



**NORTH CAROLINA DEPARTMENT OF COMMERCE
DIVISION OF WORKFORCE SOLUTIONS**

DWS POLICY STATEMENT NUMBER: PS 02-2016

Date: January 26, 2016

Subject: Employer Accounts and Job Order Policy

From:

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Purpose: To provide guidance regarding the Division of Workforce Solutions' Employer Accounts and Job Order Policy and to rescind PS 03-2014.

Background: The scope and process for managing employer accounts and job orders using NCWorks Online has been operable for a number of years. Review of policy and procedures has been conducted and the Division with assistance from local Workforce Development Board staff, has developed an updated employer accounts and job order policy.

Action: NCWorks Career Center staff are required to operate the administration of all employer accounts and job orders as detailed in this DWS Policy Statement.

Effective Date: Immediately

Expiration: Indefinite

Contact: DWS Applicant Services State Office Staff
(919) 814-0454

NORTH CAROLINA DEPARTMENT OF COMMERCE

Division of Workforce Solutions

Employer Accounts and Job Order Policy



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NCWorks Online Employer Agreement

Welcome to NCWorks Online!

NCWorks Online is a one-stop online resource for job seekers and employers in North Carolina. Only employers posting job orders with NCWorks Online for work sites within the state of North Carolina or within a county that immediately borders the State will be granted access. Federal law prohibits the use of these services for the purpose of soliciting business opportunities. In order for you, your staff, or an authorized agent to use NCWorks to list jobs and recruit qualified applicants, it is essential that the terms listed below are agreed to and followed:

- Equal Employment Opportunities must be provided to applicants without regard to age, race, color, religion, gender, national origin, credit history, or disability.
- There is an employer/employee relationship, whereby the employee will be expected to receive a W-2 at the end of the year not a 1099-MISC for doing work as an independent contractor.
- Job seekers shall **not** be charged a fee or be required to make any monetary investment at the time of referral or application to your company.
- Jobs listed may not be used to replace striking workers during a labor dispute (including temporary listings).
- Job listings must be for positions currently open or expected to be filled in the next 90 days.
- Job listing wages must meet or exceed state minimum wage requirements unless exempted by law.
- Job listings must be for positions located in North Carolina or in counties immediately bordering North Carolina.
- Job seeker information from this site must be used only for the purpose of filling available positions. You may not sell or re-post any job seeker data or resumes found on this site. Such sale or re-posting violates the individual's ability to control how his/her data or resume is distributed. This includes searching the resume data base from this site for referral to an employer with whom no contractual agreement is in place for the purpose of collecting a hiring fee, or soliciting for a business or self-employment opportunity, product, or service.

NCWorks Online reserves the right to discontinue access to an employer violating any of these policies. *NCWorks Online also reserves the right to remove any job posting if it contains outdated, inaccurate, vague or inappropriate information.*

I understand and accept the above Terms and Conditions.

Introduction

This document provides policy from the North Carolina Department of Commerce, Division of Workforce Solutions, (hereinafter referred to as DWS) concerning the procedures for employer accounts and job orders using the NCWorks Online (hereinafter referred to as NCWorks) system. NCWorks is a one-stop online resource for job seekers and employers in North Carolina. Job seekers can search for jobs, create resumes, and find education and training opportunities.

Employers can find candidates, post jobs, and search labor market information. Staff in NCWorks Career Centers (hereinafter referred to as Career Centers), also known as One-Stop Centers or American Job Centers should use this document as the first source of technical assistance when questions arise regarding official policy for handling employer accounts or job orders. If this document does not answer an employer account or job order related question, Career Center staff should view the ‘Employer Accounts and Job Order Procedures Contacts’ listed in *Section C* of this document to identify the appropriate contact person for additional information.

The Wagner-Peyser Act established a national labor exchange system with states providing universal access to basic labor exchange services at no cost to job seekers. In North Carolina, DWS uses NCWorks to fulfill this responsibility. The purpose of this document is to set forth the DWS policy and expectations concerning use of NCWorks by **all** users and to outline appropriate employer access to NCWorks. **Only employers posting job orders with NCWorks for work sites within the state of North Carolina or within one of the counties that immediately borders the state of North Carolina will be granted access.**

For the purposes of this policy, an employer is a person, firm, corporation or other association or organization that:

- is located in the state of North Carolina or one of the counties that immediately borders North Carolina, and/or
- plan to employ worker(s) within the state of North Carolina or one of the counties that immediately borders North Carolina, and
- plan to have an employer/employee relationship, and
- hires, pays, fires, supervises and otherwise controls the employee’s work, and
- withholds and submits quarterly payroll taxes per federal and state guidelines, and
- issues (or intends to issue) IRS Forms W-2 showing the employee’s wages, tips and other compensation earned and taxes withheld.

Entities meeting the definition of employer may establish an account in NCWorks for the purpose of posting employment opportunities and receiving referrals of qualified

applicants. When an employer registration is received, the Career Center staff will review the registration information and take reasonable steps to determine if the registrant meets the definition of employer given above. This review is expected to be completed within 72 hours of receipt. Review steps may include, but are not limited to:

- corresponding with the registrant by telephone or email,
- reviewing the registrant company's website,
- using various Internet search systems to corroborate the information given in the registration, and
- cross referencing the Federal Employer Identification Number (FEIN) and/or Unemployment Insurance (UI) Tax Account information provided in the registration with existing DWS and Division of Employment Security (DES) records.

Employers are able to self-identify themselves as *Veteran Friendly*, *Older Worker Friendly* or *Felon Friendly*. This "Friendly" status is self-disclosed and does not need to be verified.

Generally an employer account requires entry of the FEIN; however, there are two exceptions to this general rule:

- 1) If an employer uses his/her social security number rather than a FEIN because the employer operates a business as a sole proprietor or is employing individuals to work in his/her household, or
- 2) If a new business is in the process of obtaining a FEIN, the employer's social security number may be used temporarily, with the expectation that the employer will update the account to provide the FEIN when it is obtained. Staff who create and/or enable an employer using their social security number must follow-up with the employer within 30 days to obtain their FEIN. Employers can obtain their FEIN immediately by applying online at www.irs.gov.

NOTE: *All third-parties acting on the employer's behalf should register the account in the employer's name, and 1) use the employer's FEIN, UI Account Number, and mailing address, 2) show the third-party as the primary contact, and 3) include the employer's contact name and telephone number as an additional contact.*

DWS reserves the right to refuse or remove job postings that are in conflict with this policy or Federal or State laws and regulations.

DWS does not accept job postings with discriminatory language and does not participate in referral practices that violate federal and state non-discrimination statutes.

DWS cannot accept a job posting for which the employer has given the DWS a list of names of candidates to be referred and refuses to consider other qualified candidates whose names do not appear on the employer's list.

DWS does not have access to criminal history records. Our review of a candidate's background is limited to work and educational history solely as provided by the individual.

DWS does not conduct any investigations or screenings, such as background checks or drug tests before referring candidates.

DWS does not accept job postings for which the employer will use IRS Form 1099-MISC to report compensation paid, e.g. independent contractors.

DWS will not accept job postings for positions that are vacant due to work stoppage that involves a labor dispute, labor strike or employer lockout (see Code of Federal Regulations [CFR § 652.9]).

DWS does not accept job postings describing work situations that conflict with federal and state compensation laws such as, but not limited to, the Fair Labor Standards Act (29 U.S.C. Chapter 8), Minimum Wage Act (N.C.G.S. Chapter 95, Article 2A), Payment of Wage Law (N.C.G.S. 95-25.6) or Child Labor Laws (29 Code of Federal Regulation, Part 570).

