



Montana Department of  
**LABOR & INDUSTRY**

# 2023 AGENCY PRESENTATION

*Empowering Montanans Through Work and Opportunity*

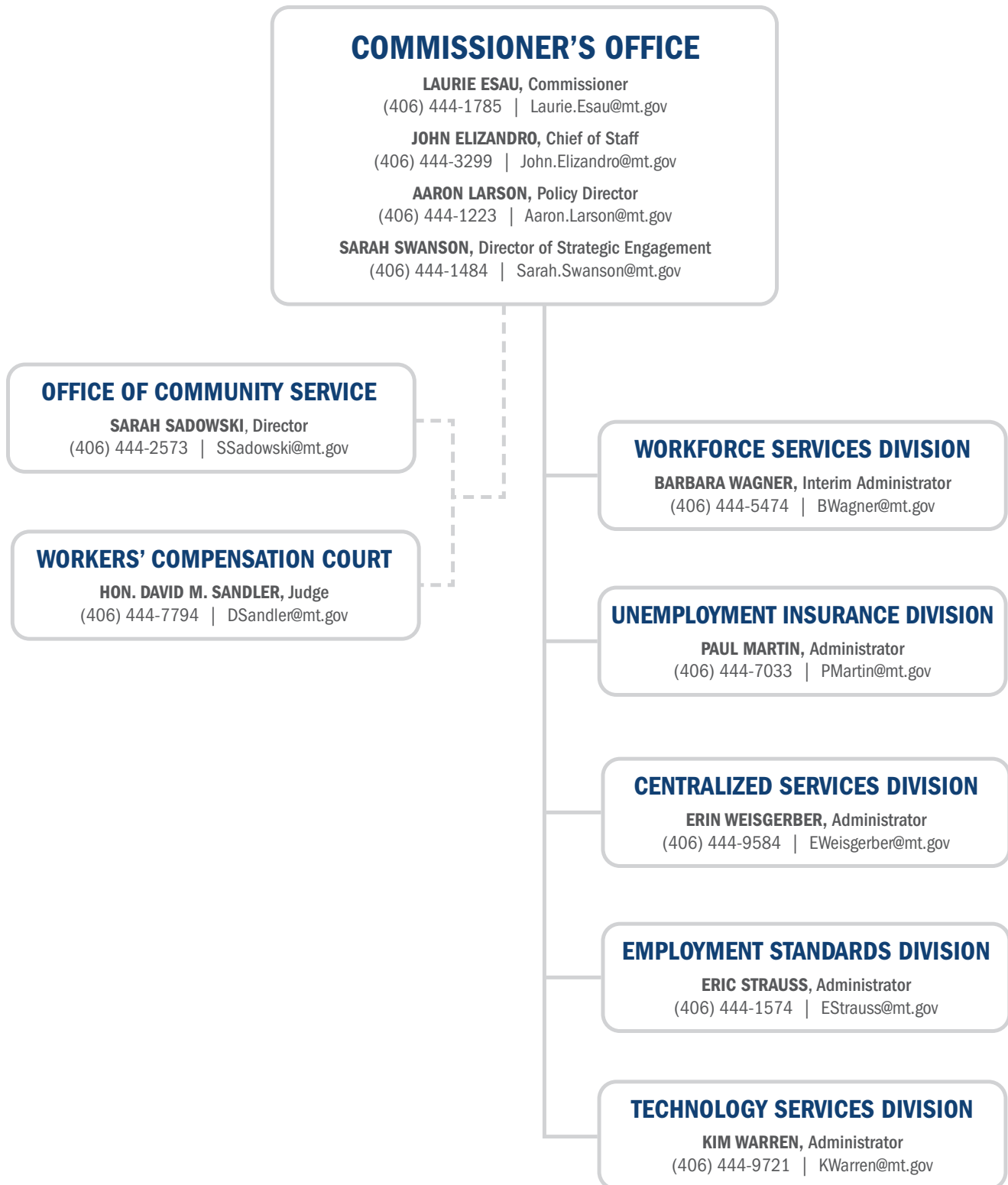
[www.dli.mt.gov](http://www.dli.mt.gov)



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# Organizational Chart



# Letter from the Commissioner



## Montana Department of LABOR & INDUSTRY

January 2, 2023

Dear Montana Legislator,

On behalf of the Montana Department of Labor & Industry, it is my pleasure to present to you our Agency Presentation for the 2023-2024 Biennium.

The last two years have been a time of significant change at the Department, as Montana emerged from the COVID-19 pandemic and our state's economy roared back to life. Montana's economy over the last two years has experienced unprecedented growth and prosperity, setting historic records for low unemployment. I'm pleased to report to you that in 2022, more Montanans have been working than ever before and our population of unemployed workers is the lowest since recordkeeping began.

The pandemic was a unique challenge for the Department, and we continue to implement the lessons learned. The Department is in the midst of developing a new, modernized unemployment insurance (UI) benefits system, better able to cope with the dramatic surge in claims Montana experienced in 2020. This new system will make filing claims far easier for Montanans out of work, and enable our claims processing personnel to prevent backlogs and ensure timeliness.

With the end of the pandemic, the biggest challenge facing Montana's economy has been a lack of workers, and DLI has pursued innovative new ways to rapidly upskill Montanans to help employers find new hires with the skills they need. DLI leveraged federal pandemic recovery dollars to launch a series of rapid retraining programs, most notably through a partnership with AccelerateMontana, a statewide job upskilling program affiliated with the University of Montana. Through DLI's collaboration with AccelerateMT and our other training providers, more than 1,000 Montana workers have received training in fields such as Commercial Drivers License (CDLs), health care, construction and manufacturing in calendar year 2022 alone. Additionally, a renewed emphasis on Registered Apprenticeship, and rule reforms directed by Governor Gianforte, have led to record-setting growth in Montana's apprenticeship programs.

Since the end of the last legislative session, DLI has taken a number of steps to overhaul its organization and find efficiencies. The Department's Technology Services Division completed a partial merger with state ITSD to consolidate some IT services. The Workforce Services Division underwent a complete reorganization, reducing FTE counts and breaking down silos in communication that were obstructing customer service. And most recently, two divisions that enjoyed some overlap – Business Standards and Employment Relations – were merged to create a new Employment Standards Division.

So whether you are new to the legislature and just beginning to learn about DLI, or returning and wouldn't mind a quick refresher, I hope this document is helpful to you in understanding each of our divisions and the important role they play in the lives of Montana workers.

Sincerely,

A handwritten signature in blue ink, appearing to read "L. Esau", with a stylized flourish at the end.

