



ADMINISTRATIVE RULES OF MONTANA



2.21.3617 HIRING DECISION

- (1) In making a hiring decision, an agency must be prepared to show:
 - (a) that the appropriate percentage points were added if numerically scored procedures were used;
 - (b) that the preference was given to an applicant with substantially equal qualifications who claimed veterans' preference if non-numerical scored procedures were used; and
 - (c) the agency made a reasonable hiring decision, in accordance with 39-29-104 , MCA.
- (2) Written notice must be given to each applicant claiming preference who is actually considered by the public employer as an applicant for a specific vacancy.
- (3) As provided in 39-29-103 , MCA, "If an applicant for a position makes a timely written preference claim, the public employer shall give written notice of its hiring decision to the applicant claiming preference."
- (4) Public employers who maintain active application files or conduct continuous recruitment must give written notice to each person claiming preference and whose application is active in accordance with the employer's selection procedures and who is actually considered for a specific vacancy. Notice must be given at the time a vacancy is filled or by the end of each month in which a vacancy is filled.
- (5) The public employer must maintain a record of which applicants were notified and the date the notification was sent for at least 90 calendar days after notification of the hiring decision.

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

Implementing statute(s): 39-29-103, 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.