

**COMPILED RESPONSES TO
ADMINISTRATIVE CONSULTATION PAPER:
JOB ORDERS AND PLACEMENTS**

Issue(s)	Submitted by (Name/LWDB)	DEO Response
<p>Description and Types of Job Orders – Page 3</p> <ul style="list-style-type: none"> • Internship – Job orders for a planned, structured learning experience that may be paid or unpaid and takes place in a workplace for a limited period of time. <p>Deeyon’s comments -From Terms of Use – job postings must pay minimum wage, so any Internship would have to be paid. Is this a change to allow unpaid Internship?</p> <p>Job Order Entry – Page 4</p> <p>Job orders may be posted by an employer, LWDB staff or spidered into Employ Florida from external job posting websites. Additionally, under the <i>Employ Florida Terms and Conditions of Use</i>, third-party companies (referred to as “third-party agents”) may post job orders to Employ Florida on behalf of employers under certain conditions as outlined in Section IV(A)(4) of this policy. Job orders posted by LWDB staff are included in the count of job openings reported to the United States Department of Labor (USDOL).</p> <p>Job orders posted by employers or third-party agents in Employ Florida will not be immediately visible to jobseekers. LWDB staff must review and approve all job orders entered by employers or third-party agents prior to the job order’s status being changed to “open and available” for jobseeker viewing. Job orders received by staff must be entered into Employ Florida immediately, upon receipt from an employer or third-party agent.</p> <p>Deeyon’s comments -Concerned about the time required to review and approve the job openings as I am the only person that currently reviews job orders for compliance. There is not an alert when an employer writes a job order so I would have to bring up the job order list constantly to</p>	<p>Deeyon Kalil / LWDB 4</p>	<p>The definition of “internship” is at 20 CFR 680.180: “Internships and other work experience may be paid or unpaid, as appropriate and consistent with other laws...”</p> <p>Additionally, section 7.F. of Employ Florida’s Terms and Conditions of Use states “Volunteer and internship positions may also be posted in accordance with federal and state guidelines.”</p>

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<p>make sure the order are open for jobseekers to view. Will need a back-up plan for when I am out or over whelmed. We always had 24 hours to enter the job order into EF. The above states immediately – so if I am emailed three job orders at 4:50pm, I will have to stay late to immediately enter them?</p> <p>Job Order Compliance Review – Page 4 All job orders entered into Employ Florida must comply with Equal Employment Opportunity and Immigration and Nationality Act laws, regulations and guidance as well as the Employ Florida Terms and Conditions of Use. Job orders must be reviewed by the LWDB staff for compliance. If the job order meets all compliance requirements, LWDB staff will approve the job order according to local policy and make the job order “open and available” for jobseeker viewing within two business days from the date and time of initial posting. LWDB staff must document their compliance review, and each step taken to verify the job order, with a case note. If the job order does not meet all compliance requirements, LWDB staff must contact the employer or third-party agent to request a revision to the job order. If the employer or third-party agent does not comply with the requested revision, LWDB staff must close the job order with a case note detailing the reason for closing the job order. If staff learns that duplicate positions are being posted in order to advertise a position for which a job order is about to expire, they must contact the employer or third-party agent to explain the process for extending existing job orders. If staff is unable to contact the employer or third-party agent, or does not receive a response within a reasonable</p>		<p>Employ Florida does generate an alert when a new job order is posted by an employer. Please check with your RSO regarding your system settings.</p> <p>The policy has been updated [<i>Page 4, third paragraph</i>] to read, “Job orders received by staff must be entered in Employ Florida within one business day of receipt from an employer or third-party agent.”</p>
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<p>timeframe (as determined by the LWDB) the duplicate job order may be closed with a case note detailing the reason.</p> <p>Deeyon's comments -How detailed must the case note be concerning the compliance review and what are the steps to verify a job order? Will a check list be provided? Again a time factor is needed to be realized. It states above that we are to contact the employer to request a revision to the job order. Are we not allowed to make the revision? Does the employer have to go in to make changes to the job order or can staff do it?</p> <p>On duplicate job orders, even if you reach the employer, shouldn't the duplicate job order be closed? We don't need two job orders for the same opening.