

39-2-905. Remedies, MT ST 39-2-905

West's Montana Code Annotated
Title 39. Labor
Chapter 2. The Employment Relationship
Part 9. Wrongful Discharge from Employment

MCA 39-2-905

39-2-905. Remedies

Currentness

(1) If an employer has committed a wrongful discharge, the employee may be awarded lost wages and fringe benefits for a period not to exceed 4 years from the date of discharge, together with interest on the lost wages and fringe benefits. Interim earnings, including amounts the employee could have earned with reasonable diligence, must be deducted from the amount awarded for lost wages. Before interim earnings are deducted from lost wages, there must be deducted from the interim earnings any reasonable amounts expended by the employee in searching for, obtaining, or relocating to new employment.

(2) The employee may recover punitive damages otherwise allowed by law if it is established by clear and convincing evidence that the employer engaged in actual fraud or actual malice in the discharge of the employee in violation of 39-2-904(1)(a).

(3) There is no right under any legal theory to damages for wrongful discharge under this part for pain and suffering, emotional distress, compensatory damages, punitive damages, or any other form of damages, except as provided for in subsections (1) and (2).

Credits

Enacted by Laws 1987, ch. 641, § 5. Amended by Laws 1993, ch. 442, § 1; amended by Laws 2001, ch. 583, § 3.

Notes of Decisions (33)

MCA 39-2-905, MT ST 39-2-905

Current through the 2019 Session. Statutory changes are subject to classification and revision by the Code Commissioner.

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