

EKOS Job Order Writing Training Index Page

Pg. 2.....	Job Order Writing Training Agenda
Pg. 3.....	EKOS Support Team Business Card
Pg. 4.....	EKOS General Information
Pg. 5.....	Website Resources
Pg. 6-11.....	EKOS Business Rules
Pg. 12.....	Data Exchange Chart
Pg. 13-14.....	EEO Do's & Don'ts
Pg. 15-26.....	Federal Laws Prohibiting Job Discrimination
Pg. 27-28.....	EEO Protected Classes
Pg. 29-32.....	Minimum Wage and Overtime Pay
Pg. 33-42.....	Reference Guide to Fair Labor Standards Act
Pg. 43-45.....	Tax Credits
Pg. 46.....	FEIN / Employer Record
Pg. 47.....	Job Order Category and Source Definitions
Pg. 48.....	Federal Contractor Job Listing
Pg. 49.....	H2A Job Orders
Pg. 50.....	H2B Job Orders
Pg. 51.....	Foreign Labor Job Orders
Pg. 52.....	E3 Website Overview
Pg. 53-56.....	E3 Employer Registration Queue
Pg. 56-60.....	E3 Employer Job Post Queue
Pg. 61-64.....	Priority of Service for Veterans
Pg. 65-71.....	Job Order Match
Pg. 72-77.....	Referral
Pg. 78-84.....	Correspondence/Employer
Pg. 85-86.....	IVR from Job Order
Pg. 86.....	Mass E-mail
Pg. 87-89.....	Posting Referral Results
Pg. 90.....	Employer EEO Reports
Pg. 91.....	Training Evaluation Form

EKOS JOB ORDER WRITING TRAINING

Test site: www.ekostest.ky.gov Username:tester1 Password:july2004

- **Welcome – Housekeeping**
 - Introduction of Trainees
- **Business Rules**
 - Employer
 - Job Order
- **AJE/JobCentral/Other interfaces**
 - Flowchart for EKOS Interfaces
- **Legal Issues When Writing Job Orders**
- **Tax Credits**
- **Duplicate Employer Records**
- **Data Fields on Job Order Records**
- **Special job order types:**
 - Federal Contractor Job Listing (FCJL)
 - H2A; H2B
 - Foreign Labor Certification
- **e3 Website**
 - Overview
- **e3 Queue**
 - Staff Usage
 - Review and Approve Employer (*Overview*)
 - Review and Approve Job Order
- **e3 Exercise**
 - Review and Approve Job Order
- **Mediated Exercise**
 - Create a Job Order
- **Mediated Exercise**
 - Duplicate a Job Order
- **Veteran Priority with Job Openings**
- **Maintenance for a Job Order**
 - Match / Referral
- **Correspondence/IVR/Mass Email**
- **Posting Results**
- **UI customer Information**
- **EEO reports**

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All current and previous issues of the EKOS newsletter along with a list of the customer and employer definitions can be found at:

<http://my.edcabinet.ky.gov/ekosinfo.htm>

IT HELP DESK (502) 564-9216 or 866-520-0002


EKOS

GENERAL INFORMATION

Employ Kentucky (EKOS) Is a common system shared by multiple agencies

- Any Partner that has the proper security clearance can now enter customer information in to the system.

Hints / Helps / Info

- DO NOT USE the BACK/FORWARD Buttons or the REFRESH BUTTON on your windows bar located at the top of the page or you will loose all information entered, and be kicked out of Employ Kentucky.
- **Employ Kentucky (EKOS)** has an automatic timeout feature, after 30-40 minutes of inactivity, you will be required to log back onto the system.
- All information entered into the system should be entered using the proper Upper or Lower Case letters.
- Always, go to Search before pulling up a “**Customer, Employer, Provider or Job Order**”
- 4 Tabs that must be completed to create a record are General, Add'l Info, Objective, Skills
- Any gray tab or button – Means you do not have access to alter.
-  (green dot) – means required field. Failure to complete any required field will result in an error message.
- You will need to use a “**Double click**” instead of a “**single**”
- State Field defaults to **KY** Country defaults to **USA**

Several Keys have Multiple Functions

- **F11-** Allows you to switch between a normal screen and a full screen
- **SHIFT-** Selects more than one customer record at a time – Hold down shift, Click on the first customer name while holding down (the shift button) click on the last customer name you want to highlight.
- **ALT-** To select more than one randomly – Hold down ALT click got to the next record and click.