</p> <p>Third-Party Agent Job Order Verification – Page 5</p> <p>Third-party agents posting job orders on the behalf of employers must obtain written consent from the employer and provide it to the LWDB staff electronically through Employ Florida, or by other approved means as defined by the LWDB, before a job order can be approved and made visible to jobseekers. Written consent may be in the form of a letter printed on the employer's letterhead or an email that originates directly from the employer. The written consent must authorize the third-party agent to post open and available positions on the employer's behalf. The</p>		<p>The case note must be detailed enough for anyone that reviews the case to determine what action was taken and why.</p> <p>The request for a checklist is under advisement.</p> <p>Staff may make revisions to job orders based upon feedback with the employer. A best practice would be for staff to case note the contact and details of the conversation with the employer, especially any agreed upon changes to be made to the job order.</p> <p>Yes, duplicate job orders should be closed with an accompanying case note stating the reason it was closed, subsequent to attempting to contact the employer as indicated in the policy.</p>
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<p>written consent must be stored electronically in Employ Florida or as a hard copy at the LWDB, and properly documented in the case notes in Employ Florida.</p> <p>In addition to following the compliance requirements outlined in Section IV(A)(3) of this policy, when a new job order is entered by a third-party agent, LWDB staff are required to verify the position with the primary contact listed on the job order prior to approval. If the LWDB staff is unable to reach the primary contact listed on the job order, LWDB staff may employ means such as accessing the employer's corporate website to verify the job listing. If staff is not able to verify the job order through the job order's primary contact or other approved means within two business days, staff must close the affected job order and case note the reason for closing the job order. At no time may staff close the employer's entire account due to the inability to verify a particular job order with an employer.</p> <p>Note: Verification is not required by the employer if the third-party agent verifies the job openings as required.</p> <p>Deeyon's comments – I have numerous questions and concerns- How are we to know the job order was written by a third party since the third party will list the employer's name and contact? How and when will the third party employers be notified that letters are needed? What happens to the job orders already in the system without letters? Who will receive these letters and will be in charge of case noting? Will there be one letter per third party agent/employer or a letter for each job order written? Sometimes several different people in a third party will be writing job orders for the same employer – will each person be listed on the letter so we'll know that they are legit to write job orders? How long will these letters be valid? Again this will consume large amounts of time and be an organizational issue.</p> <p>I am not sure what the above last sentence in red means- it starts with Note: Verification is not required</p>		<p>Currently in Employ Florida, there is no easy way to identify whether or not a job order was written by a TPA. You must carefully check over the employer's account to determine if it's a TPA or the actual employer who has posted a job order. After the third-party module goes live in Employ Florida, you will still check the employer's account, but there will be a new tab under the Corporate Profile titled "Agents," and it is there you can compare the name of who initially entered the job order itself (in the Staff Information section of the job order: "Job order initially entered by Employer: [name]") with the list of contacts.</p>
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<p>Using O*NET Occupational Groups for Coding Job Orders – Page 5 Pursuant to 20 CFR 652.3, staff must ensure that the O*NET code used for a specific job opening matches the job description. If no match can be</p>		<p>TPAs are currently notified of the letter of authorization requirement through the Employ Florida Terms of Use. This is the interim process until the TPA module is deployed or becomes active. In the module itself, there will be a prompt for the TPA to upload the letter.</p> <p>Job orders already in the system that were posted by TPAs do not require the letter since the local boards should have already verified the job order. However, after the third-party module goes live in Employ Florida, the policy <u>will</u> apply to all future job orders that are posted by TPAs.</p> <p>Only one letter of authorization from the employer per TPA is required, not per job order. The letters will be submitted by the TPA organization and will be valid for all representatives therefrom.</p> <p>The letters are valid until they are rescinded by the employer.</p> <p>The final sentence is simply stating that if staff is able to verify the job order with the TPA, they do not need to also verify it with the employer.</p>
