



Montana Department of
LABOR & INDUSTRY

Labor Standards Bureau

Employment Relations Division

Wage & Hour Unit

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WAGE & HOUR QUESTIONNAIRE

1.	The school district can require an employee to receive their wages in the form of direct deposit.	__True __False
2.	An employer has established that timesheets are due on the 1 st and 15 th of the month. If the employee fails to provide the timesheets by that date, the employer can delay payment to the next pay period.	__True __False
3.	If an employee is terminated or laid off by an employer, that employee would need to be paid their final check immediately unless the employer has a written personnel policy which extends the time of final paycheck to the next pay period or within 15 days after separation, whichever occurs first.	__True __False
4.	An employee turns in their resignation and gives the employer a two-week notice. The employer wants to fill the position immediately and terminates the employee upon receiving the resignation. The employer is not signatory to a union contract. Since the employee gave the employer notice, the employer is obligated to provide two weeks of severance pay even though the employee was terminated upon this resignation.	__True __False
5.	The employer can require an employee to pick up their final check at the business location.	__True __False
6.	When an employer provides an employee company property such as keys, uniforms or equipment, the employer can require the employee to return these items prior to issuing a final paycheck.	__True __False
7.	An employee is moving computer equipment when a laptop slips and breaks. The employer has a company policy to withhold damages from the employee's paycheck. The employee signed the handbook acknowledging they are aware of the policy so the employer can withhold the damages or cost of replacement from their paycheck.	__True __False
8.	A workweek is defined as a period of 168 hours during seven consecutive 24-hour periods. The work week can begin any day of the week at any hour of the day as established by the employer.	__True __False
9.	It is the employee's responsibility to keep track of all hours worked and to provide that information to the employer.	__True __False
10.	Montana's minimum wage is the same as the federal minimum wage, which is \$7.25 per hour.	__True __False
11.	Holiday pay does not have to be included in the calculation of overtime.	__True __False
12.	An employee is paid biweekly (every two weeks). The overtime is figured for all hours worked over 80 in the pay period.	__True __False

13.	If a person is hired as office manager and paid on a salary basis with main duties consisting of scheduling employees, bookkeeping and answering the phone, they do not need to be paid overtime.	<input type="checkbox"/> True <input type="checkbox"/> False
14.	Compensatory time can be provided to employees instead of receiving overtime in the public sector.	<input type="checkbox"/> True <input type="checkbox"/> False
15.	An employee works for an employer and earns two different rates of pay. This employee needs to be paid overtime at the last rate worked.	<input type="checkbox"/> True <input type="checkbox"/> False
16.	Certified employees are eligible for overtime compensation if performance of both coaching and teaching exceeds 40 hours in the workweek.	<input type="checkbox"/> True <input type="checkbox"/> False
17.	The employer's policy handbook indicates work hours are from 8:00 a.m. to 5:00 p.m. and they will not pay for any unauthorized overtime. An employee works till 5:30 p.m. (without approval) to finish a project in order to be ready to begin a new project in the morning. Based on the fact the policy indicates approval of overtime before being compensated, the employee does not need to be paid for the extra ½ hour worked.	<input type="checkbox"/> True <input type="checkbox"/> False
18.	An employee is scheduled to work from 8:00 am to 5:00 pm. The employer asks the employee to arrive 15 minutes early to prepare for the day. The employer need not compensate the employee as it is before their shift.	<input type="checkbox"/> True <input type="checkbox"/> False
19.	If an employee is on a school sponsored club, all hours would be considered work time.	<input type="checkbox"/> True <input type="checkbox"/> False
20.	An employer conducts a mandatory staff meeting after regular work hours. The time spent at the meeting is not during their scheduled work time so the employees need not be paid for that time.	<input type="checkbox"/> True <input type="checkbox"/> False
21.	A bus driver is to be compensated only for the time spent driving the bus to a school function out of town.	<input type="checkbox"/> True <input type="checkbox"/> False
22.	An employee lives in Helena and is traveling to Bozeman to attend a training seminar. The employee will leave at 7:00 a.m. and return to Helena at 6:30 p.m. on the same day. The employee normally works an 8 hour day. This employee only needs to be compensated for a regular 8 hour day.	<input type="checkbox"/> True <input type="checkbox"/> False
23.	At the end of the school year, the school district can opt to pay out vacation leave or carry the balance over to the next school year.	<input type="checkbox"/> True <input type="checkbox"/> False
24.	It is required by both federal and state law that employees are to receive a 15 minute break for every four hours worked and a lunch break of at least 30 minutes for every six hours of work.	<input type="checkbox"/> True <input type="checkbox"/> False

WAGE & HOUR LAWS ADMINISTERED BY WAGE & HOUR

WAGES & WAGE PROTECTION

MINIMUM WAGE AND OVERTIME LAWS

CHILD LABOR / YOUTH EMPLOYMENT

PREVAILING WAGE LAW

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1-800-332-2272
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WAGES & WAGE PROTECTION

Defines Employment --- (§ 39-3-201, MCA)

- *Employ means to permit or suffer to work*
- *Employee includes any person who works for another for hire, except that the term does not include a person who is an independent contractor.*
- *Employer includes any individual, partnership, association, corporation, business trust, legal representative, or organized group of persons acting directly or indirectly in the interest of an employer in relation to an employee*

Defines Wages --- (§ 39-3-201(6)(a), MCA)

Any money due an employee from the employer or employers, whether to be paid by the hour, day, week, semi-monthly or yearly and shall include bonus, piece work, tips and gratuities of any kind.

