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STATE DOCUMENTS

AGENCY ANNUAL REPORT

1976 FISCAL YEAR

AGENCY Business Regulation 6305

PROGRAM TOTAL DEPARTMENT

OBPP

PART V - ACTIVITIES UNDERTAKEN TO PROMOTE AND COMPLY WITH  
THE FREEDOM FROM DISCRIMINATION ACT

In Fiscal Year 76 the Department of Business Regulation drafted and submitted an E.E.O. Affirmative Action Plan to the E.E.O. Bureau. The Plan, after revisions were made, was approved by the E.E.O. Bureau and the Human Rights Division.

The Department of Business Regulation pledges its continuous support, through the implementation of its Affirmative Action Plan, for all State and Federal Law, which includes the Freedom From Discrimination Act, covering nondiscrimination.

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Montana State Library



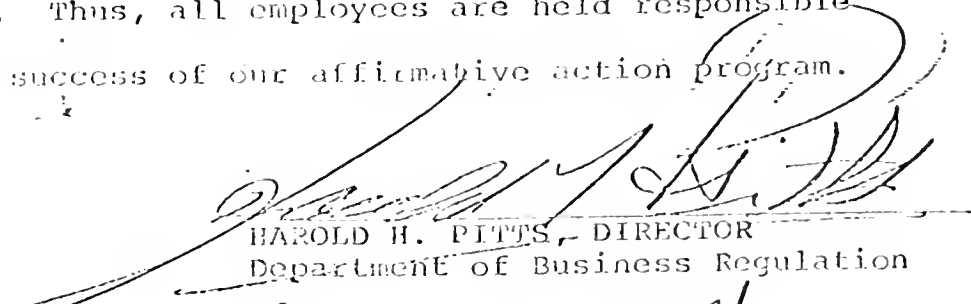
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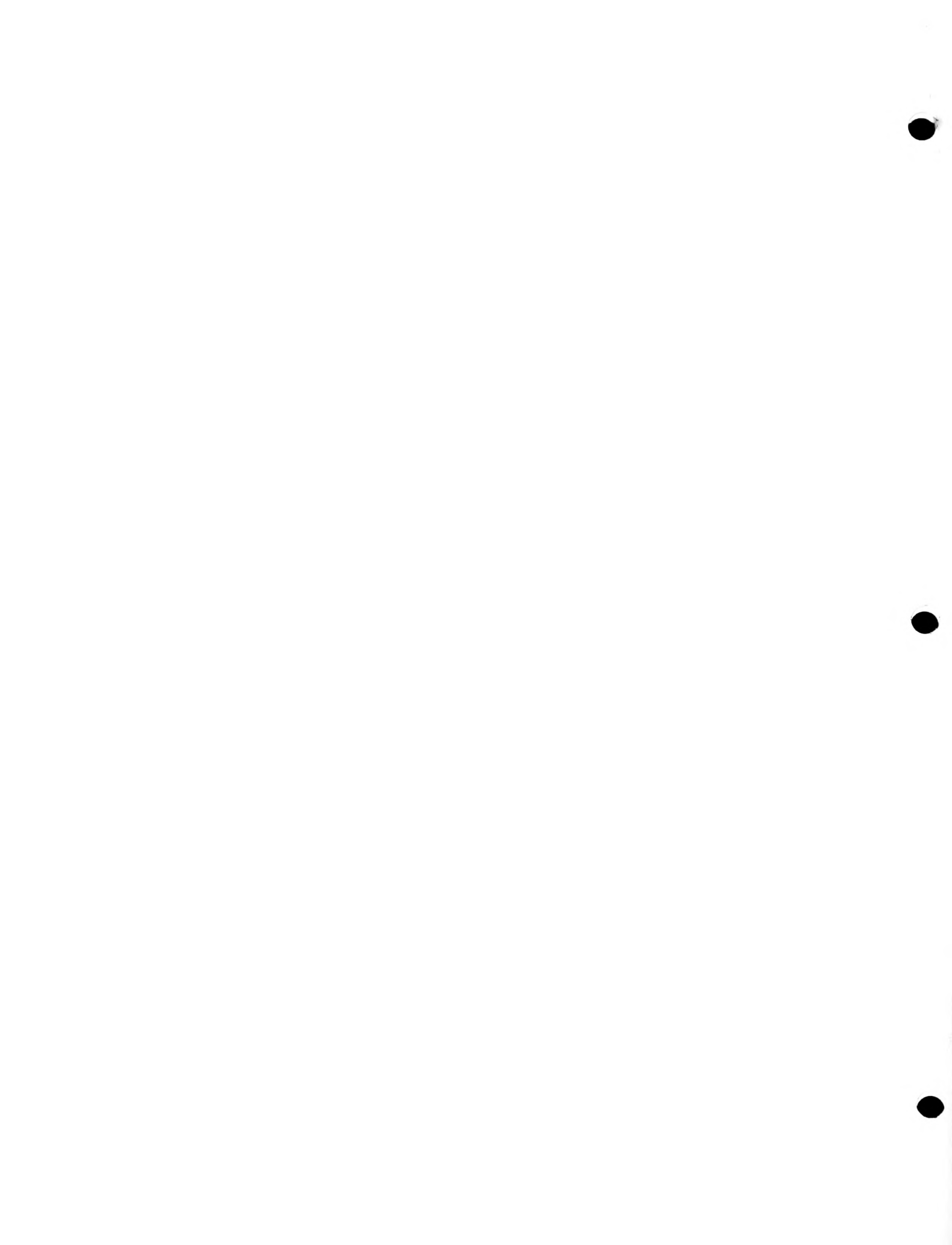
Section 1 - Basic Policy Statement

It is the policy of the Department of Business Regulation to provide equal employment opportunities for all persons regardless of race, color, religion, national origin, age, marital status, ancestry, receipt of public assistance, political beliefs, physical or mental handicap, ex-offender status and sex. To this end, we are implementing and will sustain a deliberate effort to equalize employment opportunities for minorities and women at all levels and in all segments of the Department's work force.

Affirmative action to eliminate discrimination on the above-named bases (except where sex, ex-offender status and/or physical or mental handicap constitute a bona fide occupational qualification) includes, but is not limited to employment, recruitment, advertising, hiring, transfer, promotion, demotion, training, compensation, benefits, layoff, terminations and conditions of employment. All applicants for Department employment will be recruited from the available labor market and employed in accordance with each person's qualifications and abilities.

Jim Burns, Chief for the Proprietary School Bureau, is the Department's Equal Employment Opportunity Officer. Mr. Burns, on behalf of the Department Director, has over-all responsibility for coordinating the equal employment opportunity and affirmative action efforts of the Department. However, equal employment opportunity, like all Department goals, can only be reached with the active cooperation and support of every Department employee. Thus, all employees are held responsible for helping to assure the success of our affirmative action program.