A job opening is an immediate job vacancy that an employer expects to fill with qualified applicants within 90 days. In addition to listing an employer's job opening, and referral of individuals to available job openings, the following services should be provided to employers:

- Assistance in the development of job order requirements
- Matching job seeker experience with job requirements, skills, and other attributes
- Assisting with special recruitment needs
- Arranging Job Fairs/Recruitment events
- Assisting employers in the analysis of hard-to-fill job orders
- Assisting with employer job descriptions
- Assisting employers prior to, during, and after layoffs (re: after layoffs, DWS can assist with rapid response visits and job fairs for employees being laid off).

Section A. Job Order Protocol

A.1. Employers Pending Verification

All employers using NCWorks for the first time must be verified to determine if the company they are representing is a valid employer as defined by factors included in the “*Employer Verification*” form. This form is used to verify the legitimacy of employers. The Employer Verification form can be found at NCWorks/Other Staff Services/Staff Online Resources/Labor Exchange Forms. The Employer Verification form includes the following items for consideration:

- Employer Name
- Internet Protocol (IP) Address Location
- Name/Title of Person Contacted
- Telephone number
- Unemployment Insurance (UI) Employer Account Number (EAN)
- Federal Employer Identification Number (FEIN)
- Does the EAN and/or FEIN match Tax Records?
- Are the EAN and/or FEIN active?
- Is there a corporate profile on the Internet?
- Has an appropriate email account been provided?
- Does the employer have an immediate job vacancy (expects to fill within 90 days) to post in NCWorks?
- Are the planned job listings located in North Carolina or a county bordering North Carolina?
- Is the language in the job order appropriate?

When verifying an employer, first determine, “Is there an existing account?” If multiple accounts exist for the same employer, update and merge the accounts; do not create a new account. If necessary, contact management or DWS regional staff for action steps when merging employer accounts.

The Employer Verification form is a guide to be used when verifying an employer. The form must be scanned and uploaded to NCWorks as part of the verification process. Scam employers often use real employer data to register, but the job order will specify a totally different email and/or telephone number for individuals to use when “applying.” If an employer is pending verification, and there is a working relationship with that employer, Career Center staff should contact the employer and verify if a new account has been registered. When verifying the EAN and the FEIN, use the “Search Employer UI Tax Record” link within the Access Rights section; search using the *Common Name* field versus the legal name. It is recommended that Career Center staff take the following actions when trying to verify an employer:

- Use the Secretary of the State’s website to determine if an employer is still in business
- Check with the Chamber of Commerce for local employers they are not familiar with.
- Use the Internet (Google search) to find the employer’s corporate account.

Incorrect spelling, capitalization, punctuation, etc., could possibly mean this is a scam employer. If the email address domain is Yahoo, Hotmail, Gmail, etc., these are red flags. If the IP address is not in the general vicinity of the employer’s address, this is another red flag and requires further investigation before the employer verification is complete. If there is even one questionable verification item, Career Center Staff must **not** enable any employer. If in doubt, contact management or a DWS Regional Representative.

Employers using NCWorks for the first time self-register or are registered by staff; however, if the employer self-registers, activities are limited until after verification. If the employer created any job orders during self-registration, the job orders will not be available to the public until after the employer has been verified.

Employer Verification status should be changed to “Not Verified” if Career Center staff are unable to confirm the validity of the employer; a case note is to be entered explaining the attempt(s) to verify the employer. Employer verification status should be changed to “Revoked/Suspended” if there are reasons to doubt their validity. Valid employers waiting on job order(s) to be posted will most likely contact Career Center staff to get a status update or to continue with their attempt to post open positions.

Career Center management and/or designated staff will review employers who are “Pending Verification” in NCWorks for their respective offices on a daily basis. Verified, valid employers will be granted access. Any employer not already known to Career Center staff must be contacted and account information verified within 72 hours. Upon determining the employer is a valid employer, and the account and contact information is accurate, Career Center staff will grant access by changing the employer’s access rights status to “Enabled.” Questionable or doubtful situations should be referred to Career Center management and/or DWS regional staff for further review before access is granted. Access can be revoked if issue(s) develop with an employer’s account after it has been enabled.

Actions to be taken based on Employer Verification findings include:

- Enabled – Employer has full access rights to the NCWorks system.

- Pending Verification – Employer may be prevented from posting or viewing jobs or searching for and viewing candidates or applicants, depending upon system settings. However, the employer can log into their account and view and/or reply to messages. This is the default setting for newly-registered employer accounts. If the system is configured to allow employers with this access level to post jobs, the jobs will be offline and have a status of “Pending Employer Verification.”
- Not Verified – This setting functions the same as “Pending Verification,” but can be used by staff who have tried to contact an employer but have not yet been successful.
- Revoked/Suspended – Employer is prevented from posting or viewing jobs or searching for and viewing candidates or applicants, rendering any information or functions accessed through the Recruitment Plan Profile off limits. However, the employer can log into their account and view and/or reply to messages.

Revoked/SCAM – Temporarily blocks employers from posting or viewing jobs or searching for and viewing candidates or applicants until status can be verified. Regional Representatives are alerted by email to review the employer and identify their legitimacy. If the employer is determined to be legitimate, employer will receive “Enabled” status. If the employer is determined to be a scam, action must be taken to have the account permanently locked.

- Locked Out – The employer’s access to the system is completely removed, including the ability to log into their account.
- Locked Out SCAM – Same as “Locked Out” and the employer has been identified as a Scam.

NOTE: *Any modification of employer status e.g., going from “Pending Verification” to “Enabled” will result in an electronic message being sent to the employer. Verification should be documented with case notes placed on all employer profiles. Once an attempt is made to contact an employer for verification, the employer status should be changed to “Not Verified” so all staff can be aware of the action taken and know that staff have already attempted to contact this employer. In addition to the Employer Verification Form being scanned and uploaded into NCWorks Online, Career Center staff are required to make a case note when they enable an employer and when they grant employers access to phone numbers of individuals.*

A.2. Out-of-State Employers

Out-of-State employers, not located in bordering state counties, but who desire to post positions for worksites in North Carolina or in a county in a bordering state, will be reviewed and approved at the DWS state or regional level *only*. Out-of-state employers located in a bordering state county may be approved by the local Career Center management where the zip code has been assigned. Employers who are *not* posting job orders for work sites within the state of North Carolina, nor work sites within one of the counties that immediately borders the state of North Carolina, will *not* be granted access to NCWorks, regardless of their primary business location. North Carolina job seekers interested in work outside the state should contact the appropriate state workforce center listed below:

Alabama – <https://joblink.alabama.gov/ada/default.cfm>

Alaska - <http://www.jobs.alaska.gov/>

Arizona - <http://www.arizonaworkforceconnection.com/>

Arkansas - <http://dws.arkansas.gov/AWIB/index.htm>

California - <http://www.labor.ca.gov/>

Colorado - <http://www.connectingcolorado.com/>

Connecticut - <http://www.ctdol.state.ct.us/wia/atlas-force.htm>

Delaware - <http://wib.delawareworks.com/>

Florida - <https://www.employflorida.com/vosnet/Default.aspx>

Georgia - <http://www.dol.state.ga.us/>

Hawaii - <http://labor.hawaii.gov/wdd/>

Idaho - <http://labor.idaho.gov/dnn/Default.aspx?alias=labor.idaho.gov/dnn/idl>

Illinois - http://www.ides.illinois.gov/Pages/Search_for_Jobs.aspx

Indiana - <https://www.indianacareerconnect.com/vosnet/Default.aspx>

Iowa - <http://www.iowaworkforce.org/>

Kansas - <https://www.kansasworks.com/ada/r/>

Kentucky - <http://kcc.ky.gov/>

Louisiana - <http://www.laworks.net/>

Maine - http://maine.gov/labor/workforce_dev/index.html

Maryland - <http://www.dllr.state.md.us/county/howard/howseeker.shtml>

Massachusetts - <http://www.mass.gov/lwd/>

Michigan - <http://www.michigan.gov/wda>

Minnesota - <https://www.minnesotaworks.net/>

Mississippi - <http://mdes.ms.gov/>

Missouri - <http://jobs.mo.gov/>

Montana - <http://wsd.dli.mt.gov/>

Nebraska-<http://www.dol.nebraska.gov/>

Nevada - <http://nevadaworkforce.com/>

New Hampshire - <http://www.nhworks.org/>

New Jersey - <http://www.jobs4jersey.com/>

New México - <http://www.dws.state.nm.us/>

New York - <http://www.labor.state.ny.us/careerservices/careerservicesindex.shtm>

