



ADMINISTRATIVE RULES OF MONTANA



24.17.326 OVERTIME WAGES COMPUTATIONS

- (1) Where an employee performs work in one or more classifications which provide for one or more hourly rates of pay, the employee must be paid, in addition to the straight time hourly earnings for all hours worked, a sum determined by multiplying one half the weighted average of the hourly rates by the number of hours worked in excess of 40 per week.
- (2) Fringe benefits must be paid for all hours worked, including the overtime hours. When determining the hourly wage rate for overtime purposes, the amount paid for fringe benefits shall be excluded from the computations when determining the overtime rate. For example, an employee who earns \$15 per hour plus \$3 per hour in fringe benefits and works 42 hours in a week is entitled to \$600 (\$15/hr x 40 hours) + \$45 (\$22.50/hr x 2 hours) + \$126 (\$3/hr x 42 hours) = \$771 for that week.

Authorizing statute(s): 18-2-431 and 39-3-403, MCA

Implementing statute(s): 18-2-412 and 39-3-405, MCA

History: NEW, 2002 MAR p. 2446, Eff. 9/13/02.