Laurie Esau  
Commissioner  
Montana Department of Labor & Industry

# Montana Economy: Year in Review

## EXECUTIVE SUMMARY

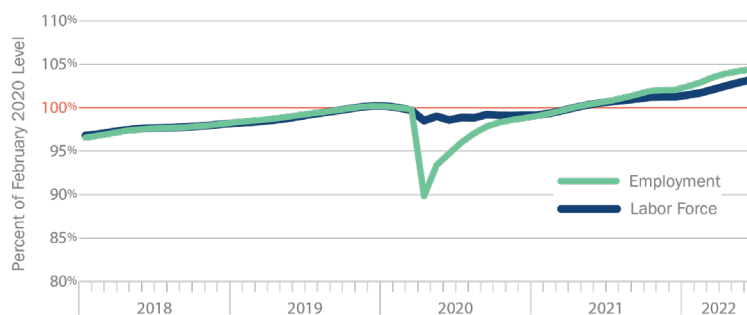
Montana's economy has enjoyed an unprecedented period of growth over the last two years. As the pandemic receded and the economy reopened, Montana employers began to hire and wages rose. **Total employment in Montana is almost 80,000 jobs higher** than pandemic-era lows, and the state's labor force is some 20,000 workers larger than before the pandemic.

Importantly, these are good-paying, family-sustaining jobs: Montana is on track to create more than **30,000 new jobs that pay over \$50,000 per year** in 2021 & 2022.

## COMPETITIVE JOB MARKET

In 2021, Montana's economy rolled from a recovery into a strong expansion. The widespread availability of the vaccine, lifting of pandemic restrictions, and consumer activity drove a significant increase in hiring activity as businesses and workers looked to get back to their pre-pandemic lives. Total employment in Montana rose quickly, pushing unemployment rates down. By May 2021, Montana's total employment surpassed its pre-pandemic peak. **Out of all fifty states, Montana experienced the 5th fastest total employment growth** (4.4%) and 3rd fastest payroll job growth (3.8%) since February 2020.

Montana Labor Market Recovery and Expansion



Source: US Bureau of Labor Statistics and Montana DLI, Local Area Unemployment Statistics.

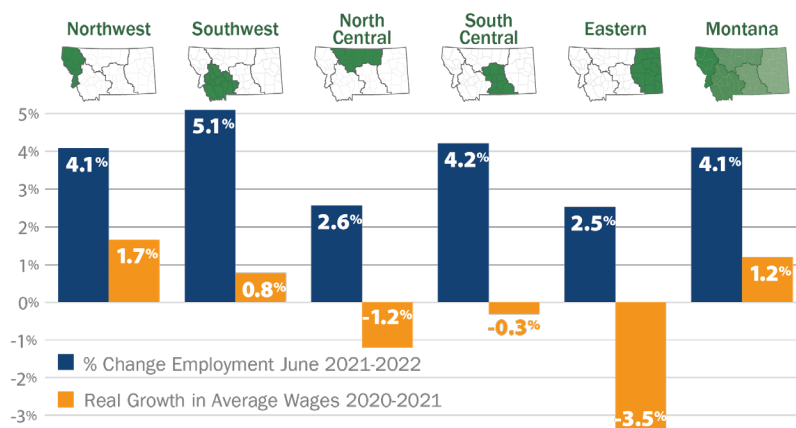
## UNEMPLOYMENT RATE

Record low unemployment rates spurred investments in productivity and competition for workers, each contributing to increased worker wages. Montana's productivity rose 1.7% in 2021, **being one of only 7 states with accelerating productivity gains** through the pandemic. Montana's average annual wages grew 5.9% in 2021, the 10th fastest increase in the nation and the second fastest year in history (behind 2020).

## EMPLOYMENT GROWING STATEWIDE

In 2022, all of Montana's regions have seen continued employment growth over 2021 levels. A growing labor force has made employment growth possible as unemployment rates have fallen in all but two Montana counties. The Northwest and Southwest regions have had the most population growth, and in turn, the fastest employment growth. Halfway through 2022, employment in the Southwest region has increased by 5.1% compared to June 2021, while the Northwest region has growth of 4.1%.

Employment and Real Wage Growth by Region



Source: Real payroll wages from QCEW and unemployment from LAUS.



# Montana Economy: Year in Review

## EXECUTIVE SUMMARY

### RAPID GROWTH IN NEW BUSINESSES

Montana's strong employment gains reflect a combination of industries rebounding from pandemic employment losses and others growing beyond their 2019 employment levels. In 2021, nearly every industry added jobs above 2020 levels.

Montana's job growth beyond pre-pandemic levels was driven by strong gains in the construction, business services, and trade industries. The business services industry has added nearly 3,500 jobs above its 2019 levels, benefitting from growth in tech businesses as well as workers taking advantage of remote work opportunities. Construction has added the second most jobs with 3,000 more than 2019. The construction industry has seen large gains due to high demand for housing.

Montana's largest employing industries, healthcare and trade, also saw large increases in employment gains over pre-pandemic levels. Not every industry had returned to their 2019 employment levels by the end of 2021. Leisure activities and the other industry (which includes information) had over 1,000 jobs remaining to recover to their pre-pandemic level.

### ENTREPRENEURIAL SPIRIT

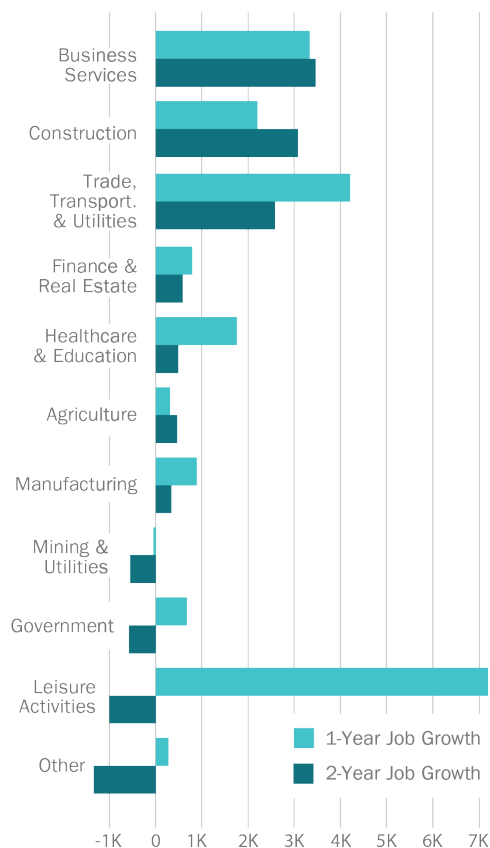
The economic growth Montana experienced in 2021 and 2022 can be credited in part to the entrepreneurial spirit of Montanans. Compared to other states, Montana has the second highest rate of proprietary employment with nearly 27.2% of workers employed in their own businesses. Proprietary employment helps increase Montana incomes, with proprietary income making up nearly 11% of Montana's personal income in 2021.

Montana's high level of entrepreneurialism leads to more businesses, job creation, and more employed workers. In 2021, the number of new business establishments was 1,200 higher than in 2020, reflecting the strong expansion and job growth experienced that year. Much of the growth in new establishments has been concentrated in the professional and business services sector, which had 1,429 new establishments in 2021. The sharp growth in this sector is likely reflective of an influx of teleworkers, as the growth has been driven by single-person establishments in subsectors such as custom computer programming and the administrative and management consulting.