Things to remember:

- Update Password (we suggest you should change your password every quarter)
- Check daily- Appointments/ Calendar / Reminders
- View future appointments/calendar
- “Help Module” a comprehensive indexed help manual of each module
- “Correspondence Help” can access templates used in correspondence and can be downloaded to your PC

Website Resources

Test sites

EKOS test (username: tester1) (password: july2004)

<https://www.ekostest.ky.gov>

e3 Test

<https://e3test.ky.gov>

Self-Registration test

<https://selfregtest.ky.gov>

Self Service test

<http://www.ekostest.ky.gov>

Production Sites

EKOS Production

<https://www.ekos.ky.gov>

e3 Production

<https://e3.ky.gov>

Self-Registration Production

<https://selfreg.ky.gov>

Self Service Production

<http://www.ekos.ky.gov>

Miscellaneous Sites

America's Job Exchange

<http://www.americasjobexchange.com/>

Job Central

<http://www.JobCentral.com>

Labor Market Information

www.workforcekentucky.ky.gov

DOL Common Measures

<http://www.doleta.gov/performance>

ONET definitions

<http://online.onetcenter.org/>

Zip code

<http://zip4.usps.com/zip4/welcome.jsp>

EKOS Info Site: Business Rules, Training Schedules, Definitions, Customer and Employer Activities. Click link below

<http://my.edcabinet.ky.gov/ekosinfo.htm>

Updated 2/9/2009 By G.D

Employ Kentucky Operating System Business Rules

This document contains the guiding principles regarding how agencies will use EKOS in the provision of their services. It is expected that all staff will adhere to these guidelines.

I. Customers

A. Customers

1. All Customers must be registered in EKOS.
2. Customers must be registered in EKOS prior to job referrals and/or services being provided.
3. If the Customers is not registered in EKOS, staff will enter the registration information into the Mediated Production site of EKOS or the Customers, utilizing Self-Registration, will input the required data for a registration into EKOS.
4. Staff must review the registration record for accuracy and completeness and make updates as appropriate.
5. The Customers registration Status must be active if the Customer is receiving activities or services from any agency. If this field is in 'Inactive' status, staff is to manually change the status field to 'Active'.
6. If the Customers is seeking employment, the Job Seeker Status must be Active. If this field is in Inactive Status, staff are to manually change the Job Seeker Status Field to Active.
7. "Failed to Report" and "Refused Job" are activities that must be reported in EKOS on a Customers record and must be reported to UI staff for Disputed Claims Investigator (DCI) to investigate.
8. When entering a new record for a customer, staff should enter a pseudo number when the customer social security number is not available. If this is used then staff must place a check mark in the "N/A" field that the customer record will not count in performance. ex: 999-71-1262
 - a) System = 3 9's
 - b) Your 2 digit office number
 - c) Customer's month and year of birth or last four digits of their social security number