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<p>found, staff may use the title the employer or third-party agent provided. Only one O*NET code may be used per job order. Placement into job openings that do not match the description in the job order or O*NET code is not permissible.</p> <p>Deeyon’s comments –I am not sure what the above in red statement means. In the past, I may have referred a client to a job order titled Cashier with a cashier ONET. When I contacted the employer, they may have said – I hired the person you referred but I hired them as a Manager Trainee as I felt they had potential. (The employer did not have a manager trainee job order with us) We would place them on the job order with a case note stating they were hired for a different position and we would get credit. The above sounds like we will not be able to place someone unless they were hired for the position we referred them to. Many times, we refer for one position but the employer decides to hire them for something else. The client would not have been hired for the other position if we had not referred them to the employer. This would be a punishment for us if the employer felt they were better suited for another job, which may not have been posted with us.</p> <p>Recording Wages on Job Orders – Page 5 It is prohibited to post job orders that pay less than the Florida minimum wage or pay commission only, unless minimum wage is guaranteed in accordance with federal or state law, or the employer is exempt per the Fair Labor Standards Act. The actual wage or wage range must be listed on all job orders entered into Employ Florida. Employers that choose not to enter actual wage information must enter a minimum value of (\$0.00) on the job order form, as the field cannot be left blank. In instances where a value less than minimum wage is entered, LWDB staff must verify that the job pays at least the Florida minimum wage and document it in the Wagner-Peyser (WP) Job Orders and Placements - Consultation Page 6 of 10</p>		<p>Here’s an example: The job order states that the available position is for a dishwasher at a restaurant. The O*NET code is 35-9021.00. When you are notified the referred customer was hired, you are told they were hired as a chef. The O*NET code is 35-2014.00.</p> <p>It would not be appropriate to record a placement against the referring job order if that was not the position to which the individual was actually referred.</p>
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<p>case notes. If it is determined that the jobseeker was hired and went to work at a higher wage, the higher wage should be entered on the job order.</p> <p>Deeyon’s comments -Right now when we place a client, we change their status to hired and enter the salary in the status change area, so if it shows \$10 on the job order but they were hired at \$12, we put \$12 under the status change area and we credit for the \$12. Is the above stating we have to change the salary on the job order if it different than what was originally posted before we enter the placement? What if we are placing two clients each with different salaries? We have to change the job order – enter the placement and then change the job order again and place the second client? This was an old process that was changed many years ago as it is awkward and time consuming.</p> <p>Obtained Employment - Page 7/8 Staff must verify that the customer began working prior to recording an obtained employment. Verification of the obtained employment must be received from a reliable source, preferably the employer. Sources of documentation may also include hire data obtained from the appropriate reemployment assistance management information system where a start date may be derived. Information obtained from sources where quarterly data is reported may be used as a starting point in which to gather a start date. However, quarters in which wages were reported are not sufficient as documentation of a start date nor will notification of a hire date.</p> <p>If it is not allowable to record a placement when an automatic obtained employment service code has already been recorded or to take credit for an obtained employment where a placement has already been recorded in the system for the same customer, and the same position and start date with the same employer. This would constitute a duplicate placement in the system which is not allowable.</p>		<p>The higher wage should be entered on the job order. The policy has been updated [Page 6, last sentence of second paragraph] regarding multiple positions being filled on one job order: “In the case of multiple positions being filled on one job order, staff should enter a case note for each hired customer stating the wage at which he/she was hired.”</p>