### INFLATION CONTINUES TO HARM MONTANA FAMILIES

Despite Montana's impressive economic growth, high inflation driven by low interest rates nationwide, supply shocks following the pandemic and historic federal spending in Washington has taken a bite out of Montana workers' paychecks. Real (inflation-adjusted) wages are higher, but lower inflation nationwide will be necessary for Montanans to fully enjoy our economic strength.

Montana's 2021 Job Growth By Industry



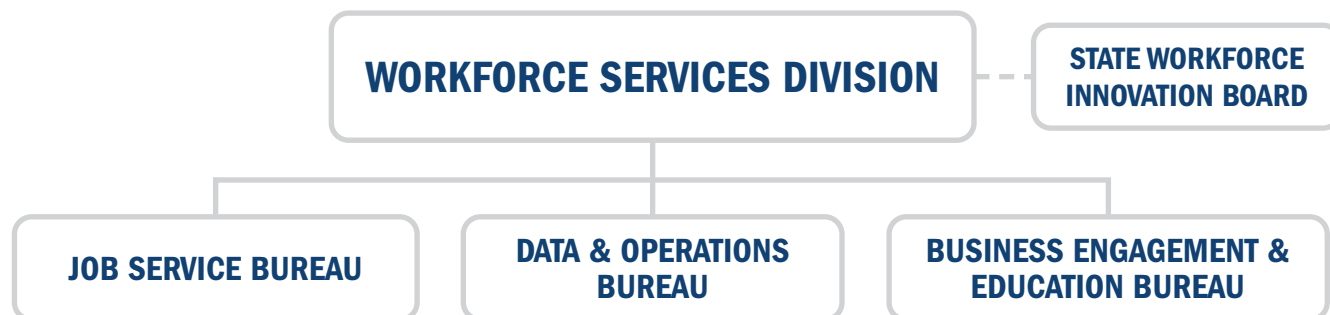
Source: US BLS and Montana Dept. of Labor and Industry, QCEW

# Workforce Services Division

BARBARA WAGNER, Interim Administrator  
(406) 444-5474 | BWagner@mt.gov



**THE WORKFORCE SERVICES DIVISION (WSD)** is charged with ensuring that Montana businesses, individuals, educators, and workforce and economic development partners understand the labor market, can connect with it, and have the skills and labor force to compete in it and help keep it growing.



## OVERVIEW

The Workforce Services Division (WSD) works to connect Montana workers with employers seeking to hire. The Division also helps Montana workers understand the job market and access skills development opportunities and job search assistance services. WSD provides businesses, job seekers, workforce and economic development partners, educators, students, and the general public a place to learn about the workforce and connect with each other.

WSD coordinates and guides the delivery of workforce development services to communities through a network of 17 Job Service offices across the state. It operates the Registered Apprenticeship and Jobs for Montana Graduates programs. It gathers, analyzes and explains labor market and career information used at the national and state level by businesses, policymakers, and educators. WSD also houses the State workforce board responsible for federal workforce program oversight and strategic guidance.

### Reorganizations Increases Efficiencies

In recent years, technological advancements have shifted the way our Job Service Montana offices have served clients. The COVID-19 pandemic accelerated these shifts, and as Montana's economy recovered it was clear that a reassessment of the Workforce Services Division was appropriate to ensure the Division is properly structured to meet the needs of Montana workers and employers.

In 2022, the Department retained an outside consultant to conduct a top-to-bottom business study of the Division. The results showed that while our WSD were committed to providing high levels of customer service, communications barriers and data and informational silos stood in the way of them doing their jobs most effectively. As a result, the Division went through a significant reorganization.

The new WSD centers on three functional bureaus – Job Service Montana, Data & Operations, and Business Engagement and Education. These changes will allow the Division to focus on data-driven strategies to improve service delivery, and reorients the Division towards better serving employers coping with a workforce shortage across the state. Efficiencies identified through the re-organization process has allowed WSD to eliminate 25 FTE through attrition with little expected impact on customer service.



# Montana Registered Apprenticeship

## PROGRAM SPOTLIGHT



**THE MONTANA REGISTERED APPRENTICESHIP PROGRAM** partners with union and non-union sponsors to establish registered apprenticeship programs across the state. A registered apprenticeship program provides the on-the-job and classroom training required to meet the national requirements for an industry-recognized certificate through a curriculum customized to meet the employer's needs.

## OVERVIEW

Apprenticeships are a time-honored tradition of passing on craftsmanship, knowledge, and skills to the next generation. This method of on-the-job training plays an integral part in Montana's worker training systems. While trades remain a large part of the program, the Montana Registered Apprenticeship program has evolved to include a broader range of professions to meet the needs of Montana's economy. Today's apprentices study in fields such as information technology and healthcare, in addition to the traditional apprenticeships for plumbers, carpenters, electricians, and other trades. Since 2000, the Montana Registered Apprenticeship Program has coordinated approximately 11,100 apprenticeships in 110 different occupations. These apprenticeships involved 9,600 individuals and over 1,300 businesses.



## APPRENTICESHIP RATIOS

Apprenticeship ratios refer to the number of journeymen who must be employed for each apprentice hired. Ratios are used to assure proper supervision and training. In some cases, there is one ratio for the first apprentice and a different ratio for additional apprentices. The first number in the ratio refers to the number of apprentices, and the second the number of journeymen. A ratio of **1:1**, then **1:2** means that one journeyman must be on hand for the first apprentice in a program, and two more journeyman for each additional apprentice. Following new rule changes enacted in 2021, **one journeyman can now supervise two apprenticeships**. This rule change has dramatically increased the number of apprenticeships an employer is able to offer.

**The number of new apprenticeships in 2022 was higher than ever before.**

## EARNINGS

Apprentices who completed a program earned an **average wage of \$63,500** in the first year after graduation,, which is more than twice as much as graduates from other post-secondary institutions in the state. Over the last five years, the program has graduated an average of 260 apprenticeships per year, providing a considerable contribution to Montana's trained workforce.

Not only do apprentices have higher wages post-graduation, but they also earn relatively high wages while earning their certification. The average wage for Montanans in the second year of registered apprenticeship training was about \$44,000. Real wages continue to increase as workers gain skills and experience, increasing by approximately \$21,000 three years post-graduation compared to three years pre-graduation.

