

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER NO. 04-2016**

**EXECUTIVE ORDER PROHIBITING DISCRIMINATION IN STATE EMPLOYMENT
AND CONTRACTS**

WHEREAS, Montana is a place that welcomes all people and recognizes the value of diversity;

WHEREAS, Montana’s Constitution affirms Montanans’ basic human rights, declaring that “the dignity of the human being is inviolable”;

WHEREAS, in *Obberfell et al. v. Hodges*, the United States Supreme Court recognized that “[t]he fundamental liberties protected by the Fourteenth Amendment’s Due Process Clause extend to certain personal choices central to individual dignity and autonomy, including intimate choices defining personal identity and beliefs” and laws burdening this liberty interest also “abridge central concepts of equality”;

WHEREAS, four in ten lesbian, gay, and bisexual people report experiencing some form of employment discrimination based on their sexual orientation, and 90 percent of transgender people report harassment, mistreatment or discrimination on the job;

WHEREAS, four of Montana’s largest communities have taken steps to expand workplace, housing, and public accommodation protections for LGBT residents and visitors;

WHEREAS, 91 percent of Fortune 500 companies prohibit discrimination based on sexual orientation, and 61 percent prohibit discrimination based on gender identity;

WHEREAS, a 2013 Equal Employment Opportunity Commission study found that pregnancy-related discrimination complaints have increased significantly since an earlier study conducted in 1997;

WHEREAS, our military service members, veterans, and their families have made and continue to make tremendous sacrifices for our country, and their diverse backgrounds, experience, discipline, specialized training, and leadership skills make them well-suited for public service;

WHEREAS, nearly 100,000 veterans and their families call Montana their home;

WHEREAS, federal and state laws prohibit employment discrimination against our nation's service members and veterans;

WHEREAS, Montana is likely to face a worker shortage over the next decade, and this shortage will be exacerbated by discrimination that drives away talented and trained workers who want to live in a place where they are free from discrimination and harassment;

WHEREAS, workplace protections are linked to greater job commitment, improved workplace relationships, increased job satisfaction, and improved health outcomes of employees;

WHEREAS, denial of equal opportunity, discrimination, and harassment based on race, color, sex, pregnancy, childbirth or medical conditions related to pregnancy or childbirth, political or religious affiliation or ideas, culture, creed, social origin or condition, genetic information, sexual orientation, gender identity or expression, national origin, ancestry, age, disability, military service or veteran status, or marital status is prohibited by state, federal, and local law, rule, policy, or executive order; and

WHEREAS, January 18, 2016, is the day our country honors civil rights leader Martin Luther King Jr. On this day, I am guided by words he wrote while jailed in Birmingham during our country's fight for racial equality "[i]njustice anywhere is a threat to justice everywhere." Letter from Birmingham Jail, Alabama, 16 April 1963, in *Atlantic Monthly*, August 1963.

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, by virtue of the authority vested in me under the Constitution and the laws of the State of Montana, do hereby order and direct the Department of Administration, which is charged with the administration of state personnel and procurement policies, and all agencies, managers, supervisors, and employees under the jurisdiction of the Governor, to take the following actions:

1. Develop and implement policies necessary to ensure that all persons employed or served by state government are afforded equal opportunity, without discrimination, based upon any of the above classes.
2. Take steps necessary to prevent and stop discrimination, sexual harassment, or harassment based on membership of any of the above classes.
3. Include provisions in state contracts or subcontracts for construction of public buildings or for other public work or for goods or services, in accordance with federal, state, local law, rule, policy, or executive order that all hiring must be on the basis of merit and qualifications and that there may not be discrimination based on any of the above classes by the persons performing the contract or subcontract.
4. The Department of Administration is directed to prepare a nondiscrimination policy applicable to all agencies under the jurisdiction of the Governor, which includes specific language prohibiting discrimination, sexual harassment, and harassment based on membership in any of the above classes and an internal complaint procedure that remains continuously in effect. The policy shall make it clear that discrimination based on any of the above-named classes and sexual harassment or harassment based on membership in any of the above classes is a form of misconduct and anyone who is found to have violated the policy of non-discrimination and non-harassment will be subject to discipline, up to and including termination of employment. The policy statement must be distributed to all department directors and heads of agencies that are subject to policies promulgated by the Department of Administration for further distribution to state employees.
5. The Department of Administration shall continue to assist state agencies in implementing and maintaining an Equal Employment Opportunity Program in state government. The program shall include non-discrimination and harassment awareness programs that

emphasize harassment prevention and cultural diversity awareness with emphasis on Montana Indian Tribes.

6. Each agency head and its managers are responsible for compliance with and implementation of this Executive Order.
7. This Executive Order supersedes and rescinds Executive Order No. 41-2008, issued by Governor Brian Schweitzer on November 14, 2008.

This Order is effective immediately and shall remain in effect until amended or rescinded by future Executive Order of the Governor.



GIVEN under my hand and the GREAT SEAL of
the State of Montana this 18th day of
JANUARY, 2016.


STEVE BULLOCK, Governor

ATTEST:


LINDA MCCULLOCH, Secretary of State