

Montana State University Northern Havre

Affirmative Action Program For Protected Veterans

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

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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 appropriate government regulations and to make the best possible use of personnel while contributing to the betterment of society and the community.

In developing this AAP, MSU Northern recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

Equal Employment Opportunity Policy Statement

41 C.F.R. § 60-300.44(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 the Vietnam Era Veterans’ Readjustment Assistance Act of 1974, as amended (“VEVRAA”) 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 protected veteran status; 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 protected veterans;
3. opposing any act or practice made unlawful by VEVRAA or its implementing regulations, or any other Federal, State or local law requiring equal opportunity for protected veterans; or
4. exercising any other right protected by VEVRAA or its implementing regulations.

MSU Northern’s full AAP, absent the data metrics required by 41 CFR § 60-300.44(k), is 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.

Definitions. For the purposes of this AAP, the term “Protected Veteran” shall be defined as follows, according to the VEVRAA regulations:

Active Duty Wartime or Campaign Badge Veteran means a veteran who served on active duty in the U.S. military, ground, naval, or air service during a war or in a campaign or expedition for which a campaign badge has been authorized, under the laws administered by the U. S. Department of Defense.

Armed Forces Service Medal Veteran means any veteran who, while serving on active duty in the U.S. military, ground, naval, or air service, participated in a United States military operation to which an Armed Forces service medal was awarded pursuant to Executive Order 12985.

Disabled Veteran means:

1. A veteran of the U. S. military, ground, naval, or air service who is entitled to compensation (or who but for the receipt of military retired pay would be entitled to compensation) under laws administered by the Secretary of Veterans Affairs, or
2. A person who was discharged or released from active duty because of a service-connected disability.

Protected Veteran means a veteran who is protected under the non-discrimination and affirmative action provisions of VEVRAA; specifically, a veteran who may be classified as a “disabled veteran,” “recently-separated veteran,” “active duty wartime or campaign badge veteran,” and/or an “Armed Forces Service Medal Veteran” as defined by this AAP and VEVRAA.

Recently-Separated Veteran means any veteran during the three-year period beginning on the date of such veteran’s discharge or release from active duty in the U.S. military, ground, naval, or air service.

Pre-JVA veterans are those who would be protected by 41 C.F.R. Part 250 if it were not rescinded, but would not be protected under 41 C.F.R. Part 300.

Review of Personnel Processes

41 C.F.R. § 300.44(b)

1. MSU Northern ensures its personnel processes provide for careful, thorough, and systematic consideration of the job qualifications of applicants and employees who are known protected veterans for job vacancies filled either by hiring or promotion, and for all training opportunities offered or available.
2. MSU Northern also ensures that when a protected veteran is considered for employment opportunities, MSU Northern relies only on that portion of the individual's military record, including his or her discharge papers, relevant to the requirements of the opportunity in issue.
3. MSU Northern ensures that its personnel processes do not stereotype protected veterans in a manner which limits their access to all jobs for which they are qualified.
4. MSU Northern periodically reviews such processes and makes any necessary modifications to ensure that these obligations are carried out. A description of the review and any necessary modifications to personnel processes or development of new processes is included in this AAP.
5. MSU Northern designs procedures that facilitate a review of the implementation of this requirement by MSU Northern and the Government. The procedures MSU Northern uses are as follows:
 - a. The application or personnel form of each known applicant who is a protected veteran is annotated to identify each vacancy for which the applicant was considered, and the form will be 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 records of each known protected veteran includes (i) the identification of each promotion for which the protected veteran was considered, and (ii) the identification of each training program for which the protected veteran was considered.
 - c. In each case where an employee or applicant who is a protected veteran is rejected for employment, promotion, or training, MSU Northern prepares a statement of the reason as well as a description of the accommodations considered (for a rejected disabled veteran). The statement of the reason for rejection (if the reason is medically related), and the description of the accommodations considered, is treated as confidential medical records in accordance with § 60-300.23(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 it to place a disabled veteran 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 § 60-300.23(d).