II. Employer

B. Employer

1. The Federal Employer Identification Numbers (FEIN) is used to identify and validate employers. The FEIN is a unique nine-digit number assigned by the Internal Revenue Service (IRS) to business entities operating in the United States for the purposes of identification. This field is mandatory for all EKOS employer records
 - a) To create a new employer record, first conduct a search by FEIN and then by employer name to determine whether the employer record is already in EKOS. There should be only one active record per FEIN.
 - b) If there are duplicate employer records, and one of the records is an e3 record, the e3 record will always be your active record. If there is not an e3 record, inactivate the other record(s) with no job orders or activities. If the other record(s) have open job orders attached, inactivate the one(s) with the oldest job order. The system will allow staff to inactive an employer record with an open order. Staff will also need to manually add the employer contacts from the 'inactive' record(s) to the 'active' record if they do not already exist. Place a post a note on the employer record's comment section stating why it is being inactivated.
 - c) When reviewing duplicate records never inactive the e3 record, this will result in locking out the e3 employer from their account.
2. Activities to an employer must be documented in the Employer Module using the 'Activity' button. If the specific activity is not available as a selection, staff should document information in comments with 'Post A Note'. Or contact the EKOS Team with a request to have that specific activity added to the activities list. This will give all agencies access to the history.
3. Up to 300 employer contacts can be added to an existing employer record. Employers may have multiple locations, each with their own contact.
4. When entering a new record for an independent contractor (as defined by UI auditors), we will use a pseudo FEIN number ex: 99-9701161
 - a) System = 3 9's
 - b) Your 2 digit office number
 - c) Contractor's month and year of birth or last four digits of their social security number
5. FEIN is not required for independent contractors. Always put a 'Post A Note' that the employer stated they are not required to have a FEIN.
6. Prior to contacting an existing employer, review the employer record for recent activities and comments. After contacting the employer update the record as appropriate.
7. When entering an employer activity, add comments as appropriate.

III. Job orders

C. Job Orders

Federal Performance mandates the reporting of job orders and openings received. Therefore it is critical that all the business rules relating to the taking, writing and maintenance of job orders be followed.

As per the United States Public Laws, 107th Congress, Second Session document PL 107-288 (HR 4015), November 7, 2002, JOBS FOR VETERANS ACT.

“An Act to amend title 38, United States Code, to revise and improve employment, training, and placement services furnished to veterans, and for other purposes.”

“The term 'priority of service' means, with respect to any qualified job training program, that a covered person shall be given priority over non-veterans for the receipt of employment, training, and placement services provided under that program, notwithstanding any other provision of law.”

1. Veterans Priority:

- a) All staff, not just Veteran staff, must maintain Veterans priority and those agencies that enter job orders **must ensure** that Veterans are accommodated.
- b) At the time a new job order is received and input into EKOS, staff/agency has the responsibility of performing Veterans priority search. If veterans matching the job order criteria are found, staff/agency is to initiate an IVR and/or contact the veteran.

2. Employers have a variety of options to post jobs in EKOS/AJE.

- a) Input job orders through e3 at e3.ky.gov.
- b) Input job orders directly into America's Job Exchange (AJE).
- c) Contact a One-Stop Career Center or Local Office in-person, phone, fax, mail, and/or email. If an employer outside your service area or out-of-state, contacts you to list a job order, inform the employer that there is a One-Stop Center in his/her area. However, you are to take and input the job order if the employer prefers.

3. Agencies shall designate an assigned staff on each job order when it is written.

4. The assigned staff for a job order shall be contacted if there are questions or changes regarding the job order.

5. If it is discovered that the employer already has the same job listing(s), staff should inform the employer that a job order is currently open in the system and not duplicate the job order.

6. When entering a job order, staff should always complete the Referral Info tab. This is where staff will get the referral information to give to job seekers. The Hiring Contact on this tab may be different than the person listed on the Contact Info tab making it all the more important to complete the Referral Info tab. Any specific referral instructions are to be entered on this tab in the designated field. There is also other vital information about the job that is housed on this tab making screening applicants more efficient and referrals more appropriate.

7. A referral can only be made on an 'open' job order.
8. The referral method and hiring contact information are located on the Referral Info tab in the Job Order. This is where staff should get all referral information when referring job seekers on that order. There is a field on this tab that contains specific referral instructions for the job seeker along with the hiring contact and method.
9. Once you confirm that the customer meets the job order requirements and that they have a work history completed that reflects the years experience require by the employer, referrals may be made in person, by IVR, or telephone.
10. If an employer requests that an agency screen applicants based on factors that violate state or federal law, the employer must be told we will be unable to service that order. Applications containing questions that violate state or federal ADA and EEO laws will not be distributed by staff.

