Montana Department of LABOR & INDUSTRY

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Division: Workforce Services Division
Category: Wagner-Peyser
Effective Date: 12/11/2017
Last Revised: 12/17/2018
Policy No.: 10-17

Labor Disputes Policy

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

Scope: This policy applies to all Job Service staff, Job Service office managers, and other WSD staff providing services to clients and businesses. This policy is effective December 21, 2018.

Definitions:
- **Referral –** The act of promoting a client to a business.
- **Job Matching** – The act of promoting a job posting to a client.

Policy:
Labor Dispute Notice:
- When either Central Office or a Job Service office becomes aware of a labor dispute affecting a service delivery area, Central Office or Job Service staff will immediately notify, via one email, all of the following positions:
    - Job Service Operations Bureau Chief;
    - Job Service Operations Program Manager Supervisor;
    - Business Services Program Manager; and
    - Wagner-Peyser Program Manager.
- The email will contain all of the following known information:
    - Business involved in the labor dispute;
    - Name of the union involved;
    - Positions involved in the labor dispute (if known);
    - Date labor dispute initiated (if known); and
    - The number of open job orders the business has posted with Job Service (if applicable).
- The Job Service Operations Bureau Chief, or designee, will contact the local Job Service office to confirm the dispute and then email a Labor Dispute Notice to the following positions:
    - Workforce Services Administrator
    - UI Administrator
    - Research & Analysis Bureau Chief, Workforce Services Division
    - Region IV Administrator, Dallas Office
    - All local Job Service office management and staff

40   o   All Workforce Services Division management

41   •   Job Service offices will make no job referral or job matching services on a job order which aids, directly
42   or indirectly, in filling a job vacancy that exists because the former occupant is on strike and is locked
43   out during the course of a labor dispute; or the labor dispute involves a work stoppage.

44   •   The Labor Dispute Notice will be drafted by Central Office and distributed to each Job Service office by
45   the Bureau Chief.

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47 **Job Orders:**

48   •   When the labor dispute results in a work stoppage, the Job Service office will:
49   o   Place on hold all job orders entered by staff or employers directly into the state's labor
50   exchange system that are affected by the labor dispute.

51   •   Openings not affected by the labor dispute will remain open.
52   o   The following language must be added to the top of all unaffected job orders:
53   NOTICE: This employer is involved in a labor dispute but this job is not impacted by the
54   dispute.

55 **Labor Dispute Resolution:**

56   •   When the labor dispute is resolved, the Job Service Operations Bureau Chief will email a Labor Dispute
57   Resolution Notice to the following positions:
58   o   Workforce Services Administrator
59   o   UI Administrator
60   o   Research & Analysis Bureau Chief, Workforce Services Division
61   o   Region IV Administrator, Dallas Office
62   o   All local Job Service office management and staff
63   o   All Workforce Services Division management
64   •   Job Service offices will resume full referral services when they have been notified, and verified with the
65   business and worker's representative(s), that the labor dispute has been resolved.

66 ## References:
67 Wagner-Peyser Labor Disputes 652.9

68 ## Resources for Central Office Staff:
69 Labor Dispute Notice
70 Labor Dispute Resolution Notice