

Montana State University Northern Havre

**Affirmative Action Program
for
Individuals with Disabilities**

**January 1, 2016 through December 31, 2016
Plan Year**

CONFIDENTIAL, TRADE SECRET, AND PRIVATE MATERIAL

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Introduction

Montana State University Northern Havre (MSU Northern) sets forth this Affirmative Action Program (“AAP”) for the year from January 1, 2016 through December 31, 2016, reaffirming its commitment to the spirit and letter of affirmative action law. Through the implementation of this plan MSU Northern continues its efforts to comply with Section 503 of the Rehabilitation Act of 1973 (“Section 503”) and its implementing regulations, as amended, and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this plan, MSU Northern recognizes its duty to ensure equal employment opportunity for, and to prevent discrimination against, individuals with disabilities. The following statement of policy reinforces that belief.

Equal Employment Opportunity Policy Statement 41 C.F.R. § 60-741.44(a)

In setting forth this plan MSU Northern reaffirms its belief and commitment in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment. Kathy Jaynes, as the EEO Administrator, oversees the plan development, modification, implementation, and reporting requirements and conducts management updates. MSU Northern’s top U.S. executive supports MSU Northern’s AAP.

MSU Northern provides for an audit and reporting system regarding MSU Northern’s affirmative action responsibilities under Section 503 regulations, and assigns overall responsibility for the implementation of affirmative action responsibilities under these regulations.

MSU Northern recruits, hires, trains and promotes persons in all job titles, and ensures that all personnel actions are administered without regard to disability; and ensures that all employment actions are based only on valid job requirements. MSU Northern’s employees and applicants are not subjected to harassment, intimidation, threats, coercion, or discrimination because they have engaged in or may engage in any of the following activities:

1. filing a complaint with MSU Northern or with Federal, state, or local agencies regarding the status covered under this AAP;
2. assisting or participating in any investigation, compliance review, hearing, or any other activity related to the administration of any Federal, State, or local law requiring equal employment opportunity for individuals with disabilities;
3. opposing any act or practice made unlawful by Section 503 or its implementing regulations, or any other Federal, State or local law requiring equal opportunity for individuals with disabilities; or
4. exercising any other right protected by Section 503 or its implementing regulations in this part.

MSU Northern’s full AAP, absent the data metrics required by 41 CFR § 60-741.44(k), shall be available for inspection upon request at the location and during the hours that are posted at MSU Northern’s establishment at MSU Northern’s Human Resources Office.

Review of Personnel Processes 41 C.F.R. § 741.44(b)

1. MSU Northern ensures its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees with known disabilities for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
2. MSU Northern also ensures its personnel processes do not stereotype individuals with disabilities in a manner which limits their access to jobs for which they are qualified.
3. MSU Northern also ensures its applicants and employees with disabilities have equal access to its personnel processes, including those implemented through information and communications technologies.
4. MSU Northern provides necessary reasonable accommodation to ensure applicants and employees with disabilities receive equal opportunity in the operation of personnel processes. MSU Northern periodically reviews such processes and makes any necessary modifications to ensure that these obligations are carried out. MSU Northern designs procedures that facilitate a review of the implementation of this requirement by MSU Northern and the Government. A description of the review and any necessary modifications to personnel processes or development of new processes are included in this AAP, and are as follows:
 - a. The application or personnel form of each known applicant who is an individual with a disability is annotated to identify each vacancy for which the applicant was considered, and the form is quickly retrievable for review by the Department of Labor and MSU Northern's personnel officials for use in investigations and internal compliance activities.
 - b. The personnel or application record of each known individual with a disability includes: (i) the identification of each promotion for which the individual with a disability was considered, and (ii) the identification of each training program for which the individual with a disability was considered.
 - c. In each case where an employee or applicant who is an individual with a disability is rejected for employment, promotion, or training, MSU Northern prepares a statement of the reason as well as a description of the accommodations considered. The statement of the reason for rejection (if the reason is medically related), and the description of the accommodations considered, are treated as confidential medical records in accordance with 41 C.F.R. § 60-741.23(d). These materials are available to the applicant or employee concerned upon request.
 - d. Where applicants or employees are selected for hire, promotion, or training and MSU Northern undertakes any accommodation which makes it possible for him or her to place an individual with a disability on the job, MSU Northern makes a record containing a description of the accommodation.

The record is treated as a confidential medical record in accordance with § 60-741.23(d).

