



ADMINISTRATIVE RULES OF MONTANA

2.21.6507 DEFINITIONS

As used in this subchapter, the following definitions apply:

- (1) "Agency" has the same meaning as defined in 2-18-101 (1) , MCA.
- (2) "Discharge" means termination of employment for just cause.
- (3) "Disciplinary demotion" means a change in the duties of an employee's position or transfer to a lesser position which may result in a reduction in pay.
- (4) "Due process" means an employee:
 - (a) is informed of the action being taken and the reason for the action; and
 - (b) has the opportunity to respond.
- (5) "Employee" means an employee in a permanent position who has attained permanent status as defined in 2-18-101 , MCA. It does not include employees hired as temporary employees, short-term workers, student interns, and employees who have not attained permanent status as those terms are defined in 2-18-101 , MCA. It does not include officers and employees identified in 2-18-103 and 2-18-104 , MCA.
- (6) "Formal disciplinary action" means, but is not limited to, a written warning, suspension without pay, disciplinary demotion, or discharge.
- (7) "Informal disciplinary action" means corrective actions taken to improve unsatisfactory employee behavior, conduct, or performance. It may include, but is not limited to, coaching, counseling meetings, oral warnings, and training.
- (8) "Just cause" means reasonable, job-related grounds for taking a disciplinary action based on failure to satisfactorily perform job duties, or disruption of agency operations. Just cause may include, but is not limited to: an actual violation of an established agency standard, procedure, legitimate order, policy, or labor agreement; failure to meet applicable professional standards; criminal misconduct; wrongful discrimination; deliberate misconduct; negligence; deliberately providing false information on an employment application; willful damage to public or private property; workplace violence or intimidation; harassment; unprofessional or inappropriate behavior; or a series of lesser violations.
- (9) "Management" means those individuals beginning with an employee's immediate supervisor and other managers in a successive direct line of authority within an agency.
- (10) "Progressive discipline" means a process of applying disciplinary actions which may progress from less serious actions to more serious actions.

- (11) "Suspension without pay" means a management-ordered leave-without-pay for just cause.
- (12) "Written warning" means a written disciplinary notice intended to notify an employee of unsatisfactory performance or conduct.

Authorizing statute(s): 2-18-102, MCA

Implementing statute(s): 2-18-102, MCA

History: NEW, 1984 MAR p. 958, Eff. 6/29/84; AMD, 2006 MAR p. 2565, Eff. 10/27/06.