

**Affirmative Action Program for
Protected Veterans**

Montana State University Bozeman

Bozeman, MT

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For Protected Veterans**

**January 1, 2020 through December 31, 2020
Plan Year**

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Introduction

Montana State University Bozeman (MSU Bozeman) sets forth this affirmative action program (“AAP”) for the year from January 1, 2017 – December 31, 2017 reaffirming its commitment to the spirit and letter of affirmative action law. Through the implementation of this plan MSU Bozeman 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 Bozeman recognizes its duty to ensure equal employment opportunity. The following statement of policy reinforces that belief.

The Montana Veterans Employment Preference Act requires public employers to provide point or other preference in employment to eligible veterans, disabled veterans, and certain relatives of veterans. To claim preference, the veteran, disabled veteran or relative of a disabled veteran must indicate in the Voluntary Demographic section of the online applicant tracking system or use the form when a paper application is accepted, electronically available from the Office of Human Resources.

The State of Montana prohibits any state agency or post-secondary educational institution from employing any person who meets the selective service registration requirement of the Military Service Act, 50 U.S.C. Appendix 451 ff, et seq, and but has failed to register. Effective July 1, 2001, the Montana University System does not employ or provide financial assistance to any person who is required to register with the selective service but has failed to do so.

Equal Employment Opportunity Policy Statement

41 C.F.R. § 60-300.44(a)

In setting forth this plan MSU Bozeman reaffirms its belief and commitment in equal employment opportunity for all employees and applicants for employment in all terms and conditions of employment. The Chief Human Resources Officer (CHRO), as the EEO Administrator, oversees the plan development, modification, implementation, and reporting requirements and conducts management updates.

MSU Bozeman provides for an audit and reporting system regarding MSU Bozeman’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 Bozeman 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 Bozeman’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 Bozeman 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 Bozeman’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 Bozeman’s establishment at MSU Bozeman’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, and if MSU Bozeman is found to still be signatory to any federal contracts signed on or before November 30, 2003 and which have not since been amended, modified and/or extended.

Review of Personnel Processes

41 C.F.R. § 300.44(b)

1. MSU Bozeman 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 Bozeman also ensures that when a protected veteran is considered for employment opportunities, MSU Bozeman 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 Bozeman 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 Bozeman 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 Bozeman designs procedures that facilitate a review of the implementation of this requirement by MSU Bozeman and the Government. The procedures MSU Bozeman uses are as follows:
 - a. The application or profile in the applicant tracking system of each known applicant who is a protected veteran is annotated to identify each vacancy for which the applicant was considered, and the information is quickly retrievable for review by the Department of Labor and MSU Bozeman's personnel officials for use in investigations and internal compliance activities.
 - b. Where applicants or employees are selected for hire, promotion, or training and MSU Bozeman undertakes any accommodation which makes it possible for it to place a disabled veteran on the job, MSU Bozeman 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 Bozeman 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 Bozeman applies physical or mental qualification standards in the selection of applicants or 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 Bozeman reviews its job descriptions and qualifications to ensure they accurately reflect job duties and responsibilities. The schedule is as follows as job openings become available; 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 Bozeman prior to a job offer contingent on such examinations and other requirements.
4. MSU Bozeman 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 Bozeman 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 Bozeman'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 Bozeman'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 Bozeman 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 Bozeman confidentially inquires whether the employee is in need of a reasonable accommodation.

Anti-Harassment Procedures

41 C.F.R. § 60-300.44(e)

MSU Bozeman 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 Bozeman 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 Bozeman 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 Bozeman will necessarily undertake all the activities listed below or that its activities will be limited to the items listed below. The scope of MSU Bozeman's efforts shall depend upon all circumstances, including MSU Bozeman'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 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 Job Service) nearest MSU Bozeman's establishment;
 - ii. The Department of Veterans Affairs Regional Office nearest MSU Bozeman'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 Bozeman's establishment;
 - v. Local veterans' groups and veterans' service centers near MSU Bozeman'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 Bozeman 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 Bozeman's premises, with representatives from recruiting sources.

- ii. MSU Bozeman'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 Bozeman 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 Bozeman'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 Bozeman 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 Bozeman, 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 Bozeman considers listing its job openings with the National Resource Directory's Veterans Job Bank, or any future service that replaces or complements it.
3. MSU Bozeman documents all activities it undertakes to comply with the obligations of this section, and retain these documents for a period of three (3) years.

Assessment of External Outreach and Recruitment Efforts

41 C.F.R. § 300.44(f)(3)

1. MSU Bozeman, 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 Bozeman documents each evaluation, including at a minimum the criteria it used to evaluate the effectiveness of each effort and MSU Bozeman'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 Bozeman 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 to fulfill its obligations.