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<p>More than one obtained employment credit per customer is possible in the same program year, provided that it is not duplicating employment already recorded, and the customer has not exited. Obtained employment must be documented on the activity history/service plan in Employ Florida using the appropriate service code and</p> <p>Deeyon’s comments – Do we no longer have a standard for the number of job orders that are placed? Majority of times, the client already has the 881 entered by the system when I find out from the employer that they were hired. This will greatly reduce the number of job orders that the status will be Maximum Positions Met (Placed). Also will there a change in the requirement of following up on job orders as this will consume large amounts of time with nothing to show for it.</p> <p>Example: I contact an employer concerning a job order that will expire next week. I am told they filled it and the person hired was referred, so I get the start date and salary. I then bring up the applicants and click on the person hired. Under Activities, there is an 881 that was entered yesterday. So the time I just spent is a waste. In this example, I guess the job order will then be closed – which is wrong as it actually was placed. The obtained employment credit for the 881 is wrong as we referred this person and should get placement credit. I understand the 881 and placement gives duplicate credit but if DOE is still wanting job order follow ups to be done and are reviewing the number of job order placed – this system will give false numbers.</p> <p>Also, the first part of the obtained employment section defines an obtained employment:</p> <p>Obtained employment refers to those individuals who secure employment within 180 calendar days of receiving one or more reportable services, which are wholly or partially funded under the Wagner-Peyser program, and where the placement does not meet the federal definition for a “job placement.”</p> <p>So an obtained employment is where a placement does not meet the federal definition for a job placement. If we wrote a job order, referred a client, found out from the employer that they were hired (all which is the federal definition for a job placement) – how come we don’t get placement credit just because the system generated an 881 prior to us</p>		<p>This was a typo in the policy – it should have read, “It is not allowable to record a placement when a <i>manual</i> obtained employment service code has already been recorded...” [emphasis added] The policy has been updated [Page 8, Section D., third paragraph] with the correct language.</p>
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<p>finding out. I have seen 881's entered two days after the client started working. There is no way we can get all employers to contact us the day the clients start.</p> <p>Will the obtained employment 881 give us the same amount of credit as the 750? Also the 881 does not consider the wage at hire. Will there no longer be a standard as to average wage? This sounds like they are upset that the placement report is not accurate since some jobseekers are counted twice when they have both the 881 and the 750 so instead of correcting the report, they are pushing it to us not to enter the 750. I am very concern about the amount of time that will be spent contacting employers, reviewing hire lists to then realize that the jobseekers we referred that were hired already have an 881 so we can't place them.</p> <p>Obtained Employment – Page 8 More than one obtained employment credit per customer is possible in the same program year, provided that it is not duplicating employment already recorded, and the customer has not exited. Obtained employment must be documented on the activity history/service plan in Employ Florida using the appropriate service code and must include the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Employer's name. <input type="checkbox"/> Source of verification. <input type="checkbox"/> Certification that the service is not a duplicate of a previously documented placement. <input type="checkbox"/> Job title and occupational code. <input type="checkbox"/> Actual start date. <input type="checkbox"/> Local board/office information. <p>Deeyon's comments – What is needed for a certification that the service is not a duplicate? The job title and ONET code is not required at this time – will increase the amount of time of enter the obtained as the ONET code will have to be researched.</p> <hr/> <p>Bottom line is that the above plus the increase work with employer verifications will severely stretch our already limited resources. I am</p>		<p>We have checked with the Performance Unit. The same amount of value is given to placements and obtained employments.</p> <p>You may have both a 750 and an 881 or 883 recorded for an individual.</p> <p>When manually entering an Obtained Employment in Employ Florida, the system provides a "Verify" link on which you must click. You will get a pop-up "Verification of Employment" window containing a bulleted list of various employment verification sources from which you must choose, and the click Submit. You will need to</p>
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<p>primarily responsible for the majority of this work and there are not enough hours in the day to complete all of the new requirements.</p>		<p>examine any previously documented Obtained Employment(s) to ensure the current entry is not a duplicate. The job title and ONET code requirement for taking a manual Obtained Employment has been removed from the policy. However, a best practice would be for staff to enter as much of the available information as possible when entering an Obtained Employment.</p> <p>Note: Significantly different start dates are a primary indicator that the position is not a duplicate placement.</p>
