Montana State Postings

Always Designing for People®

MONTANA

Employment Discrimination is Against the Law

Discrimination in Employment is Prohibited if Based on These Protected Classes

Age (all ages)
Religion, Creed
Physical or Mental Disability
Marital Status
Race, Color, National Origin
Sex (includes maternity, pregnancy, and sexual harassment)
Political Belief (state and local government employment or service)

What Is Illegal Discrimination?

The following practices (if based on one or more of the above classes) are illegal:

- To discharge, to refuse to hire, or to discriminate against a person with respect to compensation or privileges of employment
- To deny a reasonable maternity leave or refuse to reinstate an employee following leave
- For labor unions to deny membership or otherwise discriminate against a person or member
- For employment agencies to fail or refuse to refer for employment
- To retaliate against a person who filed a complaint, participated in the investigation or opposed discriminatory practices

Employer Alert!

- Questions on applications should be related to skills, experience, and education important to performing the job
- Anyone who hires one or more persons is subject to the Montana Human Rights Act
- Avoid questions about an applicant's race, age, religion, medical condition, marital status, or family responsibilities

Sexual Harassment & Unlawful Harassment

Sexual harassment includes unwelcome verbal or physical conduct of a sexual nature when:

- Submission to the conduct is explicitly or implicitly made a term or condition of employment
- Submission to, or rejection of, the conduct is used as the basis for an employment decision
- The conduct has the effect of unreasonably interfering with work performance, or creates an intimidating, hostile or offensive work environment
- Harassment directed toward a person because of gender
- A pattern of favoritism toward sexual partners

Examples of Sexual Harassment

- Propositions or pressure to engage in sexual activity
- Repeated body contact
- Repeated sexual jokes, innuendoes or comments
- Constant leering or staring
- Inappropriate comments concerning appearance
- Hiring or promoting a sex partner over more qualified persons
- Harassment based upon gender in nontraditional employment

What You Should Do

If you are offended by sexual jokes, comments, or other sexual or gender-based conduct in your workplace, immediately inform your supervisor.

If your complaints are not resolved, or your supervisor is the alleged harasser, you should take the following steps:

- Report the sexual harassment to another supervisor or your employer
- Keep written records of the dates and facts of all sexual harassment and the names of witnesses

Employer Alert!

Employers may be liable for monetary compensation and other forms of relief to employees who are victims of sexual harassment by:

- The owner or manager
- Supervisors, whether or not the employer knew of the sexual harassment
- Co-workers and non-employees in the workplace, when the employer knew, or should have known of the sexual harassment and failed to take immediate corrective action

Harassment based on any protected class is unlawful discrimination!

Pregnancy & Breastfeeding

Pregnant Employees Have These Rights

- Nondiscrimination in hiring
- Continued employment during pregnancy
- Reasonable maternity leave
- No mandatory unreasonable leave
- Use of accrued benefits and leave time
- Equal treatment in employee benefits and plans
- Reinstatement after maternity leave
- Employer must provide reasonable accommodations as they would for any other employee with medical limitations

What is Reasonable Maternity Leave?

- It is determined on a case-by-case basis. In the case of normal pregnancy and delivery, medical providers typically consider a reasonable leave to be 6-8 weeks after delivery.
- Rely on the judgment of the employee's physician or other medical provider.
- An employer is required to provide medically necessary maternity leave for the period of the employee's actual disability.
- An employer may require the employee to provide medical verification.

Employer Alert!

- Know your company's disability benefit policies and policies regarding sick, vacation and annual leave.
- Communicate with your pregnant employee about the anticipated need for maternity leave and put it in writing.
- Be sure the employee understands her obligations to return to work on a specified date and provide medical verification if required. Make sure the employee knows how to request an extension of her leave should complications arise.
- Replacement employees should understand that his or her employment is temporary, unless the pregnant employee resigns or you make other arrangements for reinstatement to her same or equivalent job after the maternity leave.
- If an employee plans to voluntarily resign because of her pregnancy, obtain the resignation in writing after making sure she is aware that you are prepared to grant a reasonable leave of absence as required by law.

