



ADMINISTRATIVE RULES OF MONTANA



24.16.7506 DEFINITIONS

As used in this subchapter, the following definitions apply, unless the context of the rule clearly indicates otherwise:

- (1) "Adverse decision" means a decision by the department that is not favorable to the party requesting review.
- (2) "Claim" or "complaint" means:
 - (a) a complaint alleging non-compliance with a statute or administrative rule under the jurisdiction of the department;
 - (b) a request for an audit of an employer's payroll records; or
 - (c) a field investigation by the department of an employer's payroll.
- (3) "Commissioner" has the same meaning as provided by 2-15-1701, MCA.
- (4) "Day" means a calendar day.
- (5) "Department" has the same meaning as provided by 2-15-1701, MCA.
- (6) "Determination" means a decision by the department on the merits of a claim, including the wages and penalty owed by the employer to the employee.
- (7) "Employ" has the same meaning as provided by 39-3-201, MCA.
- (8) "Employee" has the same meaning as provided by 39-3-201, MCA.
- (9) "Employer" has the same meaning as provided by 39-3-201, MCA.
- (10) "Hearing" means a contested case per Title 2, chapter 4, part 6, MCA.
- (11) "Mediation" is the process described by 26-1-813, MCA.
- (12) "Penalty" means the statutory penalty provided by 39-3-206, MCA, assessed by the department against the employer and paid to the employee in addition to any wages owed.
- (13) "Redetermination" means an informal review by the department, based on new or additional information supplied by a party receiving an adverse determination.
- (14) "Wages" has the same meaning as provided by 39-3-201, MCA.

Authorizing statute(s): 39-3-202, 39-3-403, MCA

Implementing statute(s): 39-3-206, 39-3-209, 39-3-211, 39-3-216, 39-3-407, MCA

History: NEW, 1994 MAR p. 1152, Eff. 5/1/94; AMD, 2004 MAR p. 77, Eff. 10/31/03; AMD, 2010 MAR p. 2841, Eff. 12/10/10; AMD, 2022 MAR p. 152, Eff. 1/29/22.