

Manager Fact Sheet: Military Selective Service Act Compliance

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Introduction:

This fact sheet answers frequently asked questions state human resource professionals and managers have in complying with the Military Selective Service Act.

What is the Montana Compliance with Military Selective Service Act?

The 2001 [Montana Compliance with Military Selective Service Act](#) prohibits state agencies from hiring individuals who have not complied with the [federal Military Selective Service Act](#). The Montana Compliance with Military Selective Service Act (2-15-130, MCA), provides the following exceptions; *“this prohibition does not apply to an individual who:*

- (a) by a preponderance of the evidence shows that the failure to register was not done knowingly or willfully; or*
- (b) is exempt from registration under the provisions of the Military Selective Service Act.”*

Which executive branch agencies are covered by the act?

The Montana Compliance Act covers all executive branch agencies provided for in 2-15-102, MCA. This includes all executive branch agencies under the direction of elected officials, i.e. the Governor, Secretary of State, State Auditor, Public Service Commission, and Attorney General. It also includes the numerous boards, councils, committees, and

commissions provided for in all of Title 2, Chapter 15, MCA.

Does the Act cover all positions in the executive branch?

Yes. The act states that state government agencies will not employ individuals on a *“full-time or part-time basis, in a permanent or temporary position, an individual who has failed to comply with the registration requirements of the federal Military Selective Service Act.”* This language indicates the Legislature included all executive branch positions, regardless of whether males are newly hired as permanent employees, temporary employees, seasonal employees, or short term workers as those terms are defined in 2-18-101, MCA. To date, the Legislature has not provided position specific exclusions to the Montana Compliance with Military Selective Service Act.

What should my agency do to comply with the act?

The Administrative Rules of Montana (ARM) set out agency responsibilities in complying with the act. See rule [2.21.3711](#), ARM.

Alternative accessible formats of this Fact Sheet will be provided on request. Persons who need an alternative format should contact the State Human Resources Division, Department of Administration, 125 N. Roberts St., PO Box 200127, Helena, MT 59620-0127. Telephone 406-444-3871. Those using a TTY may call through the Montana Relay Service at 711.