Review of Physical and Mental Job Qualifications 41 C.F.R. § 60-741.44(c)

1. MSU Northern has the following schedule for its review of physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified people with disabilities, such qualifications are job-related for the position in question and consistent with business necessity, and adheres to this schedule. The schedule is as follows annually; as new job qualifications are established; and/or, when new equipment is installed.
2. Whenever MSU Northern applies physical or mental qualification standards in the selection of applicants or employees for employment or other changes in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified individuals on the basis of disability, the standards are related to the specific job or jobs for which the individual is being considered and consistent with business necessity.
3. MSU Northern may use as a defense to a violation of its obligations in Paragraph 2 above that an individual poses a direct threat to the health or safety of the individual or others in the workplace.
4. No pre-employment physical examinations or questionnaires are used by MSU Northern prior to a job offer contingent on such examinations and other requirements.
5. When MSU Northern conducts a medical examination or inquiry of a person with a disability, it will do so according to the terms and conditions of the Federal Regulations implementing Section 503, and the results of such an examination or inquiry are kept confidential according to Federal regulations, which includes the following exceptions:
 - a. Supervisors and managers may be informed regarding restrictions on the work or duties of the applicant or employee and necessary accommodations;
 - b. First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and,
 - c. Government officials engaged in enforcing the laws administered by the OFCCP regarding individuals with disabilities, or enforcing The Americans with Disabilities Act (“the ADA”) and The Americans with Disabilities Act Amendment Act of 2008 (“the ADAAA”), shall be provided relevant information on request.

Reasonable Accommodation to Physical and Mental Limitations 41 C.F.R. § 60-741.44(d)

1. It is MSU Northern's policy, as a matter of nondiscrimination, to make reasonable accommodation to the known physical and mental limitations of all otherwise qualified individuals with a disability, unless MSU Northern can demonstrate that the accommodation would impose an undue hardship on MSU Northern's business. Undue hardship will be determined by its definition under applicable regulations under Section 503 including, but not limited to the following: Undue hardship means, with respect to the provision of an accommodation, significant difficulty or expense incurred by the contractor, when considered in light of the factors set forth in 41 CFR § 741.2 (aa)(2), such as the overall financial resources of the facility and the impact of the accommodation upon the operation of the facility (this is not an all-inclusive list).
2. As a matter of affirmative action, if an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, MSU Northern shall confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, MSU Northern shall confidentially inquire whether the employee is in need of a reasonable accommodation.

Anti-Harassment Procedures 41 C.F.R. § 60-741.44(e)

MSU Northern has developed and implemented procedures to ensure that its employees are not harassed on the basis of disability.

External Dissemination of Policy, Outreach, and Positive Recruitment 41 C.F.R. § 60-741.44(f)

1. MSU Northern undertakes appropriate outreach and positive recruitment activities that are reasonably designed to effectively recruit qualified individuals with disabilities. It is not contemplated that MSU Northern will necessarily undertake all the activities listed in Paragraph (f)(2) of this section or that its activities will be limited to those listed. The scope of MSU Northern's efforts shall depend upon all the circumstances, including the contractor's size and resources and the extent to which existing employment practices are adequate.
2. Examples of outreach and recruitment activities. Below are examples of outreach and positive recruitment activities MSU Northern may undertake in accordance with Paragraph 1 of this section.
 - a. Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for individuals with disabilities, in order to fulfill its commitment to provide equal employment opportunity for such individuals:

- i. the State Vocational Rehabilitation Service Agency (“SVRA”), State mental health agency, or State developmental disability agency in the area of the contractor's establishment;
 - ii. the Employment One-Stop Career Center (One-Stop) or American Job Center nearest the contractor's establishment;
 - iii. the Department of Veterans Affairs Regional Office nearest MSU Northern’s establishment (www.va.gov);
 - iv. entities funded by the Department of Labor that provide recruitment or training services for individuals with disabilities, such as the services currently provided through the Employer Assistance and Resource Network (EARN) (www.earnworks.com);
 - v. local Employment Network (“EN”) organizations (other than MSU Northern, if MSU Northern is an EN) listed in the Social Security Administration's Ticket to Work Employment Network Directory (www.yourtickettowork.com/endir);
 - vi. local disability groups, organizations, or Centers for Independent Living (CIL) near the contractor's establishment;
 - vii. placement or career offices of educational institutions that specialize in the placement of individuals with disabilities; and
 - viii. private recruitment sources, such as professional organizations or employment placement services that specialize in the placement of individuals with disabilities.
- b. In addition, MSU Northern has considered taking the actions listed below to fulfill its commitment to provide equal employment opportunities to individuals with disabilities. It is not contemplated that MSU Northern will necessarily undertake all of the activities listed below.
- i. Formal briefing sessions held, preferably on MSU Northern’s premises, with representatives from recruiting sources. MSU Northern’s facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of MSU Northern’s selection process, and recruiting literature are an integral part of any such briefing. At any such briefing sessions, MSU Northern’s official in charge of MSU Northern’s AAP should be in attendance when possible. Formal arrangements are made for referral of applicants, follow up with sources, and feedback on disposition of applicants, from any such briefings.

