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Montana wage and hour cheat sheet

Minimum wage, overtime, breaks, final pay, and record retention on one sheet. Rates verified November 2026.

Minimum wage

$10.85 per hour since January 1, 2026. Montana sets its rate under §39-3-409 MCA as the greater of the federal FLSA rate or the state rate, adjusted each year for inflation. Montana allows no tip credit: tips, gratuities, and service charges belong to the employee and cannot count toward wages, so tipped employees must receive the full $10.85 cash wage. Montana also allows no meal credit and no training wage. A business not covered by the federal FLSA whose gross annual sales are $110,000 or less may pay $4.00 per hour. However, any individual employee who produces or moves goods between states, or is otherwise covered by the FLSA, must be paid the greater of the federal minimum wage or Montana's minimum wage. The rate rises to $11.20 per hour on January 1, 2027.

Overtime

1.5x the regular rate for hours worked over 40 in a workweek (§39-3-405 MCA). The Montana Department of Labor and Industry measures this over the employer's seven-day workweek. The department lists agricultural workers, salaried executive and administrative professionals, and outside sales persons among the exempt groups.

Daily overtime

None. Montana has no daily overtime and no double-time requirement. Overtime is owed only on hours over 40 in the employer's seven-day workweek, however many hours are worked in a single day.

Meal break

No state meal-break requirement for adult employees. The Montana Department of Labor and Industry states that no state or federal law requires an employer to give a meal period. If one is given, it may be unpaid when it lasts 30 minutes or longer and the employee is completely relieved from duty.

Rest break

No state rest-break requirement for adult employees. The Montana Department of Labor and Industry states that no state or federal law requires an employer to give rest periods or coffee breaks. If the employer chooses to give short rest breaks, that time must be paid.

Final paycheck

Quit: by the next regular payday for the pay period of the separation, or within 15 days, whichever comes first. Discharged for cause or laid off: immediately, which the Department of Labor and Industry reads as within four hours or by the end of the business day, whichever comes first (§39-3-205 MCA). An employer with a written personnel policy that extends the deadline must still pay by the next regular payday for that pay period or within 15 days, whichever comes first. A separate rule in §39-3-205(3) lets an employer hold final wages after a discharge for alleged theft, but only with the employee's written consent or a report to law enforcement within 7 business days. The wages become due if no charges are filed within 30 days of the report.

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Montana wage and hour cheat sheet (continued)

How long to keep time records

Federal law requires keeping time cards 2 years and payroll records 3 years, and some states go longer. Keep the records where you can produce them; a wage claim is decided on whoever has the better records.

Rates verified November 2026. The $10.85 rate took effect January 1, 2026. On October 7, 2026 the Montana Department of Labor and Industry announced that the minimum wage rises to $11.20 per hour on January 1, 2027. Montana indexes its rate each year to the August to August change in the CPI-U, rounded to the nearest $0.05, and announces the new rate by September 30 for the following January 1. The $4.00 rate for small non-FLSA businesses is set in statute and is not indexed. This is general information, not legal or payroll advice. Check the Montana labor department for the current rules, and talk to a professional for your situation.

Primary source: https://erd.dli.mt.gov/labor-standards/wage-and-hour-payment-act/state-minimum-wage. Full list of sources: getclox.com/blog/montana-time-tracking.