



**POLICY
NUMBER
099**

Administrative Policy

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|-------------------|---------------------------|-----------------|------------|
| Title: | Job Orders and Placements | | |
| Program: | Wagner-Peyser | | |
| Effective: | 10/19/2017 | Revised: | 02/20/2020 |

I. PURPOSE AND SCOPE

The purpose of this policy is to provide Local Workforce Development Board (LWDB) employees and other workforce system partners the minimum requirements for documenting and recording job orders and placements in Employ Florida.

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. Additionally, each state must administer a labor exchange system that can:

- Assist jobseekers in finding employment, including promoting their familiarity with Employ Florida.
- Assist employers in filling jobs.
- Facilitate the match between jobseekers and employers.
- Participate in a system for clearing labor among the states¹, including the use of a standardized classification system.
- Meet the work test requirements of the Reemployment Assistance (RA) program.
- Provide labor exchange services as identified in Section 7(a) of the Wagner-Peyser Act.

¹ 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 CFR 651.10, 652, 653.501](#)

[29 CFR 1604, 1606, 1625](#)

[42 U.S.C. 2000](#)

[Fair Labor Standards Act](#)

[Vietnam Era Veterans' Readjustment Act of 1972](#)

[Chapter 760, Florida Statutes](#)

IV. POLICIES AND PROCEDURES

A. Job Orders

Job orders are records of job openings containing the material terms and conditions of employment related to wages, hours, working conditions, worksite and other benefits, submitted by an employer. A job order will only be listed in Employ Florida when:

- It will employ a worker who is legally authorized to work in the United States.
- There is an employer-employee relationship, unless the job order is for an independent contractor or unpaid internship position. Generally, an employer-employee relationship exists when a person, firm, corporation or other association or entity hires, fires, pays, supervises and otherwise controls the work of the employee.
- There is a currently available and non-duplicative position.
- There is a detailed description of the work to be performed.
- There are specific hiring requirements a jobseeker must meet.
- There are referral instructions.
- The LWDB has authorization from the employing entity to post the open position.
- The posting party has authorization from the employing entity to post the open position when it is being posted by a third-party poster.
- The job order is verifiable through email, telephone, online or as otherwise determined.

- The employing entity has not yet selected a candidate to hire, except in the case of job development.

1. Description and Types of Job Orders

The following are descriptions and types of job orders:

- Affirmative Action – Job orders that seek qualified applicants who are members of a specified group that, for non-occupationally valid purposes, have been discouraged from entering certain occupations.
- Agricultural Recruitment System (ARS) – Job orders designed to help agricultural employers recruit qualified agricultural workers on a temporary or seasonal basis using a system for the orderly movement of workers within and between states.
- Foreign Labor Certification (FLC) – Job orders for employers who seek to hire foreign workers to work on a permanent, temporary or seasonal basis when there are not sufficient U.S. workers available. The types of job orders are:
 - H-2A Job Orders – Job orders to recruit workers for employers who seek to hire foreign workers on a temporary basis to perform agricultural work when there are not sufficient U.S. workers available.
 - H-2B Job Orders – Non-agriculture job orders to recruit workers for employers who seek to hire foreign workers to work on temporary or seasonal basis when sufficient U.S. workers are not available.
- Permanent Employment Certification (PERM) Job Orders – Job orders for employers who seek to hire foreign workers on a permanent basis to perform work when there are not sufficient U.S. workers available.
- Apprenticeship – Job orders that combine on-the-job training and related instruction in which workers learn the practical and theoretical aspects of a highly skilled occupation.
- Federal Contractor Job Listings – Job orders for a contracted position with the United States government to perform a specific job, supply labor and materials, or for the sale of products and services. The affirmative action provision of the [Vietnam Era Veterans' Readjustment Act of 1972](#) requires employers (and their subcontractors) with government contracts of \$100,000 or more to list their job openings with the state labor exchange system ([EmployFlorida.com](#)). These Federal Contractor Job Listings provide protected veterans with priority referrals to such jobs.
- Independent Contractor – Job orders for positions in which an employer-employee relationship does not exist. These positions provide a job opportunity for a jobseeker without a guarantee of wages.
- 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.

