



**Montana Teachers' Retirement System**  
**Policy 2-0400-001**  
**Policy of Nondiscrimination in Employment and Provision of Services**

**Section:** Organizational  
**Implementer:** TRS Legal  
**Effective Date:** February 11, 2011  
**Revision Date:** February 13, 2015

**Purpose:**

As a public employer, TRS is committed to providing equal opportunity in all aspects of its employment practices. As a provider of retirement services and benefits on behalf of those persons employed in public education in the state of Montana and eligible to participate in the retirement system, TRS is committed to providing such services and benefits based solely on the participant's qualification for services and benefits as set forth in law. This policy governs the conduct of all TRS Personnel and requires compliance with applicable law prohibiting discrimination in employment and in the provision of the services and benefits of the retirement system.

**Adoption of Statewide Policy**

By adoption of this policy, TRS adopts the statewide *EEO, Nondiscrimination, and Harassment Prevention Policy*. This policy does not supersede or replace the statewide policy except to the extent that this policy provides greater protection.

**Definitions:**

*Board* – the TRS Board of Trustees.

*Organizational Policies* – policies that pertain to functioning of the TRS staff and the day to day management of TRS operations.

*Plan Operations* – the day-to-day and periodic functions performed by and processes followed by TRS personnel in administering the retirement system, including, but not limited to: drafting of legislation, administrative rules, plan forms and letters; enrollment of members; determination of eligibility for benefits; drafting and executing agreements with third-party contractors; conducting contested case proceedings; and conducting meetings subject to the public right to participate.

*Protected Class Status* – an individual's actual or perceived status as having a characteristic based upon which discrimination is prohibited, including: race; color; national origin; age; physical or mental disability; marital status; religion; creed; sex; sexual orientation; political beliefs; genetic information; veteran's status; culture; social origin or condition; or ancestry.

*TRS Personnel* – all members of the TRS board of trustees and all employees of TRS.

**Policy:**

1. TRS will not tolerate discrimination or harassment based on an individual's protected class status, either in the hiring or employment of TRS staff or in the provision of TRS services.
2. TRS will recruit, appoint, assign, train, evaluate, and promote personnel on the basis of merit and qualifications without regard to an individual's protected class status.
3. TRS will provide services and benefits as a public retirement system with regard only for an individual's qualifications for services and benefits, and without regard for the individual's protected class status, except to the extent that age, marital status, or physical or mental disability is appropriately considered as a qualification for services or benefits.
4. TRS will not retaliate against an individual because the individual has opposed any discriminatory practice or because the individual has filed a complaint or participated in any manner in an investigation or proceeding related to an allegation of discriminatory conduct.
5. TRS will include a provision in any contract with a third party contractor to ensure the third party contractor complies with this policy.
6. TRS will develop and implement a program for nondiscrimination training of all TRS personnel. The nondiscrimination training, at a minimum, will include education and training regarding sexual harassment, other discriminatory conduct, nondiscrimination requirements under the Americans with Disabilities Act, and retaliation, and will include specific training on TRS policies and procedures regarding nondiscrimination. The program for nondiscrimination training may utilize policies, procedures, and/or training provided by the Department of Administration, the Department of Labor and Industry and/or the Human Rights Bureau, or other state or private entities that provide training services related to Montana nondiscrimination law. Nondiscrimination training will be provided to an employee, initially, within 90 days of employment with TRS and refresher training will be provided periodically or as needed to incorporate changes to law and/or policy. The nondiscrimination training provided to each TRS employee and Board member will be documented.
7. TRS will conduct an initial review of its employment practices and plan operations to identify any discriminatory conduct that may be occurring. If discriminatory conduct is identified, a remediation process will be developed and implemented to correct the discriminatory conduct. A follow-up general review of employment practices and plan operations for compliance with nondiscrimination requirements will be conducted periodically or as needed to incorporate changes to law and/or policy. As well, any substantial modification of plan employment practices or plan operations processes must include consideration of the potential for discriminatory conduct arising therefrom, and development and implementation of a remediation process if the potential for discriminatory conduct is identified. The initial review of employment practices and plan operations, as well as the periodic follow-up reviews must be documented.

## Initiating a Complaint

1. TRS personnel or any other individual may make an internal complaint to the Human Resources Manager of the Montana Department of Administration, or her/his designee, Room 102, Mitchell Building, 125 N. Roberts Street, PO Box 200108, Helena, MT 59620-0102, 406-444-0588.
2. In addition to the internal complaint process, external complaints may be filed with the following agencies:
  - a. Montana Human Rights Bureau, 1625 11th Avenue, P.O. Box 1728, Helena, MT 59624-1728, (406) 444-2884, (800) 542-0807, TTY (406) 444-0532; or
  - b. United States Equal Employment Opportunity Commission (EEOC) San Francisco District Office, 350 The Embarcadero, Suite 500, San Francisco, CA 94105-1260, (800) 669-4000, TTY (800)-669-6820.
3. Jurisdiction may vary based on the nature of the complaint. For example, neither the Human Rights Bureau nor the EEOC considers complaints based on sexual orientation,
4. The Human Rights Bureau must receive the complaint within 180 days of when the alleged discriminatory practice occurred or was discovered unless the person has filed an internal complaint. A person who files an internal complaint under these rules has 180 days from the conclusion of the internal investigation to file a complaint with the Human Rights Bureau if management completes the investigation within 120 days of when the alleged discriminatory practice occurred or was discovered. If management does not complete the investigation within 120 days, the person must file a complaint with the Human Rights Bureau within 300 days of when the alleged discriminatory practice occurred or was discovered.
5. The EEOC must receive the complaint within 300 calendar days from the date the discrimination took place if the Human Rights Bureau enforces a law prohibiting employment discrimination against the same protected class. Otherwise, the complaint must be filed with the EEOC in 180 days.

## Cross Reference:

Montana Operations Manual (1\IOM) EEO, Nondiscrimination, and Harassment Prevention Policy, implementing Rules 2.21.4001 through 2.21.4029 of the Administrative Rules of Montana and establishing minimum standards for compliance with

- federal laws and regulations prohibiting illegal discrimination, including the Genetic Information Nondiscrimination Act of 2008
- the Montana Human Rights Act (§49-2-101, et seq., MCA)
- the Montana Governmental Code of Fair Practices (§49-3-101, et seq., MCA)
- the Governor's Executive Order 41-2008 (Equal Employment Opportunity, Non-Discrimination, and Harassment Prevention)

Website links as of date of policy revision:

- [Montana Operations Manual](#)
- [EEO, Nondiscrimination, and Harassment Prevention Policy](#)

**Signature:**

By board action taken on (date) February 13, 2015, and by my signature below, the TRS board has authorized implementation of this original or modified policy. The effective date of this policy is:

X  the date of board action set forth above

\_\_\_\_\_ (date) \_\_\_\_\_.

BY: Kari A. Peiffer, Board Chair

/s/ Kari A Peiffer   
Signature

**TRS policies may be amended or revoked from time to time, effective from the date of board action or later date as specified in the policy. The official version of any TRS policy is the version currently posted on the [TRS Board Policies webpage](#) and deviation will be resolved in favor of the official version. Please review the material online prior to placing reliance on printed or archived versions.**