

39-2-911. Limitation of actions, MT ST 39-2-911

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

MCA 39-2-911

39-2-911. Limitation of actions

Currentness

- (1) An action under this part must be filed within 1 year after the date of discharge.
- (2) If an employer maintains written internal procedures, other than those specified in 39-2-912, under which an employee may appeal a discharge within the organizational structure of the employer, the employee shall first exhaust those procedures prior to filing an action under this part. The employee's failure to initiate or exhaust available internal procedures is a defense to an action brought under this part. If the employer's internal procedures are not completed within 90 days from the date the employee initiates the internal procedures, the employee may file an action under this part and for purposes of this subsection the employer's internal procedures are considered exhausted. The limitation period in subsection (1) is tolled until the procedures are exhausted. In no case may the provisions of the employer's internal procedures extend the limitation period in subsection (1) more than 120 days.
- (3) If the employer maintains written internal procedures under which an employee may appeal a discharge within the organizational structure of the employer, the employer shall within 7 days of the date of the discharge notify the discharged employee of the existence of such procedures and shall supply the discharged employee with a copy of them. If the employer fails to comply with this subsection, the discharged employee need not comply with subsection (2).

Credits

Enacted by Laws 1987, ch. 641, § 6.

Notes of Decisions (21)

MCA 39-2-911, MT ST 39-2-911

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

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