- ii. MSU Northern's recruitment efforts at all educational institutions incorporate special efforts to reach students who are individuals with disabilities.
 - iii. MSU Northern makes an effort to participate in work-study programs for students, trainees, or interns with disabilities in programs found through outreach, such as to State and local schools and universities, and through EARN.
 - iv. Individuals with disabilities may be made available for participation in MSU Northern's career days, youth motivation programs, and related activities in MSU Northern's communities.
 - v. MSU Northern takes any other positive steps it deems necessary to attract individuals with disabilities not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These individuals may be located through State and local agencies supported by the U.S. Department of Education's Rehabilitation Services Administration (RSA) (<http://rsa.ed.gov/>), local Ticket-to-Work Employment Networks, or local chapters of groups or organizations that provide services for individuals with disabilities.
 - vi. MSU Northern, in making hiring decisions, considers applicants who are known to have disabilities for all available positions for which they may be qualified when the position(s) applied for is unavailable.
3. Assessment of external outreach and recruitment efforts. MSU Northern on an annual basis, reviews the outreach and recruitment efforts it has taken over the previous twelve months to evaluate its effectiveness in identifying and recruiting qualified individuals with disabilities. MSU Northern documents each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and MSU Northern's conclusion as to whether each effort was effective. Among these criteria shall be the data MSU Northern collected pursuant to 41 C.F.R. § 741.44(k) for the current year and the two most recent previous years. If MSU Northern concludes the totality of its efforts were not effective in identifying and recruiting qualified individuals with disabilities, it identifies and implements alternative efforts listed in Paragraph 2 above in order to fulfill its obligations.
4. MSU Northern sends written notification of its policy relating to its affirmative action efforts to all subcontractors, including subcontracting vendors and suppliers, requesting appropriate action on their part.

5. MSU Northern documents all activities it undertakes to comply with the obligations of this section, and retains these documents for a period of three (3) years.

Internal Dissemination of Policy 41 C.F.R. § 60-741.44(g)

1. MSU Northern recognizes that even a strong outreach program for individuals with disabilities may be ineffective without adequate internal support from its supervisors and employees. Therefore, to ensure greater employee cooperation and participation in MSU Northern's efforts regarding its obligation to engage in affirmative action efforts to employ and advance in employment qualified individuals with disabilities, MSU Northern has developed the following internal procedures. These procedures have been designed to foster understanding, acceptance and support among MSU Northern's executive, management, supervisory, and other employees to encourage such persons to take the necessary actions to aid the contractor in meeting this obligation.
2. MSU Northern implements and disseminates this policy internally as follows:
 - a. includes the policy in MSU Northern's policy manual or otherwise makes the policy available to employees; and
 - b. where MSU Northern is a party to a collective bargaining agreement, it notifies union officials and/or employee representatives of the contractor's policy and request their cooperation;
3. Below are some of the other methods MSU Northern may additionally use to implement and disseminate this policy internally:
 - a. informs all employees and prospective employees of MSU Northern's commitment to engage in affirmative action to increase employment opportunities for individuals with disabilities;
 - b. periodically schedules special meetings with all employees to discuss the policy and explain individual employee responsibilities;
 - c. publicizes the policy in MSU Northern's newspaper, magazine, annual report and other media;
 - d. conducts special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation making clear MSU Northern's chief executive officer's support for the affirmative action policy;
 - e. discusses the policy thoroughly in both employee orientation and management training meetings;

- f. includes articles on accomplishments of individuals with disabilities in MSU Northern's publications; and
- g. when employees are featured in employee handbooks and similar publications, includes individuals with disabilities.

Audit and Reporting System 41 C.F.R. § 60-741.44(h)

MSU Northern has designed and has implemented an audit and reporting systems that:

1. Measures the effectiveness of MSU Northern's affirmative action program.
2. Indicates any need for remedial action.
3. Determines the degree to which MSU Northern's affirmative action objectives have been attained.
4. Determines whether known individuals with disabilities have had the opportunity to participate in all company sponsored-educational, training, recreational and social activities.
5. Measures MSU Northern's compliance with the AAP's specific obligations.
6. Documents the actions taken to comply with the obligations of Paragraphs (1) through (5) of this section, and retain these documents as employment records for a period of three years from the date of making of the record.
7. Where MSU Northern, upon its review, finds its AAP to be deficient and need further progress, MSU Northern undertakes necessary action to bring the program into compliance.