- Job Development – Job orders entered by LWDB staff due to staff securing a job interview with a public or private employer for a specific applicant for whom the LWDB has no suitable opening on file.
- Mass Recruitment – Job orders for events such as job fairs or employer hiring events.
- Private Agency/Staffing Agency – Job orders to fill positions through private agencies or staffing companies. A fee cannot be charged to the applicant and job orders must state “position offered by a no-fee staffing agency.”

2. Job Order Entry

Job orders can be posted by an employer, LWDB staff or spidered into Employ Florida from external job posting websites. Additionally, under the *Employ Florida Terms and Conditions of Use*, 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).

LWDB staff are not allowed to post a job order to Employ Florida until the appropriate authorization has been received from the employer to do so. Authorization includes but is not limited to staff obtaining a completed job order form submitted by the employer or an email from the employer outlining the position’s requirements or authorization by phone. In the event the employer provides the authorization by phone, staff must document the position’s requirements on a job order form and document the employer’s authorization by recording a case note in Employ Florida. Staff are not allowed to post open positions to Employ Florida obtained from other job boards, the employer’s website, a classified advertisement, or other resources, unless authorized to do so by the employer.

LWDB staff must conduct an independent verification of a newly registered employer prior to the new employer being able to create a job order, in accordance with the Employer Services policy.

Job orders received by staff must be entered in Employ Florida within one business day of receipt from an employer or third-party agent. Job orders posted by employers or third-party agents in Employ Florida must be reviewed and verified within two business days of posting into Employ Florida. LWDB staff must case note their review and verification of the job order.

The practice of withholding job orders from timely entry into Employ Florida, or otherwise preventing the sharing of job order information throughout the system, is prohibited.

3. Job Order Compliance Review and Approval

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*. All job orders must be reviewed by the LWDB staff for compliance.

If the job order meets all compliance requirements, LWDB staff shall approve the job order according to local policy within two business days from the date and time of initial posting. LWDB staff must document with a case note their compliance review, and each step taken to verify the job order.

If the job order does not meet all compliance requirements, LWDB staff must place it “On Hold” and contact the employer or third-party agent to request a revision to the job order. If the employer or third-party agent agrees to comply with the requested revision, staff may make the change to the job order based upon the feedback received or allow the employer to incorporate their feedback and re-submit the job order. However, 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 timeframe (as determined by the LWDB), the duplicate job order must be closed with a case note detailing the reason.

4. Third-Party Agent Job Order Verification

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 developed by the LWDB) before a job order can be approved and made visible to the jobseeker. Written consent may be in the form of a letter drafted 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 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.

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. Staff may not close the employer's entire account due to the inability to verify a particular job order with an employer.

Note: Verification is not required by the employer if the third-party agent verifies the job openings as required.

5. Using O*NET Occupational Groups for Coding Job Orders

Pursuant to 20 CFR 652.3, staff must ensure the O*NET code used for a specific job opening matches the job description. If no match can be found, staff must 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.

6. Recording Wages on Job Orders

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 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 a case note on either the hired jobseeker's placement information or the 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 their name and the wage at which he/she was hired.

7. Labor Disputes in Progress

LWDBs are not allowed to make a job referral on job orders which will aid directly or indirectly in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage. When a job order is received from an employer reportedly involved in a labor dispute involving a work stoppage, LWDBs must verify the existence of the labor dispute and determine its significance with respect to each vacancy involved in the

job order. The LWDB must document the information in a case note with the job order, including the name of the person with whom they spoke, the date of contact, and any other pertinent information related to the dispute and how it affects the job order in question. They must also notify all potentially affected staff concerning the labor dispute. Furthermore, written notice must be provided to all applicants referred to jobs not at issue in the labor dispute that a labor dispute exists in the employing establishment and that the job to which the applicant is being referred is not at issue in the dispute. LWDBs shall resume full job referral services after they have been notified of, and have verified with the employer and workers' representative(s), that the labor dispute has ended.

