



ADMINISTRATIVE RULES OF MONTANA



24.8.107 RECORD KEEPING REQUIREMENTS FOR EMPLOYERS

- (1) All employers, labor organizations, employment agencies, and government agencies shall maintain records pursuant to 49-2-102, MCA, and 42 USCA 2000e-8(c) and (d).
- (2) All personnel records made or kept by an employer, including but not necessarily limited to, application forms and other records related to hiring, promotion, demotion, transfer, layoff or termination, rates of pay or other terms of compensation and selection for training or apprenticeship, shall be preserved for two years from the date the record is made or from the date of the personnel action involved, whichever occurs later.
- (3) If a discrimination complaint is filed, the respondent shall preserve all personnel records relevant to the complaint until final disposition of the complaint. Personnel records relevant to a complaint include personnel records relating to the charging party and application forms or test papers completed by an unsuccessful applicant and all other candidates for the same position.
- (4) Labor organizations shall preserve membership or referral records, including applications for membership or referral, for two years from the date the records are made. If a discrimination complaint is filed, a labor organization shall preserve all records relevant to the complaint until final disposition of the complaint.

Authorizing statute(s): 49-2-204, MCA

Implementing statute(s): 49-2-102, MCA

History: NEW, 2002 MAR p. 2908, Eff. 10/18/02.