SENATE BILL NO. 360

INTRODUCED BY J. PETERSON

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT EMPLOYMENT THAT IS NOT FOR A SPECIFIED TERM MAY BE TERMINATED AT WILL BY EITHER THE EMPLOYER OR EMPLOYEE; AND AMENDING SECTION 39-2-904, MCA."

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

NEW SECTION. **Section 1. Termination at will.** Employment that does not have a specified term may be terminated at will by either the employer or the employee upon notice to the other party. Employment is not terminable at will if the employment is for a specified term that is greater than 1 month.

Section 2. Section 39-2-904, MCA, is amended to read:

"39-2-904. Elements of wrongful discharge -- presumptive probationary period. (1) A discharge is wrongful only if:

(a) it was in retaliation for the employee's refusal to violate public policy or for reporting a violation of public policy;

(b) the discharge, with respect to employment that is not terminable at will as provided in [section 1], was not for good cause and the employee had completed the employer's probationary period of employment; or

(c) the employer violated the express provisions of its the employer's own written personnel policy.

(2) (a) During a probationary period of employment, the employment may be terminated at the will of either the employer or the employee on notice to the other for any reason or for no reason.

(b) (i) If an employer does not establish a specific probationary period or provide that there is no not a probationary period prior to or at the time of hire, there is a probationary period of 6 months from the date of hire.

(ii) Employment that is terminable at will as provided in [section 1] continues to be terminable at will by either party after the expiration of any probationary period."

NEW SECTION. **Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 39, chapter 2, part 5, and the provisions of Title 39, chapter 2, part 5, apply to [section 1].

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