8. Nondiscrimination Requirement

Job orders discriminating against individuals based on race, color, religion, gender, pregnancy, national origin, age, handicap or marital status cannot be accepted, except where the stated requirement is a bona fide occupational qualification (BFOQ) pursuant to [42 U.S.C. 2000\(e\)-2\(e\)](#), [29 CFR 1604](#), [1605](#), [1606](#), and [1625](#), and [Chapter 760 Florida Statutes](#). If an employer claims a BFOQ, LWDB staff should advise management prior to listing the job order and the BFOQ status must be documented in the job order's case notes.

9. Availability to Migrant and Seasonal Farmworkers (MSFWs)

LWDBs must provide adequate staff assistance to MSFWs to access job order information easily and efficiently. Assistance must be provided to MSFWs in their native language, whenever requested or necessary.

10. Agricultural Recruitment System (ARS)

The Wagner-Peyser Act requires the United States Employment Service maintain a system for the orderly movement of workers within and between States. The ARS helps agricultural employers recruit qualified workers on a temporary or seasonal basis. The ARS provides protection to the workers who are not seeking permanent relocation, but rather temporary agricultural employment. Through the ARS, the Department of Economic Opportunity (DEO) can systematically recruit and refer qualified workers from within Florida and from other states when there is an anticipated shortage of workers. Job orders listed pursuant to the ARS request workers for less than one year of employment. The DEO Senior Monitor Advocate for services to migrant and seasonal farmworkers is responsible for operating the ARS, therefore, local areas must refer employers to DEO for job order posting.

11. Job Order Retention

The record retention requirement for job orders is three years. An electronic copy of the job order documentation can be uploaded to the employer's account in

Employ Florida, or the hard copy can be kept in the employer's physical file, as dictated by the LWDB's local operating procedures.

B. Job Referral

A staff-assisted job referral is the act of LWDB staff 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 in their Employ Florida account 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. To support staff's ability to adequately assess the jobseeker's qualifications, staff must ensure the jobseeker has completed a full registration in Employ Florida, prior to the referral being made. At no time should staff provide a job referral to a jobseeker who has not completed a full registration and/or does not meet the minimum requirements of the job order. Additionally, staff must obtain the consent of the jobseeker prior to making any job referral.

Referrals Pending Review

When a jobseeker applies for a position in Employ Florida, it is called a self-referral. If the employer's information has been suppressed on the job order to which the individual applies, a message appears informing them that the LWDB will contact them within 72 hours. A list of these individuals appears on the "Manage Labor Exchange" section of Employ Florida under "Referrals Pending Review." LWDB staff must view this listing on a daily basis to determine the qualification of the individual, whether their qualifications meet the requirements of the job order, and to complete the referral process if the individual is qualified. Once the screening is accomplished or if further information is needed, staff must contact the individual for the missing information or to either inform them they are not qualified for the job or to provide the information in order for them to complete the application process.

C. Job Placements

A placement means the hiring by a public or private employer of an individual referred by the LWDB or self-referred for a job or an interview, and where the LWDB staff completed each of the following steps:

- Prepared a job order form, or reviewed and approved a job order form entered into Employ Florida by an employer, prior to referral or prior to the position being filled, except in the case of a job development contact on behalf of a specific individual.
- Made prior arrangements with the employer for the referral of an individual or individuals.

- Obtained the individual's consent to be referred to the job order in Employ Florida.
- Referred an individual who had not been specifically designated by the employer, except for referrals on agricultural job orders for a specific crew leader or worker.
- Verified from a reliable source, preferably the employer, the individual was hired and started work.

