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2.21.3101 SHORT TITLE

(1) This sub-chapter may be cited as the state central payroll policy.

History: [2-18-401](#), MCA; [IMP, 2-18-401](#) et seq. , MCA; [NEW](#), 1997 MAR p. 2278, Eff. 12/16/97.

2.21.3102 DEFINITIONS

As used in this sub-chapter, the following definitions apply:

(1) "Assignee" means the financial institution or non-profit organization that receives the assigned portion of the employee's wages.

(2) "Assignor" means the state employee who assigns a portion of the employee's wages to a financial institution or a non-profit organization.

(3) "Central payroll" means the work unit located in the department of administration that is responsible for final payroll processing.

(4) "Financial institution" means any commercial bank, savings and loan association, or credit union.

(5) "Insurance" means the products offered by insurance companies authorized to conduct business in this state and that have been approved by the insurance commissioner pursuant to the applicable provisions of the laws governing the filing of insurance rates and forms.

(6) "Investment programs" mean annuities, bonds, retirement programs, and other legitimate investment opportunities.

(7) "Mandatory payroll deduction" means a deduction that is withheld from the employee's pay as required by law, a court, a collective bargaining agreement, or any other legal instrument.

(8) "Non-profit organization" means any charitable, educational or scientific organization which qualifies under federal tax law as an organization able to receive tax deductible contributions.

(9) "Voluntary payroll deduction" means an automatic deduction requested by a state employee to be withheld from the employee's state payroll warrant which is not otherwise provided for by federal or state law, rule, regulation, or collective bargaining agreement.

History: [2-18-401](#), MCA; [IMP, 2-18-401](#) et seq. , MCA; [NEW](#), 1997 MAR p. 2278, Eff. 12/16/97.

2.21.3103 TIME AND TRAVEL EXPENSE REPORTING

(1) An employee shall submit time records after the close of each bi-weekly pay period and in the manner prescribed by the employing agency.

(2) An employee shall submit claims for reimbursement of travel expenses in the manner and within time lines prescribed by the agency, but no later than 3 months after

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incurring the expense. The employee shall attach all necessary receipts and documentation to the claim. In accordance with Montana operations manual volume I policy 1-0370.30, an employee who fails to turn in travel claims within 3 months of incurring the expense waives the right to reimbursement.

(3) If an employee fails to submit a time record as required in this rule, the employee's supervisor shall submit a time record based on the supervisor's knowledge of hours worked, including overtime or compensatory time, and leave used. The employee is responsible for documenting and notifying the agency of any necessary corrections after the fact.

(4) If an employee fails to submit time records and travel claims as provided in this rule, the employee is subject to disciplinary action as provided in the discipline handling policy, ARM [2.21.6505](#) et seq.

History: [2-18-401](#), MCA; [IMP](#), [2-18-405](#), MCA; [NEW](#), 1997 MAR p. 2278, Eff. 12/16/97.

2.21.3104 FINAL PAY WARRANT FOR EMPLOYEES TERMINATED FOR CAUSE OR LAID OFF

(1) Pursuant to [39-3-205](#), MCA, when an employee is terminated for cause or laid off, the employing agency may pay the employee's final wages on the next regularly occurring pay day for the pay period that includes the last day the employee worked.

(2) In accordance with [39-3-205](#), MCA, if an employee is discharged by reason of an allegation of theft of property or funds connected to the employee's work, the agency may withhold from the employee's final paycheck an amount sufficient to cover the value of the theft.

History: [2-18-401](#), MCA; [IMP](#), [2-18-405](#) and [39-3-205](#), MCA; [NEW](#), 1997 MAR p. 2278, Eff. 12/16/97.

2.21.3105 DECEDENT'S WARRANT

(1) A decedent's warrant is a legally binding document which permits a state employee to designate a person to receive the employee's pay, benefits, and/or travel allowances due at the time of the employee's death. Anyone, including a minor, may be designated as the person to receive a decedent's warrant.

(2) Warrants for money due the employee or the estate will be reissued in the name of the designated person and will be delivered to that person without recourse to estate administration procedures if the properly completed form is on file with the employing agency at the time of the employee's death.

(3) Only one warrant will be issued by the department of administration as a replacement for each warrant the decedent would have received.

