



Local Operating Procedure

SECTION: Operations	PROCEDURE#: LOP11	PAGE 1 of 5
TITLE: Job Order Entry Procedure	EFFECTIVE DATE: February 15, 2021	

DISTRIBUTION: CareerSource North Central Florida Staff

PURPOSE: The purpose of this procedure is to provide information and guidance regarding the entering of job orders for Career Source North Central Florida (CSNCFL) staff.

REFERENCE: Administrative Policy #99

BACKGROUND: The purpose of the Employment Service system is to improve the functioning of the nation's labor markets by bringing together qualified job seekers and employers who are seeking workers. Additionally, each state must administer a labor exchange system that can:

- Assist job seekers in finding employment, including promoting their familiarity with Employ Florida.
- Assist employers in filling jobs.
- Facilitate the match between job seekers and employers.
- Participate in a system for clearing labor among the states, 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

AUTHORITY

Wagner Peyser Act of 1933, as amended by the Workforce Investment Act of 1998 and the Workforce Innovation and Opportunity Act of 2014

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 job seeker must meet.
- There are referral instructions.
- CSNCFL 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.

Procedure:

Job orders can be posted by an employer, CSNCFL 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. Job orders posted by CSNCFL staff are included in the count of job openings reported to the United States Department of Labor (USDOL). **CSNCFL 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.** The authorization includes but is not limited to CSNCFL staff obtaining a completed job order form submitted by the employer. CSNCFL staff can receive an email from the employer outlining the position's requirements or authorization by phone. In the event the employer provides the authorization by phone, CSNCFL 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.

CSNCFL staff must conduct independent verification of a newly registered employer prior to the new employer being able to create a job order within two (2) business days.

The business Services Lead will pull a report to ascertain all new orders entered in order to verify the job order meets compliance requirements, as well as all documentation, has been entered into the Employ Florida system timely.

Job orders received by CSNCFL staff must be entered in Employ Florida within one (1) 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. CSNCFL 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.

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 CSNCFL staff for compliance.

If the job order meets all compliance requirements, CSNCFL staff shall approve the job order according to local policy within two business days from the date and time of initial posting. CSNCFL 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, CSNCFL staff must place it **"On Hold"** and contact the employer or third-party agent to request a revision to the job order. The employer will be given three (3) business days to provide the clarifying information or the order will be closed with a detailed explanation as to the reason why it was closed. 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 resubmit the job order. However, if the employer or third-party agent does not comply with the requested revision, CSNCFL 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 of 2 business days, the duplicate job order must be closed with a case note detailing the reason.

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 CSNCFL staff electronically** through Employ Florida (or by email) before a job order can be approved and made visible to the job seeker. 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 CSNCFL and properly documented in the case notes in Employ Florida. In addition to following the compliance requirements when a new job order is entered by a third-party agent, CSNCFL staff are required to verify the position with the primary contact listed on the job order. If the CSNCFL staff is unable to reach the primary contact listed on the job order, CSNCFL staff may employ means such as accessing the employer's corporate website to verify the job listing or calling the employer's HR department. If staff is not able to verify the job order through the job order's primary contact/ website or employer's HR department 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.

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.

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, CSNCFL 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 job seeker was hired and went to work at a higher wage, the higher wage should be entered on a case note on either the hired job seeker'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.

Labor Disputes in Progress

CSNCFL staff are not allowed to make a job referral on job orders which will aid directly or indirectly in the filling of a job opening that 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, CSNCFL staff must verify the existence of the labor dispute and determine its significance with respect to each vacancy involved in the dispute. CSNCFL 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.

CSNCFL staff 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.

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, CSNCFL staff should advise management prior to listing the job order and the BFOQ status must be documented in the job order's case notes.

Availability to Migrant and Seasonal Farmworkers (MSFWs)

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

Agricultural Recruitment System (ARS)

The Wagner-Peyser Act requires the United States Employment Service to 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

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.

OFFICIAL SIGNATURE



PHYLLIS MARTY
Chief Executive Officer