



ADMINISTRATIVE RULES OF MONTANA

2.21.3711 COMPLIANCE WITH MILITARY SELECTIVE SERVICE ACT

- (1) Agencies shall verify that every male person hired on a full-time or part-time basis in permanent or temporary positions has registered in compliance with the federal Military Selective Service Act, except those excluded in (2) of this rule. If an individual has reached his 18th birthday and is under the age of 26, agencies shall require documentation showing he has registered with Selective Service or is exempt from registration. If an individual is age 26 or older and was required to register but has not done so, the individual shall prove to the agency job representative his failure to register was neither known nor willful.
- (2) Agencies may exclude certain individuals from their verification procedures who:
 - (a) were born on or before December 31, 1959;
 - (b) have been continuously employed in state government without a five-day break in service before July 1, 2001;
 - (c) are transferring without a five-day break in service to another position in an agency or in state government;
 - (d) have already provided information confirming selective service status; or
 - (e) are hired as independent contractors or as employees of temporary service contractors.
- (3) Agency managers may determine the types of documentation an individual shall provide showing compliance with the federal Military Selective Service Act. At a minimum, agencies shall require a written statement of selective service status.
- (4) Agencies shall request the documentation described in this rule at the time an employment offer is made. Agencies may adopt reasonable timelines for individuals to provide the documentation. The Department of Administration, State Human Resources Division, has published the Military Selective Service Act Compliance fact sheet (<http://hr.mt.gov/Portals/78/newdocs/factsheets/SelectiveServiceFactSheet.pdf>) to assist agencies in complying with this rule and the Military Selective Service Act. The fact sheet provides examples of adequate documentation and information about who must register with the Selective Service. If an individual does not provide documentation as required, and the exceptions in the fact sheet do not apply, agencies shall:
 - (a) rescind an employment offer; or
 - (b) terminate the individual's employment.
- (5) Agency managers shall file the Statement of Selective Service Status Form in the employee's permanent personnel file.

Authorizing statute(s): 2-15-130, MCA

Implementing statute(s): 2-15-130, MCA

History: NEW, 2010 MAR p. 2208, Eff. 9/24/10; AMD, 2018 MAR p. 90, Eff. 1/13/18.