**Apprenticeship, Bachelor's, and Associate Degree Wages by Work Experience**



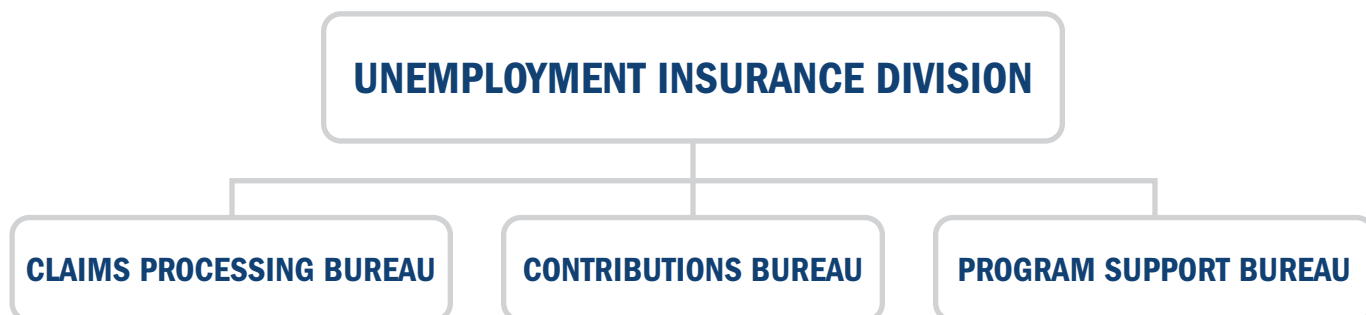
Source: MTDLI, OCHE, RMC, CC, UP, and apprenticeship graduate data wage match. Wages reflect average real wages reported in 2021 dollars using the CPI-U. Apprenticeship includes all degree types. Work experience defined as working at least two quarters per year in the five years prior to graduation. All apprenticeship completers have work experience.

# Unemployment Insurance Division

PAUL MARTIN, Administrator  
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**THE UNEMPLOYMENT INSURANCE DIVISION (UID)** provides short-term economic relief to eligible workers from a fund financed by employers. This program not only lightens the burden of unemployment upon the worker and the worker's family, but also helps local communities maintain a stable workforce and economy.



## OVERVIEW

Montana's Unemployment Insurance Division is focused on providing high-quality customer service and benefits to individuals who have lost work. The COVID-19 pandemic caused a historic surge in UI claims, and the UI staff has worked diligently and successfully to eliminate backlogs and improve timeliness as the pandemic receded.

The Claims Processing Bureau has offices in Helena and Billings. Claims Processing staff assist customers who cannot complete an online claim, answer questions over the phone and by email, and process state, federal and multi-state claims. Bureau staff determine monetary eligibility, investigate and adjudicate claim issues, and determine employer chargeability.

The Contributions Bureau is responsible for UI employer registration, contribution rate assignments, tax and wage report collections, wage revisions and employer audits. The Bureau includes field representatives in Great Falls, Missoula, Kalispell, Bozeman, Billings and Helena, who perform audits and provide employers assistance in filing quarterly wage reports.

The Program Support Bureau manages the UI Trust Fund, division budget and accounting, and claim document imaging and workflow. This Bureau also provides management analysis, reporting and oversight of the tax and benefit quality control and integrity programs, including catching overpayments and fraud.

## A Modern Unemployment Insurance Benefits System

Like many other states across the country, Montana has been using an outdated unemployment insurance benefits processing system. Known as MISTICS, DLI's existing system was developed some 20 years ago and relies on a patchwork of outdated technologies to operate.

The COVID-19 pandemic caused a sudden surge of UI claims, laying bare the fragilities of the MISTICS system. DLI has taken the lessons learned during the pandemic and applied them to development of a new, modern UI benefits processing system.

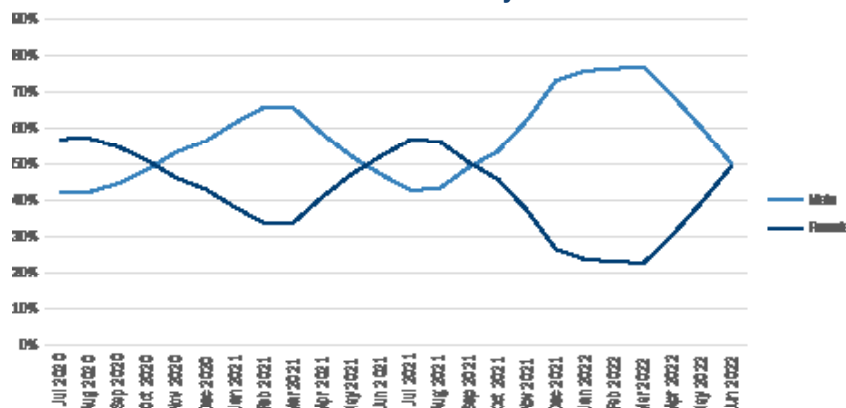
Known as MUSE, the new system will improve efficiency, security and the customer experience. MUSE is presently under development and is on track for a fall 2023 launch.

# Who Is Filing for Unemployment Insurance?

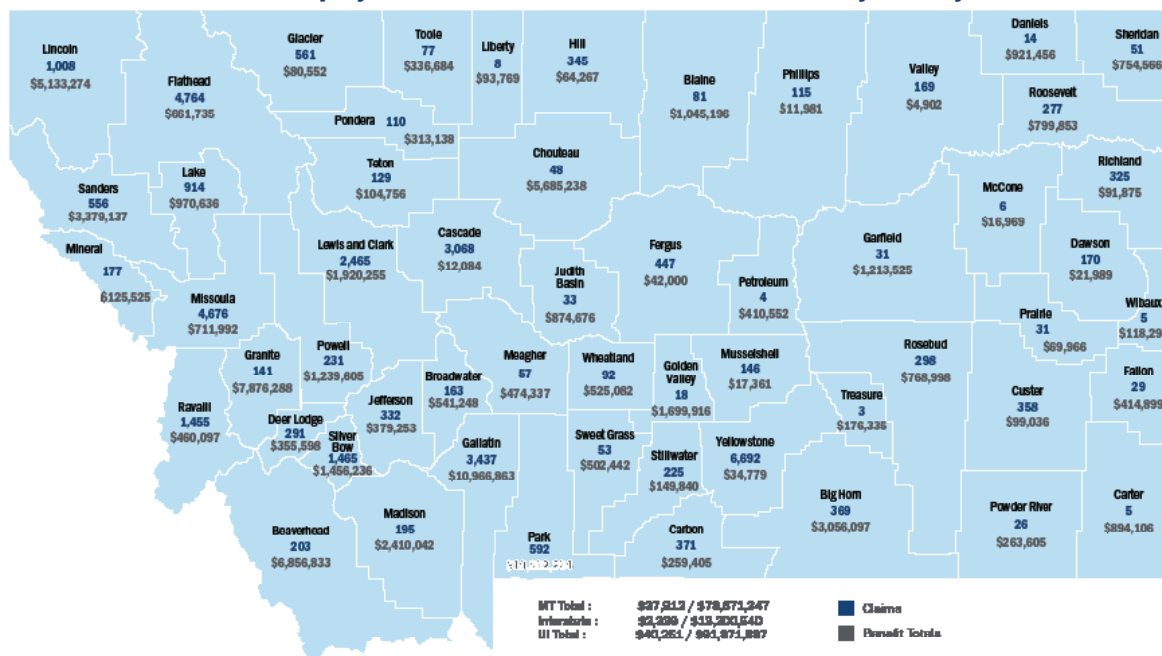
## Who are these Montanans?

