

■ MONTANA MINIMUM WAGE AND OVERTIME COMPENSATION ACT

TERMS:

Minimum Wage — Agricultural and non-agricultural employers who have annual gross sales over \$110,000 must pay their employees no less than either the state minimum wage (currently \$8.05 an hour) or the federal minimum wage (\$7.25), whichever is higher. Employers with sales not exceeding \$110,000 are generally required to pay their employees no less than \$4.00 an hour.

The state minimum wage rate may be adjusted each year, to reflect changes in the cost of living.

Seasonal Farm Employment — For farm employees who work seasonal periods for more than 8 hours a day and other seasonal periods for substantially *less* than 8 hours a day, an employer covered this law has three options:

- (1) Pay the worker by the hour, at or above the minimum wage rate specified above.
- (2) Pay the worker a fixed weekly or monthly amount, but guarantee the minimum wage for every hour on the job by keeping a record of the hours worked. The total wages paid to the worker may not be less than the minimum rate that applies, multiplied by the total number of hours worked.
- (3) Pay a monthly salary instead of the minimum wage, but in no case less than \$635 a month. The employer may include as part of the worker's salary the reasonable cost of providing housing or other facilities, as long as such benefits are customarily furnished by the employer to his or her workers, and that the costs for those benefits do not exceed 40 percent of the worker's total salary.

ENFORCEMENT: *Wage and Hour Unit, Labor Standards Bureau, Employment Relations Division, Montana Department of Labor and Industry, Helena, Montana 59604 (406-444-5600).* A worker who has been paid less than the wage or salary required under the minimum wage law may file a complaint with the Department.

As an alternative to filing a minimum wage claim with the Department, the law gives workers the right to sue the employer in civil court, using a private attorney or a public legal services program.