



WORKFORCE CONNECTION



Anaconda Job Service
One Stop Workforce Center
307 East Park Street
Anaconda, MT 59711



Manager's Corner

Marilyn Ohman, Manager

WAGE AND HOUR LAWS

How well do you know the wage and hour laws? Recently, staff and area employers attended the annual Job Service Employer Committee's Innovations in Business Conference in Helena. The purpose of the conference is to provide businesses with relevant information to run their business and do it well. Subjects discussed included the Family Medical Leave Act, Unemployment Insurance, Worker's Compensation, World Class Service, Human Rights, Legislative Updates, Human Resource Law and more. The conference is offered statewide to any employer and is an annual event. Next year's conference will be held in Billings May 17-19, 2010. It always provides relevant information to HR folks and those business owners that are the HR factor in their business. This month's newsletter is a wage and hour quiz. See how well you do.. Remember, this only provides general information. More detailed information can be obtained through the Wage and Hour Unit in Helena by calling 406-444-5600 or visit their website listed on the last page. We also have booklets containing the wage and hour laws so if you would like one, please call 563-3444.

1.	Montana minimum wage is the same as the federal minimum wage, which is \$6.55 per hour.	<input type="checkbox"/> True <input type="checkbox"/> False
2.	Employers can pay below minimum wage for a certain period of time for training.	<input type="checkbox"/> True <input type="checkbox"/> False
3.	Holiday pay does not have to be included in the calculation of overtime.	<input type="checkbox"/> True <input type="checkbox"/> False
4.	In a retail establishment (motel, bar or restaurant), an employer can use the employees' tips to make up part of their wage.	<input type="checkbox"/> True <input type="checkbox"/> False
5.	An employee is paid on a piece rate basis, which varies based on the sewing projects. This employer does not need to record the hours the employee works as this employee is not entitled to receive minimum wage or overtime pay based on the employment agreement.	<input type="checkbox"/> True <input type="checkbox"/> False
6.	An employee is paid biweekly, (every two weeks). The overtime is figured for all hours worked over 80 in the pay period.	<input type="checkbox"/> True <input type="checkbox"/> False
7.	An employer conducts a mandatory staff meeting after regular work hours. The time spent at the meeting is not during their scheduled work time so the employees need not be paid for that time	<input type="checkbox"/> True <input type="checkbox"/> False
8.	An employee lives in Helena and is traveling to Bozeman to attend a training seminar. The employee will leave at 7:00 a.m. and return to Helena at 6:30 p.m. on the same day. The employee normally works an 8 hour day. This employee only needs to be compensated for a regular 8 hour day.	<input type="checkbox"/> True <input type="checkbox"/> False

9.	An employee works for an employer and earns two different rates of pay. This employee needs to be paid overtime at the last rate worked.	<input type="checkbox"/> True <input type="checkbox"/> False
10.	Compensatory time can be provided to employees instead of receiving overtime in the private sector.	<input type="checkbox"/> True <input type="checkbox"/> False
11.	If an employee is terminated or laid off by an employer, that employee would need to be paid their final check immediately unless the employer has a written personnel policy which extends the time of final paycheck to the next pay period or within 15 days after separation, whichever occurs first.	<input type="checkbox"/> True <input type="checkbox"/> False
12.	An employee is replacing a windshield in a car when it slips and breaks. The employer has a company policy to withhold breakages from the employee's paycheck. The employee signed the handbook acknowledging they are aware of the policy so the employer can withhold the breakage from their paycheck.	<input type="checkbox"/> True <input type="checkbox"/> False
13.	Employees arrive at work and the employer finds they do not have the business they were anticipating so are unsure how many employees to keep on for the night. Some employees work at the onset and others are asked to wait in the break room until they have a better idea on what may take place for the night. Wages must be paid for the time spent waiting.	<input type="checkbox"/> True <input type="checkbox"/> False
14.	The employer's policy (written in a handbook) indicates till shortages will be withheld from the employees' paychecks (whether it is from the person in charge of the till or split amongst employees on duty). Employees have signed the handbook acknowledging they are aware of the policy so the employer can withhold the shortages from their paychecks.	<input type="checkbox"/> True <input type="checkbox"/> False
15.	When an employee (in the private sector - non government) quits their job, their final paycheck is due within 15 days after separation or the next scheduled pay period, whichever occurs first.	<input type="checkbox"/> True <input type="checkbox"/> False
16.	If a person is hired as office manager and paid on a salary basis with main duties consisting of scheduling employees, bookkeeping and answering the phone, they do not need to be paid overtime.	<input type="checkbox"/> True <input type="checkbox"/> False
17.	The employer's policy handbook indicates work hours are from 8:00 a.m. to 5:00 p.m. and they will not pay for any unauthorized overtime. An employee works till 5:30 p.m. (without approval) to finish a project in order to be ready to begin a new project in the morning. Based on the fact the policy indicates approval of overtime before being compensated, the employee does not need to be paid for the extra ½ hour worked.	<input type="checkbox"/> True <input type="checkbox"/> False
18.	It is required by both federal and state law that employees are to receive a 15 minute break for every four hours worked and a lunch break of at least 30 minutes for every six hours of work.	<input type="checkbox"/> True <input type="checkbox"/> False
19.	Employees are required to arrive each morning at the business location and from there receive instructions for the day, load up necessary equipment and head out to the work site. The travel time from shop to work site is paid time.	<input type="checkbox"/> True <input type="checkbox"/> False
20.	A workweek is defined as a period of 168 hours during seven consecutive 24 hour periods. The work week can begin any day of the week at any hour of the day as established by the employer.	<input type="checkbox"/> True <input type="checkbox"/> False
21.	If an employee travels from jobsite to jobsite, the time spent in travel is counted as hours worked and for which the employee needs to be paid.	<input type="checkbox"/> True <input type="checkbox"/> False
22.	The workweek and pay period are one and the same.	<input type="checkbox"/> True <input type="checkbox"/> False
23.	It is the employee's responsibility to keep track of all hours worked and to provide that information to the employer.	<input type="checkbox"/> True <input type="checkbox"/> False
24.	An employee turns in their resignation and gives the employer a two-week notice. The employer wants to fill the position immediately and terminates the employee upon receiving the resignation. The employer is not signatory to a union contract. Since the employee gave the employer notice, the employer is obligated to provide two weeks of severance pay even though the employee was terminated upon this resignation.	<input type="checkbox"/> True <input type="checkbox"/> False

