



Montana Department of LABOR & INDUSTRY

1 Division: Workforce Services Division
2 Category: Wagner-Peyser
3 Effective Date: 12/11/2017
4 Last Revised: 10/01/2024
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 Montana (JSM) staff, JSM office managers, and other Workforce
13 Services Division (WSD) staff providing services to clients and businesses. This policy is effective October 1,
14 2024.

15 Definitions:

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

18 Policy:

19 Labor Dispute Notice:

- 20 • If Central Office or a JSM office is aware of a labor dispute impacting a service delivery area, Central
21 Office or JSM staff will immediately notify, in one email, all of the following individuals:
 - 22 ○ Job Service Bureau Chief;
 - 23 ○ Job Service Bureau Deputy;
 - 24 ○ Workforce Programs Supervisor; and
 - 25 ○ One-Stop Operations Manager.
- 26 • The email will contain all of the following known information:
 - 27 ○ Name of Business involved in the labor dispute;
 - 28 ○ Name of the union involved;
 - 29 ○ Positions involved in the labor dispute (if known);
 - 30 ○ Date labor dispute initiated (if known); and
 - 31 ○ The number of open job orders the business has posted with JSM (if applicable).
- 32 • The Job Service Bureau Chief or designee, will contact the local JSM office to confirm the dispute and
33 follow-up by email with a Labor Dispute Notice to each of the following individuals:
 - 34 ○ Workforce Services Administrator;
 - 35 ○ Workforce Services Deputy;
 - 36 ○ UI Administrator;
 - 37 ○ Data and Operations Bureau Chief, WSD;

- 38 ○ Region IV Administrator, Dallas Office; and
- 39 ○ All WSD management.
- 40 ● JSM offices must make no referrals or matching services for a job order which aids, directly or indirectly,
- 41 in filling a vacancy that exists because the former occupant is on strike, is locked out during the course
- 42 of a labor dispute, or the labor dispute involves a work stoppage.
- 43 ● The Labor Dispute Notice will be drafted by Central Office and distributed to each JSM office by the Job
- 44 Service Bureau Chief or designee.

45

46 Job Orders:

- 47 ● When the labor dispute results in a work stoppage, the JSM office will:
 - 48 ○ Place a hold on all open job orders for the employer involved in the labor dispute and for
 - 49 positions that are affected by the labor dispute.
- 50 ● Open job orders for positions not affected by the labor dispute will remain open.
 - 51 ○ The job order description must start with the following statement—Notice: This employer is
 - 52 involved in a labor dispute but this job is not impacted by the dispute.

53

54 Labor Dispute Resolution:

- 55 ● When the labor dispute is resolved, the Job Service Bureau Chief or designee will email a Labor Dispute
- 56 Resolution Notice to each of the following:
 - 57 ○ Workforce Services Administrator;
 - 58 ○ Workforce Services Deputy;
 - 59 ○ UI Administrator;
 - 60 ○ Data and Operations Bureau Chief, WSD;
 - 61 ○ Region IV Administrator, Dallas Office; and
 - 62 ○ All WSD management.
- 63 ● JSM offices will resume full referral services when they have been notified, and verified with the
- 64 business and worker's representative(s), that the labor dispute has been resolved.

65

66 References:

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

68

69 Resources for Central Office Staff:

70 Labor Dispute Notice

71 Labor Dispute Resolution Notice