



ADMINISTRATIVE RULES OF MONTANA



24.17.147 OBLIGATIONS OF EMPLOYERS AND CONTRACTORS

- (1) All contractors and employers shall give preference in hiring to bona fide Montana residents in the performance of public works contracts.
 - (a) In the performance of a public works contract for a construction project, each contractor so engaged shall ensure that at least 50% of all workers performing labor under the contract for public works are bona fide Montana residents.
 - (b) For cause as provided in [18-2-409](#), MCA, a contractor may in writing request that the commissioner modify percentage residency requirements on a particular project. In requesting the variance, the contractor must document in writing any and all measures taken in assessing the availability of bona fide Montana employees including, but not limited to, newspaper advertising or contacting local job service offices, local union halls, or temporary or personnel agencies. The commissioner may modify or waive residency requirements under the provision of the statute and shall by written directive notify the contracting agency of any such modification or waiver.
- (2) All contractors and employers shall classify each employee who performs labor on a public works project according to the applicable standard prevailing rate of wages for such craft, classification or type of employee established by the commissioner, and shall pay each such employee a rate of wages not less than the standard prevailing rate.

Authorizing statute(s): 18-2-409, 18-2-431, MCA

Implementing statute(s): 18-2-401, 18-2-403, MCA

History: NEW, 1985 MAR p. 1865, Eff. 11/30/85; AMD, 1988 MAR p. 2378, Eff. 12/1/88; AMD, 2002 MAR p. 2446, Eff. 9/13/02; TRANS, from ARM 24.16.9006, Eff. 9/13/02; AMD, 2003 MAR p. 2869, Eff. 12/25/03.