

**COUNTIES - Employees, salary computation for a portion of a month.  
OFFICES AND OFFICERS - County, employees salary computation  
for a part of a month. Sections 25-507.9, 25-601, 59-510, R.C.M. 1947.**

**HELD:** The salary of a county employee, employed on a 40-hour workweek, is determined for a portion of a month by multiplying the monthly salary by 12 and dividing the annual salary thus determined by 52 weeks to determine the weekly rate of pay, or by 2,080 hours to determine the hourly rate of pay.

March 22, 1972

Mr. J. Fred Bourdeau  
Cascade County Attorney  
Office of the County Attorney  
Great Falls, Montana 59401

Dear Mr. Bourdeau:

You have requested my opinion as to the method of computing the salaries of county employees paid on a monthly basis, when the salary is only to be computed for a portion of a month.

You do not specify that the salaries in question are for employees in a particular office or department; therefore, I will answer your question in general terms relating to all county employees, employed on a 40-hour workweek. However, there may be statutory exceptions for employees in certain categories that must be determined on a case by case basis.

Section 59-510 (2), Revised Codes of Montana, 1947, relating to office hours of public offices, provides in pertinent part:

“Unless otherwise provided by law every officer must keep his office open for the transaction of business continuously from eight o’clock a.m. until five o’clock p.m. each day except Saturdays and legal holidays. All full-time salaried county and city employees shall work a minimum of forty (40) hours per week. . . .”

Pursuant to the above-quoted statutory provision, it is apparent that county employees in general are required to work a 40-hour workweek. Multiplying a 40-hour workweek by 52 weeks per year establishes a yearly total of hours worked of 2,080.

Section 25-601, R.C.M. 1947, relating to the payment of salaries of county officers and employees, provides in pertinent part:

“The salaries of the several county officers and their assistants must be paid monthly out of the general fund of the county, . . .”

As county employees are paid on a monthly basis, their annual salary may be determined by multiplying their monthly salary times twelve. To then determine the weekly or hourly rate of pay of a county employee, it is necessary only to divide the total annual salary by 52 in order to determine the weekly salary, or to divide the total annual salary by 2,080 in order to determine the hourly rate of pay.

Section 25-507.9, R.C.M. 1947, relating to the determination of the weekly or hourly pay rate for state employees, provides:

“When the monthly or annual salary rate payable to an officer or employee of the state has been set by law or otherwise, notwithstanding any other provision of law, the weekly or hourly rate of pay shall be determined by dividing the annual salary by 52 weeks, or 2,080 hours.”

Thus, the method outlined above for computing the weekly or hourly rate of pay for county employees is consistent with the statutory provision relating to the similar computation for state employees.

**THEREFORE, IT IS MY OPINION** that the salary of a county employee, employed on a 40-hour workweek, is computed for part of a month by multiplying the monthly salary times twelve, and dividing the total annual salary thus determined by 52 weeks in order to determine the weekly rate of pay, or by 2,080 hours in order to determine the hourly rate of pay.

Very truly yours,

**ROBERT L. WOODAHL**  
Attorney General