- Unemployment claims fell dramatically after the wide availability of the COVID-19 vaccine and the end of pandemic-era lockdowns and restrictions. Claims peaked in March of 2020, with more than **83,000** Montanans filing for benefits.
- Today, the number of Montanans filing for UI benefits is near historic lows. In September, an average of just **2,700** Montanans filed initial or continuing claims each week.
- In SFY2022, **63%** of claimants earned less than **\$40,000**.
- In SFY2021, **52%** of claims were filed by males, and in SFY2022, **65%** of claims were filed by males.
- The number of claims being filed has gone down with the largest change in the Accommodation and Food Services Industry. In SFY2021, this industry comprised **23%** of claims filed, whereas in SFY2022, it only comprised **11%** of the claims filed. For SFY2022, the largest industry filing claims was the construction industry at **26%**.

Share of Claimants by Gender



Montana Unemployment Insurance Benefits and Claims by County SFY2022

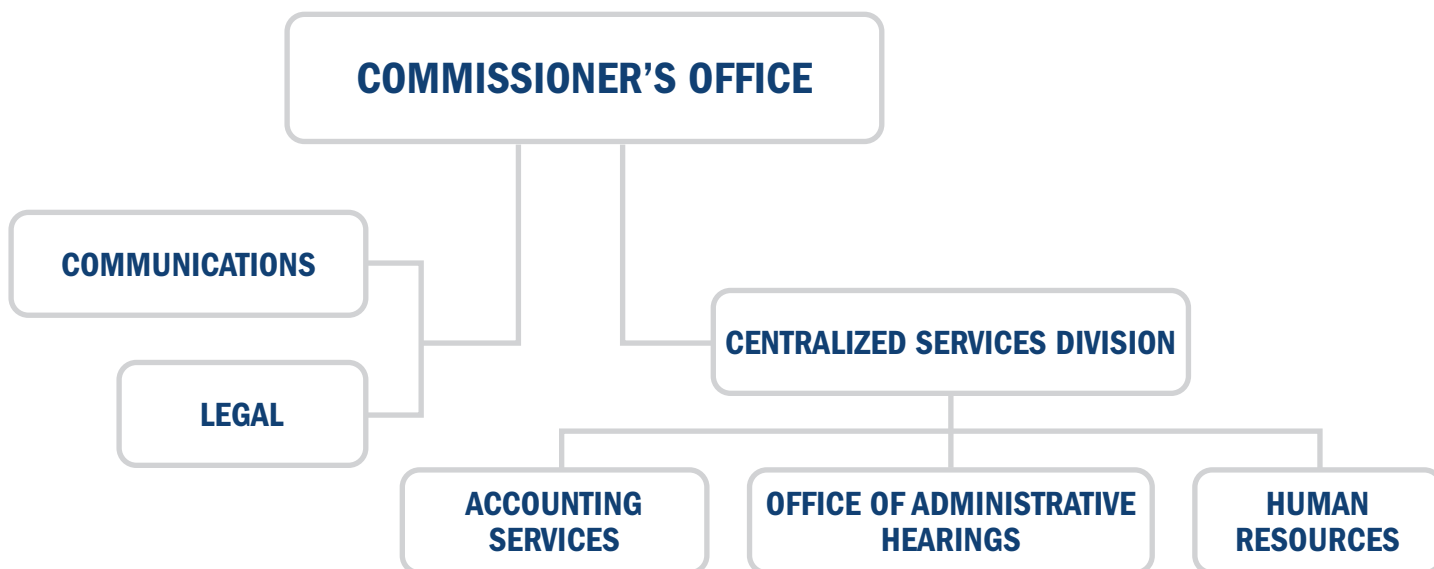


# Centralized Services Division

ERIN WEISGERBER, Administrator  
(406) 444-9584 | EWeisgerber@mt.gov



**THE CENTRALIZED SERVICES DIVISION (CSD)** provides necessary support in the areas of human resources, legal, communications, accounting and budgeting to the Department's divisions and administratively attached entities. The Office of Administrative Hearings is also housed within this division.



## CSD FUNCTIONS

The Commissioner's Office and the work units attached to it provide leadership and support services to the Department's various divisions. Work units attached to the Commissioner's Office include the Communications Office and the Office of Legal Services.

The Accounting Services and Human Resources are housed in the Centralized Services Division. The Accounting Services provides accounting, budget, payroll, and purchasing support to the Department's various divisions. Human Resources provides assistance with recruitment, performance management, and labor relations.

The Office of Administrative Hearings (OAH) is also attached to the Centralized Services Division. OAH holds impartial administrative hearings and provides dispute resolution services in unemployment insurance cases, wage and hour claims, public employee collective bargaining and unfair labor practices cases, state employee classification appeals and grievances, uninsured employer disputes, professional and occupational licensing appeals, and human rights complaints. OAH receives approximately 1,350 cases for hearings per year.

## Fiscal Consolidation

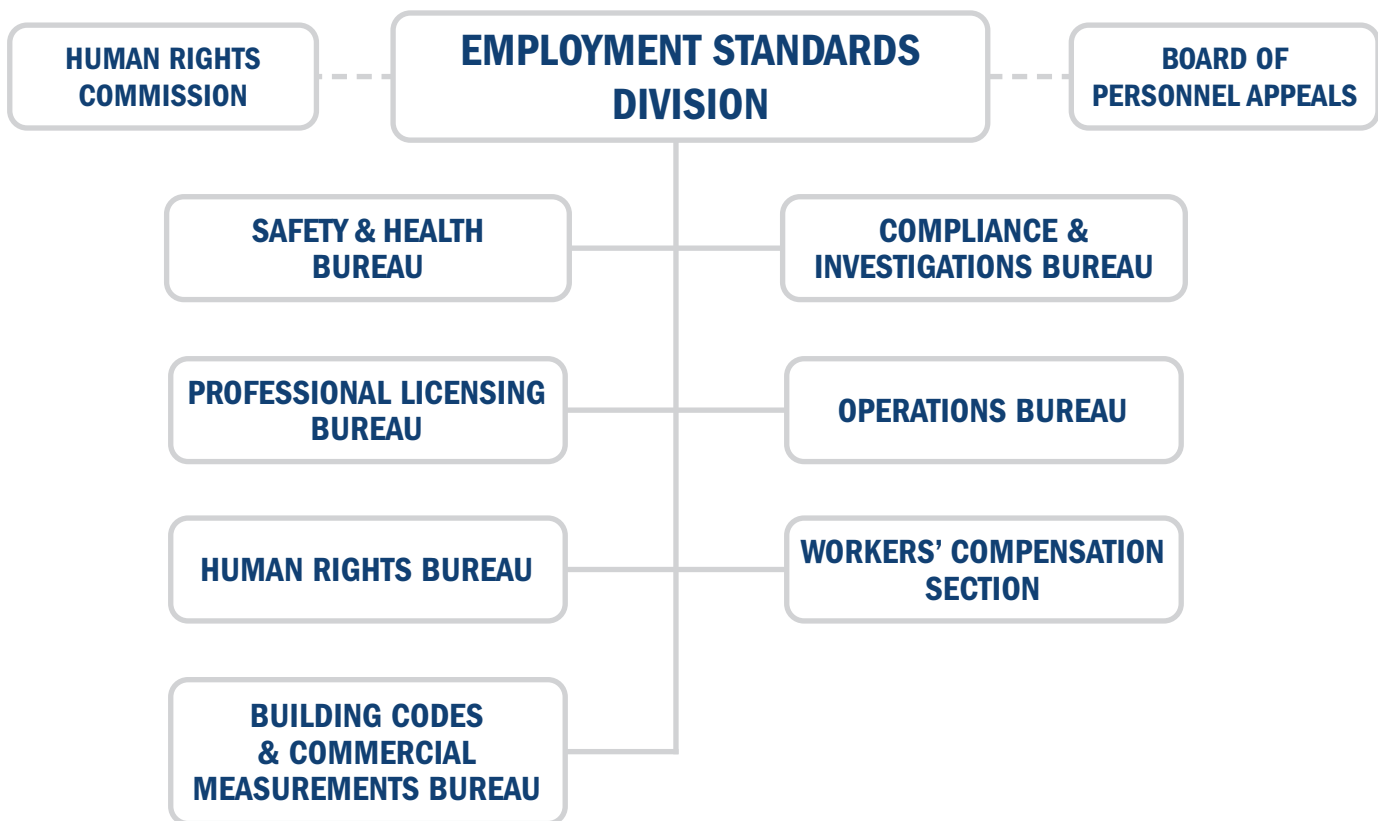
Over the course of the last two years, fiscal functions previously housed within DLI's individual divisions were consolidated under the CSD umbrella. The purpose of this consolidation is to improve internal controls, ensure responsiveness to audits and legislative inquiries, and ultimately bring more transparency and accountability to Department operations.

