



## ADMINISTRATIVE RULES OF MONTANA



### 2.21.4022 CONFIDENTIALITY REQUIREMENTS

- (1) Agency managers shall make every attempt to protect the privacy of individuals involved in the complaint process; however, individual privacy cannot be guaranteed.
- (2) Agency managers may not prohibit employees from discussing a complaint or ongoing investigation with coworkers unless management conducts an individualized assessment and demonstrates that one of the following factors exists:
  - (a) there are witnesses in need of protection;
  - (b) evidence is in danger of being destroyed;
  - (c) testimony is in danger of being fabricated; or
  - (d) there is a need to prevent a cover-up.
- (3) Agency managers shall document their rationale for requiring that employees refrain from discussing a complaint or ongoing investigation.
- (4) The human resource staff shall maintain the investigative report and supporting documents in a secure, confidential case file separate from the regular employee file.

**Authorizing statute(s):** 2-18-102, MCA

**Implementing statute(s):** 2-18-102, MCA

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**History:** NEW, 2011 MAR p. 1672, Eff. 8/26/11; AMD, 2013 MAR p. 110, Eff. 2/1/13.