

HOUSE BILL NO. 266
INTRODUCED BY SOUTH

A BILL FOR AN ACT ENTITLED: "AN ACT TO AMEND SECTION 41-2304, R.C.M. 1947, TO EXCLUDE COTTAGE LIFE ATTENDANTS OF THE SCHOOL FOR THE DEAF AND BLIND FROM THE PROVISIONS OF THE MONTANA MINIMUM WAGES AND HOURS ACT."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 41-2304, R.C.M. 1947, is amended to read as follows:

"41-2304. Exclusions. The provisions of section 41-2303 of this act shall not apply with respect to:

(a) Students participating in a distributive education program established under the auspices of an accredited educational agency.

(b) Persons employed in private homes whose duties consist of menial chores such as baby sitting, mowing lawns, cleaning sidewalks.

(c) Persons employed directly by the head of a household to care for children dependent upon the head of the household.

(d) Immediate members of the family of an employer or persons dependent upon an employer for half or more of their support in the customary sense of being a "dependent."

(e) Any persons not regular employees thereof who voluntarily offer their services to a nonprofit organization on a fully or partially reimbursed basis.

(f) Handicapped workers (1) engaged in work which is incidental to training or evaluation programs or (2) whose earning capacity is so severely impaired that they are unable to engage in competitive employment.

(g) Apprentices or learners who may be exempted by the commissioner for a period not to exceed thirty (30) days of their employment.

(h) Learners under the age of eighteen (18) who are employed as farm workers, provided that such exclusion shall not exceed a period of one hundred eighty (180) days from their initial date of employment and, further provided that during this exclusion period wages paid such learners may not be less than fifty per cent (50%) of the minimum wage rate established in this act.

(i) Retired or semi-retired persons performing part-time incidental work as a condition of their residence on a farm or ranch.

(j) Any individual employed in a bona fide executive, administrative, or professional capacity as these terms are defined and delimited by regulations of the commissioner.

(k) Any individual employed by the United States of America.

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1 (1) Any individual employed by the school for the deaf
2 and blind as a cottage life attendant."

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