Establishes when wages are due and payable --- (§§ 39-3-204 & 205, MCA)

- *Within ten (10) business days after they are due and payable while the employee is still employed. If, an employee does not submit their timesheet by the employer's established deadline for processing timesheets, the employer may opt to not pay the employee until the next scheduled pay period.*
- *If the employee quits, wages are on the next pay day for the period in which the employee was separated, or 15 days, whichever occurs first. This applies to public sector, private sector, and employers from within the state of Montana or employers whose payroll originates outside Montana.*
- *If an employee is laid off, or discharged, all wages are due immediately unless the employer has a pre-existing, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 days, whichever occurs first.*
- *Employee may be paid by electronic funds transfer or similar means of direct deposit if employee has consented in writing or electronically, but cannot be required to be paid in this manner.*
- *In the case of an employee discharged for allegations of theft connected to the employee's work, an employer may withhold the value of the theft provided:*
 - 1. the employee agrees in writing to the withholding, or;*
 - 2. charges have been filed with law enforcement within seven (7) business days of separation. If no charges are filed with a court of competent jurisdiction within 30 days of the filing of the report with law enforcement, the wages are due within the 30-day period. If the employee is found not guilty of the charges or the employer withholds in excess of the value of the theft, the court may order the employer to pay the withheld amount plus interest.*

Limits withholdings of wages to room, board and other incidentals furnished by the employer as part of the employment agreement. --- (§ 39-3-204, MCA)

- *Wages cannot be withheld for shortages, damages or mistakes (Attorney General Opinions #17, Volume 36 and #25, Volume 11)*

voids any contract between an employer and employee that does not comply with the wage and hour laws. --- (§ 39-3-208, MCA)

RECORDS REQUIRED TO BE KEPT

(ARM, 24.16.6102)

Records required for exempt employees differ from those for nonexempt workers. Also, special information is required on employees under uncommon pay arrangements or to whom board, lodging or other facilities are furnished. Records of the required information must be preserved for at least three (3) years.

- Name in full
- Home address
- Time of day and day of week employee's workweek begins
- Regular hourly rate of pay and length of pay period
- Hours worked each work day and total hours worked each workweek
- Date of payment and pay period covered by payment
- Social Security Number
- Date of birth
- Total daily or weekly straight time earnings or wages
- Total weekly overtime compensation
- Total additions to or deductions from wages
- Total wages paid each pay period

Statute of Limitations under Montana jurisdiction -- (§ 39-3-207, MCA)

- *An employee has 180 days from the default of the payment to file a wage claim.*
- *An employee may recover wages and penalties for a period of 2 years, 3 years if willful violation*

NOTES

MINIMUM WAGE LAWS

Federal Minimum Wage

\$7.25

Companies automatically covered by the federal Fair Labor Standards Act:

- Any enterprise engaged in interstate commerce or the production of goods through such commerce
- Private hospitals
- Private schools
- Preschools and daycares
- Fraternal organizations
- Sheltered workshops
- Federal employees
- State/public sector employees and employees of the political subdivisions
- Domestic service workers such as maids, chauffeurs, cooks, or full-time babysitters
- Retail and service establishments whose gross annual sales exceeds \$500,000

Any employee individually engaged in interstate commerce – examples:

- Communication and transportation workers
- Employees who handle, ship or receive goods moving in interstate commerce
- Clerical or other workers who regularly use the mail or telephone for interstate communication or who keep records on interstate transactions.
- Employees who regularly cross state lines in the course of their work.

State Minimum Wage

\$8.30*

*This minimum wage rate is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year and the new rate takes effect on January 1st.

- Businesses NOT engaged in interstate commerce with gross annual sales of \$110,000 or less per year may pay \$4.00 per hour if the employee is not covered under the FLSA. (§ 39-3-409, MCA)
- Any employee who is exempt or not covered by the FLSA is covered by Montana state law as is any employee for whom state law establishes a higher standard for payment than does federal law.
- Agricultural employees covered by state law may be paid the applicable minimum hourly wage as provided above or a monthly salary of at least \$635 per month.

If more than 500 man days** are worked for the employer in a quarter year, the FLSA applies and the employee must earn at least minimum wage for all hours worked.

If less than 500 man days** are worked for the employer in a quarter year, state law applies.

** Language used in federal regulations. A man day is when one employee performs at least one hour of work on a day.

Note: Montana laws do not allow a tip credit, meal credit, or training wage.

METHODS OF PAYMENT

- Hourly
- Commission Basis
- Piece Rate
- Salary
- Salary Plus Bonus
- Salary Plus Commission
- Flat Book Rate
- Combination of any of the above

All are wages and must at least equal the applicable minimum wage for each hour of work unless a specific exemption applies.

WORKWEEK

Basis for determining if minimum wage is met and overtime due.

The workweek is a regularly recurring period of 168 hours in the form of seven consecutive 24-hour periods. Each workweek stands alone and cannot be averaged together. (ARM, 24.16.501)

A pay period and a workweek do not necessarily need to be the same.

REGULAR RATE

The regular rate is determined by dividing the total wages for employment in any workweek by the total number of hours actually worked in that workweek for which such compensation was paid.

Calculations:

Weekly: $\$350 \div 40 \text{ hrs/week} = \8.75

Bi-Weekly: $\$675 \times 26 \text{ pay periods/yr} \div 52 \text{ weeks/yr} \div 40 \text{ hrs/week} = \8.44

Semi-Monthly: $\$725 \times 24 \text{ pay periods/yr} \div 52 \text{ weeks/yr} \div 40 \text{ hrs/week} = \8.37 (twice per month)

Monthly: $\$1500 \times 12 \text{ months/yr} \div 52 \text{ weeks/yr} \div 40 \text{ hrs/week} = \8.65

Regular rate may not be less than the applicable minimum wage.

Example:

An employee is paid on a commission or piece rate basis and is paid biweekly. The first week in the pay period the employee works 50 hours and earns \$350.00 so the regular rate equals \$7.00. The employer must make up the \$1.30 per hour difference between \$7.00 and \$8.30 per hour to ensure minimum wage is paid that week. The employee would then be entitled to overtime compensation at time and one-half minimum wage. The second week the employee works 30 hours and earns \$270.00 so the regular rate is \$9.00 per hour. The weeks are not averaged together.

NOTES

OVERTIME LAWS

A **non-exempt employee (Classified)** must be paid at a rate of one and one-half times the regular rate for all hours worked over 40 in a workweek. (§ 39-3-405, MCA)

Holiday pay, sick leave, and vacation hours do not count toward the 40 hours. (ARM, 24.16.2503)

Workweeks cannot be averaged together. (ARM, 24.16.501)

An **exempt employee** must meet certain criteria to be exempt or excluded from overtime. (§ 39-3-406, MCA)

COMPENSATORY TIME

Public Sector (State, County, City government or any political subdivision and School Districts):

- Permissible in public sector for exempt and nonexempt employees following rules and regulations established under the federal Fair Labor Standards Act (FLSA) § 553.20
- Limits the amount of comp time earned to 480 for employees engaged in public safety activities, emergency response activities, or a seasonal activity. If work does not involve these activities, compensatory time is limited to 240 hours. If the employee exceeds these limits, the time must be paid in overtime compensation. FLSA § 553.21 (3)(a).
- Non-exempt public employees accumulate comp time at 1½ hours for every hour over 40 within a workweek**

Private Sector (Non-government employers):

- Banking of overtime hours is not allowed.