Responsibility for Implementation of the Plan 41 C.F.R. § 60-741.44(i)

1. Identification and Responsibilities of the EEO/AA Administrator. 41 C.F.R. § 60-741.44(i)

In furtherance of MSU Northern's commitment to Affirmative Action and Equal Employment Opportunity, overall responsibility for implementing MSU Northern's AAP rests with its EEO/AA Administrator, whose identity appears on all internal and external communications regarding MSU Northern's AAP. The EEO/AA Administrator has been given the necessary senior management support and staff to manage the implementation of this AAP. Specifically, Kathy Jaynes or the designated representative's duties include the following, all of which are administered in accordance with the Section 503 regulations:

- a. Ensuring MSU Northern posts in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the OFCCP Director provided by or through the contracting officer. Such notices shall state the rights of applicants and employees as well as MSU Northern's obligation under the law to take affirmative action to employ and advance in employment qualified employees and applicants with disabilities.

- b. Ensuring MSU Northern's applicants or employees with disabilities are provided the notice in a form that is accessible and understandable to the individual applicant or employee (e.g., providing Braille or large print versions of the notice, or posting a copy of the notice at a lower height for easy viewing by a person using a wheelchair) when an applicant or employee requests the poster in an alternative format, or when MSU Northern knows that an applicant or employee is unable to read the poster because of a disability. MSU Northern may also provide the poster to an applicant or employee with a disability in other alternate means, such as on disc or in audio recording, as long as the format provided enables the individual with a disability to access the contents of a poster.
- c. Ensuring that, with respect to employees, if any, who do not work at a physical location of MSU Northern, MSU Northern satisfies its posting obligations by posting such notices in an electronic format, provided that MSU Northern provides computers, or access to computers, that can access the electronic posting to such employees, or MSU Northern has actual knowledge that such employees otherwise are able to access the electronically posted notices.
- d. Ensuring electronic notices for employees are posted in a conspicuous location and format on MSU Northern's intranet or sent by electronic mail to employees. An electronic posting is used by MSU Northern to notify job applicants of their rights if MSU Northern utilizes an electronic application process. Such electronic applicant notice are conspicuously stored with, or as part of, the electronic application.
- e. Ensuring that to the extent this requirement is applicable to MSU Northern, MSU Northern notifies labor organizations of its EEO policy as required by 41 C.F.R. § 60-741.44(g).
- f. Ensuring MSU Northern includes the provisions of this clause in every subcontract or purchase order in excess of \$10,000 under the terms and conditions of 41 CFR 60-741.5(a).
- g. Ensuring that all solicitations or advertisements for employees placed by or on behalf of MSU Northern, state that all qualified applicants will receive consideration for employment and will not be discriminated against on the basis of disability.
- h. Developing, maintaining and, where appropriate, modifying MSU Northern's AAP for individuals with disabilities, policy statements, personnel policies, internal and external communication techniques including discussions with managers, supervisors and employees to ensure MSU Northern's policies are followed, and monitoring the effectiveness of these actions.
- i. Advising supervisors that they are responsible for preventing harassment of employees due to their status as individuals with disabilities.
- j. Ensuring affirmative action training is conducted in accordance with 41 C.F.R. § 60-741.44(j).
- k. Identifying problem areas with line management in the implementation of the program, and helping management develop solutions to any identifiable problem area.

- l. Designing, implementing and overseeing an audit and reporting system to monitor the progress of MSU Northern and the AAP's effectiveness, including auditing the contents of MSU Northern's electronic and hard copy bulletin boards on a regular basis to ensure that compliance information that is posted is up to date and accessible to applicants and employees with disabilities.
- m. Serving as liaison between MSU Northern and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for individuals with disabilities.
- n. Evaluating the effectiveness of MSU Northern's plan on a regular basis, as described in this AAP, and reporting to management.
- o. Monitoring policies and procedures including the selection, evaluation, promotion and training process with regard to the various terms and conditions of employment to attempt to ensure compliance with affirmative action obligations.
- p. Overseeing MSU Northern's processes and procedures: a) to ensure that career counseling for employees with known disabilities, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure individuals with disabilities are treated in accordance with anti-discrimination laws when hiring, promotion, transfer, and termination actions occur.
- q. Keeping management up to date on the latest developments in the areas of EEO and affirmative action.
- r. Assisting in the investigation, handling and disposition of employee discrimination and harassment complaints.
- s. Conducting periodic reviews of offices to ensure compliance in the areas of proper display of posters and notices, and opportunity for participation in Company-sponsored recreational, educational and social activities.
- t. Overseeing and ensuring that the below self-identification procedures are conducted as set forth in the Section 503 regulations, using the language and manner prescribed by the OFCCP Director and published on the OFCCP Web site, as follows:
 - i. Pre-offer self-identification invitation procedures for MSU Northern's job applicants as set forth in 41 C.F.R. § 60-741.42 (a);
 - ii. Post-offer identification procedures for MSU Northern's job applicants as set forth in 41 C.F.R. § 60-741.42 (a); and
 - iii. Self-identification invitation procedures for MSU Northern's employees as set forth in 41 C.F.R. § 60-741.42 (a).

