

39-2-903. Definitions, MT ST 39-2-903

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

MCA 39-2-903

39-2-903. Definitions

Currentness

In this part, the following definitions apply:

- (1) "Constructive discharge" means the voluntary termination of employment by an employee because of a situation created by an act or omission of the employer which an objective, reasonable person would find so intolerable that voluntary termination is the only reasonable alternative. Constructive discharge does not mean voluntary termination because of an employer's refusal to promote the employee or improve wages, responsibilities, or other terms and conditions of employment.
- (2) "Discharge" includes a constructive discharge as defined in subsection (1) and any other termination of employment, including resignation, elimination of the job, layoff for lack of work, failure to recall or rehire, and any other cutback in the number of employees for a legitimate business reason.
- (3) "Employee" means a person who works for another for hire. The term does not include a person who is an independent contractor.
- (4) "Fringe benefits" means the value of any employer-paid vacation leave, sick leave, medical insurance plan, disability insurance plan, life insurance plan, and pension benefit plan in force on the date of the termination.
- (5) "Good cause" means reasonable job-related grounds for dismissal based on a failure to satisfactorily perform job duties, disruption of the employer's operation, or other legitimate business reason. The legal use of a lawful product by an individual off the employer's premises during nonworking hours is not a legitimate business reason, unless the employer acts within the provisions of 39-2-313(3) or (4).
- (6) "Lost wages" means the gross amount of wages that would have been reported to the internal revenue service as gross income on form W-2 and includes additional compensation deferred at the option of the employee.
- (7) "Public policy" means a policy in effect at the time of the discharge concerning the public health, safety, or welfare established by constitutional provision, statute, or administrative rule.

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Credits

Enacted by Laws 1987, ch. 641, § 3. Amended by Laws 1993, ch. 193, § 3.

Notes of Decisions (76)

MCA 39-2-903, MT ST 39-2-903

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

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