  
HAROLD H. PITTS, DIRECTOR  
Department of Business Regulation  
May 5, 1976  
DATE



# COMPLAINT PROCEDURE

Goal: To insure current, former, and prospective employees, prompt and impartial hearings for discriminatory complaints.

## Section 1. Statute of Limitations

Employees filing a complaint will be informed of their legal right to file with the State Human Rights Bureau or the United States Equal Employment Opportunity Commission any time during the internal complaint process.

## Section 2. Informal Resolution

The Complainant will notify the EEO Officer of his/her complaint within 45 working days of the alleged discriminatory incident. The Complainant or the EEO Officer as his/her representative, will go to the supervisor or Division Administrator for informal discussion, investigation and resolution of the situation.

## Section 3. Formal Resolution

The formal complaint will be lodged within 45 working days of the alleged discriminatory incident. The complainant will complete and file the Employment Discrimination Report with the EEO Officer.

An Appeal Board will consist of one member designated by the complainant, one member designated by the Executive Officer and a third member agreed upon by the first two members. The third member will chair the Board which will conduct an impartial investigation and hearing into the complaint. Basic principles of due process will govern the hearing: 1. Notice to the parties of specific charges. 2. The right of each party to produce evidence, both in writing and through witnesses. 3. The right of each party to question others who produce evidence. 4. The decision made strictly on recorded evidence. A tape recording of the hearing will be made for documentation and future reference.

The Appeal Board will hold a hearing within 10 working days after the filing of the formal complaint. Within 5 working days after the actual hearing, the Board will present its findings and recommendations to the Executive Officer. The Executive Officer will make his/her decision and notify both parties of the decision, in writing, within 5 working days after receiving the Board's recommendations.

## Section 4. Retaliation

Termination, demotion, or any form of punishment or harassment against an employee for filing a charge, or against any person giving testimony in the resolution of complaints, is illegal and will not be tolerated.

Such action receives top priority from the State Human Rights Bureau and the United States Equal Employment Opportunity Commission, after resulting in back pay, awards and reinstatement.

PERSON TO CONTACT REGARDING DEPARTMENTAL E.E.O. COMPLAINTS IS:

JAMES E. BURNS, EQUAL EMPLOYMENT OPPORTUNITY OFFICER  
DEPARTMENT OF BUSINESS REGULATION  
PHONE NUMBER: 449-3163 Ext. 26



DEPARTMENT OF BUSINESS REGULATION  
INTERNAL EMPLOYMENT DISCRIMINATION REPORT

NAME OF COMPLAINANT \_\_\_\_\_ CURRENT POSITION \_\_\_\_\_  
MAILING ADDRESS \_\_\_\_\_ TELEPHONE \_\_\_\_\_  
SEX \_\_\_\_\_ RACE/ETHNIC GROUP \_\_\_\_\_ AGE \_\_\_\_\_

1. SPECIFY BASIS OF DISCRIMINATION:

- |                           |                                    |
|---------------------------|------------------------------------|
| _____ RACE/COLOR GROUP    | _____ MARITAL STATUS               |
| _____ RELIGION            | _____ RECEIPT OF PUBLIC ASSISTANCE |
| _____ NATIONAL ORIGIN     | _____ POLITICAL BELIEFS            |
| _____ AGE                 | _____ PHYSICAL HANDICAP            |
| _____ SEX OFFENDER STATUS | _____ MENTAL HANDICAP              |
| _____ OTHER               | _____                              |

2. SPECIFY AREA OF DISCRIMINATION:

- \_\_\_\_\_ RECRUITMENT OR RECRUITMENT ADVERTISING
- \_\_\_\_\_ SELECTION
- \_\_\_\_\_ PROMOTION
- \_\_\_\_\_ PROMOTION OR DISCIPLINARY ACTION
- \_\_\_\_\_ TRANSFER
- \_\_\_\_\_ TERMINATION OR LAYOFF
- \_\_\_\_\_ RATES OF PAY OR OTHER FORMS OF COMPENSATION
- \_\_\_\_\_ SELECTION FOR TRAINING, INCLUDING APPRENTICESHIP AND/OR ON-THE-JOB
- \_\_\_\_\_ TRAINING
- \_\_\_\_\_ OTHER

3. WAS AN INFORMAL COMPLAINT LOGGED?  
IF SO, ATTACH ANY RELEVANT DOCUMENTATION AND STATE BRIEFLY THE REASONS THAT THE  
OUTCOME OF THE INFORMAL COMPLAINT PROCESS WAS UNSATISFACTORY.

4. NAME, POSITION, SEX, AND RACE/ETHNIC GROUP (IF KNOWN) OF EMPLOYEE(S) CHARGED WITH  
DISCRIMINATORY PRACTICE: \_\_\_\_\_

5. SPECIFY WAYS IN WHICH EACH ABOVE EMPLOYEE IS ALLEGED TO HAVE DISCRIMINATED:  
\_\_\_\_\_  
\_\_\_\_\_

COMPLAINANT'S SIGNATURE \_\_\_\_\_ DATE FILED \_\_\_\_\_  
LEO OFFICER \_\_\_\_\_ DATE RECEIVED \_\_\_\_\_

TO INITIATE A FORMAL COMPLAINT OF DISCRIMINATION WITHIN THE DEPARTMENT, THIS FORM MUST  
BE FILED WITH THE LEO OFFICER WITHIN 30 WORKING DAYS AFTER THE INFORMAL COMPLAINT PROCESS  
IS COMPLETED. ANY FORM OF RETALIATION AGAINST AN EMPLOYEE FOR FILING A COMPLAINT IS  
ILLEGAL AND WILL NOT BE TOLERATED.





STATE OF MONTANA  
 AGENCY ANNUAL REPORT  
 1976 FISCAL YEAR

Agency Business Regulation 6305 Program Centralized Services Div. 01  
 Name (Code) Name (Code)

PART I - VARIANCE IN FTE's, EXPENDITURES, AND REVENUE

Items	COLUMN A	COLUMN B	CHANGE FROM A TO B	
	Authorized FY 76	Actual FY 76	Amount	Percent
1 Total FTE's	6.25 FTE	6.0 FTE	.25 FTE	4 %
2 Federal FTE's	0 FTE	0 FTE	0 FTE	0 %
3 Total Expenditures	\$ 133,497.00	\$ 107,743.99	\$ +25,753.01	+24 %
4 General Funds	\$ 108,652.00	\$ 83,731.02	\$ +24,920.98	+30 %
5 ERA Funds	\$ 24,845.00	\$ 24,012.97	\$ +832.03	+3 %
6 Federal Funds	\$ -0-	\$ -0-	\$ -0-	-0- %
7 Other Funds	\$ -0-	\$ -0-	\$ -0-	-0- %

(Note - Funding items 4-7 must equal item 3, total expenditures.)

