



ADMINISTRATIVE RULES OF MONTANA



24.16.3019 EMPLOYER RECORD KEEPING - GENERAL POLICY GUIDANCE

- (1) To ease disparity between state and federal requirements and clarify the practices and policies that may guide the department's administration and enforcement of Montana wage and hour law, the department adopts and incorporates by reference the following sections of the Code of Federal Regulations, October 27, 2023, edition. These provisions provide examples describing the most frequently occurring situations and questions regarding employer record keeping in wage and hour regulation.
 - (a) 29 CFR 516.1 through 516.8, except not adopt 29 CFR 516.6, which is replaced with the following:
 - (i) Supplementary basic records: Each employer required to maintain records under this part shall preserve for a period of at least three years:
 - (A) Basic employment and earning records. From the date of last entry, all basic time and earnings cards or sheets on which are entered the daily starting and stopping time of individual employees, or of separate work forces, or the amounts of work accomplished by individual employees on a daily, weekly, or pay period basis (for example, units produced) when those amounts determine in whole or in part the pay period earning or wages of those employees; and
 - (B) Wage rate tables. From their last effective date, all tables or schedules of the employer which provide the piece rates or other rates used in computing straight-time earnings, wages, or salary, or overtime computation;
 - (ii) Order, shipping, and billing records. From the last date of entry, the originals or true copies of all customer orders or invoices received, incoming or outgoing shipping or delivery records, as well as all bills of lading and all billings to customers (not including individual sales slips, cash register tapes or the like) which the employer retains in the usual course of business operations;
 - (iii) Records of additions to or deductions from wages paid: Each employer who makes additions to or deductions from wages paid shall preserve for at least three years from the date of last entry:
 - (A) Records of individual employee accounts for total additions to or deductions from wages paid each pay period; and
 - (B) All records used by the employer in determining the original cost, operating and maintenance cost and depreciation and interest charges, if such costs and charges are involved in the additions to or deductions from wages paid.

- (b) 29 CFR 516.25 through 516.27; and
- (c) not adopt 29 CFR 516.30, which is replaced with the following:
 - (i) Learners, apprentices, students, student-employees, or workers with disabilities employed under special certificates as provided in 39-3-406, MCA.
 - (A) Items required. With respect to persons employed as learners, apprentices, student-employees, messengers, or full-time students employed outside of their school hours in any retail or service establishment or workers with disabilities at special minimum hourly rates under special certificates pursuant to 39-3-406, MCA, employers must maintain and preserve records containing the same information and data required with respect to other employees employed in the same occupations.
 - (B) Segregation or designation on payroll and use of identifying symbol. Employers must also segregate on payroll or pay records the names and required information and data with respect to those employed under Special Certificates. A symbol or letter before each name must indicate the person is a "learner," "apprentice," "student-employee," "messenger," "student," or "worker with disabilities" employed under a Special Certificate.

(2) CFR regulations incorporated by reference are available at <https://erd.dli.mt.gov/labor-standards/administrative-rules>.

Authorizing statute(s): 39-3-403, 41-2-117, MCA

Implementing statute(s): 39-3-404, 39-3-405, 39-3-406, 41-2-103, 41-2-107, 41-2-109, 41-2-110, MCA

History: NEW, 2024 MAR p. 474, Eff. 3/9/24.