North Dakota - <https://www.ndworkforceconnection.com/vosnet/Default.aspx>

Ohio - <http://jfs.ohio.gov/owd/>

Oklahoma - <http://oklahomaworks.gov/>

Oregón - <http://www.worksourceoregon.org/>

Pennsylvania - <http://www.paworkforce.state.pa.us/>

Rhode Island - <http://www.dlt.ri.gov/wfds/>

South Carolina - <http://dew.sc.gov/>

South Dakota - <http://dlr.sd.gov/>

Tennessee - <http://www.state.tn.us/labor-wfd/>

Texas - <http://www.twc.state.tx.us/>

Utah - <http://jobs.utah.gov/>

Vermont - <http://labor.vermont.gov/workforce-development/>

Virginia - <http://www.vec.virginia.gov/>

Washington - <http://www.esd.wa.gov/>

West Virginia - <http://www.wvcommerce.org/>

Wisconsin - <http://dwd.wisconsin.gov/>

Wyoming - <http://www.wyomingworkforce.org/>

A.3. Employment/Staffing Agencies

Employment/staffing agencies are employers and have a right to list job vacancies in NCWorks. The employment/staffing agency is the employer of record, when recruiting applicants who will be on their payroll while performing work for another employer.

Job orders may be accepted from employment/staffing agencies in the same manner as any other job order. Efforts should be made to ensure there is an actual job vacancy and the recruitment adheres to the policy and procedures relating to labor disputes, federal contractors and independent contractors and all applicable requirements. Referrals to employment/staffing agencies are permitted if the applicant is not charged a fee as a condition of employment.

Job orders posted by employment/staffing agencies without job site information should be closed immediately. Once the employment/staffing agency provides the employer information, the job order can be reopened. Employer concerns to limit who knows about recruiting efforts can be addressed by suppressing the job order. For additional information on suppressed job orders see Section A. 11.

NOTE: *If employment/staffing agencies are used to recruit replacement workers during the labor dispute, Career Center staff cannot accept job orders that would recruit for positions affected by the labor dispute. For this reason, job order procedures require employment/staffing agencies to provide the name of the work site company for all job orders. This information is placed in the Career Center staff comments section and must be kept confidential.*

A.4. Military Recruitment

Military services are legitimate employers and DWS must apply the same rules as with any other employer, along with the addition of a required military mandatory statement. This protects the public from incomplete and misleading job advertisements. All military job orders must include the following mandatory statement:

"This position requires enlistment in the Armed Forces of the United States."

Each job order should be for a specific occupation or group of closely related occupations. There should be a real opening (most military units always have openings so this is not usually a problem). The O*NET codes should reflect the occupation and duties of the job. If the opening is for truck mechanics, for example, the O*NET code would be for mechanics, not a military code (even though the worker will be performing work in the military). O*NET does have codes for occupations unique to the military services (Artillery and Missile Crew Members, Infantry, and others).

A.5. Federal Contractors and Subcontractors

Federal contractors and subcontractors are required to list all employment openings with their local state workforce agency except for executive or top management jobs, positions filled from within the organization, and jobs lasting three days or less.

Any business with a federal contract or subcontract (including private employment/staffing agencies providing staff) of \$100,000 or more must take *Affirmative Action* to hire and promote protected veterans. Career Center staff who believe an employer should be listed as a Federal Contractor should contact the employer directly for verification.

Protected veterans include those with a service connected disability and veterans who served on active duty in the U.S. military, ground, naval or air service during a war or in a campaign or expedition for which a campaign badge/expeditionary medal has been authorized, under the laws administered by the Department of Defense. Staff can assist the employer by file searching and referring qualified veterans. For more information, on federal contract compliance visit:

http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA_faq.htm

A.6. Job Order Action

DWS will work with Workforce Board Directors to ensure that:

- All Career Center partner agencies are made aware of this *Employer Accounts and Job Order Policy*.
- All Career Center partner agencies involved in writing and servicing job orders will provide the *Employer Accounts and Job Order Policy* to their staff.
- All Career Center staff will abide by the *Employer Accounts and Job Order Policy*.

Failure to abide by this policy will result in:

- *First Offense* - Written warning
- *Second Offense* – Suspension of all NCWorks rights which will not be reinstated until after the completion of mandatory *Employer Accounts and Job Order Policy* training at the discretion of management.

All job orders must:

- Not use discriminatory or offensive language.
- Comply with federal and state laws and represent an actual valid and legal job opening.
- Be processed within 72 hours of receipt, including file search for qualified applicants.
- Include Veteran’s priority (for additional information see Section A.14).
- Clearly and accurately represent the employment situation including *Bona Fide Occupational Qualification* (BFOQ), if applicable. BFOQ’s are employment qualifications that by law employers are allowed to consider when making hiring and retention decisions. The occupational qualification must relate to an essential job duty that is necessary for operation of the business. According to Title VII of the Civil Rights Act of 1964, discrimination is acceptable, “in those certain instances where race, color, religion, sex or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.” Examples of BFOQs are

mandatory age limits for bus drivers because of safety concerns with older drivers. Male clothing designers could legally advertise for male models only because female models would not be able to model men's clothing in the appropriate manner. Churches can legally hire only members of their specific church, excluding clergy from other religions.

A.7. Closing Job Orders

If an employer contacts the Career Center to close a job order, there are several sections within the job order that must be updated. Under Job Details, update the field, "Last day this job order will be displayed on the system" to the current date. Then edit the Staff Information section by clicking on the "Open and Available" link beside the "Staff Job Order Status" field. Update the Staff Status to "Closed by Staff," which will open the "Reason" field. Choose the appropriate reason from the dropdown options.

After a job order is closed, if the employer want to re-post the job order, Career Center staff must open a new job order or copy an existing job order. Do not reopen a job order that has already been closed.

A.8. Job Order ("FAX-IT") Fax Form

The NCWorks "FAX-IT" form has been standardized for use in North Carolina. It is designed to collect all the information needed to write a complete and comprehensive job order. The "FAX-IT" form is available on the NCWorks website from the Staff Online Resources tab, under Forms.

Employers may submit job orders in-person, by telephone, by fax, email or online through NCWorks. Although for convenience and ease of entry, job orders may be taken using the standard format of the Job Order "FAX-IT" form, employers are not required to complete this form to list a job order.

A.9. Job Order Quality

It is important that accurate job orders are listed with NCWorks and that the quality of job orders is maintained. Job seekers and employers must be able to trust the information found within the system. All Career Centers must develop a process/program for monitoring internal job orders listed in their service area to ensure that job orders meet quality standards established by DWS.

The "quality" of job orders refers to accuracy, spelling, punctuation, grammar and clarity in both job description and referral/contact procedure. All Career Center staff involved in taking, writing, screening, or posting job orders must review the *Employer Accounts and*

Job Order Policy. An effective, high quality job order should inform the job seeker as thoroughly as possible of the job's description of duties, location, physical demands, minimum requirements, shift, compensation, and application process. Maintenance of the job order includes review by staff, file search, and timely follow-up as determined by Career Center management.