<p><u>On Page 4, number 2: Job Order Entry (First Paragraph, last sentence):</u> <i>Are job orders posted directly by employers in EF or transferred (“spidered”) from the employer’s site included in the count of job openings reported to the USDOL?</i> The sentence only mentions job orders posted by LWDB staff.</p> <p><u>On Page 4, number 2: Job Order Entry (Second Paragraph):</u> Currently, job orders that are posted directly by employers in EF and those transferred (“spidered”) into EF are immediately visible to job seekers and open for application. As such, sometimes before a job order is reviewed, applicants may have already self-referred. <i>According to this paragraph, is this process changing for employer posted job orders not to be immediately visible to job seekers until staff have reviewed the order; if so when is this change taking effect?</i></p>	<p>Stephen Sosu / LWDB 21</p>	<p>Only job orders that originate in Employ Florida, whether they are entered by employers or LWDB staff, are counted. Spidered in jobs are not counted.</p> <p>This paragraph pertains to newly registered employers only – they will not be allowed to create job orders upon completing registration until their accounts have been verified and enabled by the pertinent LWDB staff.</p>

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<p><u>On Page 4, number 3: Job Order Compliance Review (Second Paragraph):</u> According to this paragraph, job orders must be reviewed by staff to ensure compliance before the order is made “Open and Available”. However, this is not currently so, as the order is immediately “Open and Available” when an employer is done posting. <i>Is there going to be a change in this policy to allow staff to review orders before they are made public; if so when is the change taking effect?</i></p> <p><u>On Page 4, number 3: Job Order Compliance Review (Third Paragraph):</u> Our office as a local rule currently keeps a job order open for 30 days and extend for another 30 days for a maximum of 60 days, unless the employer wants a shorter display date. If the employer wants the order extended for more than 60 days, we close the existing one and create a duplicate (generating a new order number) and the cycle continues. <i>According to the DEO, how long should we keep extending job orders before a duplicate is created?</i></p> <p>On Page 5, number 6: Recording Wages on Job Orders: The policy as it stands now sometimes creates confusion, especially when an employer enters (\$0.00) as wage and our office has to request wage information so as to verify minimum wage is being met. <i>We suggest that you update the policy to at least request the State’s minimum wage and not allow EF to accept any amount less than that; (currently \$5.03 for tipped employees and \$8.10 for hourly employees).</i> This should help eliminate having to contact the employer to verify whether minimum wage requirements are being met or that an employer is exempt per the FLSA.</p>		<p>There will be no change. Newly-entered job orders will automatically be immediately “open and available.” The policy language has been updated [Page 4, Section 3, second and third paragraphs] accordingly.</p> <p>The original job order should be kept open until the position has been filled or the employer asks to close it.</p> <p>This will not be changed because there may be instances when (\$0.00) would be appropriate – unpaid internships, for example.</p>
<p><u>On Page 3, number 1: Description and Types of Job Orders (Last bullet):</u> <i>What types of job fairs and employer hiring events are considered mass recruitment?</i></p>	<p>Neely Young, Manager of Talent Acquisition / LWDB 21</p>	<p>Any and all job fairs can be considered mass recruitment.</p>

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<p><i>Where on the job order should that information appear? If an employer requests pre-screening before the event and interviews candidates, then interviews unscreened walk-in candidates who do not meet the job requirements, does the mass recruitment designation clarify that walk-in unscreened walk-in job seekers are invited? For recording purposes, is AJC staff meant to issue referrals to unscreened job seekers before they interview?</i></p> <p>Thank you for clarifying.</p>		<p>“Job Fair” can be included in the job description. If the employer is willing to see any jobseeker regardless of their qualifications, the job orders should be written to reflect that there are no minimum qualifications. This way, no one has to monitor whether staff screened the jobseeker according to the minimum requirements of the employer. Any time staff provide a referral, it is expected that the candidate meets the qualifications set forth in the job order, regardless of the type of forum in which the referral occurs.</p>
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