Physical and Mental Job Qualifications

41 C.F.R. § 300.23 and 44(c)

1. MSU Northern adheres to a schedule for the periodic review of all physical and mental job qualification standards to ensure that, to the extent qualification standards tend to screen out qualified disabled veterans, they are job-related for the position and are consistent with job necessity.
2. Whenever MSU Northern applies physical or mental qualification standards in the selection of applicants of employees for employment or other change in employment status such as promotion, demotion or training, to the extent that qualification standards tend to screen out qualified disabled veterans, the standards shall be related to the specific job or jobs for which the individual is being considered and consistent with business necessity. MSU Northern reviews its job descriptions and qualifications to ensure they accurately reflect job duties and responsibilities. The schedule is as follows annually; as new job qualifications are established; and/or, when new equipment is installed.
3. No pre-employment physical examinations or questionnaires are used by MSU Northern prior to a job offer contingent on such examinations and other requirements.
4. 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.
5. When MSU Northern conducts a medical examination or inquiry of a protected veteran it will do so according to the terms and conditions of the VEVRAA and Section 503 regulations, 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 protected veterans, or enforcing The Americans with Disabilities Act (“ADA”) and The Americans with Disabilities Act Amendment Act of 2008 (“ADAAA”), shall be provided relevant information on request.

Reasonable Accommodation

41 C.F.R. §60-300.44(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 disabled veterans unless it can demonstrate that the accommodation would impose an undue hardship on MSU Northern's business, in accordance with the terms and conditions of Section 503 regulations. 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 § 60-300.2 (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 who is known to be a disabled veteran 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 confidentially notifies the employee of the performance problem and inquires whether the problem is related to the employee's disability.
3. If the employee responds affirmatively, MSU Northern confidentially inquires whether the employee is in need of a reasonable accommodation.

Anti-Harassment Procedures

41 C.F.R. § 60-300.44(e)

MSU Northern has developed and implemented procedures to ensure its employees are not harassed because of their status as a protected veteran.

External Dissemination of Policy, Outreach, and Positive Recruitment

41 C.F.R. § 300.44(f)

1. MSU Northern sends written notification of its policy related to affirmative action efforts to all subcontractors, including subcontracting vendors and suppliers, requesting appropriate action on their part.
2. MSU Northern undertakes appropriate outreach and positive recruitment activities such as some of those listed below that are reasonably designed to effectively recruit protected veterans. It is not contemplated that MSU Northern will necessarily undertake all the activities listed below or that its activities will be limited to the items listed below. The scope of MSU Northern's efforts shall depend upon all circumstances, including MSU Northern's size and resources and the extent to which existing employment practices are adequate.
 - a. Enlisting the assistance and support of the following persons and organizations in recruiting, and developing on-the-job training opportunities for veterans, in order to fulfill its commitment to provide meaningful employment opportunities for such veterans:
 - i. The Local Veterans' Employment Representative in the local employment service office (i.e. the One-Stop) nearest MSU Northern's establishment;
 - ii. The Department of Veterans Affairs Regional Office nearest MSU Northern's establishment;
 - iii. The veterans' counselors and coordinators ("Vet-Reps") on college campuses;
 - iv. The service officers of the national veterans' groups active in the area of MSU Northern's establishment;
 - v. Local veterans' groups and veterans' service centers near MSU Northern's establishment;
 - vi. The Department of Defense Transition Assistance Program (TAP), or any subsequent program that, in whole or in part, might replace TAP; and
 - vii. Any organization listed in the Employer Resources section of the National Resource Directory (<http://www.nationalresourcedirectory.gov/>), or any future service that replaces or complements it.
 - b. MSU Northern also considers taking the actions listed below, as appropriate, to fulfill its commitment to provide meaningful employment opportunities to protected veterans:
 - i. Formal briefing sessions should be held, preferably on MSU Northern's premises, with representatives from recruiting sources.