It is recommended that new job orders be checked daily to both inform Career Center staff of what is available locally and to correct errors and enhance job order quality. Excellent job order quality results in better perception of the workforce system by job seekers and employers, resulting in better referrals and improved customer satisfaction.

Job orders that do not follow the customary format of the job order "Fax-IT" form or do not reflect DWS' standard of high quality must be corrected, with the employer's approval, or removed. Changes to job orders (including status, number of referrals, application process, and other adjustments) must only be performed with the agreement of the employer and the NCWorks Career Center staff in which the job order was listed.

NOTE: *No changes except deficiencies such as spelling, grammar, and lack of clarity should be made to a job order without first contacting the employer. Job orders expire after 60 days, unless Career Center staff manually set a different expiration date.*

The "Analysis of Job Order" form will be used as a standard tool for determining the job order quality. This form can be found at NCWorks/Other Staff Services/Staff Online Resources/Forms. Quality control results will be shared with Career Center management, local leadership teams and the DWS Regional Representatives. When appropriate, control results must include recommendations to improve and enhance job order quality. Random analysis will be conducted at the discretion of Regional and State office staff.

Career Center staff are not responsible for the quality of collected or "spidered" jobs which are imported into NCWorks from a variety of national and local employer websites. Spidering makes it easy for job seekers to quickly search the database to find many more jobs in a single site. While Career Center staff are not responsible for the quality of spidered jobs, they should be vigilant when assisting or speaking to job seekers to ensure these job orders are in compliance with applicable federal and state employment laws. Questionable spidered job orders should be reported to Career Center management or a DWS Regional Representative immediately.

A.10. Job Order Reviews

When employers list job orders via NCWorks, they must be reviewed by Career Center staff for completeness, legitimacy and accuracy to ensure they are non-discriminatory and

appropriate. Career Center staff must be proactive in manually reviewing *all* new job orders *daily*.

DWS has a duty to ensure job orders reflect the highest standards of correctness and authenticity.—When noticeable changes have been made to employer contacts, then Career Center staff should verify with the employer the new contact. For instance, all previous communications with ABS Company were with Ms. Joy Jones; a new job order was posted by Mr. Dave Brown. Career Center staff must verify that Mr. Brown works and has authority to post job openings for ABS Company.

It is important that Career Center staff maintain contact with employers. Unless there are legitimate concerns, such as discriminatory language or scam-related issues, open job orders should *not* be randomly closed or modified without communicating with the employer.

Career Center management will be responsible for job orders listed in their service areas. This includes job orders in counties that immediately border the state of North Carolina. The zip codes of bordering counties are assigned to the nearest Career Center and will appear on search results.

Employers seeking to hire positions at locations other than the primary business location should list the job order with the center closest to where the work will be performed. The job orders will be reviewed by the Career Center staff in the geographic area where the job order is posted and the work will be performed.

An employer can only list a job order in multiple Career Centers when the employer has immediate job vacancies at multiple locations. For example, if there are 3 separate positions to be filled and work will be performed in Wilmington, Burgaw and Shallotte, the job order can be posted with all three Career Centers. If the work will *only* be performed in Wilmington, the employer must post the job order with the Wilmington Career Center only, even if the employer believes job seekers in Burgaw and Shallotte would also be interested. Individuals willing to travel for employment are able to view job opportunities by conducting an “area search” to include multiple locations or by setting their desired locations to include any area they are willing to work.

A.11. Suppressed, Unsuppressed, and Confidential Job Orders

Employers have various expectations when they make a decision to contact Career Center staff regarding job openings. When an employer lists a job that is **unsuppressed** (recruiting in the public venue), the expectation is that staff provide exposure and assist the employer in increasing the applicant pool. The expectation changes drastically if the job order is listed as **suppressed** (when not all employer information is made known to

the public), or **confidential** (when no information is made known to the public). The expectation from the employer regarding suppressed and/or confidential job orders is that professional staff will pre-screen/screen and refer the best qualified applicant(s).

In NCWorks there are three questions dealing with how much of the job order is shared with an individual. Based on how these questions are answered, all, part or none of the job order will be shown to a job seeker. NCWorks is designed to require no staff interaction if that is what the employer chooses. All interaction can happen directly between the employer and the individual.

- 1) **Display online to Job Seekers - YES/NO.** If set to NO, the next two options will not be available. A message in red will give you the warning that only staff can view and make referrals to these jobs. All information is suppressed, and staff must be aware of this job order, as it will not display in any job seeker search results. Setting to NO is the least used option.
- 2) **Display your Company Name - YES/NO.** If set to NO, the employer name will not display in search results (by individuals). Staff will see the name with “Suppressed” in job search results. If Career Center staff deems the individual qualified and is making a referral, it is okay to provide the employer’s name at this point, as it will also print on the referral. Employers can set this option themselves when creating a job order. Individuals can still apply online (employer name shows as “suppressed”).
- 3) **Have a local Career Center staff member screen your applicants - YES/NO.** This option is completely independent of “Display your company name” and will allow the employer to have Career Center staff review the applicant before referring to the job order. If the individual is doing an Internet referral, this populates the “Referrals Pending Review” list for the Career center closest to the individual. Keep in mind, regardless of this being set to YES or NO, if the employer chooses the application method of having the individual apply at the nearest Career Center, then staff interaction is still required. If the employer says NO to screening, but application method is “apply at nearest Career Center,” verify if this should really be set to NO, or should it be YES for staff screen.

Career Center staff must understand the selection process, respect confidentiality, and only refer the most qualified applicants. When an employer requests a **confidential** job order, staff should replace the employer’s name with “Confidential” and the employer’s contact information (address, phone number, email, job order contact person, etc.) with the Center’s contact information. There should be nothing in the job order, including in the application method, which relates back to the confidential employer. Employers who request confidentiality should be advised this practice is contrary to good recruitment and

could raise issues of discriminatory selection. NCWorks is designed to give job orders the broadest coverage while facilitating recruitment of the best qualified applicants.

Career Center staff should document the confidential job order request with a written statement from the employer either by letter or email; this document is to be kept by the Career Center manager. If it is scanned and uploaded into NCWorks, identifying information must be redacted. The posting of a confidential job order should be rare and include a case note as to why the confidential order is being written; do not mention in the case note the identity of the employer. Questions regarding the posting of “confidential” job orders should be directed to management staff for guidance.

Additional guidance for the above options:

1. If the employer chooses NO to display online, then this is a fully suppressed job order that Career Center staff need to be aware of for any referrals. Surrounding counties’ Career Center staff should also be made aware of this order if they have individuals who meet the qualifications and have their desired job location set to the county where the job order is assigned. If an individual is determined to be qualified, then a referral with the employer’s name and information may be provided.
2. If the employer requests their name not be provided (suppressed), and requests Career Center staff to screen applicants, then Career Center staff should determine if the individual meets the qualifications before providing employer name and contact information on the referral.
3. If the employer sets display online to YES, show employer name to YES, and screen to YES, the application method will determine staff intervention. For example, if the application method is by NCWorks resume, then the individual can submit straight to the employer without staff screening. In this case, any application method that does not refer them to a Career Center voids the staff requirement to screen.
4. If a new employer is moving to the area and requests their job orders be posted without any identifying information being shared with the public, this order is considered confidential. At such a time an announcement is made *and* with permission from the employer, the job order may be modified to show the employer’s name and contact information.

NOTE: *Method of Application should match what the employer is requesting as it relates to the level of suppression the employer is seeking in the job order. Employers should be*

educated on the various levels of displaying their company information on the job orders and how it affects when individuals may see their information.