When LWDB staff record a placement against a job order for which a referral was made, Employ Florida will assign the appropriate service code through an automated process. Staff must verify the customer began working prior to recording the appropriate placement code. Verification information must be documented and must include: 1) a case note identifying the customer's name, 2) the name of the employer, 3) the source of verification, and 4) the date the customer started working at the designated jobsite. Notification of an upcoming start or hire date is not acceptable for recording a placement.

While verifying a customer's employment from the employer is the preferred source of information for placement credit, staff should use the least intrusive process for obtaining the verification information.

Note: If during the process of verifying a job placement staff determines the individual was placed in a job other than the one they were referred, placement credit cannot be taken against the job order to which they were originally referred (unless both job openings match the description in the job order or O*NET code). If the job description or O*NET code for the position in which the individual was placed is different than the job description or O*NET code for the position to which they were referred, staff must record an Obtained Employment - Manual and not a placement. Further, staff must not enter an additional job order for the different position.

D. Job Development Hires

The Code of Federal Regulations at Title 20 Part 651.10 specifies that a job development means the process of securing a job interview with a public or private employer for a specific customer for whom the local office has no suitable opening on file.

If there is no suitable opening on file with the LWDB, staff should make job development attempts (contacts) on behalf of the customer by contacting the hiring authority for an employer to discuss the customer's qualifications and employment interests. The job development attempt should be recorded on the job seeker's activity service plan in Employ Florida. Staff must include a case note listing the employer's name, phone number, address, date of contact, and position/title of job staff is seeking for the customer.

If staff later learns that the customer was hired on the job to which a job development attempt was made, then the staff person should write a job order and take credit for the placement. At a minimum, the job development job order must contain in the job description the phrase “job development.” Once the job order is written to reflect the hire, it must be matched against the job development referral that was previously entered on the job seeker’s services screen.

E. Obtained Employment

Obtained employment refers to those individuals who secure employment within 180 calendar days of receiving one or more services that either trigger or extend program participation, which are fully or partially funded under the Wagner-Peyser program, and where the placement does not meet the federal definition for a “job placement.” An obtained employment can be entered onto a jobseeker’s service plan either manually by staff or automatically by Employ Florida.

1. Manual Obtained Employment

When staff manually records an obtained employment on a jobseeker’s service plan, they must verify when the last service that either triggered or extended program participation was recorded. If the jobseeker secured employment within 180 days of receiving said last service, staff must select Service Code 880 – Obtained Employment Manual. If the jobseeker has not received a service that either triggered or extended program participation for at least 90 days, has exited the system and the secured employment does not meet the federal definition of a placement, staff must select Service Code 882, Obtained Employment – Post Exit – Manual.

Prior to manually recording an obtained employment, LWDB staff must:

- Confirm the jobseeker received a service that either triggers or extends program participation.
- Confirm that employment began within 180 calendar days of receiving the last service that either triggers or extends program participation.
- Verify that there is no placement recorded for the employment.
- Confirm that the obtained employment is unique and has not been previously recorded.
- Verify from a reliable source, preferably through the employer, the jobseeker has started working.
- Document the following for an obtained employment:
 - Employer’s name.
 - Source of verification.
 - Certification the service is not a duplicate of a previously documented placement.
 - Actual start date.

- LWDB/office information.

Sources of documentation used to verify obtained employment may also include hire data obtained from third party resources including but not limited to CONNECT and/or the Department of Children and Families' records. Information obtained from sources where quarterly data is reported may be used as a starting point from 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.

It is not allowable to record a placement when a manual obtained employment service code has already been recorded or to take credit for a manual 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.

In the event staff verifies an individual has been placed against a job order, but an obtained employment has already been recorded for the same position and start date with the same employer, staff may void the obtained employment by changing the Completion Code within the service code entry from Successful Completion to Voided and record the placement. If "Voided" is not available in the drop-down menu, staff do not have the privileges to perform this action and must request the LWDB's Regional Security Officer (RSO) to void the entry. A case note must be added to the obtained employment service code entry explaining why the code was voided.

