



**Teachers' Retirement System
Policy 1-0700-001
Policy of Nondiscrimination in Employment
and Provision of Services**

Section: Governance
Implementer: TRS Legal

Effective Date: February 11, 2011

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.

Glossary:

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

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

Policy:

- A. TRS will recruit, appoint, assign, train, evaluate, and promote personnel on the basis of merit and qualifications without regard to race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin.

- B. TRS will provide services and benefits as a public retirement system with regard only for a participant's qualifications for services and benefits, and without regard for race, color, religion, creed, political ideas, sex, age, marital status, physical or mental disability, or national origin, except to the extent that consideration for age, marital status, or physical or mental disability is appropriately considered as a qualification for services or benefits.
- C. 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.
- D. TRS will include a provision in any contract with a third party contractor to ensure the third party contractor complies with subparts A, B, and C of this policy.
- E. 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.
- F. 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.

Cross References:

Montana Operations Manual (MOM) III Policy 3-0630, Non-Discrimination – EEO (ARM 2.21.4001 - .4014)

Montana Human Rights Act (§49-2-101, et seq., MCA)

Montana Governmental Code of Fair Practices (§49-3-101, et seq., MCA)

Gov. Exec. Order 48-2008 (Equal Employment Opportunity, Non-Discrimination, and Harassment Prevention)

Signature:

By board action taken on (date) _____, 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 Peiffer, Board Chair

_____/s/s_____
Signature

TRS policies may be amended or revoked from time to time, with amendments and revocations 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 posted on the TRS website, which may be accessed at www.trs.mt.gov/Policy/Policy.asp. Any deviation between the official version of a policy and a printed version will be resolved in favor of the official version. Hardcopy prints of policies will be dated as of the date of printing. Please make certain to review the material online prior to placing reliance on a printed version.