PART II - VARIANCE REPORT NARRATIVE EXPLAINING MAJOR CHANGES

Item 1- Variance due to eliminating the .25 FTE in order to upgrade a classified position.

Items 3-4- Variance due to Notice of Executive Appropriation (OBPP Document 113) moving travel monies due to passage of HB 621 to wit: \$4,539 to Weights and Measures Program and \$20,317 to the Financial Program.

PART III - AGENCY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

Increase program staff by 1 FTE (Accountant) to provide professional management of budget preparation, 6 year plans, pilot programs, etc. Requests and demands on this program far outweigh the anticipated output of an efficient operation with the current level of FTE's.



1976 FISCAL YEAR

Agency	Business Regulation	6305
	Name	(Code)
Program	Centralized Services Div.	01
	Name	(Code)

OBPP

## PART IV - MAJOR PROGRAM ACCOMPLISHMENTS FOR FY 1976

FY '76

Provided the necessary administrative support to the other programs in the department, performing day-to-day administrative responsibilities such as accounting, budgeting, payroll, purchasing, property control and personnel. The Departmental EEO Affirmative Action Plan was approved as filed and all necessary documentation required therein is being implemented.

*Isabelle Pictulak* 10/26/76

Name of Respondent

Date



STATE OF MONTANA  
 AGENCY ANNUAL REPORT  
 1976 FISCAL YEAR

Agency Business Regulation 6305 Program Weights and Measures 02  
 Name (Code) Name (Code)

PART I - VARIANCE IN FTE's, EXPENDITURES, AND REVENUE

Items	COLUMN A	COLUMN B	CHANGE FROM A TO B	
	Authorized FY 76	Actual FY 76	Amount	Percent
1 Total FTE's	11.0 FTE	11.0 FTE	0 FTE	0 %
2 Federal FTE's	0 FTE	0 FTE	0 FTE	0 %
3 Total Expenditures	\$ 201,407.00	\$ 190,913.00	\$ +10,494.00	+5 %
4 General Funds	\$ 201,407.00	\$ 190,912.70	\$ +10,494.00	+5 %
5 ERA Funds	\$ -0-	\$ -0-	\$ -0-	-0- %
6 Federal Funds	\$ -0-	\$ -0-	\$ -0-	-0- %
7 Other Funds	\$ -0-	\$ -0-	\$ -0-	-0- %

(Note - Funding items 4-7 must equal item 3, total expenditures.)

PART II - VARIANCE REPORT NARRATIVE EXPLAINING MAJOR CHANGES

Items 3-4- Variance due to delays in filling vacant positions causing savings in salaries, per diem, gasoline, and maintenance on trucks in the amount of \$10,494. In addition the transfer from OBPP- Document 113 in the amount of \$4,539 was not spent giving a total reversion of \$15,033 for the program.

PART III - AGENCY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

Provide guidance and education in converting to the Metric System as well as broaden our scope to include Liquefied Petroleum Gas Vapor Meters in our testing program. Increased technical training program for inspectors.



Agency	<u>Business Regulation</u>	<u>6305</u>
	Name	(Code)
Program	<u>Weights and Measures</u>	<u>02</u>
	Name	(Code)

PART IV - MAJOR PROGRAM ACCOMPLISHMENTS FOR FY 1976

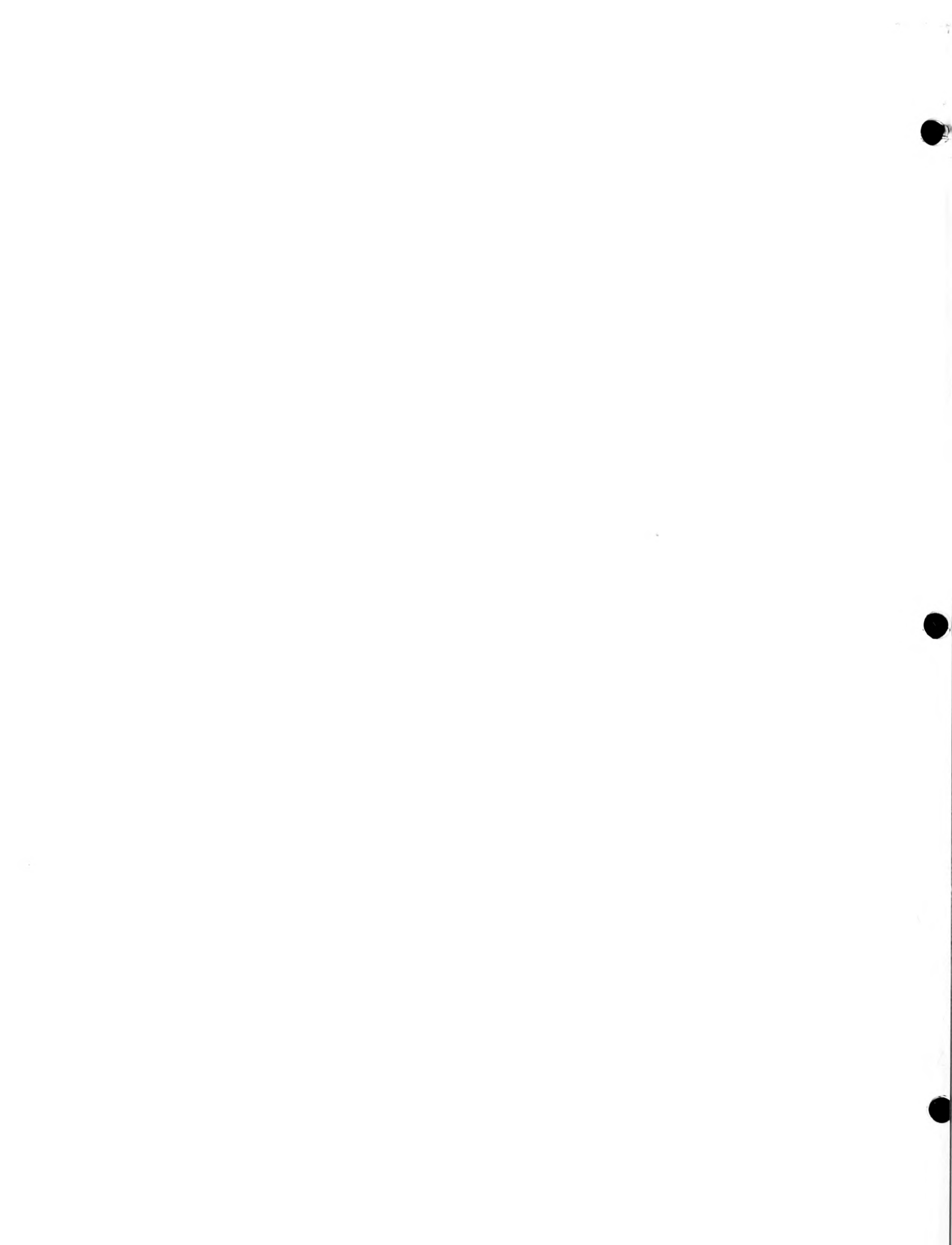
Total Licenses Issued-----5,800

Devices Inspected and Tested:

