

## 1 HOUSE JOINT RESOLUTION NO. 59

2 INTRODUCED BY J. KARJALA

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4 A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF  
5 MONTANA REQUESTING AN INTERIM STUDY OF OVERTIME WAGE LAWS, WAGE EXPLOITATION, AND  
6 CLASSIFICATION OF EMPLOYEES; AND REQUIRING THAT THE FINAL RESULTS OF THE STUDY BE  
7 REPORTED TO THE 67TH LEGISLATURE.

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9 WHEREAS, the federal Fair Labor Standards Act sets a floor on which all states' labor laws are based  
10 but which may have slightly different interpretations depending on the state and which, in Montana, is reflected  
11 in rule for certain overtime considerations rather than through statute; and

12 WHEREAS, testimony on 2019 legislation that would have inserted an overtime provision from federal  
13 law into Montana statutes resulted in legislators suggesting that more education may be needed to let employers  
14 know the parameters for overtime wage payments and questioning the seriousness of the problem; and

15 WHEREAS, from July 1, 2013, through April 1, 2019, a total of 3,779 wage complaints were filed with the  
16 Montana Department of Labor and Industry, roughly 46 complaints a month, of which overtime was found due  
17 for 270 claims; and

18 WHEREAS, a study of overtime, employment laws, changes in federal wage and hour regulation, and  
19 ways to avoid wage exploitation has not previously been done as an interim study.

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21 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE  
22 STATE OF MONTANA:

23 That the Legislative Council be requested to designate an appropriate interim committee, pursuant to  
24 section 5-5-217, MCA, or direct sufficient staff resources to review federal wage and hour laws and regulations,  
25 including the Fair Labor Standards Act and proposed federal regulations regarding overtime.

26 BE IT FURTHER RESOLVED, that the study, to the extent possible, examine Montana wage claim filings  
27 regarding:

28 (1) parameters for administrative classifications for overtime and determine whether there are trends  
29 related to claims in Montana, either by an employee or by an employer misapplying classification standards;

30 (2) prevailing wage requirements for worker classifications and pay;