OVERTIME CALCULATIONS

Hourly: An employee paid at an hourly rate is entitled to overtime pay at time and one-half.

Example: An employee is paid on a weekly basis at the rate of \$8.30 per hour. His workweek is Sunday through Saturday. The employee worked 42 hours during this pay period.

40 hours x \$8.30/hr = \$332.00 regular wages
\$8.30 x 1.5 = \$12.45 overtime rate
\$12.45 x 2 = \$24.90 overtime wages
\$332.00 regular wages + \$24.90 overtime wages = \$356.90 total due

Commission/Piece Rate: The regular rate of an employee paid on a commission, piece rate, or flat book rate basis is arrived at by dividing the total weekly earnings by the total number of hours actually worked in the week. The employee is entitled to payment of one-half this regular rate for each hour worked over 40 - in addition to the full commission or piecework earnings.

Example: Bernadette works 45½ hours and earns \$400.00. Her regular rate is \$8.79 per hour ($\$400 \div 45\frac{1}{2}$ hours). She is entitled to her regular earnings (\$400.00) plus an additional half of her regular rate ($\$8.79 \div 2$) or \$4.39 for each hour worked over 40. In this case, she is due an additional \$24.14 or a total of \$424.14 ($\$400.00 + \24.14) for that workweek.

Salary: An employee paid on a salary basis is entitled to overtime pay at a rate that is based in part on the terms of employment.

Example: 40 Hour Workweek Basis

$$\begin{aligned} \$1800 \times 12 \div 52 \div 40 &= \$10.38 \text{ (regular rate)} \\ \$10.38 \times 1.5 &= \$15.57 \text{ (overtime rate)} \end{aligned}$$

Fluctuating Workweek: This method may not be used unless the salary is sufficiently large to assure no workweek's regular rate is less than the minimum wage and employee clearly understands the salary covers whatever hours the job may demand in a particular workweek and the employer pays the salary even though the workweek is one in which a full schedule of hours is not worked.

Example:

$$\begin{aligned} \text{1st week} &- \$2000 \times 12 \div 52 \div 55 = \$8.39 \text{ (regular rate)} \\ \text{2nd week} &- \$2000 \times 12 \div 52 \div 46 = \$10.03 \text{ (regular rate)} \\ \text{3rd week} &- \$2000 \times 12 \div 52 \div 36 = \$12.82 \text{ (regular rate)} \\ &\text{Regular rate/week} \div 2 = \text{half time overtime rate for hours worked over 40} \end{aligned}$$

*We recommend the pay agreement be in writing.

Different Rates of Pay: An employer who pays an employee at two different rates, has a choice to pay the overtime using the highest rate or determining the weighted average.

Weighted average: Employees who perform different types of work for which they receive varying rates of pay must be paid overtime at a weighted average hourly rate.

Example: One week an employee works in a janitor position for 36 hours for which \$8.30 per hour is paid. The employee then spends 10 hours in a coaching position for which \$9.00 per hour is paid. The wages are computed as follows:

$$\begin{aligned} 36 \text{ hours} \times \$8.30 \text{ per hour} &= \$298.80 \\ \underline{10 \text{ hours}} \times \$9.50 \text{ per hour} &= \$ \underline{95.00} \\ 46 \text{ hours worked} &\quad \$393.80 \text{ regular earnings} \\ \\ \$393.80 \div 46 \text{ hours} &= \text{regular rate} = \$8.56 \text{ per hour} \\ \$8.56 \div 2 &= \frac{1}{2} \text{ time rate} = \$4.28 \text{ per hour} \\ \$4.28 \times 6 \text{ overtime hours} &= \$25.68 \text{ overtime earnings} \\ \\ \$393.80 & \\ \underline{\$ 25.68} & \\ \$419.48 &\text{ total due} \end{aligned}$$

NOTES 

“PART 541” EXEMPTIONS

Executive Employee

When applying the executive exemption under state jurisdiction, ARM, 24.16.211, provides:

"(3) The following federal regulations are adopted by reference...(b) 29 CFR part 541, subpart B, as in effect on July 1, 2009."

Title 29 of the Code of Federal Regulations (CFR) Part 541.100 (Subpart B - Executive Employees) states:

"(a) The term "employee employed in a bona fide executive capacity" in section (13)(a)(1) of the Act shall mean any employee:

- (1) Compensated on a salary basis at a rate of not less than \$455 per week...exclusive of board, lodging or other facilities;
- (2) Whose primary duty is management of the enterprise in which the employee is employed or of a customarily recognized department or subdivision thereof;
- (3) Who customarily and regularly directs the work of two or more other employees; and
- (4) Who has the authority to hire or fire other employees or whose suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees are given particular weight."

Administrative Employee

When applying the administrative exemption under state jurisdiction, ARM, 24.16.211, provides:

"(3) The following federal regulations are adopted by reference...(c) 29 CFR part 541, subpart C, as in effect on July 1, 2009."

Title 29 of the CFR Part 541.200 (Subpart C - Administrative Employees) states:

"(a) The term "employee employed in a bona fide administrative capacity" in section 13(a)(1) of the Act shall mean any employee:

- (1) Compensated on a salary or fee basis at a rate of not less than \$455 per week...exclusive of board, lodging or other facilities;
- (2) Whose primary duty is the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
- (3) Whose primary duty includes the exercise of discretion and independent judgment with respect to matters of significance."

NOTES

“PART 541” EXEMPTIONS (continued)

Professional Employee (Certified)

When applying the professional exemption under state jurisdiction, ARM, 24.16.211, provides:

"(3) The following federal regulations are adopted by reference...(d) 29 CFR part 541, subpart D, as in effect on July 1, 2009."

Title 29 of the CFR Part 541.300 (Subpart D - Professional Employees) states:

"(a) The term "employee employed in a bona fide professional capacity" in section 13(a)(1) of the Act shall mean any employee:

(1) Compensated on a salary or fee basis at a rate of not less than \$455 per week...exclusive of board, lodging, or other facilities; and

(2) Whose primary duty is the performance of work;

(i) Requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction; or

(ii) Requiring invention, imagination, originality or talent in a recognized field of artistic or creative endeavor."