- Scales-----7,906
- Gas Pumps-----6,560
- Meters-----2,120
- Tanks Calibrated-----5
- Measures Calibrated-----56
- Weights Calibrated-----859
- Complaints Handled-----260
- Packages Tested-----3,362

Miles Traveled-----124,731

Gary D. Gero 10-26-1976  
 Name of Respondent Date





STATE OF MONTANA  
AGENCY ANNUAL REPORT  
1976 FISCAL YEAR

Side 1

OBPP

Agency Business Regulation 6305 Program Financial Division 03  
Name (Code) Name (Code)

PART I - VARIANCE IN FTE'S, EXPENDITURES, AND REVENUE

Items	COLUMN A		COLUMN B		CHANGE FROM A TO B	
	Authorized FY 76		Actual FY 76		Amount	Percent
1 Total FTE's	19.0	FTE	19.0	FTE	0	FTE %
2 Federal FTE's	0	FTE	0	FTE	0	FTE %
3 Total Expenditures	\$ 362,022.00		\$ 372,417.34		\$ -10,395.34	-3 %
4 General Funds	\$ 362,022.00		\$ 372,417.34		\$ -10,395.34	-3 %
5 ERA Funds	\$ -0-		\$ -0-		\$ -0-	-0- %
6 Federal Funds	\$ -0-		\$ -0-		\$ -0-	-0- %
7 Other Funds	\$ -0-		\$ -0-		\$ -0-	-0- %

(Note - Funding items 4-7 must equal item 3, total expenditures.)

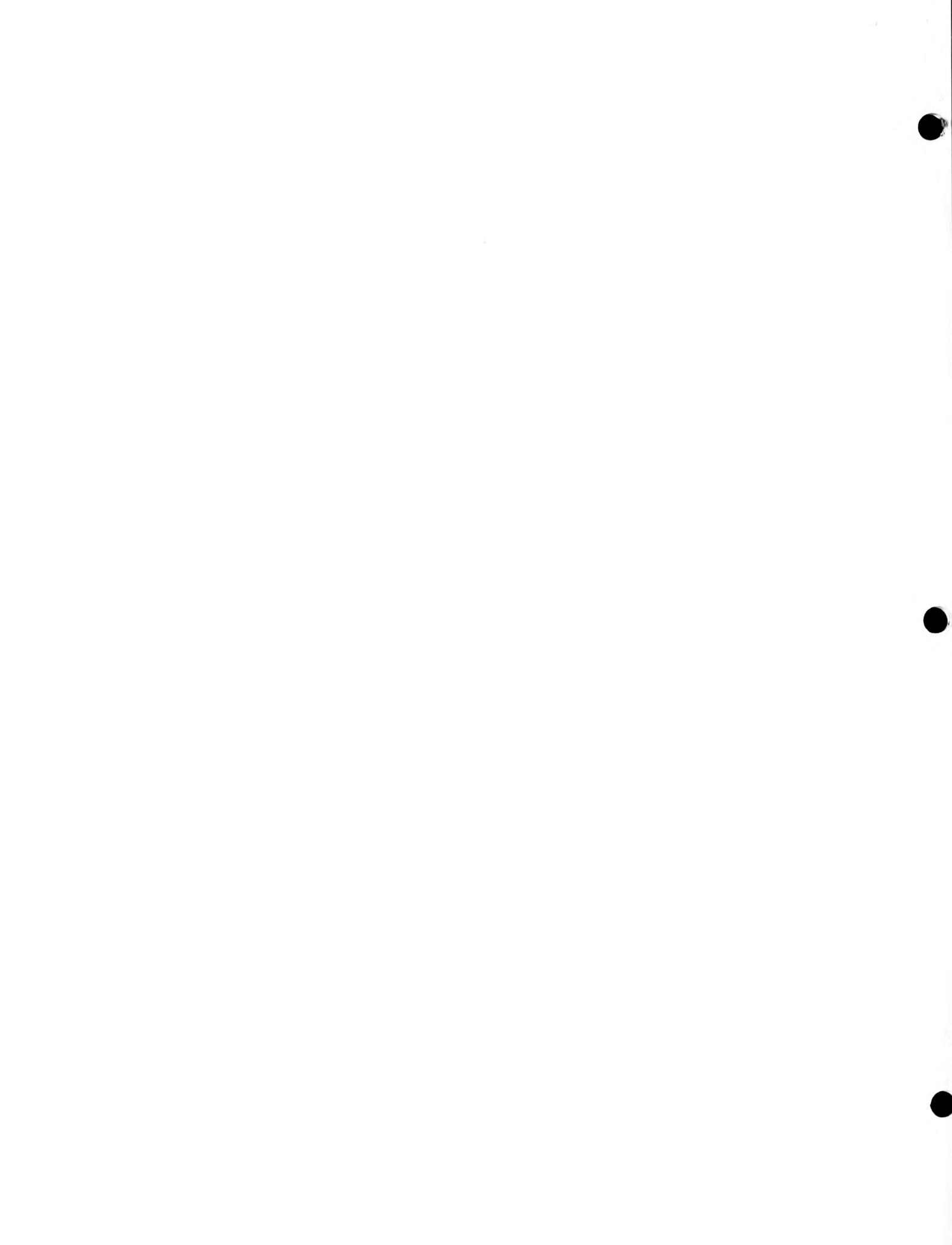
PART II - VARIANCE REPORT NARRATIVE EXPLAINING MAJOR CHANGES

Items 3-4- Variance due to excessive employee turnover (6 resignations out of 15 man bank examination staff) caused delays in filling vacancies and resulted in some lowering of pay classifications overall.

In addition only \$10,395.34 was used from the transfer from OBPP Document 113 in the amount of \$20,317 leaving a total reversion of \$9,921.66 for the program.

PART III - AGENCY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

1. Reduce employee turnover rate by increasing pay grade of experienced examiners.
2. Enact new legislation to give department power to issue cease and desist orders for more effective means of eliminating hazardous, self dealing, or irregular activities by financial institutions.
3. Establish an "Early Warning System" to detect adverse trends in individual banks by compilation of and analysis of data received in quarterly reports to banks.



1976 FISCAL YEAR

Agency	Business Regulation	6305
	Name	(Code)
Program	Financial Division	03
	Name	(Code)

OBPP

## PART IV - MAJOR PROGRAM ACCOMPLISHMENTS FOR FY 1976

Supervised organization and opening for business of the first subsidiary trust company in Montana.

