <http://mt.gov/statejobs/statejobs.asp>, and will notify Department employees of these opportunities through the e-mail system.

Persons Responsible: EEO/AA Officer and Talent Acquisition & Retention Specialist

8. Vacancy announcements for under-utilized positions will include the statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

9. The Department will send vacancy announcements to Native American recruitment sources, the Interagency Committee for Change by Women, and Disability Rehabilitation Centers across the State for all positions.

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

10. Prior to beginning the hiring process, the EEO/AA Officer will review the Utilization Analysis and the Adverse Impact Report for the job category to determine if the position is attracting qualified women and/or minority applicants in numbers proportionate to their external availability.

Persons Responsible: EEO/AA Officer, Human Resource Generalists, and Talent Acquisition & Retention Specialist

Target date: Next available openings.

Category 3 – Technicians

Category 3 under-representation: 7

Category 3 under-represented Job Groups:

Job Group: Computer

Total number of employees	10
Minority availability percentage	6.23
Number of minority employees in this job class	0
Under-representation	1

Job Group: Information and Record Clerks

Total number of employees	78
Minority availability percentage	11.3
Number of minority employees in this job class	4
Under-representation	5

Job Group: Secretaries & Administrative Assistants

Total number of employees	32
Minority availability percentage	7.60
Number of minority employees in this job class	1
Under-representation	1

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: The Department continues to attract minority candidates for these technician positions. These positions are high turnover positions, contributing to the difficulty in retaining minorities.

Goal: Under-representation by minorities will continue to be a considerable factor in any future vacancies. The Department will attempt to hire one qualified minority into a position in this job group over the next year.

Action items for Category 3 - Technicians

1. The Department will continue its efforts to attract qualified minority applicants by sending representatives to minority college career fairs, high school career activities, and EEO conferences.

Persons Responsible: Division Administrators, EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. The Department, whenever possible, will extend the recruitment period for vacant positions in this category to 20 working days, to allow contact with minority organizations.

Persons Responsible: Hiring Supervisor, EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

Target date: Next available openings.

Category 4 - Protective Services

Category 4 under-represented Job Groups:

Job Group: Supervisors of Protective Services Workers

Total number of employees	18
Minority availability percentage	4.2
Number of minority employees in this job group	0
Under-representation	1

Job Group: Law Enforcement Workers

Total number of employees	219
Minority availability percentage	11.65
Number of minority employees in this job group	7
Under-representation	19

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: In 2011 the Department conducted two recruitments for MHP Troopers, attracting 668 applicants, 79 of whom were minorities representing 11.83% of the applicant pool. Only 55 minorities passed the initial screening, representing an attrition rate of 30%, with further attrition occurring during the remaining selection processes. At the completion of the selection process one minority was successful.

Two recruitments are either planned or in progress in 2012 - one in January and one scheduled for this fall. For the January recruitment: Out of 577 applicants, 63 minorities applied, including 27 Hispanic/Latino and are eligible at this point to continue in the process.

The Department has testing centers in multiple locations throughout the state to encourage increased participation in the selection portion of the process.

Goal: As vacancies occur, the Department will attempt to hire more minority officers and continue activities to increase minority participation in the process.

Action items for Category 4 – Protective Services:

1. The Department will participate in tribal college and high school career fairs as well as EEO conferences in an effort to build a pool of eligible minority applicants for these entry positions. When possible, a minority officer will be used for these activities.

Persons responsible: Highway Patrol Chief, EEO/AA Officer and the Talent Acquisition &

Retention Specialist

2. The Department will extend the recruitment period to 20 working days to allow for increased contact with minority groups.

Persons Responsible: Highway Patrol Chief, EEO/AA Officer and the Talent Acquisition & Retention Specialist

3. The Department will include a knowledgeable minority employee, from within or outside the division, on the selection team for Trooper positions.

Persons Responsible: Highway Patrol Chief, EEO/AA Officer, HR Generalist, and Talent Acquisition & Retention Specialist

4. The Department will identify and establish a minority Trooper point of contact for Trooper career information and post on the Department website.

Persons Responsible: Highway Patrol Chief

5. Vacancy announcements for Trooper and Investigator positions will be posted through the Criminal Justice Information Network to each law enforcement agency in Montana in an effort to increase awareness and availability of the open positions.

Persons Responsible: Highway Patrol Chief, DCI Division Administrator, and Talent Acquisition & Retention Specialist

6. Highway Patrol Commanders will identify and establish recruitment contacts and relationships with community minority groups to obtain interest referrals for potential minority candidates.

Persons Responsible: Highway Patrol Chief and Commanders.

7. Applicants' qualifications will be reviewed to be sure qualified individuals are treated in a non-discriminatory manner. Vacancy announcements for under-utilized positions will include the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

Target date: Next available openings.

Category 6 - Office and Clerical

Category 6 under-representation: 6

Job Group: Dispatching Workers

Total number of employees	34
Minority availability percentage	12.41
Number of minority employees in this job group	0
Under-representation	4

Job Group: Secretaries & Administrative Assistants

Total number of employees	16
Minority availability percentage	7.60
Number of minority employees in this job group	0
Under-representation	2

Problem analysis - factors in under-representation to consider are:

- Recruitment problem
- Selection problem
- Upward mobility problem
- Turnover problem
- Other (please explain)

Department statement: The Department is not attracting through recruitment efforts a sufficient number of minority candidates to these professional positions. The Department will continue activities to increase minority participation in the recruitment and selection process.