Other important factors to consider when applying Administrative, Executive, and Professional exemptions:

- ❖ Title 29 CFR Part 541, Subpart G – Salary Requirements
- ❖ Title 29 CFR Part 541, Subpart H – Definitions and Miscellaneous Provisions

Computer Employee

On October 1, 2013, Montana enacted a new minimum wage and overtime exemption which applies to computer related occupations. As Montana did not recognize the computer exemption until October 1, 2013, no exemption of this nature may be applied prior to October 1, 2013.

Section 39-3-406(1)(j), MCA states "...a computer systems analyst, computer programmer, software engineer, network administrator, or other similarly skilled computer employee who earns not less than \$27.63 an hour pursuant to 29 CFR 541.400 or 541.402..."

29 CFR Part 541.400 states, in pertinent part:

"...job titles vary widely and change quickly in the computer industry, job titles are not determinative of the applicability of this exemption..."

(1) The application of systems analysis techniques and procedures, including consult

(2) The design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications;

(3) The design, documentation, testing, creation or modification of computer programs related to machine operating systems; or

(4) A combination of the aforementioned duties, the performance of which requires the same level of skills..."

The federal law allows for an exemption when the employee meets either a salary or the hourly criteria. However, when the state and federal law are not the same, the law with the higher standard would apply. Since Montana law specifically refers to the hourly rate or its equivalent, in order to meet the exemption, the employee must be paid \$27.63 per hour or a salary which would, if divided by the total number of hours worked in the workweek, equate to \$27.63 per hour.

HOURS WORKED

Includes all the time an employee is required to be on duty or on the employer's premises or at a prescribed work place and all the time during which he is suffered or permitted to work for the employer. --- (ARM, 24.16.1005)

Time spent waiting --- Waiting to be engaged/Engaged to Wait (ARM, 24.16.1005)

Preparatory and concluding activities --- (ARM, 24.16.1008)

Staff/Business meetings and training are not work time if: --- (ARM, 24.16.1009)

- *attendance is outside of employee's regular working hours,*
- *attendance is voluntary,*
- *not directly related to employee's job, **and***
- *employee does not perform any productive work during attendance*

On call time --- (ARM, 24.16.1005)

Sleeping time --- (ARM, 24.16.1007)

- 24 hours or more
- Less than 24 hours

Rest breaks --- (ARM, 24.16.1006(1))

There is **not** a federal or Montana state law that requires an employer to furnish a rest break (coffee break); however, if provided the time spent on the break is work time.

Meal periods --- (ARM, 24.16.1006(2))

There is **not** a federal or Montana state law that requires an employer to furnish a meal break; however, if provided the following criteria would need to be met for it to be a bona fide period in which the time is not work time:

- employee completely relieved of duty
- at least 30 minutes in duration

NOTES

TRAVEL TIME

General Rule for Travel Time (ARM, 24.16.1010): For those individuals and enterprises NOT exempt from overtime and/or minimum wage or for employees whose travel time is NOT covered by a collective bargaining agreement:

- Time spent in a travel status may be considered work time for wage payment purposes and for purposes of minimum wage and overtime calculation.
- Time spent in travel to special events, such as training or conferences, whether for a day or for periods of overnight duration, may also be work time.

Not all circumstances can be addressed, for instance the applicability of collective bargaining agreements, but the applications contained herein are intended to address common travel situations.

Realize, the following are only examples and each travel situation needs to be weighed based on its own merits to determine whether it is work time or not.

How is the general rule applied?

1. Normal travel from the home of the employee to the place of business of the employer is not work time. For instance, if the work starts at 8:00 and the employee leaves home at 7:30, time spent in travel to the place of business where the principal activity is performed is not work time.
2. If the employer requires the employee to report to a shop or the employer's principal office either at the beginning of the day, or at the conclusion of the day, any time spent traveling from the shop to the first location or from the last location to the shop is work time.
3. Time spent traveling between job sites is all in a day's work and is considered work time. For instance, a plumber who arrives at the shop and travels to the different worksites throughout the day is working while traveling from the worksite to worksite.
4. Time spent traveling to other sites during the day is work time, as is time spent returning to the shop from the last work location. If the employee is relieved from duty after working at the last location and it is not required to report back to the shop, travel to home from that location is not work time, unless there is an agreement to the contrary.
5. A work crew is given the option of meeting at the employer's premises at 7:30 a.m. to ride to the job site in the company vehicle or reporting to the job site at 8:00 a.m. However, the crew leader is required to drive the company truck from the employer's premises to the job site to transport tools and employees.
- 6.

The travel time from 7:30 to 8:00 a.m. for the crew choosing to ride in the company's vehicle is home to work travel and does not need to be counted as hours worked, provided the employees do not perform any work prior to traveling to the job site, i.e. loading the truck with tools and supplies. However, travel time for the crew leader required to drive the company vehicle is work time, as it is work for the employer's benefit at the employer's request.

7. A mechanic's normal workday is 8:00 a.m. to 5:00 p.m. However, the mechanic receives a phone call at 9:00 p.m. requesting he go to a customer's shop to repair a malfunctioning machine. Travel time from the worker's home to the customer's shop and back is work time.

8. An asbestos removal company contracts jobs throughout the state. Employees report to the various job sites at 8:00 a.m. each day for the duration of each project. This work on various job sites is a normal part of this type of employment and would not be considered special assignments. Employees travel to and from the distant locations on a daily basis or may choose to temporarily reside in the area. Travel time is home to work travel and does not need to be counted as hours worked.
9. An employee who normally finishes the day's work on the employer's premises at 5:00 p.m. is sent to a job site completing work at 8:00 p.m. The employee is allowed to return home from the job site instead of returning to the employer's premises. The travel from the job site to the employee's home is home-to-work travel and not hours worked, except for any time spent in travel which exceeds the employee's normal home-to-work travel time. The difference is then compensable.
10. An employee who regularly works at a fixed site is given a special one-day assignment in another city. The employee's usual workday ends at 5:00 p.m. The special assignment is completed at 4:00 p.m.; the employee arrives at the airport in his home community at 7:00 p.m., and arrives home at 7:30 p.m. In this case, the travel time between the assignment and airport (between 4:00 and 7:00 p.m.) is work time since the travel was performed for the employer's benefit, at the employer's request. The half-hour travel time between the employee's home and the airport may be considered home-to-work travel time, and does not need to be counted as hours worked.