Adopted rules to implement the new credit union act.

Assisted all 24 credit unions in acquiring share insurance from the National Credit Union Administration.

Sent 5 examiners to 3 week training schools conducted jointly by the F.D.I.C. and the Conference of State Bank Supervisors; most of the cost of attendance was borne by the F.D.I.C. and C.S.B.S.

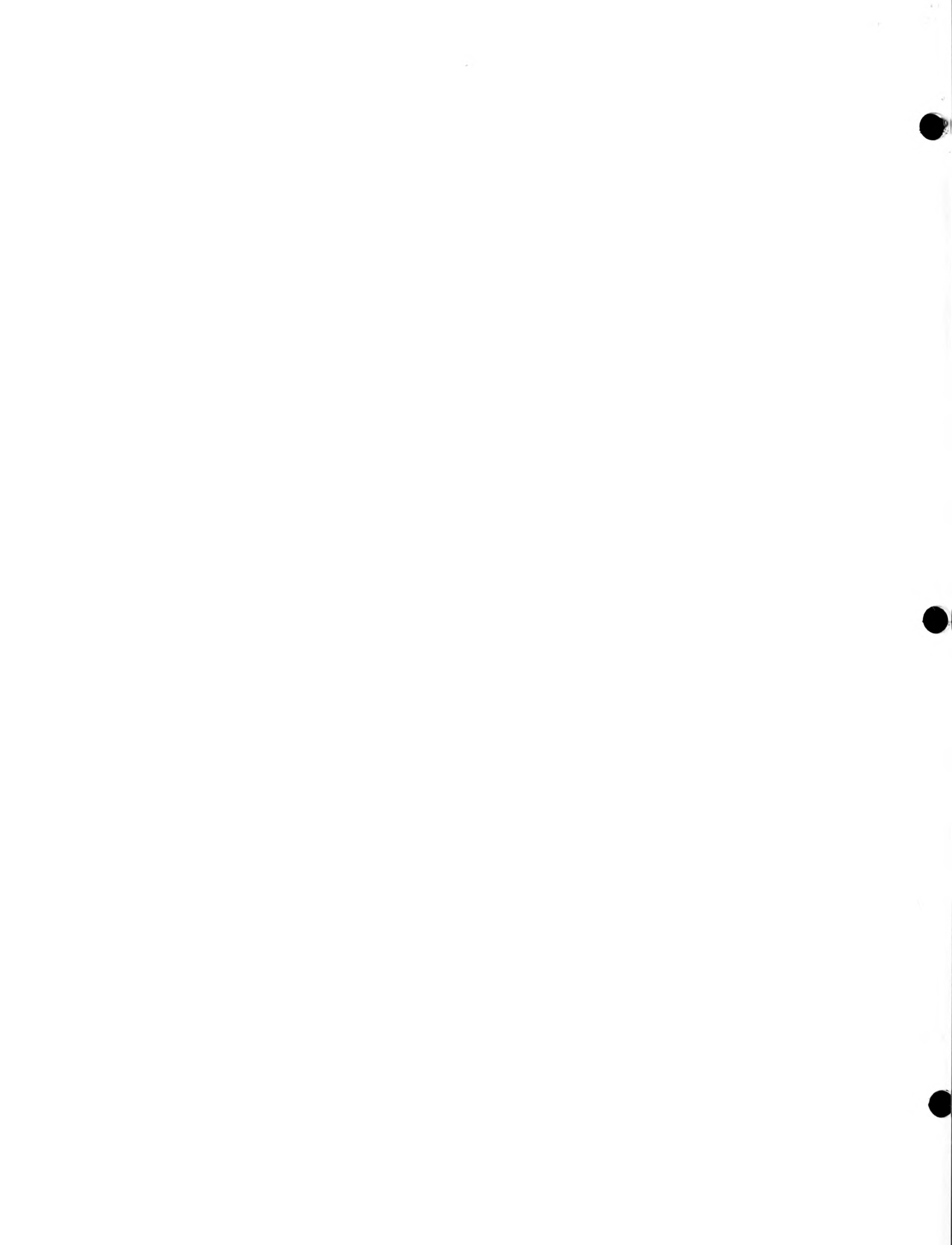
Held 12 conferences with boards of directors of banks, and instituted corrective or strengthening programs in most cases.

No financial institution under our supervision failed or became insolvent during the year, as has been true for many past years.

*L. J. Swales* 10-26-76

Name of Respondent

Date



STATE OF MONTANA  
 AGENCY ANNUAL REPORT  
 1976 FISCAL YEAR

Agency Department of Business Regulation Program Trade Regulation Division 04  
 Name 6305 (Code) Name (Code)

PART I - VARIANCE IN FTE'S, EXPENDITURES, AND REVENUE

Items	COLUMN A	COLUMN B	CHANGE FROM A TO B	
	Authorized FY 76	Actual FY 76	Amount	Percent
1 Total FTE's	2.20 FTE	2.20 FTE	0 FTE	0 %
2 Federal FTE's	0 FTE	0 FTE	0 FTE	0 %
3 Total Expenditures	\$ 42,623.00	\$ 32,560.42	\$ + 10,062.58	24 %
4 General Funds	\$ -0-	\$ -0-	\$ -0-	0 %
5 ERA Funds	\$ 42,623.00	\$ 32,560.42	\$ + 10,062.58	24 %
6 Federal Funds	\$ -0-	\$ -0-	\$ -0-	0 %
7 Other Funds	\$ -0-	\$ -0-	\$ -0-	0 %

(Note - Funding items 4-7 must equal item 3, total expenditures.)

