



Montana Department of LABOR & INDUSTRY

1
2 **Division: Workforce Services Division**
3 **Category: Wagner-Peyser**
4 **Effective Date: 12/11/2017**
5 **Last Revised: N/A**
6 **Policy No.: 10-17**

7 Labor Disputes Policy

8 **Background:** The Wagner-Peyser Act establishes a nationwide system of public employment service to match
9 qualified job candidates with businesses. The Act was amended by Title III of the Workforce Innovation and
10 Opportunity Act of 2014. Title III calls for stronger partnerships with Employment Services to seek new avenues
11 to enhance the seamless delivery of services in the One-Stop system. This policy replaces policy C2.70 “Labor
12 Disputes” in the ES Policy Manual.

13 **Scope:** This policy applies to all Job Service staff, Job Service office managers, and other WSD staff providing
14 services to clients and businesses. This policy is effective December 11, 2017.

15 Definitions:

- 16 • **Referral** – The act of promoting a client to a business.
17 • **Job Matching** – The act of promoting a job posting to a client.

18 Policy:

- 19 • When a Job Service Office becomes aware of a labor dispute in their service delivery area, the manager
20 will immediately notify, via one email, all of the following positions:
21 ○ Job Service Operations Bureau Chief;
22 ○ Job Service Operations Program Manager Supervisor;
23 ○ Business Services Program Manager; and
24 ○ Wagner-Peyser Program Manager.
- 25 • The email shall contain the following information:
26 ○ Business involved in the labor dispute;
27 ○ Name of the union involved;
28 ○ Positions involved in the labor dispute (if known);
29 ○ Date labor dispute initiated (if known); and
30 ○ The number of open job orders the business has posted (if applicable).
- 31 • Job Services shall make no job referral or job matching services on job orders which will aid directly or
32 indirectly in the filling of a job opening which is vacant because the former occupant is on strike, or is
33 being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in the labor
34 dispute involving a work stoppage.
- 35 • Written notification shall be provided to all clients referred to jobs not at issue in the labor dispute that a
36 labor dispute exists in the employing establishment and that the job to which the client is being referred
37 or job matched to is not at issue in the dispute.
38 ○ The written notification will be drafted by Central Office and distributed to each Job Service to
39 provide to clients as needed.

- 1 • When a job order is received from a business reportedly involved in a labor dispute involving a work
2 stoppage, the Job Service shall:
- 3 o Verify the existence of the labor dispute and determine its significance with respect to each
4 vacancy involved in the job order; and
5 o Notify all job service staff of the labor dispute.
- 6 • Central Office will notify the USDOL Regional Administrator when:
- 7 o the labor dispute resulted in a work stoppage at a business involving a significant number of
8 workers; or
9 o The dispute involved multi-establishment businesses with other establishments outside the
10 reporting state.
- 11 • When the labor dispute has been settled, the applicable Job Service manager will notify, via email, all of
12 the following positions:
- 13 o Job Service Operations Bureau Chief;
14 o Job Service Operations Program Manager Supervisor;
15 o Business Services Program Manager; and
16 o Wagner-Peyser Program Manager.
- 17 • Job Services shall resume full referral services when they have been notified of, and verified with the
18 business and worker's representative(s), that the labor dispute has been terminated.

19 **References:**

- 20 • [Wagner-Peyser Labor Disputes 652.9](#)