If the employee in this example had been unable to get a flight home the same day, and had to take an 8:00 a.m. flight the next morning, the time between 4:00 p.m. and 8:00 a.m. the following morning is not work time, if the employee is completely relieved of all duties.

11. Employees of a janitorial company meet at the employer's premises at 6:00 p.m. Employees are assigned to clean several businesses each evening. Employees travel to the various work locations and may return to the employer's premises during the workday for supplies. This travel time between work locations and between the employer's and work location is during the course of a normal workday and is work time.

Exceptions to the General Travel Time Rule:

Emergency or call out situations: For instance, if an employee is subject to call out and is called to duty at a location other than their normal work site, the time spent traveling to that work site from their home is work time as is time spent traveling from that work site to their home.

The call to duty and associated travel time is all in the day's work as this is a special circumstance.

NOTES

WAGE AND HOUR LAWS DO NOT REQUIRE

Private Sector:

- Vacation pay
 - If promised, earned, and usable, vacation time is due and payable as wages - Langager vs. Crazy Creek Products, Inc., (Mont 1998)
- Paid Time Off (PTO)
 - Look to employer's policy to enforce – McConkey vs. Flathead Electric Co-Op (Mont. 2005)
- Sick pay
- Holiday pay/holidays off
- Rest breaks
- Meal periods
- Pay raises or fringe benefits
- Time clocks to be used
 - *** If using a time clock, rounding practices to the nearest one-tenth or quarter of an hour is acceptable. (ARM, 24.16.1012(3)(b))

Public Sector:

- § 2-18-601 et seq., MCA – provides statutory benefits for vacation, sick, and holiday pay

TITLE 2 Part 6 Leave Time

2-18-601. Definitions. For the purpose of this part, the following definitions apply:

- (1) (a) "Agency" means any legally constituted department, board, or commission of state, county, or city government or any political subdivision of the state.
- (b) The term does not mean the state compensation insurance fund.
- (2) "Break in service" means a period of time in excess of 5 working days when the person is not employed and that severs continuous employment.
- (3) "Common association" means an association of employees established pursuant to **2-18-1310** for the purposes of employer and employee participation in the plan.
- (4) "Continuous employment" means working within the same jurisdiction without a break in service of more than 5 working days or without a continuous absence without pay of more than 15 working days.
- (5) "Contracting employer" means an employer who, pursuant to **2-18-1310**, has contracted with the department of administration to participate in the plan.
- (6) "Employee" means any person employed by an agency except elected state, county, and city officials, schoolteachers, members of the instructional or scientific staff of a community college, persons contracted as independent contractors or hired under personal services contracts, and student interns.
- (7) "Full-time employee" means an employee who normally works 40 hours a week.
- (8) "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in **1-1-216** or **20-1-305**, except Sundays.
- (9) "Member" means an employee who belongs to a voluntary employees' beneficiary association established under **2-18-1310**.
- (10) "Part-time employee" means an employee who normally works less than 40 hours a week.
- (11) "Permanent employee" means a permanent employee as defined in **2-18-101**.

(12) "Plan" means the employee welfare benefit plan established under Internal Revenue Code section 501(c)(9) pursuant to **2-18-1304**.

(13) "Seasonal employee" means a seasonal employee as defined in **2-18-101**.

(14) "Short-term worker" means:

(a) for the executive and judicial branches, a short-term worker as defined in **2-18-101**; or

(b) for the legislative branch, an individual who:

(i) may be hired by a legislative agency without using a competitive process for an hourly wage established by the agency;

(ii) may not work for the agency for more than 6 months in a continuous 12-month period;

(iii) is not eligible for permanent status;

(iv) may not be hired into a permanent position by the agency without a competitive selection process;

(v) is not eligible to earn the leave and holiday benefits provided in this part; and

(vi) may be discharged without cause.

(15) "Sick leave" means a leave of absence with pay for:

(a) a sickness suffered by an employee or a member of the employee's immediate family; or

(b) the time that an employee is unable to perform job duties because of:

(i) a physical or mental illness, injury, or disability;

(ii) maternity or pregnancy-related disability or treatment, including prenatal care, birth, or medical care for the employee or the employee's child;

(iii) parental leave for a permanent employee as provided in **2-18-606**;

(iv) quarantine resulting from exposure to a contagious disease;

(v) examination or treatment by a licensed health care provider;

(vi) short-term attendance, in an agency's discretion, to care for a relative or household member not covered by subsection (15)(a) until other care can reasonably be obtained;

(vii) necessary care for a spouse, child, or parent with a serious health condition, as defined in the Family and Medical Leave Act of 1993; or

(viii) death or funeral attendance of an immediate family member or, at an agency's discretion, another person.

(16) "Student intern" means a student intern as defined in **2-18-101**.

(17) "Temporary employee" means a temporary employee as defined in **2-18-101**.

(18) "Transfer" means a change of employment from one agency to another agency in the same jurisdiction without a break in service.

(19) "Vacation leave" means a leave of absence with pay for the purpose of rest, relaxation, or personal business at the request of the employee and with the concurrence of the employer.

2-18-603. Holidays -- observance when falling on employee's day off. (1) (a) A full-time employee who is scheduled for a day off on a day that is observed as a legal holiday, except Sundays, is entitled to receive a day off with pay either on the day preceding the holiday or on another day following the holiday in the same pay period or as scheduled by the employee and the employee's supervisor, whichever allows a day off in addition to the employee's regularly scheduled days off, provided the employee is in a pay status on the employee's last regularly scheduled working day immediately before the holiday or on the employee's first regularly scheduled working day immediately after the holiday.

(b) Part-time employees receive pay for the holiday on a prorated basis according to rules adopted by the department of administration or appropriate administrative officer under **2-18-604**.

(c) A short-term worker may not receive holiday pay.

(2) For purposes of this section, the term "employee" does not include nonteaching school district employees.

2-18-604. Administration of rules. The department of administration or the administrative officer of any county, city, or political subdivision is responsible for the proper administration of the employee annual, sick, or military leave provisions and the jury duty provisions found in this part and may, when necessary, promulgate rules necessary to achieve the uniform administration of these provisions and to prevent the abuse of these provisions. When promulgated, the rules are effective as to all employees of the state or any county, city, or political subdivision of the state.