# Employment Standards Division

**ERIC STRAUSS**, Administrator  
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**THE EMPLOYMENT STANDARDS DIVISION (ESD)** was created as a result of the merger of the Department's Employment Relations and Business Standards Divisions. The new division has responsibility for a wide array of programs and processes designed to protect both workers and consumers. The many components of ESD include workers compensation, Safety & Health Bureau, Human Rights Bureau, and Compliance and Investigations Bureau. This Division works with both employers and employees to resolve disputes that do arise in the employment relationship through informal investigations and mediation.



## OVERVIEW

The Employment Standards Division is the result of a 2022 merger between two other existing DLI divisions. The ultimate intended result of the merger is a streamlining and improvement of customer services, and the realization of operational efficiencies that will result when these functional units are combined. The Division is responsible for a large share of occupational and professional licensing, in a wide array of diverse fields. The Employment Standards Division establishes and enforces minimum building, plumbing, mechanical, electrical, energy, elevator, and boiler codes. The Division provides licenses, inspections, testing, and certification of all weighing or measuring devices used in commercial transactions. All license and regulations of professional occupations that fall under the purview of the 38 boards are monitored by the division.

A comprehensive reform of the Division's licensing rules and regulations is underway, a key part of Governor Gianforte's Red Tape Relief effort.

# Employment Standards Division

## BUREAU SUMMARY

### **SAFETY & HEALTH BUREAU**

The Safety & Health Bureau staff provide free safety education to employees and employers through the SafetyFestMT initiative; offer OSHA 10-hour courses to individuals and “Profiting from Safety” classes to business; provide required mine safety classes to miners, contractors, and service providers; present free onsite safety help through an OSHA consultation program; investigate safety complaints and serious accidents for all state and public entities; inspect coal mines, sand and gravel mines and state, county, and municipal work-sites; and assist employers with complying with the Montana Safety Culture Act.

### **PROFESSIONAL LICENSING BUREAU**

The Professional Licensing Bureau provides administrative services for 32 licensing boards, six programs, and one advisory council. The Bureau provides services to over 100,000 licensees, including those applying for initial licensure in Montana, as well as ensuring transparency of board activities through the public meeting process.

### **HUMAN RIGHTS BUREAU**

The Human Rights Bureau investigates complaints of discrimination filed under both state and federal discrimination laws. The Bureau received approximately 6,000+ calls, approximately 1,200 were given an intake appointment to discuss whether there was a viable discrimination complaint. The Bureau opened 638 complaints for investigation. The Bureau also conducts outreach to Montanans regarding their rights and responsibilities under these discrimination laws. This includes Bureau staff responding to calls from employers, business owners, educators, housing providers and more, who seek information to avoid potential violations. The Bureau has a robust voluntary resolution program. Approximately 80% of the cases that participate in the mediation program are resolved, saving businesses, individuals, and Montana’s courts significant time and financial resources.

### **BUILDING CODES & COMMERCIAL MEASUREMENTS BUREAU**

The Building & Commercial Measurements Bureau is responsible for establishing and enforcing minimum building codes. Building Codes include commercial building, accessibility, plumbing, electrical, mechanical, energy, elevator, and boiler. The Bureau consults with two advisory councils: the Building Codes Advisory Council and the Underground Facility Protection Program Advisory Council. Further, the Bureau inspects, tests, and certifies all weighing and measuring devices used in commercial transactions, and operates the State Metrology Laboratory.

### **COMPLIANCE & INVESTIGATIONS BUREAU, OPERATIONS BUREAU, WORKERS’ COMPENSATION SECTION**

The Compliance and Investigations Bureau, Operations Bureau, and Workers’ Compensation Section work collaboratively to support programs related to Workers’ Compensation, Wage and Hour, Prevailing Wage, Collective Bargaining, and Independent Contractor and Contractor Registration. In managing all these programs, our staff registers all necessary entities, conducts field inspections for compliance, performs payroll audits to inform and educate employers, investigates any findings of non-compliance, and provides resolution services when necessary.

Our staff also collects information on all workers’ compensation claims, assists claimants and insurers in resolving issues that arise regarding claims, and provides mediation for benefit disputes prior to a claim proceeding to the Workers’ Compensation Court. Staff are also responsible for managing medical fee schedules, the Utilization and Treatment Guidelines, and providing independent medical reviews.

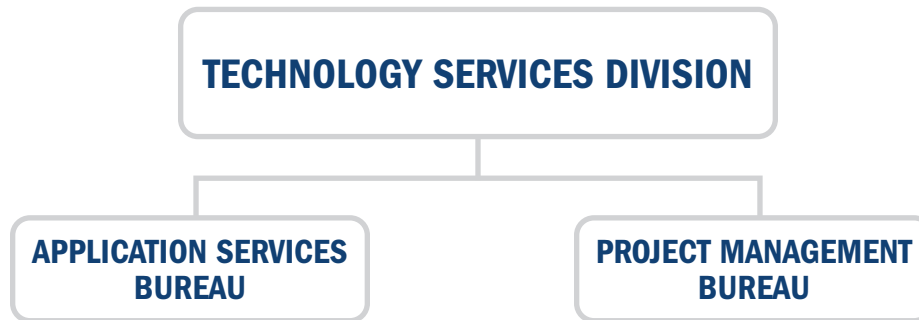


# Technology Services Division

**KIM WARREN, Administrator**  
(406) 444-9721 | KWarren@mt.gov



**TECHNOLOGY SERVICES DIVISION (TSD)** provides reliable, secure, and sustainable information and technology services, enabling the delivery of efficient and effective services to Montanans. In collaboration with all DLI divisions, TSD proactively seeks opportunities to continuously improve the Agency's ability to holistically engage citizens by leveraging innovative and relevant digital solutions.