A.12. Job Codes (O*NET) and Titles

Job orders should be coded using the appropriate *Occupation Information Network* (O*NET) code (see “Glossary of Terms,” Section C.2). It is critical that the correct code be used to ensure the best match will be made with potential job seekers. Career Center staff should contact the employer for clarification of job orders with incorrect occupational codes. Career Center staff unable to contact the employer should place the job order on hold until contact with the employer can be made. When placing the job order on hold, use the hold release date of 2099.

In situations where the employer's job title is ambiguous to the general public, staff should explain to the employer that a misleading job title may result in recruitment of candidates with the wrong skill sets. Career Center staff should reference the O*NET website (www.onetonline.org) for suggestions of more appropriate or commonly used titles. If the employer is not willing to change the job title, Career Center staff should suggest placing the more commonly used job title in the job description.

Job orders should have only one job title. Separate job orders should be posted for different occupational openings. Using more than one job title on a job order causes confusion and produces inaccurate search results. When the job title is not related to the job duties, coding must reflect the job duties, not the title. Career Center staff should seek clarification from the employer to ensure that the proper O*NET code is assigned. A single job order may contain multiple openings for the same position or occupation.

A.13. Compensation Methods

North Carolina law requires that all employees be paid at least minimum wage for all covered employment regardless of the method of compensation. A job order should clearly state the method of compensation: salary, salary plus commission, straight commission (also known as commission only), performance-based, incentive, or piecework.

To be listed in NCWorks, all job orders must provide total compensation of at least the minimum wage for any hours worked or spent in required training. Jobs with other forms of pay (e.g. rent in lieu of wages) must be broken down into a “per hour” rate to ensure they at least meet the minimum wage before being listed. Jobs that pay straight commission cannot be included if they only pay when a product is sold, and do not guarantee the worker at least a minimum wage for the hours worked.

NOTE: *Job orders with \$0.01 wages adversely affect recruitment and should not be accepted.*

Occasionally an employer provides a draw against future commission to cover wages until the employee begins to earn commission. If a draw against commission is received, the job can only be listed in NCWorks if the employer guarantees the draw will at least provide minimum wage for the hours worked or spent in required training. A draw is usually paid back to the employer by being subtracted from future commissions. Employers should be informed at the time of the job order(s) listing that the minimum wage law applies. For more information on the Fair Labor Standards Act (FLSA) view the following website: www.nclabor.com.

Tipped Occupations

Tipped occupations have a special minimum wage. North Carolina law requires that *total* compensation (wages *plus* tips) be equal to or exceed the minimum wage. The employer is responsible to make up the difference in the absence of adequate tip compensation. Examples: wait staff, bell hops, taxi cab drivers, barbers, or cosmetologists.

The following mandatory statement must be included within the job description on all “*tipped*” occupation job orders:

"Compensation for tipped occupations must, on average include both the hourly wage and tips equal to or exceeding the minimum wage."

For more information on tipped occupations view the following website:

http://www.nclabor.com/wh/Wage_Hour_Act_Packet.pdf (see Section 13 NCAC 12 .0303 TIPS AND TIP CREDITS).

Day Labor and Domestic Service

Domestic service employment encompasses all services related to the care of persons or maintenance of a private household. Some examples include butlers, housekeepers, gardeners, nannies, cooks, babysitters, or other odd jobs. Job orders for domestic service openings are acceptable as long as they meet the requirements stated in these procedures, including employer/employee relationships and paying via W-2, and adhere to applicable North Carolina laws. Career Center staff should advise the private individual that Career Center staff may screen applicants for job requirements requested, but will not conduct background checks. Job orders from a business or an individual engaged in a business activity requesting short-term labor may be accepted.

from a business or an individual engaged in a business activity requesting short-term labor may be accepted.

NOTE: *Pay must still meet North Carolina law concerning minimum wage.*

Negotiable Wages

Career Center staff should always encourage employers to list at least the minimum wage they are willing to pay, even when the maximum starting pay is "negotiable." This will save time and effort for both the employer and the job seeker if the wage is not acceptable to the job seeker. When a wage is only listed as "negotiable," it may be interpreted by job seekers as low-paying, and the more qualified job seekers may not apply.

Suppressed Wage Information

To ensure accurate Labor Market Information (LMI) data is recorded, employers or Career Center staff should always note the real minimum/maximum wages. If employers do not wish to display their salary range to job seekers, then the box in NCWorks that says, 'no not share,' can be checked to suppress this data. When the box is checked, Career Center staff will be alerted that the wages are not be shared with the job seeker.

A.14. Veterans' Priority

Veterans' priority is mandated on all job orders. Federal law requires that veterans receive "priority" in job referrals. This means that all registered veterans have an opportunity to view the job opening before non-veterans. To accomplish this, a 24-hour **business** day hold plus overnight update is placed on each job order before it is released to the general public. For example, *an employer lists a job order at 2:00pm on Tuesday. The 24-hour update is 2:00pm on Wednesday: the system will update overnight and release the job order from "Vet Hold" Thursday morning making it available for all job seekers. Keep in mind, this is **business** days; therefore any jobs posted on Friday will not be released until Tuesday morning due to no system updates over the weekend.* Veterans' file search should be done immediately on newly posted job orders. A non-Vet file search should be done within 72 hours after the job has been released from "Vet Hold." If you believe a job order should be available to all applicants prior to the "Vet Hold" release date, contact your DWS Regional Representative for assistance.

A.15. Abbreviations

Abbreviations and technical jargon should only be used when necessary, such as when information is specific to an occupation or when specific requirements are referenced

(e.g., driver's license requirements such as "HAZMAT CDL," or computer languages such as "HTML").

A.16. Native American Sovereignty and Job Orders

Native American tribes are sovereign nations as established by treaties and federal law. Most federal employment compliance laws, such as the Americans with Disabilities Act are incorporated into tribal constitutions. Job orders placed by Native American tribal businesses or located on tribally owned lands are not required to meet North Carolina's employment law. Job orders with wording contrary to state law, but acceptable under federal law, will be acceptable as a legal job order. For example, North Carolina law prohibits discrimination based on the use, or non-use, of legal products. Discriminatory statements regarding smoking (a legal product) that would be otherwise rejected are acceptable on a Native American job order because North Carolina law is preempted. Similarly, if North Carolina raises the state's minimum wage, Career Center staff may accept Native American job orders paying a different wage as long as it meets the federal wage standards.

Native American tribes can give preference to the hiring of tribal members and other Native Americans. Seemingly discriminatory language regarding employment preference by tribally owned businesses is acceptable on a Native American job order. If tribes choose to include a preference statement in their job openings, the following language should be used in addition to the statement of preference: "Because this position is subject to sovereign tribal authority, Native Americans may receive hiring preference, as granted by the Wheeler-Howard Act of 1934, and re-affirmed by the U.S. Supreme Court." To ensure the public is fully informed of the employment situation, the following mandatory statement must be included on Native American tribal business job orders:

"This job is with a Native American tribal business or is located on tribally owned lands. Laws governing employment may differ from the State of North Carolina. You may wish to discuss this with the employer before accepting the position."

Section B. Additional Job Order Information

B.1. Discrimination

Job orders that are not in compliance with all applicable state and federal employment laws will not be accepted. This includes all federal and state wage and hour laws, child labor laws, discrimination laws, and disability laws.

It is assumed when an employer asks questions or requests certain qualifications of an applicant, that those questions or qualifications are related to the function of the job. If the relationship between the questions or requested qualifications and functions of the job are not clear, it is appropriate for Career Center staff to obtain further information from the employer.