- ii. MSU Northern's facility tours, clear and concise explanations of current and future job openings, position descriptions, worker specifications, explanations of the company's selection process, and recruiting literature are an integral part of the briefing. At any such briefing sessions, the MSU Northern official in charge of its affirmative action program is in attendance when possible. Formal arrangements should be made for referral of applicants, follow up with sources, and feedback on disposition of applicants.
 - iii. MSU Northern's recruitment efforts at all educational institutions incorporate special efforts to reach students who are protected veterans.
 - iv. An effort is made to participate in work-study programs with Department of Veterans Affairs rehabilitation facilities which specialize in training or educating disabled veterans.
 - v. Protected veterans are made available for participation in career days, youth motivation programs, and related activities in their communities.
 - vi. MSU Northern takes any other positive steps it deems necessary to attract qualified protected veterans not currently in the work force who have requisite skills and can be recruited through affirmative action measures. These persons may be located through the local chapters of organizations of and for any of the classifications of protected veterans.
 - vii. MSU Northern, in making hiring decisions, considers applicants who are known protected veterans for all available positions for which they may be qualified when the position(s) applied for is unavailable.
 - viii. MSU Northern considers listing its job openings with the National Resource Directory's Veterans Job Bank, or any future service that replaces or complements it.
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 their effectiveness in identifying and recruiting qualified protected veterans. 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 collected pursuant to 41 C.F.R. § 60-300.44(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 protected veterans, it shall identify and implement alternative efforts listed in paragraphs (f)(1) or (f)(2) of this section in order to fulfill its obligations.
4. **Recordkeeping obligation.** MSU Northern documents all activities it undertakes to comply with the obligations of this section, and retain these documents for a period of three (3) years.

Internal Dissemination of Policy

C.F.R. § 60-300.44(g)

1. MSU Northern recognizes that a strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees.
2. MSU Northern implements and disseminates this policy internally as follows:
 - a. includes it in MSU Northern's policy manual or otherwise make the policy available to employees; and
 - b. if MSU Northern is party to a collective bargaining agreement, it notifies union officials and/or employee representatives to inform them of MSU Northern's policy, and request their cooperation.
3. Further, in order to assure greater employee cooperation and participation in MSU Northern's efforts, MSU Northern has developed the internal procedures listed in this section of the AAP for communication of its obligation to engage in affirmative action efforts to employ and advance in employment qualified protected veterans. It is not contemplated that MSU Northern's activities will be limited to those listed. These procedures shall be designed to foster understanding, acceptance and support among MSU Northern's executive, management, supervisory and other employees and to encourage such persons to take the necessary actions to aid MSU Northern in meeting this obligation. MSU Northern additionally considers implementing and disseminating this policy internally as follows:
 - a. Informing all employees and prospective employees of its commitment to engage in affirmative action to increase employment opportunities for protected veterans;
 - b. Publicizing it in MSU Northern's newspaper, magazine, annual report and other media;
 - c. Conducting special meetings with executive, management, and supervisory personnel to explain the intent of the policy and individual responsibility for effective implementation, making clear the chief executive officer's support for the affirmative action policy;
 - d. Discussing the policy thoroughly in both employee orientation and management training programs; and
 - e. When employees are featured in employee handbooks or similar publications for employees, including disabled veterans.

Audit and Reporting System

C.F.R. § 60-300.44(h)

1. MSU Northern has designed and implemented an audit and reporting system that:
 - a. Measures the effectiveness of MSU Northern's AAP;
 - b. Indicates any need for remedial action;
 - c. Determines the degree to which MSU Northern's objectives have been attained;
 - d. Determines whether known protected veterans have had the opportunity to participate in all of MSU Northern's sponsored educational, training, recreational and social activities;
 - e. Measures MSU Northern's compliance with the AAP's specific obligations; and
 - f. Documents the actions taken to comply with the obligations of paragraphs (i) through (v) above, and retain these documents as employment records for three years subject to the recordkeeping requirements of § 60-300.80.
2. Where the affirmative action program is found to be deficient, MSU Northern undertakes necessary action to bring the program into compliance.