The Application Services Bureau supports the agency's business application portfolio, including case management, claim processing, funds collection and distribution, and business licensing. The Bureau is also responsible for data reporting and analytics environments.

The Project Management Bureau works with stakeholders on the consultation, review and prioritization of IT projects, following the state enterprise governance process. The office is also responsible for the managing and reporting of IT projects throughout each project's life cycle.

## SERVICE FUNCTIONS OF DLI SUPPORTED BY TSD:

- Supports the development of MUSE, the Department's new unemployment insurance benefits system,.
- Provides system support services for the Employment Standards Division's use of Accela for different customer interactions.
- Provide system support services to Workforce Services Division for the MWorks and [MontanaWorks.gov](https://montanaworks.gov) applications.
- Currently working, in conjunction with WSD, on preparation to launch a modernized case management system to replace MWorks.

## TSD/SITSD CONSOLIDATION

In 2021, TSD completed a partial merger with state ITSD to consolidate IT services. This consolidation has resulted in the transfer of FTE from DLI's TSD to DOA's SITSD, and the transfer of services such as security and the helpdesk to SITSD personnel. The goal of the consolidation is to improve efficiencies in IT, while beginning the process of standardizing some IT services and practices across the enterprise.

# Governor's Office of Community Service

SARAH SADOWSKI, Director  
(406) 444-2573 | SSadowski@mt.gov



**THE GOVERNOR'S OFFICE OF COMMUNITY SERVICE (OCS)** administers AmeriCorps funding and recognizes community volunteerism among citizens of all ages and backgrounds. OCS encourages organizations to involve young Montanans in volunteer opportunities. AmeriCorps service members and community volunteers transform lives and landscapes throughout Montana every day.

**serve**montana  
GOVERNOR'S OFFICE OF COMMUNITY SERVICE

## SERVEMONTANA, THE GOVERNOR'S OFFICE OF COMMUNITY SERVICE

In the Big Sky State, neighbors help neighbors – that spirit of service is core to our identity as Montanans. The Governor's Office of Community Service (OCS) and the Governor-appointed Commission on Community Service were created in 1993 to promote and expand AmeriCorps service and volunteer opportunities in Montana. The Office administers federal funding to AmeriCorps State programs across Montana. The federal funding is provided by the Corporation for National and Community Service, an independent federal agency. OCS provides a comprehensive array of training and technical assistance to community organizations and AmeriCorps programs in Montana.

**\$140,487 GENERAL FUND**

**SUPPORTING**

**6 FTE**

**GENERATING**

**\$4.01 Million in CNCS Federal Funding**

**AND**

**\$1.62 Million in AmeriCorps Education Awards**

## AMERICORPS IN MONTANA

### 2022 Accomplishments

- **50,819** income-eligible Montanans received access to legal information.
- **2,400** Active duty military, veterans, and military family members served.
- **12,164** acres of public lands improved and **1,429** miles of rivers and trails treated.
- **4,170** Montanans aged 55 and older served.
- **13,577** individuals received training and education.
- **3,018** community volunteers engaged statewide.

## AmeriCorps in Montana at a glance

**SINCE 1994 OVER \$26.4 MILLION IN AMERICORPS EDUCATION AWARDS EARNED IN MONTANA!\***



**AmeriCorps  
Montana**

AmeriCorps Members serve across the state in nonprofit organizations, local governments, and state agencies.

### AmeriCorps State Programs



### AmeriCorps Service in the Last Year

**535**

Active AmeriCorps Members

**515,437**

Hours Served

**139**

Service Locations

AmeriCorps members provide service to meet Montana's pressing needs.

Since 1994 more than **10,000** Montanans have served more than **11** million hours.

\*Upon successfully completing an AmeriCorps term of service, individuals are eligible to receive a Segal AmeriCorps Education Award. The Education Award is used to pay qualified student loans and current educational expenses at eligible postsecondary institutions and training programs.

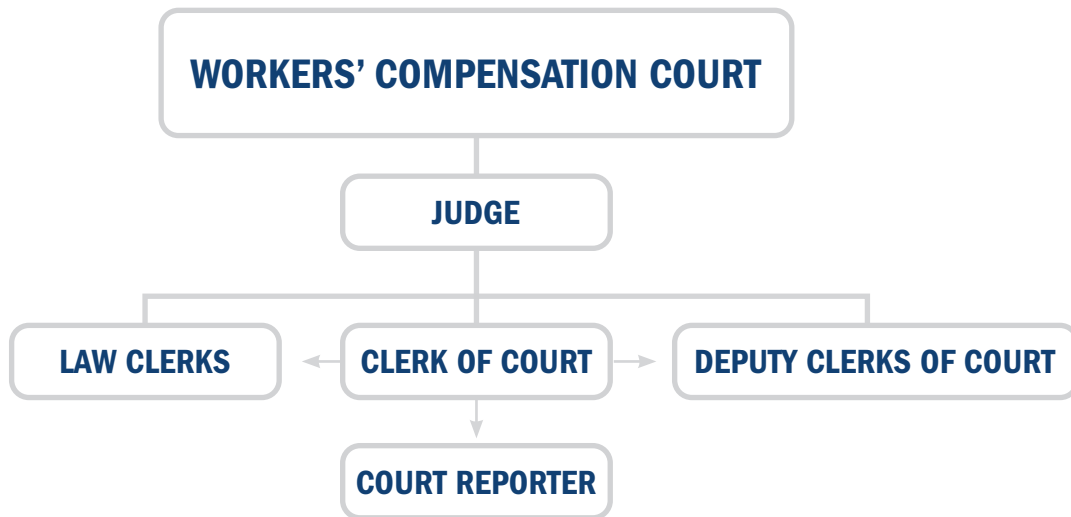
For more information visit the Governor's Office of Community Service at [www.serve.mt.gov](http://www.serve.mt.gov)

# Workers' Compensation Court

HON. DAVID M. SANDLER, Judge  
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**THE WORKERS' COMPENSATION COURT (WCC)** is administratively attached to DLI. WCC provides a fair, efficient, and effective forum for the resolution of disputes arising under the Montana Workers' Compensation Act and the Occupational Disease Act.