B.2. Affirmative Action Employer

Affirmative Action is the policy of providing special opportunities for, and favoring members of, a disadvantaged group who suffer discrimination. Merely listing a job with NCWorks does not satisfy an Affirmative Action directive from the U.S. Equal Employment Opportunity Commission (EEOC). For more information on EEOC visit <http://www.eeoc.gov/>.

B.3. Quality Control

Regional/State office staff will select internal job orders, written by both staff and employers, to evaluate the quality of these orders in each Career Center. Career Center staff are responsible for reviewing job orders written by employers (see *section A.8*, Job Order Quality).

Items to be reviewed when evaluating job orders include:

- Job Location Information
- Contact Information
- Unemployment Insurance Tax Number
- Job Title and *O*NET* match
- Type of Employer
- Job Details - hours/shift, type of job, number of positions, number of referrals desired
- Job Summary
- Job Skills
- Hiring Requirements
- Minimum Education
- How to apply (If by company website, check to see that Uniform Resource Locator (URL)/Internet Protocol (IP) address is correct, see *sections A.1 and C.2* for additional information)

All fields must be checked for spelling, punctuation, grammar, and standard abbreviations.

B.4. Job Development Contacts

A Job Development Contact (JDC) is an outreach tool where an employer is contacted directly by Career Center staff for the purpose of obtaining possible employment for a **specific** individual when no prior job order exists. A JDC job order and placement are only to be used when staff **initiated** the contact between the individual and the employer or hiring representative, and a **placement occurred as a result of that initial contact**. Staff are **not** to enter a job order and/or placement **after** learning that an individual has obtained employment as a result of their own efforts and without any staff assistance.

An example of a JDC is a Career Center staff assisting an individual who is looking for work as a pediatric nurse in the Raleigh area. In this case, NCWorks Online does not have any job openings for a pediatric nurse in the Wake County area; therefore, the Career Center staff contacts Human Resources at Wake Medical Hospital. As a result of this contact, the individual gets an appointment for an interview; this is a JDC. If the contact ultimately leads to the individual obtaining employment at Wake Medical Hospital, this is a JDC hire.

Familiarity with area employers provides an opportunity to conduct a JDC which can provide additional job referral(s) and placement(s) for individuals. If as a result of the JDC, the individual is hired, a job order (*see sections A.6 and A.9*) must be input in NCWorks.

The JDC activity (service code 123 – Job Development Contact [working with Employers and Job Seekers]) and a case note documenting the JDC activity (including employer information) must be entered at the time of the employer contact. Staff cannot take credit for a JDC hire if the service code 123 and case note were not previously recorded. Once staff are aware of a hire as a result of the JDC, then an in/out job order may be written to take credit for the JDC hire as long as the service code 123 was recorded within the last 90 days. If the hire has been more than 90 days since the service code 123 was recorded, and the individual's record has soft exited, then you must contact a DWS Regional Representative for assistance in determining if the JDC placement credit is possible.

B.5. Writing an In/Out JDC Order and Entering the Hire

When posting a job order to receive credit for a JDC hire, create a new job order for the JDC employer; *do not copy a previously listed job order*, as all options are not available to modify as needed for JDC purposes. Input the job title and appropriate O*NET code, and complete all the required fields throughout the job order as normal with the following exceptions in these fields:

- Job Order Information to be Displayed Online
 - Display online to job seekers = NO (this will close the other two options)

- Job Details
 - Positions = number of JDCs referred/hired. In the majority of cases, this is one (1)
 - Earliest and Last Date displayed = Today's date
 - Special categories = JDC (Job Development Contact)
 - Maximum number of applicants you would like to consider at this time = Positions (see above)

- Compensation and Hours
 - Check box to not display salary requirements to job seekers
 - Minimum/Maximum salary/Basis for unit of salary/pay = Individual's hiring salary

- Job Application Methods Accepted
 - Uncheck the option to provide an NCWorks resume online
 - Check the option for in person (which is the site of the job)

- Staff Information
 - Category = Job Development
 - Job Developer/Mandatory Listing = Job Development

Upon completion of the JDC job order, if the Individual is a non-Veteran, contact a DWS regional representative to remove the Veteran Hold status to allow the JDC referral.

DWS Regional Representatives must change the staff status to "closed by staff." This will indicate the job opening was developed for a specific applicant.

Once the status has been changed by the DWS regional representative, staff may enter their referral(s) and hire(s) for the JDC. When entering the hire(s), make a note in the comments section indicating this hire is the result of a JDC placement.

B.6. Continuous Listing and Open Recruitment

A job order must represent a definite, bona fide job opening. Listing continuous job orders, where the employer is continually hiring, is appropriate as long as a bona fide job opening(s) exists. Employers should be cautioned that continuous listings may be less effective, and this practice should be discouraged. When continuous listings are used, they should be updated within 90 days.

Job orders that will be used solely for the purpose of building resumé or job application files are not to be accepted. An employer who is aware of a retirement, expansion, or

similar situation and is reasonably certain there will be a bona fide job opening within the next 90 days can list the anticipated opportunity. If employers are not willing to state they are reasonably certain a job opening will be available within 90 days, job orders should not be posted until the employer has an immediate job vacancy (*see Introduction*).

B.7. On-Site Recruitment

An employer who does on-site recruitment should be encouraged to list a job order; however, listing a job order is not a requirement for utilizing services or space in a Career Center.

B.8. Employment, Background and Drug Testing

Employment Testing:

Career Center staff cannot administer employment tests for employers where staff are responsible for evaluating responses and assigning a pass/fail determination. Examples of tests Career Center staff may administer are approved typing tests and Prove It. These restrictions apply to both skill and aptitude testing; however, employers may use the Career Center to administer their own tests. This testing is not limited to employers who list a job order.

Background Testing:

Background or criminal records checks are not performed by DWS staff. *Employers who require a background or a criminal record check should be made aware of this information prior to posting a job order.*

Drug Testing:

North Carolina law allows employers to conduct controlled substance examinations (drug test) within certain guidelines. However, such examinations are not required by law, but an employer is within its rights to conduct such examinations. An employer can require that an applicant or employee submit to a drug test as a condition of hiring or of continued employment. A prospective employer may remove a job applicant from employment consideration for refusal to take a drug test. The cost of drug testing is the employer responsibility unless the applicant or employee is requesting a retest of a positive test result. Employers may reimburse for drug testing, but it must be reimbursed regardless of a negative or positive result on the initial testing. Job orders should indicate if a drug test is a requirement for the job. DWS allows limited drug testing in its centers, but DWS staff *cannot* administer the drug test. Only hair, saliva and breath drug testing can be conducted in a Career Center. DWS *does not* allow urine or blood testing to take place in any of its centers. Employers should be using or sending the drug test samples to approved labs which are certified by either the U.S. Department of Health and Human

Services or the College of American Pathologists. *Employers who require drug testing should be made aware of this information prior to listing a job order.*

B.9. Fees, Investments, and Purchases as a Condition of Employment

The Wagner-Peyser Act and associated regulations [Section 13(b)(1)] prohibit DWS from accepting job postings for positions for which the job seeker must:

- Pay a fee in order to be considered for employment (agency fee)
- Pay for employer-provided training in order to be considered for employment (training fee)
- Make an investment in materials, goods, services or equipment and/or go into business (franchise fees, licensing fees or purchase of direct selling kits)
- Make any similar arrangement that requires an individual to pay the advertising employer or third-party acting on behalf of the employer

Investments or purchases that primarily benefit the employer, cover the costs of the hiring process, or would commonly be considered the employer's cost of doing business are unacceptable fees and should not be paid by applicants. Investments or purchases that are primarily personal and benefit the employee are a cost of entering an occupation, or that are usable in other employment or personal situations are acceptable fees (e.g., steel toe boots).