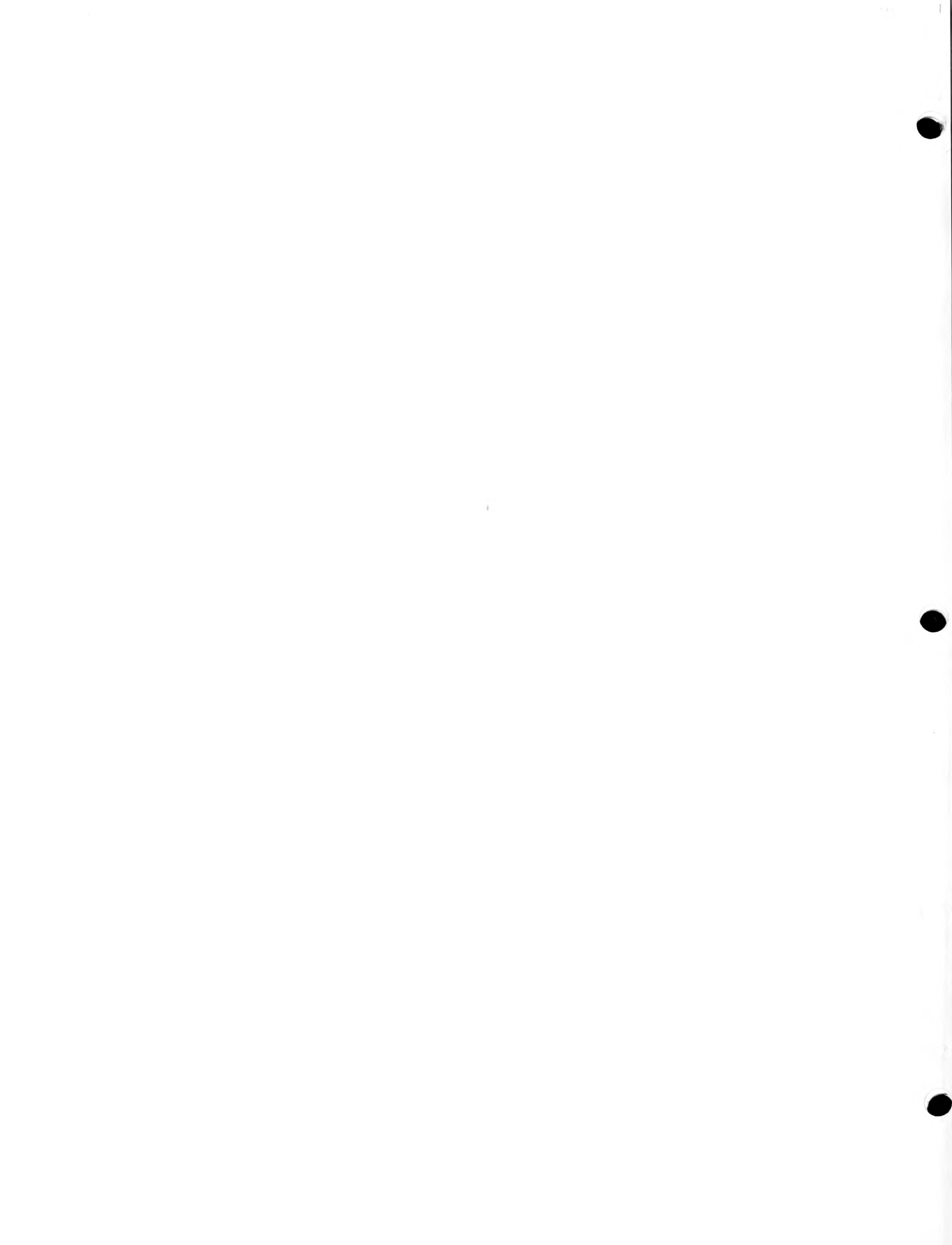
PART II - VARIANCE REPORT NARRATIVE EXPLAINING MAJOR CHANGES

Items 3 and 5. The under-expenditure in FY '76 is the result of unenforceable provisions in the existing law. Given these deficiencies, less investigation and travel was necessary, since some suspected violations could not result in prosecution or other corrective actions anyhow.

PART III - AGENCY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

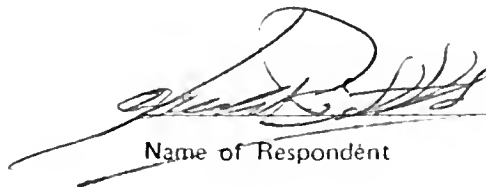
Amend the Unfair Practices Act (Sections 51-101 to 51-118, R.C.M. 1947)

- (1) To consolidate responsibility for enforcing anti-monopoly laws in this agency.
- (2) To provide enforceable prohibitions relating to sales below cost.

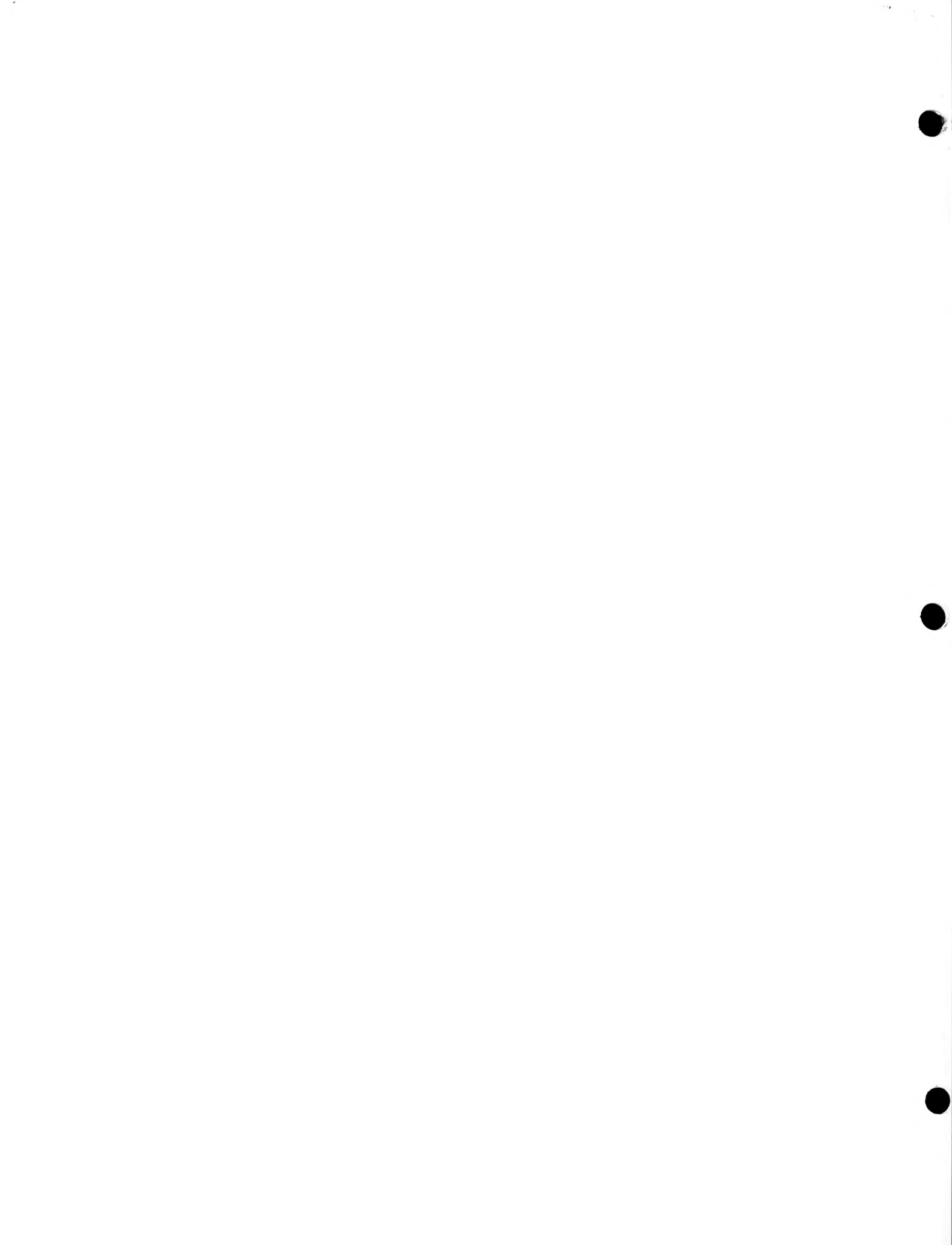


PART IV - MAJOR PROGRAM ACCOMPLISHMENTS FOR FY 1976

	<u>FY '76</u>
1. Complaints received-----	51
2. Investigations conducted-----	51
3. Alleged sales below cost which were confirmed-----	23
4. Legal action taken-----	0

