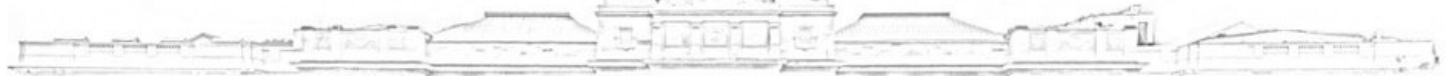




ADMINISTRATIVE RULES OF MONTANA



24.16.3010 HOURS WORKED - GENERAL POLICY GUIDANCE

- (1) To ease disparity between state and federal requirements and clarify the practices and policies that may guide the department's administration and enforcement of Montana wage and hour law, the department adopts and incorporates by reference the following sections of the Code of Federal Regulations, October 27, 2023, edition. These provisions provide examples describing the most frequently occurring situations and questions regarding hours worked in wage and hour regulation.

- (a) 29 CFR 785.5, 785.6, and 785.8; and
- (b) 29 CFR 785.11 through 785.48, except not adopt 29 CFR 785.39, which is replaced with the following:

(i) Travel that keeps an employee away from home overnight is travel away from home. Travel away from home is clearly worktime when it cuts across the employee's workday. The employee is simply substituting travel for other duties. The time is not only hours worked on regular working days during normal working hours but also during the corresponding hours on nonworking days. Thus, if an employee regularly works from 9 a.m. to 5 p.m. from Monday through Friday the travel time during these hours is worktime on Saturday and Sundays as well as on the other days. Regular meal period time is not counted.

(2) CFR regulations incorporated by reference are available at <https://erd.dli.mt.gov/labor-standards/administrative-rules>.

Authorizing statute(s): 39-3-403, MCA

Implementing statute(s): 39-3-404, 39-3-405, MCA

History: NEW, 2024 MAR p. 474, Eff. 3/9/24.