Goal: As vacancies occur, the Department will attempt to hire minority employees in this job group during the next year.

Action items for Category 6 - Office and Clerical

1. The Department will continue its efforts to attract qualified minority applicants by sending representatives to high school career activities and to EEO conferences.

Persons Responsible: Division Administrators, EEO/AA Officer and the Talent Acquisition & Retention Specialist

2. Vacancy announcements for under-utilized positions will include the following statement: "Women and/or minorities are under-represented in this position and are encouraged to apply."

Persons Responsible: EEO/AA Officer and the Talent Acquisition & Retention Specialist

Target date: Next available openings.

PART VIII

AFFIRMATIVE ACTION FOR PEOPLE WITH DISABILITIES

In accordance with the requirements of Section 202 of the Americans With Disabilities Act of 1990, Section 503 of the Rehabilitation Act of 1973 and 49-3-101, MCA, the Department of Justice will not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant is qualified.

A person with a disability is anyone who:

1. Has a physical or mental impairment that substantially limits one or more of the major life activities, such as hearing, seeing, speaking or walking;
2. Has a record of such impairments; or,
3. Is regarded as having an impairment.

Affirmative Action measures for people with disabilities cannot be restricted to job groups or a single problem area. There are no statistics for people with disabilities in the labor force that would permit the identification of under-representation by job groups. Employers under state and federal law provide **reasonable accommodation** for the specific needs of employees and applicants with disabilities for all jobs (as well as provide preference under some circumstances).

Department Statement: The Department of Justice will take affirmative action in all employment practices to employ and advance qualified individuals with disabilities.

The Department participates on the Job Placement Advisory Committee (JPAC), a committee established for the sole purpose of employing individuals with disabilities. The Department uses latitude afforded in the recruitment and selection rules for hiring persons with disabilities without a competitive process where possible through the JPAC program and other programs covered by the Workforce Investment Act.

Goal: The Department of Justice will continue to recruit, select, hire and retain qualified individuals with disabilities into positions in all areas of the Department.

Action items – the Department will:

1. Provide the Department's ADA Coordinator with ongoing ADA information and at least one training session per year.
2. Participate in the Disabilities Employment Awareness Month activities every October through departmental activities, such as conducting barrier assessments, workshops by local advocates of people with disabilities, films, posters, etc.
3. Participate in projects or activities sponsored by the Governor's Advisory Council on Disability.

4. Evaluate Department job descriptions as they are updated or submitted for review and establish that the essential functions and qualification requirements are appropriately identified for purposes of responding to requests for accommodations.
5. Evaluate Department selection processes on a continuing basis, including training and promotion, so that qualified persons with disabilities are not limited in their access to jobs.
6. Make reasonable accommodations as needed to enable qualified employees and applicants with disabilities to satisfactorily perform the essential functions of Department jobs except where the accommodations would create an undue hardship on the Department.
7. Ensure Department supervisors confer with the EEO/AA Officer and request assistance and advice from the State of Montana EEO Coordinator regarding requested accommodations that would allow adequate performance before any disability-related rejections are made.
8. Designate the EEO/AA Officer to coordinate Department efforts to comply with and carry out our responsibilities under the Americans with Disabilities Act (ADA), including the investigation of any complaint alleging noncompliance with the ADA. Make available to all interested individuals the name, office address, and telephone number of the designated employee.
9. Publish and post complaint procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by the Americans with Disabilities Act.

Persons responsible: All hiring authorities and higher level management, including Division Administrators and EEO/AA Officer.

10. Review hiring process to ensure disability statistics are accurately captured.

Persons responsible: EEO/AA Officer, HR Generalists and Talent Acquisition and Retention Specialist

Target date: All available openings.

PART IX

ADMINISTERING THE EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION PROGRAM

STATE EEO PROGRAM COORDINATOR

The State EEO program coordinator is responsible for administering the State EEO/AA program. The coordinator will monitor employment practices and the statewide reporting system. The objectives are:

1. To maintain and monitor accurate and updated records based on state workforce analyses, applicant flow analyses, recruitment method and recruitment source analyses;
2. To review with EEO/AA Officers employment procedures and practices to ensure job-related procedures and nondiscrimination exists;
3. To inform managers and EEO/AA Officers of the effectiveness of the program and make recommendations for improvement when necessary;
4. To request progress reports from each department that indicate the overall effectiveness of the program and the degree to which department goals have been attained; and
5. To write an annual EEO/AA program report to the governor.

DEPARTMENT EEO/AA OFFICER

The Department EEO/AA Officer is responsible for administering the Department EEO/AA program. The EEO/AA Officer will monitor Department employment practices and reporting system. The objectives are:

1. To maintain and monitor accurate and updated records based on Department workforce analyses, applicant flow analyses, recruitment method and recruitment source analyses;
2. To review employment procedures and practices to ensure job-related, nondiscriminatory procedures exist;
3. To inform managers of the effectiveness of the program and make recommendations for improvement when necessary; and
4. To compare updated workforce analysis reports annually and identify areas of deficiency.