  
 Name of Respondent

10-26-76  
 Date





STATE OF MONTANA  
 AGENCY ANNUAL REPORT  
 1976 FISCAL YEAR

Side 1

OBPP

Agency Dept. of Business Regulation Program Milk Control Division 05  
 Name (Code) Name (Code)  
 6305

PART I - VARIANCE IN FTE's, EXPENDITURES, AND REVENUE

Items	COLUMN A		COLUMN B		CHANGE FROM A TO B	
	Authorized FY 76		Actual FY 76		Amount	Percent
1 Total FTE's	8.25	FTE	8.00	FTE	.25 FTE	3 %
2 Federal FTE's	0	FTE	0	FTE	0 FTE	0 %
3 Total Expenditures	\$155,329		\$153,335.06		\$+1,973.94	1 %
4 General Funds	\$		\$		\$	%
5 ERA Funds	\$155,329		\$153,335.06		\$+1,973.94	1 %
6 Federal Funds	\$ -0-		\$ -0-		\$ -0-	-0- %
7 Other Funds	\$ -0-		\$ -0-		\$ -0-	-0- %

(Note - Funding items 4-7 must equal item 3, total expenditures.)

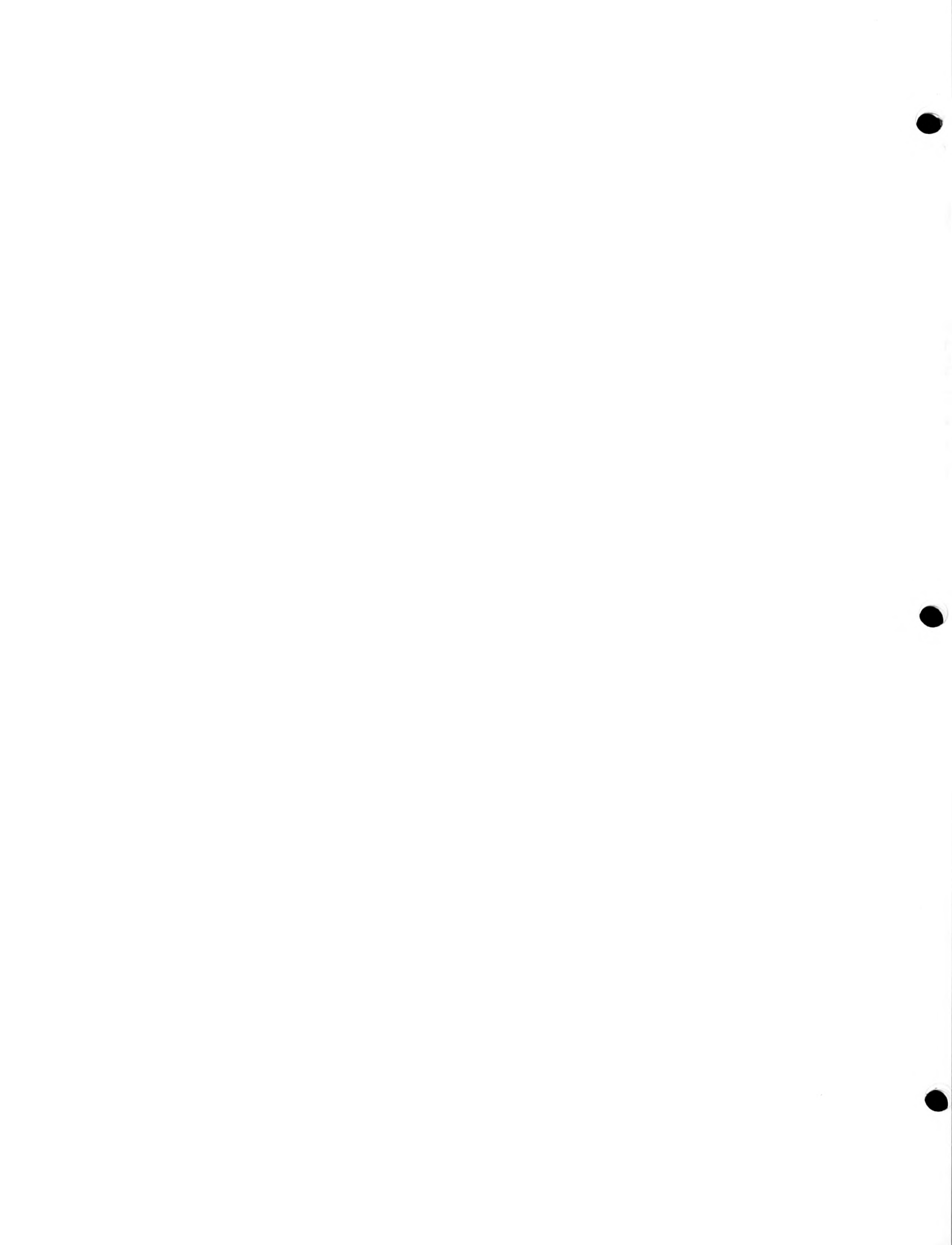
PART II - VARIANCE REPORT NARRATIVE EXPLAINING MAJOR CHANGES

Item 1 -- Variance is a result of not hiring part time help.

PART III - AGENCY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

Present license fee of \$2.00 for each producer and distributor is deposited in the general fund and costs much more to collect than the revenue received. It is recommended that a "one time" license be issued to reduce costs of licensing the producers, distributors and retailers.

\* This figure does not include \$19,621 authorized for Centralized Service Division or the \$19,077.09 actually expended from the ERA.



