

HOUSE JOINT RESOLUTION NO. 59

INTRODUCED BY J. KARJALA

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

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

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

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

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

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

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

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

- (1) parameters for administrative classifications for overtime and determine whether there are trends related to claims in Montana, either by an employee or by an employer misapplying classification standards;
- (2) prevailing wage requirements for worker classifications and pay;