Responsibility for Implementation of the Plan

1. Identification and Responsibilities of EEO/AA Administrator

41 C.F.R. § 60-300.44(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 should appear on all internal and external communications regarding MSU Northern's AAP. The EEO/AA Administrator shall be given top management support and staff to manage the implementation of this program as it pertains to all applicable laws, orders and regulations, including VEVRAA. Specifically, Kathy Jaynes or the designated representative's duties include:

- a. Ensures that MSU Northern lists its job openings in accordance with the requirements of 41 C.F.R. § 300.5.
- b. 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 who are protected veterans.

- c. Ensuring MSU Northern's applicants or employees who are disabled veterans 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 who is a disabled veteran in other alternate means, such as on disc or in audio recording, as long as the format provided enables the individual who is a disabled veteran to access the contents of a poster.
- d. 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.
- e. 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.
- f. 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. § 60-300.44(g).
- g. Ensuring MSU Northern includes the provisions of this clause in every subcontract or purchase order in excess of \$100,000, unless exempted by the rules, regulations, or orders of the Secretary of Labor pursuant to VEVRAA, so that such provisions will be binding upon each subcontractor or vendor, under the terms and conditions of 41 CFR § 60-300.5(a).
- h. 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 without regard to their protected veteran status.
- i. Developing, maintaining and, where appropriate, modifying MSU Northern's AAP for protected veterans, 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.
- j. Advising supervisors that they are responsible to prevent harassment of employees due to their status as a protected veteran.

- 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 the Company 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.
- m. Serving as liaison between MSU Northern and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for protected veterans.
- n. Evaluating the effectiveness of MSU Northern's plan on a regular basis, 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. Assisting in ensuring that MSU Northern has processes and procedures: a) to ensure career counseling for employees who are protected veterans, when requested and appropriate; and, b) to review personnel actions, policies, procedures, and employee and applicants' qualifications to ensure protected veterans 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 VEVRAA 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. § 60-300.42 (a); and
 - ii. Post-offer identification procedures for MSU Northern's job applicants as set forth in 41 C.F.R. § 60-300.42 (a).

Further, MSU Northern does not compel or coerce an individual to self-identify as a protected veteran. 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. § 60-300.23(d). MSU Northern only uses the self-identification information may be used only in accordance with the VEVRAA regulations.

- u. Ensuring that MSU Northern complies with its obligations under 41 C.F.R. § 60-300.45, which requires that MSU Northern establish benchmarks, the purpose of which is to create a quantifiable method by which MSU Northern can measure its progress toward achieving equal employment opportunity for protected veterans. The benchmarks will be set on an annual basis by using one of two mechanisms described in this AAP, and will be documented also as set forth in this AAP.
- v. If an applicant identifies himself or herself as a disabled veteran in the post-offer self-identification detailed above, MSU Northern inquires of the applicant whether an accommodation is necessary, and, if so, engages with the applicant regarding reasonable accommodation. MSU Northern may make such inquiries to the extent they are consistent with the Americans with Disabilities Act. MSU Northern maintains a separate file in accordance with Section 60-300.23(d) on persons who have self-identified as disabled veterans.

2. Management Responsibilities
41 C.F.R. § 60-300.44(i)

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

- a. Review MSU Northern's AAP for protected veterans 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 protected veterans are treated in a nondiscriminatory manner when hire, promotion, transfer, and termination actions occur.
- d. Review employees' performance to ensure that illegal discrimination regarding protected veterans does not occur.
- e. Make available career counseling to employees who are protected veterans, 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 subordinates and upper management in the prevention of harassment.
- i. Show support for this AAP.

Affirmative Action Training

41 C.F.R. § 60-300.44(j)

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