2-18-611. Annual vacation leave. (1) Each permanent full-time employee shall earn annual vacation leave credits from the first day of employment. Vacation leave credits earned must be credited at the end of each pay period. However, employees are not entitled to any vacation leave with pay until they have been continuously employed for a period of 6 calendar months.

(2) Seasonal employees earn vacation credits. However, seasonal employees must be employed for 6 qualifying months before they may use the vacation credits. In order to qualify, seasonal employees shall immediately report back for work when operations resume in order to avoid a break in service.

(3) Permanent part-time employees are entitled to prorated annual vacation benefits if they have worked the qualifying period.

(4) An employee may not accrue annual vacation leave credits while in a leave-without-pay status.

(5) Temporary employees earn vacation leave credits but may not use the credits until after working for 6 qualifying months.

(6) A short-term worker or a student intern, as both terms are defined in **2-18-601**, may not earn vacation leave credits, and time worked as a short-term worker or as a student intern does not apply toward the person's rate of earning vacation leave credits.

2-18-612. Rate earned. (1) Vacation leave credits are earned at a yearly rate calculated in accordance with the following schedule, which applies to the total years of an employee's employment with any agency whether the employment is continuous or not:

Years of employment	Working days credit
1 day through 10 years	15
10 years through 15 years	18
15 years through 20 years	21
20 years or more	24

(2) (a) For the purpose of determining years of employment under this section, an employee eligible to earn vacation credits under **2-18-611** must be credited with 1 year of employment for each period of:

(i) 2,080 hours of service following the date of employment. An employee must be credited with 80 hours of service for each biweekly pay period in which the employee is in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in the pay period.

(ii) 12 calendar months in which the employee was in a pay status or on an authorized leave of absence without pay, regardless of the number of hours of service in any 1 month. An employee of a school district, a school at a state institution, or the university system must be credited with 1 year of service if the employee is employed for an entire academic year.

(b) State agencies, other than the university system and a school at a state institution, shall use the method provided in subsection (2)(a)(i) to calculate years of service under this section.

2-18-614. Military leave considered service. A period of absence from employment with the state, county, or city occurring either during a war involving the United States or in any other national emergency and for 90 days thereafter for one of the following reasons is considered as service for the purpose of determining the number of years of employment used in calculating vacation leave credits under this section:

(1) having been ordered on active duty with the armed forces of the United States;

(2) voluntary service on active duty in the armed forces or on ships operated by or for the United States government; or

(3) direct assignment to the United States department of defense for duties related to national defense efforts if a leave of absence has been granted by the employer.

2-18-615. Absence because of illness not chargeable against vacation unless employee approves. Absence from employment by reason of illness shall not be chargeable against unused vacation leave credits unless approved by the employee.

2-18-616. Determination of vacation dates. The dates when employees' annual vacation leaves are granted must be determined by agreement between each employee and the employing agency with regard to the best interest of the state or any county or city of the state as well as the best interests of each employee.

2-18-617. Accumulation of leave -- cash for unused -- transfer. (1) (a) Except as provided in subsection

(1)(b), annual vacation leave may be accumulated to a total not to exceed two times the maximum number of days earned annually as of the end of the first pay period of the next calendar year. Excess vacation time is not forfeited if taken within 90 calendar days from the last day of the calendar year in which the excess was accrued.

(b) It is the responsibility of the head of an employing agency to provide reasonable opportunity for an employee to use rather than forfeit accumulated vacation leave. If an employee makes a reasonable written request to use excess vacation leave before the excess vacation leave must be forfeited under subsection (1)(a) and the employing agency denies the request, the excess vacation leave is not forfeited and the employing agency shall ensure that the employee may use the excess vacation leave before the end of the calendar year in which the leave would have been forfeited under subsection (1)(a).

(2) (a) An employee who terminates employment for a reason not reflecting discredit on the employee and who has worked the qualifying period set forth in **2-18-611** is entitled upon the date of termination to either:

(i) cash compensation for unused vacation leave if the employee is not subject to subsection (2)(a)(ii); or
(ii) conversion of the employee's unused vacation leave balance to an employer contribution to an employee welfare benefit plan health care expense trust account established pursuant to **2-18-1304** if:

(A) the employee is a member who belongs to a voluntary employees' beneficiary association established under **2-18-1310**; and

(B) the contracting employer has entered into an agreement with members of the common association for an employer contribution based on unused vacation leave provided for in **2-18-611**.

(b) Vacation leave contributed to the sick leave fund, provided for in **2-18-618**, is nonrefundable and is not eligible for cash compensation upon termination.

(3) If an employee transfers between agencies of the same jurisdiction, cash compensation may not be paid for unused vacation leave. In a transfer, the receiving agency assumes the liability for the accrued vacation credits transferred with the employee.

(4) An employee may contribute accumulated vacation leave to a nonrefundable sick leave fund provided for in **2-18-618**. The department of administration shall, in consultation with the state employee group benefits advisory council, provided for in **2-15-1016**, adopt rules to implement this subsection.

(5) This section does not prohibit a school district from providing cash compensation for unused vacation leave in lieu of the accumulation of the leave, either through a collective bargaining agreement or, in the absence of a collective bargaining agreement, through a policy.

2-18-618. Sick leave. (1) A permanent full-time employee earns sick leave credits from the first day of employment. For calculating sick leave credits, 2,080 hours (52 weeks x 40 hours) equals 1 year. Sick leave credits must be credited at the end of each pay period. Sick leave credits are earned at the rate of 12 working days for each year of service without restriction as to the number of working days that may be accumulated. Employees are not entitled to be paid sick leave until they have been continuously employed 90 days.

(2) An employee may not accrue sick leave credits while in a leave-without-pay status.

(3) Permanent part-time employees are entitled to prorated leave benefits if they have worked the qualifying period.

(4) Full-time temporary and seasonal employees are entitled to sick leave benefits provided they work the qualifying period.

(5) A short-term worker may not earn sick leave credits.