Advised Accommodation for Breastfeeding Mothers

In 2007, the Montana Legislature passed legislation requiring public employers ensure that employees are provided with adequate facilities for breastfeeding or the expression of milk for their child.

Rights of Persons with Disabilities in Employment

The Montana Human Rights Act and Americans with Disabilities Act prohibit discrimination in employment to an applicant or employee because of a physical or mental disability. An employer may have additional obligations under the federal Family Medical Leave Act.

Employment Rights

- Qualified persons with physical and mental disabilities:
- May not be refused an application, interview or employment because of their disability
- May not be terminated or discharged because of their disability
- Have the right to a reasonable accommodation, which would allow them to perform the essential functions of their position

Who is Covered?

- To be protected under the Montana Human Rights Act and the ADA, an applicant or employee with a disability must:
- Have a physical or mental impairment the substantially limits one or more major life activities; or
- Have a record of such an impairment; or
- Be regarded or perceived as having such an impairment; and
- Be able to perform the essential functions of the position with or without a reasonable accommodation.

Requests For Reasonable Accommodation Employers

- If an employee should request a reasonable accommodation to perform the essential functions of their job, engage in a dialogue with the employee to determine the most appropriate accommodation
- Make a reasonable accommodation, required by a person with a disability, to perform the essential job functions
- Employees should notify the employer if they need an accommodation and tell the employer what modifications are needed to perform the job.

Reasonable Accommodation

- Whether or not a suggested accommodation is "reasonable" will depend on factors such as cost, availability, necessity, and whether a less expensive or more convenient accommodation is available
- The employer is not required to provide the accommodation suggested by the employee, if there is an effective alternative accommodation
- An accommodation is not reasonable if it endangers any employee's health or safety, or it creates an undue hardship on the employer

Examples of Reasonable Accommodation

- Making all application processes accessible to persons with disabilities
- Making existing facilities used by employees readily accessible to and usable by employees with disabilities
- Restructuring the job; offering part-time or modified work schedules
- Acquiring or modifying equipment or devices
- Adjusting or modifying examinations or training materials or policies as appropriate
- Providing qualified readers or interpreters

Perceived Disability

Those who are "perceived" as having disabilities are protected from employment discrimination based on stereotypes, fears, or misconceptions about disability. This protection applies to decisions based on unsubstantiated concerns about productivity, safety, insurance, liability, attendance, the costs of accommodation, accessibility, worker's compensation costs or acceptance by co-workers and customers.

For more information on discrimination in the workplace, visit our website:
www.montanadiscrimination.com

For information on the Human Rights Bureau process, discrimination issues and filing a discrimination complaint, please contact the

Montana Human Rights Bureau
P.O. Box 1728
Helena, MT 59624-1728
Phone (406) 444-2884 or
1-800-542-0807
Relay Service 711
www.montanadiscrimination.com

The Human Rights Bureau is committed to making its services available to persons with disabilities in compliance with Title II of the Americans with Disabilities Act and relevant state law. The Bureau will not exclude persons with disabilities from participating at its meetings or otherwise deny them services, programs or activities. The Bureau will also provide and accept information in alternative formats to accommodate disabilities. Persons with disabilities requiring accommodation in order to take advantage of the Bureau's services should contact the Bureau's staff at 1-800-542-0807.

Montana Human Rights Bureau

Montana Department of LABOR & INDUSTRY
Employment Relations Division

Montana Department of LABOR & INDUSTRY

MONTANA'S MINIMUM WAGE

(Effective 1/1/2026)

$10.85*

*The minimum wage is subject to a cost-of-living adjustment based on the Consumer Price Index no later than September 30th of each year. Montana's minimum wage is to be the greater of the federal or current state minimum wage.