Important factors in deciding if fees included are acceptable: Who will own the item? Who will control the item? Is the item transferable to other employment situations? If the job seeker owns the item, controls the item or is able to use the item with future employment opportunities, this is usually considered an acceptable cost for the job seeker. Career Center staff should exercise professional judgment and look at the entire employment situation in making these decisions.

Examples of unacceptable costs to the applicant include:

- Paying for employment tests such as personality surveys, aptitude tests, skill assessments or civil service tests which are particular to the employer. These are not transferable costs and should not be reassigned to the job seeker.
- Purchasing sales inventory or sales kits raises questions of self-employment. DWS does not accept job orders where there is no employer/employee relationship.

- Purchasing safety equipment such as reflector vests, safety harnesses, etc. These items are the responsibility of the employer and considered a cost of doing business for the employer.
- Drug testing and medical examinations as a condition of employment may be required by law. This is also considered a cost of doing business for the employer.

Examples of acceptable costs to the applicant include:

- Professional or occupational licenses such as nursing certificates, insurance licenses, teaching certificates, and Commercial Driver’s Licenses (CDL).
- Occupational certifications normally obtained as part of a vocational training program, including Career Readiness Certifications.
- Tools not provided by the employer required for occupations such as mechanics and the construction trades.
- Uniforms, clothing, or safety items common to the occupation such as nursing uniforms, safety shoes, gloves, or professional clothing.
- On-the-job use of personal vehicles where mileage is reimbursed.
- Obtaining a background check is an acceptable cost for the job seeker. The job seeker can allow the employer to have a copy and keep the original for future use when applying for other job openings.

Any requirements of the employer to have the employee purchase or use his/her personal property should be clearly stated in the job order.

B.10. Declining Job Orders and Discontinuation of Service

Career Center managers or designated staff have discretion to decline job orders that do not meet applicable employment laws or comply with DWS policy and procedures. Career Center management reserves the right to refuse the listing of a job order that is contrary to community standards of good taste or decency, is misleading, or appears to be in violation of employment related laws.

If the Career Center management decides that a job order should not be posted, Career Center management or designated staff must notify the person who submitted the job order and give them an opportunity to amend the contents of the job order. If the employer agrees to modify the job order to comply with job order procedures and employment related laws, the job order can be processed. While it is being determined if the job order should be posted, it should be placed in “hold” status and the circumstances for the “hold” status documented in the NCWorks case notes.

Career Center staff can temporarily suspend job order services to a company if continuation of service could "cause substantial harm to a significant number of workers." Situations like this should be communicated to Career Center management, and if need be to regional staff, for assistance with resolution. In some cases, DWS state office management may determine that services should be *discontinued permanently*. If this occurs, the employer must be notified in writing and provided an opportunity to appeal to DWS state office management.

B.11. Complaints about Job Orders

When a complaint, question, or concern is raised about listing a job order from a customer, the receiving staff person will address the customer in an honest, accurate, and informative manner. If the customer is not satisfied with the response, then Career Center management or staff should contact the next level of management for resolution; this gives the next level of management the opportunity to research the issue before discussing it with the customer. Career Center management should always be made aware of complaints regarding any aspect of their center operations.

B.12. Fraudulent or Questionable Employers/Job Orders

Fraudulent or "scam" employers and job orders harm customers and damage the credibility of our workforce system. Career Center staff should be mindful of potential fraud and job scams at all times. **Suspicious employers and/or job postings should not be listed and should be reported immediately to Career Center management.** Individuals who believe they have information concerning a scam can notify the State Attorney General's office at 1-877-5NO-SCAM or file a consumer complaint online at www.ncdoj.gov.

In an effort to reduce, if not eliminate scam employers who have access to NCWorks, the Information Technology (IT) Unit has taken the following steps:

- 1) Limited the number of staff who have the ability to approve Employer Access. Only staff with Local Office Administration, Local Veterans' Employment Representatives (LVER), or Business Service Representatives (BSR) can approve new Employer Accounts.
- 2) Employers cannot automatically view the telephone numbers of individuals registered in NCWorks. Career Center staff with authorization to approve Employer Access can choose "no" or "yes" for this option.

NOTE: *Employers are able to contact individuals through the NCWorks Message Center. Employer access to view telephone numbers of individuals registered in*

NCWorks should be granted very sparingly. Only employers with an Employer/Career Center staff relationship should be given this access. Employers with established relationships with one or more Career Center staff members allows Career Center staff the ability to identify the employer listing the job order and justify why an employers should be authorized to have access to this sensitive information.

Career Center staff are expected to develop a personal working relationship with employers in their service area. Staff must be alert to any indicators that might signify a suspicious job order.

Factors to consider when determining job order validity include:

- Are Career Center staff independently aware of the employer, or can they verify the employer in the state's UI tax system?
- Is the address provided by the employer in the service area of the Career Center familiar to staff?
- Can the employer provide detailed information about the company work site?
- Can the employer provide detailed information about the job vacancy being posted?
- Does the potential employer plan to charge a fee(s) to the job seeker?
- Does the contact person listing the job order actually work for the company?
- Has the email address domain been reviewed to determine if it is generic or a company domain?

An unsatisfactory response to any of these factors directs Career Center staff to seek more information or guidance on how to proceed. No job order should be verified until the answers to these questions are clear.

***NOTE:** For spidered job orders which appear to be questionable, or where staff have received a complaint, they may be blocked by Career Center Management or DWS Regional Representative.*

B.13. Labor Disputes

Job orders will not be accepted for positions that are vacant due to a labor dispute, strike, or lockout (see Section C, Glossary of Terms for definitions). Code of Federal Regulations (CFR

§ 652.9) sites the following concerning labor disputes:

- 1) State agencies shall make no 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.

- 2) Written notification shall 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.
- 3) When a job order is received from an employer reportedly involved in a labor dispute involving a work stoppage, State agencies shall:
 - Verify the existence of the labor dispute and determine its significance with respect to each vacancy involved in the job order; and
 - Notify all potentially affected staff concerning the labor dispute.
- 4) State agencies shall resume full referral services when they have been notified of, and verified with the employer and workers' representative(s), that the labor dispute has been terminated
- 5) State agencies shall notify the regional office of the U.S. Department of Labor in writing of the existence of labor disputes which:
 - Result in a work stoppage at an establishment involving a significant number of workers; or
 - Involve multi-establishment employers with other establishments outside the reporting state

When a job order is received from an employer reportedly involved in a labor dispute, which includes a work stoppage, Career Center staff shall verify that a labor dispute exists and determine if the position is affected by the labor dispute.

Job orders posted by staffing agencies without job site information should be closed immediately. Once the staffing agency provides the employer information, the job order can be reopened. See note under A.3. Employer concerns to limit who knows about recruiting efforts can be addressed by suppressing the job order. For additional information on suppressed job orders see Section A.10.

B.14. Foreign Labor Certification

One method for an employer to fill a vacancy when they are unable to find qualified applicants locally is to obtain a permanent *Foreign Labor Certification (FLC)* from the United States Department of Labor (USDOL). USDOL must certify that there are no qualified U.S. workers available and willing to accept the job. As part of this recruitment process, the employer must advertise the job at least 30 days, but not more than 180 days

before the application for permanent FLC is filed. This means the employer must place a job listing with a Career Center for no less than 30 calendar days. The employer may enter the job order or have the state FLC Unit staff do so.

Temporary FLC job orders are entered, serviced, and closed by the state FLC Unit. Temporary FLC job orders are not to be updated, closed or otherwise modified by Career Center staff.

Employers filing Non-Agriculture Temporary FLC job orders (H2B) must submit their job order no more than 90 calendar days and no fewer than 75 calendar days prior to the start date. Employers filing Agriculture Temporary FLC job orders (H2A) must submit their job order no more than 75 calendar days and no fewer than 60 calendar days prior to the start date.

