



**POLICY  
NUMBER 098**

## **Administrative Policy**

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|-------------------|--------------------------|-----------------|------------------|
| <b>Title:</b>     | <b>Employer Services</b> |                 |                  |
| <b>Program:</b>   | <b>Wagner-Peyser</b>     |                 |                  |
| <b>Effective:</b> | <b>10/6/2017</b>         | <b>Revised:</b> | <b>5/24/2019</b> |

### **I. PURPOSE AND SCOPE**

The purpose of this policy is to provide Local Workforce Development Board (LWDB) staff and career center employees with the minimum requirements for employer services in the Wagner-Peyser (WP) labor-exchange system.

### **II. BACKGROUND**

The purpose of the Employment Service system is to improve the functioning of the nation's labor markets by bringing together qualified jobseekers and employers who are seeking workers. Section 7(a) of the Wagner-Peyser Act requires labor exchange services be provided to employers that:

1. Assist employers in filling jobs.
2. Facilitate the match between jobseekers and employers.<sup>1</sup>
3. Maintain a system of clearing labor between the States<sup>2</sup>, including the use of a standardized classification system.

<sup>1</sup> This is accomplished through the job referral process.

<sup>2</sup> The processing of interstate and intrastate job orders.

### **III. AUTHORITY**

[Wagner-Peyser Act of 1933, as amended by the Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014](#)

[Workforce Innovation and Opportunity Act of 2014](#)  
[20 Code of Federal Regulations \(C.F.R.\) Part 651.10, 652.207, 652.3, 678.435, 658.501, 658.502, 658.503, 658.504](#)

### **IV. POLICIES AND PROCEDURES**

#### **A. Services to Employers**

LWDB staff must facilitate the match between jobseekers and employers by matching jobseeker skills and interests with employer job openings. Upon the employer's request, staff may:

1. Advertise employer job openings through Employ Florida.
2. Assist in the development of job order requirements.
3. Refer qualified jobseekers to available job openings.
4. Conduct jobseeker screening.
5. Provide recruitment assistance.
6. Assist with organizing and conducting job fairs.
7. Assist with filling hard-to-fill job orders.
8. Assist with job restructuring.
9. Provide rapid response to layoffs and business closures.
10. Provide assessment and testing.

LWDBs may also provide customized services upon the employer's request. Each LWDB's local operating plan must identify available customized services. Such services may include:

1. Customized screening and referral of qualified participants for training services.
2. Human resource consultation services, which may include:
  - i. Writing and/or reviewing job descriptions and employee handbooks.
  - ii. Assisting with developing performance evaluation and personnel policies.
  - iii. Creating orientation sessions for new workers.
  - iv. Honing job interviewing techniques for efficiency and compliance.
  - v. Analyzing employee turnover.
  - vi. Creating job accommodations and using assistive technologies.
  - vii. Explaining labor and employment laws to help employers comply with discrimination, wage/hour and safety/health regulations.
3. Providing customized labor market information for specific employers, sectors, industries or clusters.

4. Providing other customized services, as available.

## **B. Employer Account Verification in Employ Florida**

LWDB staff must conduct an independent verification of a newly registered employer account prior to enabling an employer account or releasing any job order to jobseekers. LWDBs must have local policies and procedures in place to ensure sufficient vetting of employer accounts and job orders. Additionally, each LWDB must:

1. Verify the employer's registration information to include the business name, address, contact person and contact information. Methods of verification must include a phone call using the contact number listed on the company's website (not the one provided in the registration as it could be fraudulent), email inquiry, website review, and State of Florida's Department of State, Division of Corporations. If the employer fails to respond to the LWDB's phone call and email, the LWDB may conduct an onsite in person review. Verification of the registration must be documented in a case note.
2. For in-state employers, verify the Federal Employer Identification Number (FEIN)/Tax Identification Number (TIN) and entity's name on the [Department of State, Division of Corporation's Sunbiz website](#) ("Sunbiz"). If the business is not registered in Sunbiz as required, do not enable or approve the employer's registration until such information is available for verification as described in Subsection IV.B.4. below.
3. For out-of-state employers, verify the FEIN/TIN and entity's name using the appropriate state's division of corporation's website. If the information is unavailable for verification, do not enable the registration until such information is available for verification as described in Subsection IV.B.4. below.
4. For in-state and out-of-state employers and government organizations that are not registered in Sunbiz or the appropriate state's division of corporation's website, the LWDB must request the employer or organization to provide official documentation from the Internal Revenue Service (IRS) showing the FEIN/TIN. Upon receipt, staff must case note the specific documentation provided and proceed with their normal verification process. An electronic copy of the documentation can be uploaded to the employer's account in Employ Florida or the hard copy can be kept in the physical file, as dictated by the LWDB's local operating procedures.
5. For staff assisted registration of employer accounts, staff must conduct a follow-up and final review via email or telephone with the employer to confirm the information listed in the registration is accurate and document the method used for the approval process in case notes for all staff assisted registration of employer accounts.
6. Review all submitted job orders for compliance with federal and state laws, and the *Employ Florida Terms and Conditions of Use*.

Staff must enter a case note when verifying an employer that, at a minimum, includes the method of contact, the name and title of the contact (if applicable), whether the employer is registered in the appropriate state's corporations website, and the method used to verify the employer before an employer account is enabled in the system.

When an employer completes their registration in Employ Florida, the account status is automatically set to "Pending Verification". Employer accounts must be verified within two business days of the date of the initial registration. However, if the verification process cannot be completed within two business days, staff must place the employer's account in a "Not Verified" status. Upon placing an employer's account in a Not Verified status, staff must notify the employer of the action and ask the employer to correct the missing/needed information as soon as possible. The account must remain in Not Verified status until the employer's information is properly reviewed and verified in accordance with state and local policy. If the validity of an employer cannot be verified or if staff believes the account is suspicious in nature, staff must alert the LWDB manager. The LWDB manager must immediately elevate concerns of suspicious activity in Employ Florida to the Department of Economic Opportunity via email at: [EFAccountReferral@deo.myflorida.com](mailto:EFAccountReferral@deo.myflorida.com).