## HISTORY OF THE COURT

The 44<sup>th</sup> Legislative Assembly created the Office of the Workers' Compensation Court on July 1, 1975, to provide an efficient and effective forum for the resolution of disputes arising under the Workers' Compensation Act, § 39-71-101, MCA, et seq., and the Occupational Disease Act, § 39-72-101, MCA, et seq. Subsequent Legislatures have increased the Court's exclusive jurisdiction to include matters such as disputes involving independent contractor exemptions and enforcement of the Department of Labor & Industry's investigatory powers.

## JURISDICTION

Except for specified regulatory matters, the Court has original jurisdiction over issues arising under the Workers' Compensation Act and the Occupational Disease Act. The Court's exclusive jurisdiction also extends to disputes involving independent contractor exemptions under both the Workers' Compensation and Unemployment Insurance Acts, civil penalties for theft of workers' compensation benefits, and the two-year return to work preference specified in section 39-71-317(2), MCA. Trials are conducted statewide in five major Montana cities. All proceedings and hearings before the Court are governed by the appropriate provisions of the Montana Administrative Procedure Act. The Court is bound by common law and the statutory rules of evidence, including the Montana Rules of Evidence. In workers' compensation regulatory matters over which the DLI has original jurisdiction, the Court acts as an appellate court, conducting a judicial review. The rules of the Court can be found in the Administrative Rules of Montana (ARM) at 24.5.301, et seq.

# DLI Customer Services: Year in Review

STATE FISCAL YEAR 2022

## EMPLOYMENT STANDARDS DIVISION

- Renewed **84,890** healthcare and occupational licenses
- Processed **22,103** new applications
- Conducted approximately **3,864** continuing education and certification audits for **64** license types
- Conducted **598** audits on licensees who renewed expired licenses on over **55** license types
- Organized and staffed **242** board meetings
- Oversaw the The Montana Prescription Drug Registry, which maintains over **5.2 MILLION** prescriptions in the database and averages nearly **90,000** prescription history searches per month
- Over **67%** of prescribers and pharmacists located in Montana are registered to search the registry.
- Processed **771** public complaints filed against licensees
- Completed **89** investigations ordered by boards and programs
- Completed **5,172** inspections of businesses and licensees for statutory compliance
- Issued **1,362** commercial building permits
- Performed over **42,836** building code inspections
- Issued **13,452** operating certificates for boilers and elevators
- Licensed **27,388** weighing (scales) and measuring devices (meters)
- Tested **7,666** measuring devices, including retail gasoline and diesel dispensers, bulk fuel and propane trucks, and wholesale meters at the petroleum refineries and pipeline terminals
- Tested **6,691** weighing devices, including grocery store scales, livestock scales at ranches and auction yards, belt and hopper scales used by coal mines, highway truck scales, and grain elevators
- Registered **229** service technicians to install/repair commercial weighing and measuring devices
- Performed calibrations for **31** companies in the State Metrology Lab, which allowed them to install/repair commercial weighing and measuring devices in support of Montana businesses.

### PREVAILING WAGE

- Conducted **27** on-site visits at public works/prevaling wage projects and completed **32** public contract payroll reviews

### TECHNICAL ASSISTANCE

- Assisted **57** private employers and **42** public employers

## INDEPENDENT CONTRACTORS

- Approved **12,736** new contractors and **24,195** active

## ONSITE CONSULTATIONS

- Completed **57** private employers and **42** public employers consultations

## WORKERS' COMPENSATION

- Mediated **907** cases with **91%** resolution rate
- Investigated **5,119** uninsured employer fund, including **21** uninsured employer fund claims and **23** self-insured individual members
- Handled **22,316** First Reports of Injury
- Processed **1,756** Workers' Compensation settlements

## ONSITE COMPLIANCE

- Completed **359** inspections, including **94** mines
- Approved **105** Professional Employer Organizations (PEO's)

## WAGE AND HOUR

- Paid **\$528,686** in wages through self-audit process
- Issued **688** determinations on wage and hour claims
- Resolved **93** of **111** mediated disputes of wage and hour claims
- Collected **\$628,336** in wages, penalties, county attorney fees, and interest

## CONTRACTOR REGISTRATION

- Approved **6,886** new registrations and maintained **11,956** active
- Registered **141** home inspectors

## OUTREACH

- Conducted 33 mine classes for mandatory training, attended by **277** mine class students
- Completed **80** OSHA 10-Hour classes for **1,615** students

## 2022 SAFETYFESTMT EVENTS

- **2,335** attendees at **FOUR** different events

## COLLECTIVE BARGAINING

- Mediated **44** public sector collective bargaining contract disputes
- Investigated **59** collective bargaining complaints and conducted **8** elections
- Conducted **60** Interest-Based Bargaining trainings to public sector organizations

# DLI Customer Services: Year in Review

STATE FISCAL YEAR 2022

## WORKFORCE SERVICES DIVISION

- Job Service Montana provided services to **4,548** Montana businesses
- **366** individuals completed employment related training/education to gain in-demand skills.
- Listed **21,000** job vacancies on MontanaWorks.gov
- **72%** of the Adult and Dislocated Worker programs' participants were employed after leaving the program, averaging nearly \$9,000 in quarterly wages.
- **2,918** active apprentices in SFY22, with **954** new apprentices in that total
- **ONE** new apprenticeship occupation in SFY22
- **653** active registered apprentices sponsors, **61** were new sponsors
- Jobs for Montana Graduates helped about **1,100** students prepare for the workforce in **54** schools, with around **300** graduating. Graduates of JMG have a **97%** positive outcome rate (employed, in school, or in military).
- **73** different apprenticed occupations
- In just 6 months, **296** individuals enrolled in the ARPA Rapid Retraining program for short-term, in-demand trainings. The most common trainings include truck driver, CNA, medical assistant, dental assistant and EMT trainings.
- Training dollars were awarded to **141** Montana-based small businesses and non-profits to train **343** individuals, averaging \$1,243 per worker trained. In SFY2022, businesses from the manufacturing industry received the most awards.
- In SFY22, **57** businesses participated in the Governor's Healthcare Worker Recruitment program. **23** healthcare workers were recruited, relocated, and reimbursed for moving expenses under the program. Registered nurses are the most common type of worker recruited to work in Montana.
- From October 2021 through July 2022, the Work Opportunity Tax Credit (WOTC) certified **2,163** requests representing a potential tax savings of \$5,620,000
- The Reemployment Services and Eligibility Assessment (RESEA) program provided reemployment services to **2,269** UI claimants
- Job Service Montana provided in-person services to **14,246** people
- **1,542** of Montana's in-person clients were veterans

## UNEMPLOYMENT INSURANCE DIVISION

### CLAIMS PROCESSING BUREAU

- Filed **40,888** UI claims and resolved **120,426** issues
- Answered **58,325** calls and more than **13,000** emails
- **24,492** unemployed workers paid benefits

### CONTRIBUTIONS BUREAU

- Covered **49,579** employers and **546,243** employees
- Registered **8,872** new employers
- Received **172,971** Quarterly Payments
- Processed **2.27 million** wage records
- Received **\$134,319,994** contributions