## PART IV – MAJOR PROGRAM ACCOMPLISHMENTS FOR FY 1976

	<u>FY '76</u>
1. Licenses issued.	317
2. Audit months completed.	258
3. Amount recovered for producers.	\$117,406.66
4. Number of Board meetings.	11
5. Number of public hearings.	2
6. Rules promulgated or amended.	3
7. Price announcements computed.	13
8. Investigations of alleged violations.	69
9. Legal actions on violations.	19
10. Fines levied and collected.	\$1,480
11. Annual reports disseminated.	1,022
12. Price announcements disseminated.	6,591
13. Base committee meetings.	9
14. Administrative hearings.	11
15. Supreme Court Cases.	2
16. District Court Cases .	3

*A. M. Kelly*

Name of Respondent

10/15/76

Date



STATE OF MONTANA  
 AGENCY ANNUAL REPORT  
 1976 FISCAL YEAR

Agency Department of Business Regulation Program Consumer Affairs Division 06  
 Name 6305 (Code) Name (Code)

PART I - VARIANCE IN FTE'S, EXPENDITURES, AND REVENUE

Items	COLUMN A	COLUMN B	CHANGE FROM A TO B	
	Authorized FY 76	Actual FY 76	Amount	Percent
1 Total FTE's	2.60 FTE	2.60 FTE	0 FTE	0 %
2 Federal FTE's	0 FTE	0 FTE	0 FTE	0 %
3 Total Expenditures	\$ 51,083.00	\$ 45,537.56	\$ + 5,545.44	10 %
4 General Funds	\$ 51,083.00	\$ 45,537.56	\$ + 5,545.44	10 %
5 ERA Funds	\$ -0-	\$ -0-	\$ -0-	0 %
6 Federal Funds	\$ -0-	\$ -0-	\$ -0-	0 %
7 Other Funds	\$ -0-	\$ -0-	\$ -0-	0 %

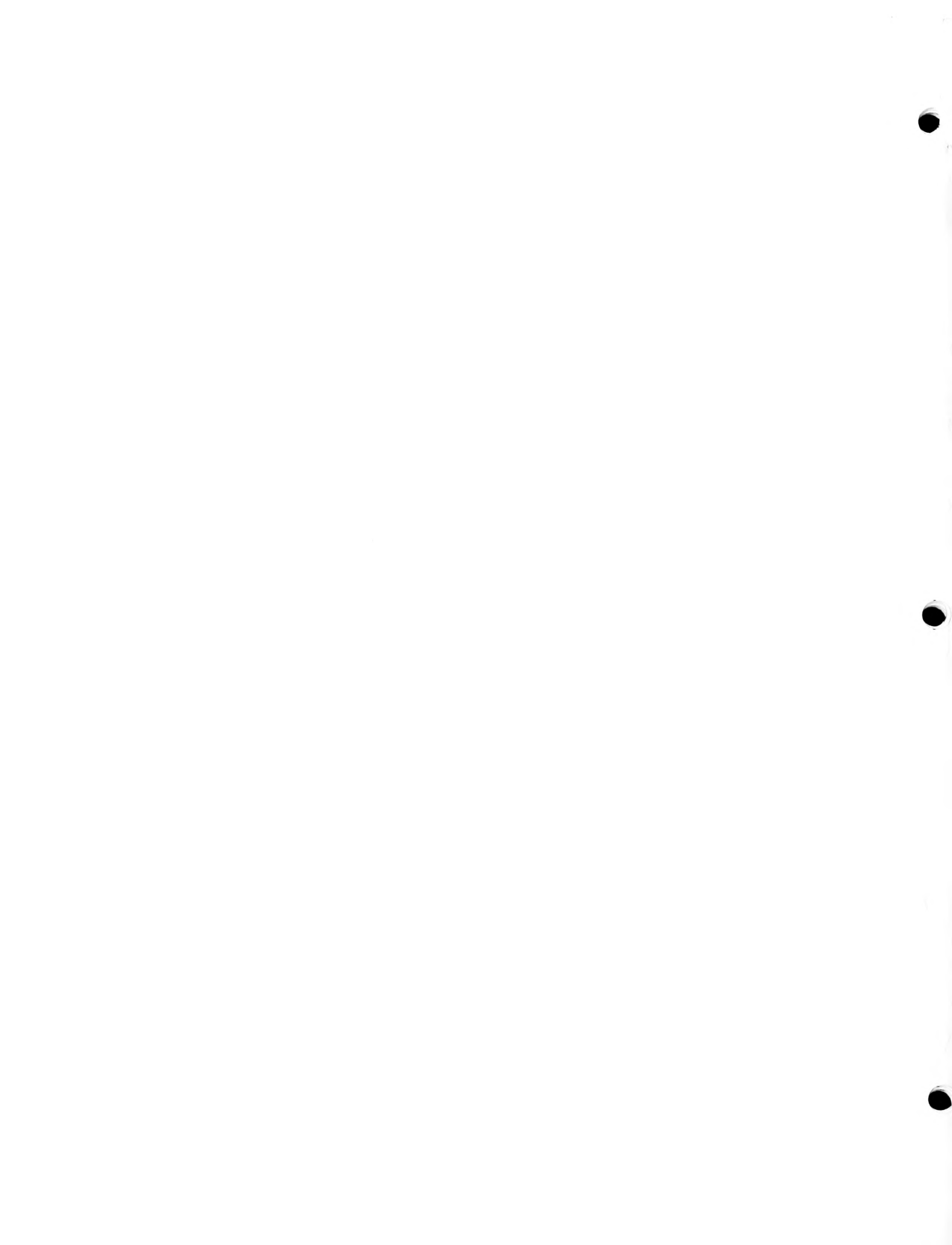
(Note - Funding items 4-7 must equal item 3, total expenditures.)

PART II - VARIANCE REPORT NARRATIVE EXPLAINING MAJOR CHANGES

Items 3 and 4. The under-expenditure in FY '76 is partially the result of increased workload requiring personnel to remain in the office. Amounts budgeted for travel were significantly underspent, since on-site investigations and educational appearances were limited by the necessity of handling the increased workload on an in-office basis.

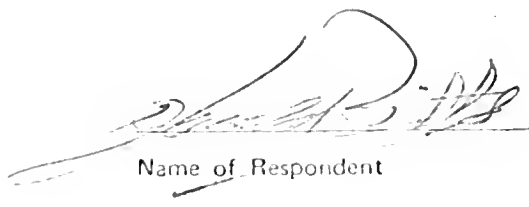
PART III - AGENCY RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS

None other than providing additional FTE's to meet the increased workload and to prevent deterioration of the quality of services provided.



PART IV - MAJOR PROGRAM ACCOMPLISHMENTS FOR FY 1976

	<u>FY '76</u>
Total complaints investigated-----	1,034
Total complaints closed-----	1,022
Dollar amount of complaints investigated-----	1,317,716.49
Dollar amount of monetary recovery to consumers-----	157,966.44
"Consumer Alerts" issued-----	23
Investigative Demands issued-----	13
Assurances of Voluntary Compliance issued-----	2
Permanent injunctions issued-----	7
Meetings attended-----	11
Workshops conducted-----	16
Consumer protection seminars attended-----	4


10-26-76  
 \_\_\_\_\_  
 Name of Respondent Date