### **C. Third-Party Agent Verification**

LWDBs must ensure job orders posted by third-party agents are in accordance with the *Employ Florida Terms and Conditions of Use*. Third-party agents that use the Employ Florida system to post job openings for an employer must:

1. Obtain the employer's written consent to post job orders on the Employ Florida website and provide it to LWDB prior to posting an open position. Upon receipt of the written consent, the LWDB must upload an electronic copy to the account and enter a case note stating the specific documentation provided and uploaded.
2. Use only the employer's name and FEIN to register an account, unless the third-party agent is the employing entity.
3. List the employer's address of record and contact information as the primary contact and list the third-party agent's address of record and contact information as the secondary contact for verification purposes. Note: the employer's address may be suppressed and hidden from jobseekers.
4. Meet the same verification requirements listed in Section B of this policy.

### **D. Discontinuation of Services**

Pursuant to [20 C.F.R. 658](#), a career center must initiate procedures to discontinue services to an employer or third-party agent in certain instances. Some reasons for discontinuing services include, but are not limited to, an employer or third-party agent who:

1. Submits and refuses to alter or withdraw job orders containing specifications which are contrary to employment-related laws.
2. Submits job orders and refuses to provide assurances, in accordance with Agricultural Recruitment System requirements, that Agricultural Recruitment jobs offered are in compliance with employment-related laws.
3. Is found through field checks or otherwise to have either misrepresented the terms or conditions of the employment opportunity specified on job orders or failed to comply fully with assurances made on job orders.
4. Is found by an appropriate enforcement agency to have violated any employment-related laws and notification of the finding has been provided to the U.S. Department of Labor or the career center by that enforcement agency.
5. Is found to have violated Employment Service (ES) regulations pursuant to sec. 658.411.
6. Refuses to accept qualified workers referred through the clearance system.
7. Refuses to cooperate in the conduct of field checks conducted.
8. Repeatedly causes the initiation of the procedures for discontinuation of services.
9. Refuses to cooperate with the career center's request for verification.

Career center management must, after consultation with the Department of Economic Opportunity (DEO), discontinue services immediately if exhaustion of above procedures 1 – 7 would cause substantial harm to a significant number of workers.

Career center staff must also initiate procedures to discontinue services if the employer or third-party agent violates the *Employ Florida Terms and Conditions of Use*.

When discontinuing services, the career center must notify the employer in writing all employment services will be terminated within 20 working days, unless the employer satisfactorily addresses the concerns of the career center within the 20 days. If services are discontinued to an employer subject to Federal Contractor Job Listing Requirements, the career center must notify DEO immediately at [Wagner.Peyser@deo.myflorida.com](mailto:Wagner.Peyser@deo.myflorida.com).

Services must be reinstated to an employer after discontinuation:

1. If the state is ordered to do so by a Federal Administrative Law Judge (ALJ) or Regional Administrator; or
2. If the employer provides adequate evidence that any policies, procedures or conditions responsible for the previous discontinuation of services have been corrected and that the same or similar circumstances are not likely to occur in the future; and
3. The employer has responded adequately to any findings of an enforcement agency, career center, or ETA, including restitution to the complainant and the payment of any fines, which were the basis of the discontinuation of the services.

The career center must notify the employer requesting reinstatement within 20 working days whether his/her request has been granted. If the career center denies the request for reinstatement, the basis for the denial must be specified and the employer must be notified that he/she may request a hearing within 20 working days.

The career center must reinstate services to an employer if ordered to do so by a state hearing official, Regional Administrator, or Federal ALJ as a result of a timely hearing request.

#### **E. State and Local Monitoring**

Services and activities provided under WP must be monitored annually for compliance with WP requirements by DEO. DEO will monitor the requirements outlined in this policy and local operating procedures. Additionally, LWDBs must establish local monitoring policies and procedures that include, at minimum:

1. Roles of the employer and LWDB staff; and
2. Local monitoring procedures of Wagner-Peyser.

LWDBs must ensure participating providers agree to cooperate with monitoring efforts by the state and/or LWDB and adhere to all other applicable local, state and federal rules and regulations.

#### **V. REVISION HISTORY**

Final Guidance 035, Revised Job Seeker Registration and Employer Services dated May 8, 2012

Administrative Policy 098, Employer Services dated October 6, 2017

#### **VI. DEFINITIONS**

1. **Employer** – As defined in 20 C.F.R. 651.10, a person, firm, corporation, or other association or organization which currently has a location within the United States to which U.S. workers may be referred for employment, and which proposes to employ a worker at a place within the United States and which has an employer relationship with respect to employees under this subpart as indicated by the fact that it hires, pays, fires, supervises and otherwise controls the work of such employees. An association of employers is considered an employer if it has all of the indicia of an employer set forth in this definition.
2. **Job Opening** – A single job opportunity for which the career center has on file a request to select and refer participants.
3. **Job Referral** - The act of facilitating the match between qualified jobseekers and employers with job openings; and the recording of such referral in Employ Florida.

Prior to referring a jobseeker to a job opening, LWDB staff must ensure the jobseeker's qualifications match the minimum requirements listed in the job order by reviewing the jobseeker's skills, abilities, prior work experience, education and training, certifications/licensure against the requirements of the job order.

4. **Third-Party Agent** – A person, firm, corporation, other association or entity which posts job orders on behalf of another person, firm, corporation, other association or entity.