



Montana Department of LABOR & INDUSTRY

1 Division: Workforce Services Division
2 Category: Wagner-Peyser
3 Effective Date: 12/11/2017
4 Last Revised: 10/01/2022
5 Policy No.: 10-17

6 Labor Disputes Policy

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

12 **Scope:** This policy applies to all Job Service staff, Job Service office managers, and other WSD staff providing
13 services to clients and businesses. This policy is effective October 1, 2022.

14 Definitions:

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

17 Policy:

18 Labor Dispute Notice:

- 19 • When either Central Office or a Job Service office becomes aware of a labor dispute affecting a service
20 delivery area, Central Office or Job Service staff will immediately notify, via one email, all of the following
21 individuals:
 - 22 ○ Job Service Operations Bureau Chief;
 - 23 ○ Job Service Operations Bureau Program Director;
 - 24 ○ Job Service Operations Bureau Program Manager Supervisor;
 - 25 ○ One-Stop Operations Manager; and
 - 26 ○ Wagner-Peyser Program Manager.
- 27 • The email will contain all of the following known information:
 - 28 ○ Business involved in the labor dispute;
 - 29 ○ Name of the union involved;
 - 30 ○ Positions involved in the labor dispute (if known);
 - 31 ○ Date labor dispute initiated (if known); and
 - 32 ○ The number of open job orders the business has posted with Job Service (if applicable).
- 33 • The Job Service Operations Bureau Chief, or designee, will contact the local Job Service office to confirm
34 the dispute and then email a Labor Dispute Notice to each of the following individuals:
 - 35 ○ Workforce Services Administrator
 - 36 ○ UI Administrator
 - 37 ○ Research & Analysis Bureau Chief, Workforce Services Division
 - 38 ○ Region IV Administrator, Dallas Office

- 39 ○ All local Job Service office management and staff
- 40 ○ 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 ○ Place on hold all job orders currently open for the employer involved in the labor dispute and
 - 50 for positions that are affected by the labor dispute.
- 51 ● Currently open job orders for the involved employer that are for positions not affected by the labor
- 52 dispute will remain open.
 - 53 ○ Whenever possible, the following language should be added to the top of these unaffected
 - 54 job orders:

55 NOTICE: This employer is involved in a labor dispute but this job is not impacted by the dispute.

56 Labor Dispute Resolution:

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

67 References:

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

69 Resources for Central Office Staff:

70 Labor Dispute Notice

71 Labor Dispute Resolution Notice