



ADMINISTRATIVE RULES OF MONTANA



2.21.3623 RETENTION DURING REDUCTION IN FORCE

- (1) As provided in 39-29-111, MCA, "during a reduction in [work] force, a public employer shall retain" over all others a veteran, a disabled veteran or an eligible relative who:
 - (a) has similar job duties and qualifications;
 - (b) has not been rated unacceptable under a performance appraisal system; and
 - (c) has the same or greater length of service. Length of service means continuous employment by an individual public employer as defined in 39-29-101, MCA.
- (2) As provided in 39-29-111, MCA, "a disabled veteran with a service-connected disability of 30% or more" shall be retained over other veterans, disabled veterans and eligible relatives.
- (3) It will be the responsibility of the employee to claim preference in retention. An employee who claims preference in retention as a veteran, a disabled veteran, a 30% disabled veteran or an eligible relative shall document eligibility in the same manner required in ARM 2.21.3616 for the claim of preference for initial hiring.
- (4) As provided in 39-29-111, MCA, "The preference in retention...does not apply to a position covered by a collective bargaining agreement."

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

Implementing statute(s): 39-29-111, MCA

History: NEW, 1990 p. 478, Eff. 3/16/90; AMD, 1997 MAR p. 1445, Eff. 8/19/97; AMD, 2003 MAR p. 2077, Eff. 10/1/03.