



ADMINISTRATIVE RULES OF MONTANA



24.16.7561 PENALTY FOR MINIMUM WAGE AND OVERTIME CLAIMS

- (1) For determinations involving minimum wage and overtime that are filed on or after October 1, 1993, penalties are calculated as follows:
 - (a) a penalty equal to 110% of the wages determined to be due to the employee will be imposed in all determinations issued by the department; but
 - (b) if none of the special circumstances of ARM 24.16.7556 apply the department will reduce the penalty to 55% of the wages determined to be due provided the employer pays the wages found due in the time period specified in the determination as well as a penalty equal to 55% of that amount.
- (2) The penalty calculated according to this rule may be reduced only upon the mutual agreement of the parties and the department.
- (3) Claims for minimum wage and overtime filed against employers covered by provisions of the Fair Labor Standards Act will be subject to the penalty provisions of that Act.

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

Implementing statute(s): 39-3-206 MCA

History: NEW, 1994 MAR p. 1152, Eff. 5/1/94.