

**STATE OF MONTANA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER No. 6-2019**

**EXECUTIVE ORDER ESTABLISHING TRANSPARENCY AND REPORTING
REQUIREMENTS FOR STATE EMPLOYEE SETTLEMENT AGREEMENTS**

WHEREAS, the people of Montana enjoy a robust Right to Know, which entitles them to observe and monitor the activities of state government, including the expenditure of public funds;

WHEREAS, the State of Montana employs over 10,000 people and, like any large employer in the private sector, each year, a subset of those employees enters into good-faith disputes with their employer;

WHEREAS, a portion of those disputes are resolved mutually through agreement between employers and the employees; and

WHEREAS, robust transparency disclosure rules for state government promote confidence in government, and inform the public of the operations of their government;

NOW, THEREFORE, I, STEVE BULLOCK, Governor of the State of Montana, pursuant to the authority vested in me under the Constitution and the laws of the State of Montana do hereby establish transparency and reporting requirements for executive branch settlement and compromise agreements, as follows:

I. DEFINITIONS

As used in this Executive Order, the following definitions apply:

- 1) "State Agency" means an office, position, commission, committee, board, department, council, division, bureau, or a section of the executive branch over whom the Governor has authority.
- 2) "Employee Claim" means a dispute involving the payment of money between an Employee of the executive branch and a State Agency regarding the terms or conditions of employment or separation from employment if the Employee has been terminated. Claims do not include benefits disputes, including but not limited to those under Title 19 (public retirement systems) and Title 39, chapter 51 (unemployment) or 71 (workers' compensation).
- 3) "Employee" means a "permanent employee," "short-term worker," "student intern," "seasonal employee," "personal staff," or "temporary employee" as those terms are defined in 2-18-101, MCA.
- 4) "Employee Settlement" means a written agreement resolving a Claim.
- 5) "Employee Settlement Date" means the date money is paid.

II. POLICY

It is the policy of the executive branch that compensation provided to current or former state employees through settlement or compromise agreements with the state is subject to reporting and transparency requirements, as detailed in this Order.

An Employee Settlement is public information. The only exception is if the right to individual privacy clearly exceeds the merits of public disclosure. A State Agency does not have an individual right of privacy.

To enable the public to easily access Employee Settlement information, the Department of Administration shall create, monitor, maintain, and update, on an ongoing basis, a portion of the website transparency.mt.gov that is available to the public and publishes the following:

- (a) the Employee Settlement Date;
- (b) the State Agency where the alleged acts or omissions giving rise to the Employee Claim originated; and
- (c) the amount paid.

The information identified above must be published within 60 days of the Employee Settlement Date. Each State Agency must submit the information identified above to the Department of Administration within 30 days of the Employee Settlement Date.

Each Employee Settlement published on the website must remain posted for at least three years after the Employee Settlement Date.

All money paid pursuant to an Employee Settlement must be consistently coded in the Statewide Accounting, Budgeting, and Human Resource System (SABHRS) so that when the code or codes are reviewed a complete list of all Employee Settlements is provided. The Department of Administration (i) shall set the standards for the coding and State Agencies must follow these standards and (ii) may periodically audit State Agencies to review compliance with and consistency of the coding.

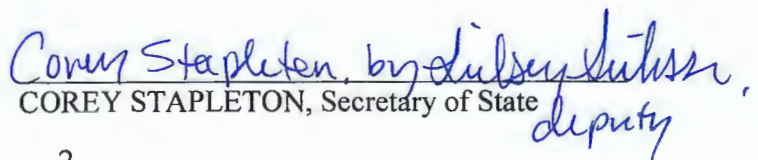
This Order is effective immediately and shall apply to Employee Settlements entered into on or after June 1, 2019.



GIVEN under my hand and the GREAT SEAL of the State of Montana this 10th day of May 2019.


STEVE BULLOCK, Governor

ATTEST:


COREY STAPLETON, Secretary of State *deputy*