(6) Except as otherwise provided in **2-18-1311**, an employee who terminates employment with the agency is entitled to a lump-sum payment equal to one-fourth of the pay attributed to the accumulated sick leave. The pay attributed to the accumulated sick leave must be computed on the basis of the employee's salary or wage at the time the employee terminates employment with the state, county, or city. Accrual of sick leave credits for calculating the lump-sum payment provided for in this subsection begins July 1, 1971. The payment is the responsibility of the agency in which the sick leave accrues. However, an employee does not forfeit any sick leave rights or benefits accrued prior to July 1, 1971. However, when an employee transfers between agencies within the same jurisdiction, the employee is not entitled to a lump-sum payment. In a transfer between agencies, the receiving agency shall assume the liability for the accrued sick leave credits earned after July 1, 1971, and transferred with the employee.

(7) An employee who receives a lump-sum payment pursuant to this section or who, pursuant to **2-18-1311**, converts unused sick leave to employer contributions to a health care expense trust account and who is again employed by any agency may not be credited with sick leave for which the employee has previously been compensated or for which the employee has received an employer contribution to the health care expense trust

account.

(8) Abuse of sick leave is cause for dismissal and forfeiture of the lump-sum payments provided for in this section.

(9) An employee of a state agency may contribute any portion of the employee's accumulated sick leave or accumulated vacation leave to a nonrefundable sick leave fund for state employees and becomes eligible to draw upon the fund if an extensive illness or accident exhausts the employee's accumulated sick leave, irrespective of the employee's membership or nonmembership in the employee welfare benefit plan established pursuant to **2-18-1304**. The department of administration shall, in consultation with the state employee group benefits advisory council, provided for in **2-15-1016**, administer the sick leave fund and adopt rules to implement this subsection.

(10) A local government may establish and administer through local rule a sick leave fund into which its employees may contribute a portion of their accumulated sick leave or vacation leave.

2-18-619. Jury duty -- service as witness. (1) Each employee who is under proper summons as a juror shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Juror fees must be applied against the amount due the employee from the employer. However, if an employee elects to use annual leave to serve on a jury, the employee may not be required to remit the juror fees to the employer. An employee is not required to remit to the employer any expense or mileage allowance paid by the court.

(2) An employee subpoenaed to serve as a witness shall collect all fees and allowances payable as a result of the service and forward the fees to the appropriate accounting office. Witness fees must be applied against the amount due the employee from the employer. However, if an employee elects to use annual leave to serve as a witness, the employee may not be required to remit the witness fees to the employer. An employee is not required to remit to the employer any expense or mileage allowances paid by the court.

(3) Employers may request the court to excuse their employees from jury duty if they are needed for the proper operation of a unit of state or local government.

2-18-621. Unlawful termination -- unlawful payments. (1) It is unlawful for an employer to terminate or separate an employee from employment in an attempt to circumvent the provisions of **2-18-611**, **2-18-612**, and **2-18-614**. If a question arises under this subsection, it must be submitted to arbitration as provided in Title 27, chapter 5, as if an agreement described in **27-5-114** is in effect, unless there is an applicable collective bargaining agreement to the contrary.

(2) (a) An employee who terminates employment is entitled to receive only:

(i) payments for accumulated wages, vacation leave as provided in **2-18-617**, sick leave as provided in **2-18-618**, and compensatory time earned as provided in the rules or policies of the employer; and

(ii) if the termination is the result of a reduction in force, severance pay and a retraining allowance as provided for in **2-18-622**.

(b) An employee who terminates employment may not receive severance pay, a bonus, or any other type of monetary payment not described in subsection (2)(a)(i) or (2)(a)(ii).

(3) Subsection (2) does not apply to:

(a) retirement benefits;

(b) a payment, settlement, award, or judgment that involves a potential or actual cause of action, legal dispute, claim, grievance, contested case, or lawsuit; or

(c) any other payment authorized by law.

2-18-622. Reduction in force -- severance pay and retraining allowance required. If a reduction in force is necessary, the state may provide severance pay and a retraining allowance. Within a collective bargaining unit, severance pay and the retraining allowance are negotiable subjects under **39-31-305**.

2-18-627. Paid leave for disaster relief volunteer service. (1) An agency may grant to a state employee up to 15 days in a calendar year of a paid leave of absence for the employee to participate in specialized disaster relief services for the American red cross if:

(a) the employee is a certified American red cross disaster relief volunteer; and

(b) the American red cross has requested the employee's services.

(2) Leave time granted pursuant to this section:

- (a) must be paid at the regular rate of compensation, including regular group, retirement, or leave accrual benefits, for the regular work hours during which the employee is absent from the employee's regular duties;
 - (b) commences upon approval of the employee's employing agency; and
 - (c) may not be charged against any other leave to which the employee is entitled.
- (3) For purposes of this section, the following definitions apply:
- (a) "Agency" has the meaning provided in **2-18-101**.
 - (b) "Employee" means any person employed by an agency, except an elected official.

Additional References

20-1-101 (29), MCA, teacher definition:

- "Teacher" means a person, except a district superintendent, who holds a valid Montana teacher certificate that has been issued by the superintendent of public instruction under the provisions of this title and the policies adopted by the board of public education and who is employed by a district as a member of its instructional, supervisory, or administrative staff. This definition of a teacher includes a person for whom an emergency authorization of employment has been issued under the provisions of **20-4-111**.

Duties of Teacher – Nonpayment for Failure to Comply, 20-4-301, MCA:

- (1) A teacher under contract with a district shall:
- (a) conform to and enforce the laws, board of public education policies, and policies of the trustees of the district;
 - (b) use the course of instruction prescribed by the trustees;
 - (c) keep, in a neat and businesslike manner, a teacher's register of attendance and grades;
 - (d) within 10 days after the conclusion of each school semester, prepare a report that must include the pupil attendance and absence data from the teacher's register and grades. The report must be submitted to:
 - (i) the district superintendent, if there is one;
 - (ii) the principal of the school, if there is one and there is no district superintendent; or
 - (iii) the county superintendent or all county superintendents when the teacher is reporting for a joint district, if there is no district superintendent or principal.
 - (e) exercise due diligence in the care of school grounds and buildings, furniture, equipment, books, and supplies; and
 - (f) provide moral and civic instruction by:
 - (i) endeavoring to impress the pupils with the principles of morality, truth, justice, and patriotism, including any curriculum related to the flag prescribed by the trustees;
 - (ii) teaching the pupils to avoid idleness, profanity, and falsehood;
 - (iii) instructing the pupils in the principles of free government and training them to comprehend the rights, responsibilities, and dignity of American citizenship.
- (2) The trustees are authorized to withhold the salary warrant of any teacher who does not comply with the provisions of subsection (1)(a) or (1)(b) until the teacher does comply with the provisions.
- (3) The trustees may not pay any teacher the teacher's last month's salary until the teacher has provided a complete and accurate semester report to the required person, as determined by the person and as required in subsection (1)(d).