Ensuring that MSU Northern does not compel or coerce an individual to self-identify as an individual with a disability, and that MSU Northern keeps all information on self-identification confidential, and maintains it in a data analysis file (rather than in the medical files of individual employees) as set forth in 41

C.F.R. § 60-741.23(d). MSU Northern only uses the self-identification information may be used only in accordance with the Section 503 regulations.

- u. Ensuring that MSU Northern annually evaluates its utilization of individuals with disabilities in each job group, or in its entire workforce in accordance with 41 C.F.R. § 60-741.45, including the following:
 - i. Ensuring that when the percentage of individuals with disabilities in one or more job groups, or in MSU Northern's entire workforce, as applicable, is less than the utilization goal established in the Section 503 regulations, MSU Northern takes steps to determine whether and where impediments to equal employment opportunity exist. When making this determination, MSU Northern assesses its personnel processes, the effectiveness of its outreach and recruitment efforts, the results of its affirmative action program audit, and any other areas that might affect the success of its AAP.
 - ii. Ensuring that MSU Northern develops and executes action-oriented programs designed to correct any identified problem areas. These action-oriented programs may include the modification of personnel processes to ensure equal employment opportunity for individuals with disabilities, alternative or additional outreach and recruitment efforts from among those listed in 41 CFR § 60-741.44 (f)(1) and (f)(2), and/or other actions designed to correct the identified problem areas and attain the established goal.

2. Management Responsibilities 41 C.F.R. § 60-741.44(i)

Line and upper management are advised of their responsibilities for MSU Northern's AAP regarding individuals with disabilities within his or her area of responsibility, including but not limited to their obligations to:

- a. Review MSU Northern's AAP for individuals with disabilities with subordinate managers and supervisors to ensure they are aware of the policy, understand their obligation to comply with it in all personnel actions and understand the need for support at all levels.
- b. Assist in the auditing of plan progress, identification of problem areas, formulation of solutions, establishment of departmental goals and objectives, and development of training programs, when appropriate.
- c. Review the qualifications of applicants and employees in their area of responsibility to ensure qualified individuals with disabilities are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur.
- d. Review employees' performance to ensure that illegal discrimination regarding individuals with disabilities does not occur.

- e. Make available career counseling to employees with known disabilities, when so requested, and as appropriate.
- f. Review position descriptions to see that they adequately reflect the job to be performed.
- g. Audit training programs, hiring, and promotion patterns.
- h. Assist employees and other members of management in the prevention of harassment.
- i. If an employee with a known disability is having significant difficulty performing his or her job and it is reasonable to conclude that the performance problem may be related to the known disability, confidentially notify the employee of the performance problem and inquire whether the problem is related to the employee's disability. If the employee responds affirmatively, MSU Northern shall confidentially inquire whether the employee is in need of a reasonable accommodation.
- j. Show support for MSU Northern's AAP.

Affirmative Action Training 41 C.F.R. § 60-741.44(j)

MSU Northern provides training and guidance to all personnel who are involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure that its AAP commitments are implemented.

UTILIZATION ANALYSIS 41 C.F.R. § 60-741.45

41 CFR § 60-741.45 Utilization goals. The utilization goal is not a rigid and inflexible quota which must be met, nor is it considered either a ceiling or a floor for the employment of particular groups. These goals are not quotas.

Goal: OFCCP has currently established a utilization goal of 7 percent for employment of qualified individuals with disabilities for each job group in MSU Northern's workforce, or for MSU Northern's entire workforce as provided in 41 C.F.R. § 60-751.45(d)(2)(i).

Purpose. The purpose of the utilization goal is to establish a benchmark against which MSU Northern measures the representation of individuals within each job group in its workforce, or within MSU Northern's entire workforce as provided in 41 C.F.R. § 60-751.45(d)(2)(i). The utilization goal serves as an equal employment opportunity objective that should be attainable by complying with all aspects of the affirmative action requirements of the applicable Section 503 regulations.