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(4) The "designation of person authorized to receive decedent's warrants" form is required. Instructions are printed on the form and must be reviewed for accuracy by the employing agency.

(5) An employee may change a designation at any time by filing a new designation form. Upon termination and after all salary, benefits, and travel warrants made payable to the employee have been delivered to the employee and paid, the designation must be automatically canceled and filed in the employee's personnel file.

(6) Upon the death of an employee, the employing agency completes the information on the designation form (employee's name, date of death, and signature of certifying officer) . If the employee has completed an older form that does not have this information printed on the side, this information must be typed on the right-hand margin. The employing agency keeps the original of the designation form on file at all times. Two photocopies of the designation form must be sent to the department of administration with each unnegotiated warrant. The designation form and unnegotiated warrants may not be sent to central payroll.

(7) When an employee paid through electronic fund transfer dies, the last regularly occurring pay warrant will be electronically deposited into the employee's checking or savings account. The final remittance for any unpaid wages, benefits and/or travel claims will be generated as a warrant and delivered to the designee.

(8) Applicable warrants are to be identified by number, date, and amount on the reverse side of the original designation. After all warrants have been delivered to the designee, the designation must be canceled and filed.

(9) Warrants must be delivered to a designee by the department of administration and accompanied by a photocopy of the designation on file.

(10) Neither refund of retirement contributions nor payment of death benefits is covered by the designation of decedent's warrant.

History: [2-18-401](#), MCA; [IMP, 2-18-412](#), MCA; [NEW](#), 1997 MAR p. 2278, Eff. 12/16/97.

2.21.3106 VOLUNTARY PAYROLL DEDUCTIONS

(1) Central payroll may establish the following types of voluntary payroll deductions for:

- (a) purchasing insurance;
- (b) depositing money into a financial institution or investment program;
- (c) contributing to a non-profit organization through the state employees' combined giving campaign; and
- (d) transferring funds to any organization when the department of administration determines that allowing the deduction is in the best interests of the state.

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(2) All requests for voluntary payroll deductions must be submitted in writing to central payroll and signed by the authorized representative of the firm or organization. The following information must be provided:

- (a) the purpose of the deduction;
- (b) an agreement not to solicit state employees during normal working hours unless a permit has been granted by the department of administration, general services division;
- (c) an agreement to remit, upon telephone notice by central payroll, any corrected balance due the state of Montana by placing a check in the mail within 24 hours;
- (d) forms for voluntary payroll deduction for approval by central payroll; and
- (e) the name, address, and telephone number of the responsible contact person representing the firm or organization.

(3) Any firm or organization requesting approval of a voluntary deduction must present a minimum of 50 state employees' signatures on a petition in support of the request.

- (4) In reviewing applications for payroll deduction, central payroll investigates:
- (a) compliance with all federal and state regulatory requirements;
 - (b) to ensure that applicants have no on-going consumer investigations; and
 - (c) any other relevant factors.

(5) When a voluntary deduction is approved, an employee shall request the deduction by contacting the employing agency's payroll section.

(6) Central payroll may revoke approval for a voluntary payroll deduction if:

- (a) the number of state employees authorizing the voluntary payroll deduction falls below 50. Central payroll must send immediate notice to the authorized representative for the voluntary payroll deduction that the deduction has fallen below the minimum requirement and that the firm or organization has 30 days to meet the requirement;
- (b) the organization or the organization's agents solicit state employees during normal working hours without proper authorization or solicit state employees by implying that the organization's product is approved, authorized or in any way supported by the state; or
- (c) the organization fails to comply with any of the requirements in this rule.

(7) When the approval of a payroll deduction has been revoked, central payroll must send immediate notice by certified mail to the contact person responsible for the payroll deduction and by state mail or regular mail to all state agencies.

(8) Thirty days after notice of the revocation of approval of a voluntary payroll deduction is sent to all state agencies, central payroll must remove the payroll deduction from the central payroll system.

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(9) The department of administration may establish and/or maintain a voluntary payroll deduction when less than 50 employees request the deduction, if allowing the deduction is in the best interest of the state.

History: [2-18-401](#), MCA; IMP, [2-18-401](#) et seq. , MCA; NEW, 1997 MAR p. 2278, Eff. 12/16/97.