



ADMINISTRATIVE RULES OF MONTANA



2.21.3618 INTERNAL PROCEDURES - ENFORCEMENT OF PREFERENCE

- (1) As provided in 39-29-104, MCA, "An applicant who believes that the applicant is entitled to, but has not been given the preference provided in 39-29-102, MCA, may, within 30 days of receipt of the notice of the hiring decision provided for in 39-29-103, MCA, submit to the public employer a written request for an explanation of the public employer's hiring decision."
- (2) The written request for an explanation shall contain, but is not limited to, such information as is necessary to determine:
 - (a) the applicant's name and address;
 - (b) the applicant is requesting an explanation from the hiring authority regarding the hiring decision; and
 - (c) the position for which the person applied.
- (3) As provided in 39-9-104, MCA, "Within 15 days of receipt of the request, the public employer shall give the applicant a written explanation." The written explanation shall contain specific, job-related reasons why the person claiming preference was not hired. The explanation should be dated and identify the specific vacancy in question. The employer should safeguard the confidentiality of information considered in accordance with state and federal law and as provided in ARM 2.21.3616.
- (4) All days are calendar days.

Authorizing statute(s): 39-29-112, MCA

Implementing statute(s): 39-29-104, MCA

History: NEW, 1990 MAR p. 478, Eff. 3/16/90; AMD, 1997 MAR p. 1445, Eff. 8/19/97; AMD, 2000 MAR p. 450, Eff. 2/11/00.