



# Department of Labor and Industry

## Overview

**Elected Official:** Laurie Esau (Appointed by Governor and confirmed by the Senate)

## Duties/Responsibilities

### Workforce, Employment/Unemployment Oversight

- ◆ Oversees workforce and apprenticeship programs, including managing Job Service Offices statewide, work-based learning programs, the Jobs for Montana's Graduates program for middle and high school students, and the State Workforce Innovation Board. Many of these programs implement federal directives related to workers and employers.
- ◆ Provides economic analysis related to labor and employment.
- ◆ Manages 33 professional and occupational licensing boards and oversees complaints and investigations for the volunteer boards.
- ◆ Oversees the federal-state unemployment insurance program, handling claims and appeals, and making sure unemployment insurance schedules are fairly applied.
- ◆ Works with collective bargaining mediation.
- ◆ Conducts workplace safety training for all employers. Conducts inspections for local and state government entity work sites. Inspects coal mines and sand and gravel operation.

### Investigatory Responsibilities

- ◆ Investigates cases in which employers do not have workers' compensation insurance and arranges claim payments for workers of employers found not to have workers' compensation.
- ◆ Provides information, determinations, and hearings related to wage and hour complaints.
- ◆ Investigates charges of illegal discrimination under state (and related federal) law and provides educational outreach on human rights issues.

### Workers' Compensation Oversight

- ◆ Oversees the overall workers' compensation system by gathering information, providing utilization and treatment guidelines as well as medical fee schedules and a prescription drug formulary. Conducts mediation on claims, promotes return-to-work programs. Assists with the Workers' Compensation court.
- ◆ Handles independent contractor exemptions and contractor and home inspector registrations.

### Other Business Regulation/Assistance

- ◆ Handles business-related meter testing to ensure accuracy for weights and measures.
  - ◆ Administers building construction standards outside of areas not governed by local codes and works with builders to adopt national codes.
    - ◆ Oversees the Governor's Office of Community Service.
    - ◆ Surveys businesses for determination of prevailing wage rates and migrant agricultural workers' wages under H-2A visas.

## Boards, Entities Attached to the Department of Labor and Industry

- ◆ All 33 professional and occupational licensing boards (most under Title 37)
- ◆ Board of Personnel Appeals, established under 2-15-1705, MCA
- ◆ The Commission for Human Rights, established under 2-15-1706, MCA
- ◆ The Office of Workers' Compensation Judge, established under 2-15-1707, MCA
- ◆ The State Workforce Innovation Board, established under 53-2-1203, MCA, in conjunction with federal law
- ◆ The Unemployment Insurance Appeals Board, established under 2-15-1704, MCA



### Legislative Audits

- ◆ 2019 Financial Compliance Audit ([19-15](#)), 3 recommendations, all fully implemented.
- ◆ The Montana Prescription Drug Registry ([18DP-01](#)), 9 recommendations; Follow-up ([21SP-01](#)), 5 recommendations implemented, 4 in-process.

### Department of Labor and Industry – Biennium Budget for FY 2022 and FY 2023\*

Divisions	FTE	House Bill 2 for FY 2022			House Bill 2 for FY 2023			Total: All Sources for FY23 Biennium
		General Fund	State Special Revenue	Federal Special Revenue	General Fund	State Special Revenue	Federal Special Revenue	
Commissioner's Office/Central Services	68.25	305,527	369,942	432,034	310,752	369,503	432,636	2,220,394
Business Standards Division	137.50		19,872,430	20,409		19,783,745	20,409	39,696,993
Employment Relations Division	118.98	1,584,926	12,812,119	1,214,030	1,615,800	12,847,831	1,217,556	31,292,262
Unemployment Insurance	148.61		6,000,264	11,500,487		6,056,345	11,512,152	35,069,248
Workforce Services	244.50		13,833,298	16,924,206		13,856,220	16,944,679	61,558,403
Workers' Compensation Court	7.00		796,425			797,651		1,594,076
Office of Community Service	5.00	141,691	12,388	3,969,007	145,193	12,388	3,969,000	8,249,667
Technology Services Division**	51.00		<i>Proprietary Funds</i> 11,497,669			<i>Proprietary Funds</i> 11,510,884		23,008,553
<b>Totals</b>	<b>729.84</b>	<b>2,032,144</b>	<b>53,696,866</b>	<b>34,060,173</b>	<b>2,071,745</b>	<b>53,723,683</b>	<b>34,096,432</b>	<b>179,681,043</b>

\*As provided in HB2.

\*\* The FTE allocation and funds for the technology services division are not included in the totals above, per the calculations in HB2.

### Recent Reports & Areas of Interest

- ◆ [2021 Montana Labor Day Report](#)
- ◆ Prevailing Wage Changes: As a result of HB201, Miles City and Sidney are added as dispatch cities for calculating travel, per diem, and zone pay, effective 7/1/21.
- ◆ Minimum wage increase: Pursuant to 39-3-409, MCA, Montana's minimum wage will increase to \$9.20, effective 1/1/22.
- ◆ Return to Work Program: \$2,787,600 distributed.
  - Total applications: 6,219 (2,323 approved, 1,334 denied)
  - As of 11/16/2021
- ◆ 2021 Unemployment rates:

<b>January</b>	4.0%	<b>April</b>	3.7%	<b>July</b>	3.6%
<b>February</b>	3.9%	<b>May</b>	3.6%	<b>August</b>	3.5%
<b>March</b>	3.8%	<b>June</b>	3.7%	<b>September</b>	3.3%