Internal Dissemination of Policy

41 C.F.R. § 60-300.44(g)

1. MSU Bozeman recognizes that a strong outreach program will be ineffective without adequate internal support from supervisory and management personnel and other employees.
2. MSU Bozeman implements and disseminates this policy internally as follows:
 - a. includes it in MSU Bozeman's policy manual or otherwise make the policy available to employees; and
 - b. if MSU Bozeman is party to a collective bargaining agreement, it notifies union officials and/or employee representatives to inform them of MSU Bozeman's policy, and request their cooperation.
3. Further, to assure greater employee cooperation and participation in MSU Bozeman's efforts, MSU Bozeman 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 Bozeman's activities will be limited to those listed. These procedures shall be designed to foster understanding, acceptance and support among MSU Bozeman's executive, management, supervisory and other employees and to encourage such persons to take the necessary actions to aid MSU Bozeman in meeting this obligation. MSU Bozeman 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 Bozeman'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 Bozeman has designed and implemented an audit and reporting system that:
 - a. Measures the effectiveness of MSU Bozeman's AAP;
 - b. Indicates any need for remedial action;
 - c. Determines the degree to which MSU Bozeman's objectives have been attained;
 - d. Determines whether known protected veterans have had the opportunity to participate in all of MSU Bozeman's sponsored educational, training, recreational and social activities;
 - e. Measures MSU Bozeman'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 Bozeman 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 Bozeman's commitment to Affirmative Action and Equal Employment Opportunity, overall responsibility for implementing MSU Bozeman's AAP rests with its EEO/AA Administrator, whose identity should appear on all internal and external communications regarding MSU Bozeman'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, CHRO or the designated representative's duties include:

- a. Ensures that MSU Bozeman lists its job openings in accordance with the requirements of 41 C.F.R. § 300.5.
- b. Ensuring MSU Bozeman 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 Bozeman'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 Bozeman'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 at their request in an alternative format, or when MSU Bozeman knows that an applicant or employee is unable to read because of a disability. MSU Bozeman may provide the posting in alternate means as long as the format provided enables the individual who is disabled veteran to access its contents
- d. Ensuring that, with respect to employees, if any, who do not work at a physical location of MSU Bozeman, MSU Bozeman satisfies its posting obligations by posting such notices in an electronic format, provided that MSU Bozeman provides computers, or access to computers, that can access the electronic posting to such employees, or MSU Bozeman 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 Bozeman's intranet or sent by electronic mail to employees. An electronic posting is used by MSU Bozeman to notify job applicants of their rights if MSU Bozeman 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 Bozeman, MSU Bozeman notifies labor organizations of its EEO policy as required by 41 C.F.R. § 60-300.44(g).
- g. Ensuring MSU Bozeman 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 Bozeman, 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 Bozeman's AAP for protected veterans, policy statements, personnel policies, internal and external communication techniques including discussions with managers, supervisors and employees to ensure MSU Bozeman'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 Bozeman's electronic process on a regular basis to ensure that compliance information that is posted is up to date.

- m. Serving as liaison between MSU Bozeman and governmental enforcement agencies, community groups, vocational rehabilitation organizations, and organizations for protected veterans.
- n. Evaluating the effectiveness of MSU Bozeman'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 Bozeman 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 Bozeman's job applicants as set forth in 41 C.F.R. § 60-300.42 (a); and
 - ii. Post-offer identification procedures for MSU Bozeman's job applicants as set forth in 41 C.F.R. § 60-300.42 (a).

Further, MSU Bozeman does not compel or coerce an individual to self-identify as a protected veteran. MSU Bozeman keeps all information on self-identification confidential, and maintains it in a data analysis file (rather than in the medical or personnel files of individual employees) as set forth in 41 C.F.R. § 60-300.23(d). MSU Bozeman only uses the self-identification information in accordance with the VEVRAA regulations.

- u. Ensuring that MSU Bozeman complies with its obligations under 41 C.F.R. § 60-300.45, which requires that MSU Bozeman establish benchmarks for hiring, the purpose of which is to create a

quantifiable method by which MSU Bozeman can measure its progress toward achieving equal employment opportunity for protected veterans. The benchmarks will be set on an annual basis 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 Bozeman inquires of the applicant whether an accommodation is necessary, and, if so, engages with the applicant regarding reasonable accommodation. MSU Bozeman may make such inquiries to the extent they are consistent with the Americans with Disabilities Act. MSU Bozeman 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 Bozeman's AAP regarding protected veterans within his or her area of responsibility, including but not limited to their obligations to:

- a. Review MSU Bozeman'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 Bozeman provides training to all personnel involved in the recruitment, screening, selection, promotion, disciplinary and other related processes to ensure its AAP commitments are implemented