25.	<p>An employer requires the employees to be on call one weekend every month. The employee is given a pager, free to do what they please and will be called in only in the case of an emergency. The employee need not be paid for the hours that they are on call.</p> <p>(a) In the above situation, the employee must be paid if they are called in.</p>	<p>___ True ___ False</p> <p>___ True ___ False</p>
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Now here's your answers:

1.	False	Montana's minimum wage is currently \$6.90/hr. July 24, 2009 it goes to \$7.25/hr (which is the federal minimum wagewhich Montana has to pay the higher of the state vs. federal rate). The state minimum wage may be readjusted after a yearly September cost of living review based on the consumer price index conducted by the State.
2.	False	Montana's training wage is the same as Montana's minimum wage.
3.	True	Overtime is paid once actual hours of 'work' go beyond 40 hours. Holiday pay is not considered paid work.
4.	False	In establishments where tips are earned, tips CANNOT be used as any part of a person's hourly wage.
5	False	Employee must be paid at least minimum wage per hour. The recording of hours is required to prove that the employee has met or exceeded the hourly minimum wage.
6.	False	Overtime is figured within the normal workweek. Any time worked over 40 hours is subject to overtime pay.
7.	False	If the employee is REQUIRED to attend, the employer must pay them for those hours required to be there.
8.	False	The employee is compensated for travel time as required by the employer.
9.	False	The employee is compensated with the average of the rates of pay.
10.	False	Overtime must be paid in the private sector when earned.
11.	True	Written policies for pay should be followed as long as they meet law. If no policy, the employee should be paid immediately. (Key word is 'terminated'-action by employer).
12.	False	Under Montana law, breakages cannot be withheld from an employee's paycheck whether there is a signed policy or not.
13.	True	If an employer requires an employee to show up, the employee must be paid for the time they are required to wait.
14.	False	Montana law does not allow employer's to withhold any type of shortages from and employee's pay check.
15.	True	The key word here is "quit". When the employment is terminated by the employee, the regular schedule for pay is followed. If the employee was fired/terminated, pay is due immediately.
16.	False	The employee must meet the executive exemption employee status to be exempt from overtime.
17.	False	Cannot waive the right to overtime pay in a policy handbook.



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Phone: 406-563-3444

Superior Service for a Working Montana.

WEB

- wsd.dli.mt.gov/local/anaconda



Answers continued.

18.	False	There is no state or federal law that requires an employer to give a break or lunch break.
19.	True	From the time the employee is required to show up is paid work time.
20.	True	Once a workweek has been established, an employer cannot change it to avoid overtime pay.
21.	True	Travel time is paid work time if required by employer.
22.	False	A pay period is a set period of time set by the employer. Does not necessarily mean a week. (bi-weekly or monthly could be a pay period established by the employer).
23.	False	It is the EMPLOYER'S responsibility to track hours worked, not the employees.
24.	False	If no collective bargaining agreement, the employer can terminate the employee at anytime after notice.
25.	True	As long as they are free to do what they want until called it is not considered work time.
25a.	True	Once called in, time is considered work time.

So, how did you do?

With summer here and many young people looking for work, please make sure you are current on the child labor laws. Visit the wage and hour website at: www.mtwagehourbopa.com

Please remember that the minimum wage goes up again on July 24, 2009 to \$7.25/hr.

Have a great summer!..

The staff and management of the Anaconda Job Service Workforce Center: Marilyn, Shirley, Karen and Jane.