



ADMINISTRATIVE RULES OF MONTANA

24.17.321 PAYMENT OF FRINGE BENEFITS

- (1) All contractors, subcontractors and employers that are required to pay employees the prevailing rate of wages must pay no less than the hourly rate of pay and fringe benefits as determined by the commissioner.
- (2) Apprentices must be paid the percentage of the basic hourly rate required, based on the total time in the craft. If the apprentice performs labor which is subject to a higher wage rate either by contract or by law than that specified in the apprenticeship standards, the higher wage rate shall be paid by the contractor, subcontractor, or employer. In any event, the apprentice is to receive the full amount of the fringe benefits stipulated on the wage decision.
- (3) The provisions of this rule are met when the amount of the fringe benefit or benefits is paid to the employee, in cash, or irrevocable contributions are made to a trustee or a third party administering a fringe benefit or benefits program.
- (4) When a contractor, subcontractor or employer pays an hourly rate of pay which exceeds that determined by the commissioner, the amount by which the rate is exceeded may be credited toward payment of the amount of fringe benefits determined by the commissioner for the trade or occupation.
- (5) When a contractor, subcontractor or employer pays a rate for any one fringe benefit which exceeds that which is determined for the fringe benefit, the amount by which the rate is exceeded may be credited toward payment of the amount to be paid for all fringe benefits as determined by the commissioner for the trade or occupation.
- (6) When a contractor, subcontractor or employer pays an amount for fringe benefits which exceeds the amount of fringe benefits established by the commissioner, the excess amount may be credited towards the hourly rate of pay. In order for the credit to apply, the contractor, subcontractor or employer must have the amount paid for fringe benefits separately identified as required by ARM 24.17.301(2).
- (7) Contributions to fringe benefit plans must be made not less than quarterly.

Authorizing statute(s): 18-2-431, MCA

Implementing statute(s): 18-2-412, MCA

History: NEW, 2002 MAR p. 2446, Eff. 9/13/02; AMD, 2014 MAR p. 3058, Eff. 1/2/15.