More than one obtained employment credit per customer is possible in the same program year, provided 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:

- Employer's name.
- Source of verification.
- Certification the service is not a duplicate of a previously documented placement.
- Actual start date.
- LWDB/office information.

2. Automated Obtained Employment

A New Hire File from CONNECT, Florida's Reemployment Assistance claims system, interfaces with Employ Florida daily. The file contains new wage information for every individual who has secured a new job. The interface checks for matches between the SSNs in the file with the jobseekers' SSNs in Employ

Florida. When a match is made, Employ Florida verifies when the jobseeker last received a service that either triggered or extended program participation. If the jobseeker secured employment within 180 days of receiving said last service, Employ Florida will record Service Code 881 – Obtained Employment Automated. If the jobseeker has not received a service that either triggered or extended program participation for at least 90 days, has exited the system and the secured employment does not meet the federal definition of a placement, Employ Florida will record Service Code 883, Obtained Employment – Post Exit – Automated.

F. Post Exit Manual Obtained Employment

Post exit manual obtained employment refers to those individuals who meet the definition of an obtained employment, have gone at least 90 days without a service that either triggers or extends program participation and have exited the system. Credit for a post exit manual obtained employment may be claimed for any participant who has received any Wagner-Peyser service(s) that either triggered or extended program participation, and has a job start date, where both service and start dates fall within 180 days from the date the post exit manual obtained employment is recorded. Staff must verify, preferably through the employer, the customer has started working prior to taking credit for a post exit manual obtained employment. Notification of a hire date or an anticipated future start date is not acceptable for securing obtained employment credit.

The post exit manual obtained employment must be created as a Wagner-Peyser follow-up service to the last Wagner-Peyser application.

Post exit manual obtained employment requires entry and verification of the following:

- Employer's name.
- Source of verification.
- Certification the service is not a duplicate of a previously documented placement.
- Actual start date.
- LWDB/office information.

G. 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. DEFINITIONS

1. **Bona Fide Occupational Qualification (BFOQ)** – This is an employment decision or request based on race, color, religion, gender, pregnancy, national origin, age, handicap or marital status that is based on a finding that such characteristic is necessary to the individual's ability to perform the job in question. Since a BFOQ is an exception to the general prohibition against discrimination based on race, color, religion, gender, pregnancy, national origin, age, handicap or marital status, it must be interpreted narrowly in accordance with the Equal Employment Opportunity Commission regulations set forth at 29 CFR parts 1604, 1605, 1606 and 1625.
2. **Employer** – As defined in 20 CFR 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 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.
3. **Full Registration** – A registration where all elements of a partial registration have been completed and the jobseeker has been assigned an O*NET code, completed the background wizard, or entered a resume on their personal profile to include additional essential employment-related information such as licenses or certifications that will enhance the placement of the jobseeker.
4. **Hire Date** – The date an individual accepts a job offer from an employer.
5. **Job Opening** – A single job opportunity for which the LWDB has on file a request to select and refer participants.
6. **Occupational Information Network (O*NET)** – An online reference database which contains standardized detailed descriptions of U.S. occupations, distinguishing characteristics, classification codes, and information on tasks, knowledge, skills, abilities, and work activities as well as information on interests, work styles, and work values.
7. **Start Date** – The first day an employee actually begins working for and earning wages from an employer.
8. **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.

VI. REVISION HISTORY

| Date | Description |
|-------------|---|
| 02/20/2020 | Approved by CareerSource Florida Board of Directors. |
| 05/24/2019 | Revised and issued by the Florida Department of Economic Opportunity. |
| 04/26/2017 | Issued by the Florida Department of Economic Opportunity. This policy supersedes and replaces DEO FG 03-035, Job Seeker Registration and Employer Services, issued on 05/08/2012. |

VII. ATTACHMENTS

[Employ Florida Terms and Conditions of Use](#)