

## SENATE BILL NO. 120

INTRODUCED BY MAHLUM

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING AN EXCEPTION FROM THE REQUIREMENT THAT AN EMPLOYEE WHO IS SEPARATED FOR CAUSE FROM EMPLOYMENT BE PAID ALL UNPAID WAGES IMMEDIATELY UPON SEPARATION IF A WAGE PAYMENT PROVISION IS PROVIDED FOR IN THE EMPLOYER'S WRITTEN PERSONNEL POLICY MANUAL; CLARIFYING THE PROVISIONS FOR PAYMENT OF UNPAID WAGES; AND AMENDING SECTION 39-3-205, MCA."

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

**Section 1.** Section 39-3-205, MCA, is amended to read:

**"39-3-205. Payment of wages when employee separated from employment prior to payday -- ~~exception exceptions.~~** (1) Except as provided in ~~subsections~~ subsection (2) and (3), when an employee is separated from the employ of any employer, all the unpaid wages of the employee are due and payable:

(a) within 3 days, except for employees of the state of Montana and its political subdivisions who would be paid on the next regular payday for the pay period during which the employee was separated from employment or 15 days from the date of separation from employment, whichever occurs first, either through the regular pay channels or by mail if requested by the employee. However, if an employer's payroll checks originate at an office outside the state, the time provided in this section for payment of wages must be extended for 3 additional days.

(b) immediately upon separation:

~~(2) (i) Except as provided in subsection (3), if an employee is separated for cause from employment by the employer, all the unpaid wages of the employee are due and payable immediately upon the separation; or~~

(ii) unless payment of wages is provided for in an employer's written personnel policy manual.

~~(3) (2) If~~ The provisions of subsection (1) concerning payment of unpaid wages upon separation of employment do not apply to an employee who is separated from employment by the employer because the employee has committed the offense of theft of the employer's funds or property and criminal charges have been filed by the county attorney against the employee. If an employee is separated from employment

1 pursuant to this subsection, the employer may apply to the district court for an order temporarily staying  
2 the payment of any unpaid wages due the employee and staying the running of the penalty provided for  
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