

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



JOHN WALSH
LT. GOVERNOR

May 6, 2013

The Honorable Linda McCulloch
Secretary of State
State Capitol
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto Senate Bill 148 (SB 148), "AN ACT LIMITING THE AMOUNT OF LOST WAGES AND FRINGE BENEFITS AN EMPLOYEE MAY BE AWARDED WHEN THE EMPLOYEE HAS BEEN WRONGFULLY DISCHARGED; AND AMENDING SECTION 39-2-905, MCA."

Montana's Wrongful Discharge from Employment Act strikes a balance between the interests of employers and the rights of workers. It requires that an employer have good cause before firing a person who is outside of their probationary period. If the employee challenges their termination and a jury determines that an employer did not have good cause for the discharge, the employee may recover up to four years of wages and benefits. Any wages that the employee earned or could have earned if they had diligently sought employment are deducted from the damage award.

I believe this balance works for Montana and that SB 148's limitation on damages could harm working Montanans. SB 148 keeps the four-year cap on damages but it limits a worker to half the wages and benefits they earned while working in the job. Thus if a jury found that an employer wrongfully discharged an employee and that employee had worked for three years, they would only be entitled to recover a year and a half of damages. While I absolutely agree that employers must have the right to discharge an employee for legitimate business reasons, I also recognize that being wrongfully discharged can have major financial implications for Montana's working families. Those workers, who have been found to have been discharged in violation of Montana law, should be able to recover reasonable damages. Because I believe current Montana law provides for that, I am vetoing SB 148.

Sincerely,

A stylized, handwritten signature of Steve Bullock in black ink.

STEVE BULLOCK
Governor

cc: Legislative Services Division
Jeff Essmann, President of the Senate
Mark Blasdel, Speaker of the House