Employers are required to advertise and list a job order with the local Career Center in the city of intended employment. The role for the Career Center is to make sure that employers understand their requirements when they list FLC job orders. The state FLC Unit relies heavily on the Career Centers to report any problems with FLC job orders. These problems include, employers being uncooperative, employers not providing a valid method of contact for the applicants to apply for the position, employers indicating to applicants that they do not have an opening, etc. The foreign labor designee in the Career Centers should manage the screening and referral procedures for H2A, H2B, Permanent and Temporary FLC job orders.

Section C. Appendix

C.1. Employer Account and/or Job Order Questions

Career Center staff who need technical assistance to resolve a job order procedure issue or have job order related questions must:

- 1) Review the process outlined in this policy.
- 2) If unclear after reading this policy, contact the Career Center management or a regional representative for guidance. Refer to the Job Order Contact Information listed below (Section C.3) for assistance.

C.2. Glossary of Terms

Affirmative Action Job Order: A job order which applies policies that take factors including “race, color, religion, sex, or national origin” into consideration in order to benefit an underrepresented group in the area of employment opportunities.

Americans with Disabilities Act (ADA): A wide-ranging civil rights law that prohibits discrimination based on disability. It affords similar protections against discrimination to Americans with disabilities as the Civil Rights Act of 1964, which made discrimination based on race, religion, sex, national origin, and other characteristics illegal. In addition, unlike the Civil Rights Act, the ADA also requires covered employers to provide reasonable accommodations to employees with disabilities, and imposes accessibility requirements on public accommodations.

Bona Fide Job Order: A real or genuine job order made by the employer in good faith without fraud or deceit for a currently vacant job opening the employer intends to fill.

Bona Fide Occupational Qualification (BFOQ): A work requirement reasonably necessary to the normal performance of a job, such as being a certain age or gender, or having the ability to lift a certain amount of weight.

Disabled Veterans' Outreach Program (DVOP): Veterans' specialist who serves only those veterans and eligible persons most in need of intensive services to overcome barriers to employment. The Secretary of Labor may modify who DVOPs may assist. (Veterans Program Letter 03-14).

Entered Employment: The aggregate count of individuals who went to work by means of direct or indirect services.

Featured Job: A job Career Center staff believes would be of high interest to applicants based on one or more of the following factors: salary, employer reputation, benefits offered, mass hiring, or other favorable elements.

Federal Contractor: A company that does business with the federal government valued at \$100,000 or more annually.

Felon Friendly: An employer who expresses an interest in hiring persons with a criminal record. Employers self-disclose this information and it does not need to be verified. Career Center staff must not solicit this information.

H-2A visa: Permits foreign workers entry into the U.S. for temporary or seasonal agricultural work. There are several requirements of the employer in regard to this visa. The H-2A temporary agricultural program establishes a means for agricultural employers who anticipate a shortage of domestic workers to bring foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature.

H-2B visa: Permits employers to hire foreign workers to come temporarily to the U.S. and perform temporary non-agricultural services or labor on a one-time, seasonal, peak load or intermittent basis.

Hyper-Text Markup Language (HTML): The standard markup language used to create web pages. Web browsers can read HTML files and render them into visible or audible web pages. HTML describes the structure of a website semantically along with cues for presentation, making it a markup language, rather than a programming language.

Internet Protocol (IP) or Uniform Resource Locator (URL): An IP address is a numerical label assigned to each computer. An IP address is used to host or network interface identification and to locate addresses. For instructions on locating an IP address contact a DWS regional representative.

Job Development Contact (JDC): Used as a marketing tool on behalf of a specific individual to an employer when no job order exists in NCWorks.

Job Opening: An immediate job vacancy that an employer expects to fill with qualified worker(s) within 90 days.

Job Order: A structured record of an employer's requirement for filling vacant positions with qualified workers.

Job Placement: The hiring by a public or private employer of an individual referred by the NCWorks Career Center, provided that the NCWorks Career Center completed the following steps:

- a) Prepared a job order form prior to referral, except in the case of a job development contact on behalf of a specific applicant;
- b) Made prior arrangements with the employer for the referral of an individual or individuals;
- c) 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;
- d) Verified from a reliable source, preferably the employer that the individual is now working for the employer.

Labor Dispute: A controversy between an employer and its employees regarding the terms (such as conditions of employment, fringe benefits, hours or work, tenure, wages)

to be negotiated during collective bargaining, or the implementation of already agreed upon terms.

Local Veterans' Employment Representative (LVER): Veterans' specialists who conduct outreach to employers to assist veterans in gaining employment, including conducting seminars for employers and, in conjunction with employers, conducting job search workshops and establishing job search groups. They facilitate employment, training and placement services furnished to veterans within the NCWorks system. (Veterans' Program Letter 03-14).

Lockout: The temporary closing of a business or the refusal by an employer to allow employees to come to work until they accept the employer's terms.

Mass recruitment: High volume recruitment to fill a large number of positions, often in a very short time frame.

NCWorks Online: A one-stop online resource for job seekers and employers in North Carolina. Job seekers can search for jobs, create resumes, and find education and training opportunities. Employers can find candidates, post jobs, and search labor market information.

North American Industry Classification (NAICS): The standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.

Older Worker Friendly: An employer who expresses an interest in hiring persons age 55 or over. Employers self-disclose this information and it does not need to be verified. Career Center staff must not solicit this information.

O*NET (Occupational Information Network): The O*NET program is the nation's primary source of occupational information. Central to the project is the O*NET database, containing information on hundreds of standardized and occupation-specific descriptors. Information from this database forms the heart of O*NET Online, an interactive application for exploring and searching occupations. The database also provides the basis for Career Exploration Tools, a set of valuable assessment instruments for workers and students looking to find or change careers.

Scam Job Order: A fraudulent job order posted by an illegitimate employer in an attempt to defraud an individual (job seeker). Career Center staff should make every effort to ensure that every job listing is from a legitimate source.

“Spidered” Job Order: NCWorks collects (or “spiders”) jobs from a variety of national and local employer websites to populate the jobs database. Spidering makes it easy for job seekers to quickly search the database to find many more jobs in a single site.

Strike: A temporary concerted stopping of work or withdrawal of workers' services, as to compel an employer to agree to workers' demands or in protest against terms or conditions imposed by an employer.

Uniform Resource Locator (URL) code or Internet Protocol (IP) address: The address that other computers enter in to access your computer across the Internet. This is a four-section number, such as 123.456.78.90.

Veteran Friendly: An employer who expresses an interest in hiring Veterans. Employers self-disclose this information and it does not need to be verified. Career Center staff must not solicit this information.

Veterans’ Priority of Service: By Federal law, veterans and eligible spouses shall be given priority over non-Veterans for the receipt of employment, training, and placement services, notwithstanding any other provision of the law.

C.3. Contact Information

Job Order Questions:

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DWS, Procedure or Technical Questions:

Michael Hoskins, Director, Information Systems

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DWS Helpdesk

Primary Service Desk Phone: 919-814-0505

Toll free: 1-855-315-1036

dws.incidents@nccommerce.com

Employer Accounts and Job Order Procedures Contact:

Diane Smith, Manager, Applicant Services

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Equal Employment Opportunity (EEO):

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Foreign Labor Certification:

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Louise Joyner, Coordinator, Foreign Labor Certification
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Veterans' Services:
Archie Barrow, Director (Veteran's Services)
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Job Order Complaint System:
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The Division of Workforce Solutions, “*Employer Accounts and Job Order Policy*” can be found on the DWS website at:
<http://www.nccommerce.com/workforce/workforce-professionals/policy-statements>