Holidays defined, 2-18-601 (8), MCA:

- "Holiday" means a scheduled day off with pay to observe a legal holiday, as specified in **1-1-216** or **20-1-305**, except Sundays.

School Holidays, 20-1-305, MCA:

- (1) Pupil instruction and pupil-instruction-related days shall not be conducted on the following holidays:
 - (a) New Year's Day (January 1);
 - (b) Memorial Day (last Monday in May);
 - (c) Independence Day (July 4);
 - (d) Labor Day (first Monday in September);
 - (e) Thanksgiving Day (fourth Thursday in November);
 - (f) Christmas Day (December 25);
 - (g) State and national election days when the school building is used as a polling place and the conduct of school would interfere with the election process at the polling place.
- (2) When these holidays fall on Saturday or Sunday, the preceding Friday or the succeeding Monday shall not be a school holiday.

Legal Holidays and Business Days, 1-1-216, MCA:

- (1) The following are legal holidays in the state of Montana:
 - (a) Each Sunday;
 - (b) New Year's Day, January 1;
 - (c) Martin Luther King Jr. Day, the third Monday in January;
 - (d) Lincoln's and Washington's Birthdays, the third Monday in February;
 - (e) Memorial Day, the last Monday in May;
 - (f) Independence Day, July 4;
 - (g) Labor Day, the first Monday in September;
 - (h) Columbus Day, the second Monday in October;
 - (i) Veterans' Day, November 11;
 - (j) Thanksgiving Day, the fourth Thursday in November;
 - (k) Christmas Day, December 25;
 - (l) State general election day.
- (2)
 - (a) If any of the holidays in subsection (1)(b) through (1)(l) fall on a Sunday, the Monday following is a holiday.
 - (b) If any of the holidays in subsection (1)(b) through (1)(l) fall on a Saturday, the Friday preceding is a holiday.
 - (c) All other days are business days.

School Term, Day, and Week, 20-1-302, MCA:

- (1) Subject to **20-1-301**, **20-1-308**, and any applicable collective bargaining agreement covering the employment of affected employees, the trustees of a school district shall set the number of days in a school term, the length of the school day, and the number of school days in a school week and report them to the superintendent of public instruction.
- (2) When proposing to adopt changes to a previously adopted school term, school week, or school day, the trustees shall:
 - (a) negotiate the changes with the recognized collective bargaining unit representing the employees affected by the changes;
 - (b) solicit input from the employees affected by the changes but not represented by a collective bargaining agreement; and
 - (c) solicit input from the people who live within the boundaries of the school district.

Pupil-Instruction-Related Day, 20-1-304, MCA:

A pupil-instruction-related day is a day of teacher activities devoted to improving the quality of instruction. The activities may include but are not limited to inservice training, attending state meetings of teacher organizations, and conducting parent conferences. A maximum of 7 pupil-instruction-related days may be conducted during a school year, with a minimum of 3 of the days for instructional and professional development meetings or other appropriate inservice training, if the days are planned in accordance with the policy adopted by the board of public education. The days may not be included as a part of the required minimum aggregate hours of pupil instruction.

Commemorative Exercises on Certain Days, 20-1-306, MCA:

- (1) All districts shall conduct appropriate exercises during the school day on the following commemorative days:
 - (a) Lincoln's Birthday (February 12);
 - (b) Washington's Birthday (February 22);
 - (c) Arbor Day (last Friday in April);
 - (d) Flag Day (June 14);
 - (e) Citizenship Day (September 17);
 - (f) American Indian Heritage Day (fourth Friday in September);
 - (g) Columbus Day (October 12);
 - (h) Pioneer Day (November 1);
 - (i) other days designated by the legislature or governor as legal holidays.
- (2) When these commemorative days fall on Saturday or Sunday, exercises may be conducted the preceding Friday.

ADMINISTRATIVE PROCESS

- Assigns the responsibility of administering wage and hour laws to the Commissioner and gives investigative powers to the department's representatives. --- (§§ 39-3-210 & 211, MCA)
- Provides a penalty for failure to pay wages when due and payable in an amount up to 110% on wages not paid as specified above. --- (§ 39-3-206, MCA)
 - ◊ *Lesser penalties under certain circumstances* -- (ARM, 24.16.7556 – 24.16.7569)
- Provides for required mediation of labor law disputes. --- (§ 39-3-216, MCA)
- Provides for an administrative hearing in cases that are not resolved informally. -- (§ 39-3-216, MCA)

COMMON ERRORS

- Misclassifying Independent Contractors
- Assuming all employees paid a salary are not due overtime
- Improperly applying an exemption
- Failing to pay for all hours an employee is "suffered or permitted" to work
- Limiting the number of hours employees are allowed to record
- Failing to include all pay required to be included in calculating the regular rate for overtime
- Making improper deductions from wages.
Examples: shortages, drive-offs, damage, tools, and uniforms
- Confusing Federal and State law

MONTANA PREVAILING WAGE LAW a/k/a LITTLE DAVIS BACON ACT

(ARM, 24.17.101)

The purpose of the Montana Prevailing Wage Law is to protect local labor markets, to maintain the general welfare of Montana workers on public works projects, to eliminate wage cutting as a method of competing for public contracts, to maintain wages and rates paid on public works at a level sufficient to attract highly skilled laborers performing quality workmanship and to prevent the rate of wages from adversely affecting the equal opportunity of Montana contractors to bid on public works. The following explains who is covered and what prevailing wage compliance specialists do:

- Contracts for construction or non-construction services in excess of \$25,000 let by the state, county, municipality, school district, or political subdivision
- Minimum wage amount that workers must be paid on public works contracts (basic hourly rate and fringe benefits)
- Conduct yearly surveys to determine wage rate schedules
- Establish wage rates for use on public works contracts
- Inspect and audit payroll records
- Investigate wage complaints
- Conduct on-site visits on projects
- Educate employers and employees

1. False
2. True
3. True
4. False
5. True
6. False
7. False
8. True
9. False
10. False
11. True
12. False

13. False
14. True
15. False
16. False
17. False
18. False
19. True
20. False
21. False
22. False
23. True
24. False