Exception: A business not covered by the Fair Labor Standards Act whose gross annual sales are $110,000 or less may pay $4.00 per hour. **However**, if an individual employee is producing or moving goods between states or otherwise covered by the Fair Labor Standards Act, that employee must be paid the greater of either the federal minimum wage or Montana's minimum wage.

NO TIP CREDIT, TRAINING WAGE OR MEAL CREDIT IS ALLOWED IN THE STATE OF MONTANA

OVERTIME PAY

Employees who work in excess of 40 hours in a workweek must receive overtime compensation at a rate of at least 1½ times their regular hourly rate for those hours worked over 40. There are exclusions from overtime pay. This information can be obtained by calling our office at (406) 444-6543.

PAYMENT OF WAGES

WHILE STILL EMPLOYED: An employee must be paid within 10 business days after the end of the pay period.

WHEN SEPARATED FROM EMPLOYMENT: When an employee quits, wages are due on the next scheduled pay day for the period in which the employee was separated, or 15 calendar days, whichever occurs first.

TERMINATED FOR CAUSE: When an employee is laid off or discharged, all wages are due immediately (within four hours or end of the business day, whichever occurs first), unless the employer has a preexisting, written policy that extends the time for payment. The wages cannot be delayed beyond the next pay day for the period in which the separation occurred, or 15 calendar days, whichever occurs first.

FOR ADDITIONAL INFORMATION PLEASE CONTACT:

DEPARTMENT OF LABOR & INDUSTRY
PO BOX 201503
HELENA MT 59620-1503
PHONE (406) 444-6543
EMAIL: DLIERDWage@mt.gov

Please visit us on the web at:
www.mtwagehourbopa.com

Notice to Employers / Employees

Your state has its own minimum wage law which requires posting a notice regarding the aspects of that law. Employers are still required to post the Federal Minimum Wage notice from the U.S. Dept. of Labor Fair Labor Standards Act in addition to this state posting. According to the Dept. of Labor; where Federal and state law have different minimum wage rates, the higher standard applies.

This Posting is for Informational Purposes Only

MONTANA LAW PROHIBITS DISCRIMINATION & RETALIATION

Montana Department of LABOR & INDUSTRY

in employment, housing, education, public accommodations, credit, finance, insurance, & state / local government.

Discrimination is unlawful if based on one of these protected classes:

ANY AGE	**PHYSICAL DISABILITY**	**MENTAL DISABILITY**
RACE / COLOR	**NATIONAL ORIGIN**	**MARITAL STATUS**
RELIGION / CREED	**VACCINATION STATUS**	**FAMILIAL STATUS** (IN HOUSING)

SEX (INCLUDING PREGNANCY, SEXUAL ORIENTATION, & GENDER IDENTITY)

POLITICAL BELIEFS IN GOVERNMENTAL SERVICES OR GOVERNMENT EMPLOYMENT

FOR MORE INFO CONTACT THE MONTANA HUMAN RIGHTS BUREAU
P.O. BOX 1728, HELENA, MT 59624-1728
(406) 444-2884 OR 1 (800) 542-0807 (RELAY SERVICE 711)
MONTANADISCRIMINATION.COM

UNEMPLOYMENT INSURANCE

Notice to Employers/Employees

Employers: *You must be a registered employer in this state in order to receive the official Unemployment Insurance posting. If you have any questions concerning this mandatory posting, please contact your local unemployment office.*
Employees: *Contact your local unemployment office for your rights concerning unemployment benefits as an employee.*

This Posting is for Informational Purposes Only

WORKERS' COMPENSATION

Notice to Employers/Employees

This is not intended to represent the law, nor does it replace any Workers' Compensation posting requirements within your state.
Employers: *Place your notice of compliance/certificate of insurance with Workers' Compensation Laws from your insurance carrier next to this poster.*
Employees: *Refer to notice of compliance/certificate of insurance from your Employer's Insurance Carrier. If you have any further inquiries, please contact your personnel office.*

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MONTANA

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All other products and marks are the property of their respective owners.

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