D. Job Order Maintenance

1. Assigned staff will ensure a match is performed on a new job order and continue on a weekly basis until the job order is filled or closed.
2. Staff that refers a job seeker to an employer that has a position listed in EKOS is required to enter a referral for that Customer into EKOS.
3. Staff must conduct a follow up with the employer to obtain placement results.
4. Follow up may be completed by phone, fax, email, or mail.
5. All job orders in 'referred' status must have follow-up the day after they are moved to 'referred' status.
6. All results must be posted on the job order 'Comments' Tab of EKOS.
7. Only assigned staff can make changes or updates to job orders.
8. These specific changes/updates should only be changed by designated staff:
 - a) Referral
 - b) Number of openings
 - c) Status change and
 - d) Contact method
9. If changes are necessary please notify the assigned staff
10. Always 'Post A Note' when demographic changes are made.
11. After the end of a quarter, when a job order is 'Closed' or 'Filled', they are not to be reopened if the employer makes the position available again, instead a new job order must be written for the position(s).
12. Archived job orders can only be used for duplicating a job order.
13. The number of Job Openings should not be lowered to make the openings match the placements. Federal Performance (9002E) is based on the 'Number of Openings Received'.

14. Staffs are not to re-open a Job order that is in 'Referred', 'Closed', 'Suspend' or 'Filled' status to make a referral. Staff must first read Comments to see if any information regarding the status has been documented and/or contact the office or assigned staff who input the Job order.
15. The 'Emp Req #' field on the job order 'Detail/General Info' Tab is to be used to record a position number that may be assigned by an employer.
16. The 'Employer Job Title' field on the job order 'Detail/General Info' Tab is used to enter the title that the employer uses for the position they are listing. This title must not be discriminatory or gender specific.
17. If the Employer and/or Employer Contact have an email and/or Company URL, these should be listed on the job order and the Employer Registration.
18. Suppress job orders field: Job orders are to be checked "Yes" unless specified otherwise.
19. The 'Source (State)' field on the job order 'Detail/General Info' Tab has 'Application Only, Full Service' and 'Job Fair' as selections. This field is to be completed as appropriate.
20. The 'Source (Fed)' field on the job order 'Detail/General Info' Tab has 'Employer Listing', 'Job Development' and 'Mandatory Listing' as selections. This field is to be completed as appropriate.
21. The job order 'Detail/Job Description' Tab requires an entry of 5 to 4000 characters. 'Word Spell Check' must be used to check the correctness of spelling and grammar.
22. On the job order 'Detail/Job Detail' Tab, certain fields are not 'green-dotted' but should be completed to ensure better customer service.
 - a) Referrals Requested
 - a) Hours Per Week
 - b) Work Days
 - c) Shift
 - d) Experience Required
 - e) Starting Pay – Minimum, Maximum and Unit
 - f) Drivers License Class
 - g) Endorsements
 - h) Keyboarding Speed
 - i) Public Transportation

E. FLC, H2A, and H2B job orders

Field staff should not be making any changes to these job orders (Only Central Office Staff make changes to these orders). Field Staff should perform Matches and make Referrals on these orders as appropriate.

IV. Resumes received in response to Job orders

Offices shall have staff designated to receive, review and process resumes received in response to a Kentucky Job order listed in EKOS and AJE by contacting the customer in a timely manner to register within our system before a referral can be generated.

V. Staff Security Levels

- a) Security levels will be based on job duties and training provided by the EKOS team only. When the initial request for EKOS security is received staff will be given the ability to add customer records and customer activities in the system. Once OET staff has attended "EKOS Basic" training they will receive the ability to insert employer records and attach job order referrals, if needed. Once WIA staff has attended "EKOS Basic" training they will receive the ability to attach services and service offerings to customer records, if needed. The EKOS security contact for the OET office/WIA Office will need to send an email to the EKOS Project Mailbox (ekos.project@ky.gov) if the additional access is needed after "EKOS Basic" training has been completed. The ability to enter job orders is only granted to any staff once they have completed "Job Order Writing" training, no additional email is required for this.
- b) Security for new employees must be requested by office management on the EKOS Request form and submitted electronically to the EKOS Project Mailbox at ekos.project@ky.gov
- c) Security updates for existing staff can be requested by submitting an email to the EKOS Project Mailbox at ekos.project@ky.gov
- d) All staff that will input referrals for customers must be provided the appropriate training and security clearance level for this functionality.

VI. EKOS Help Desk

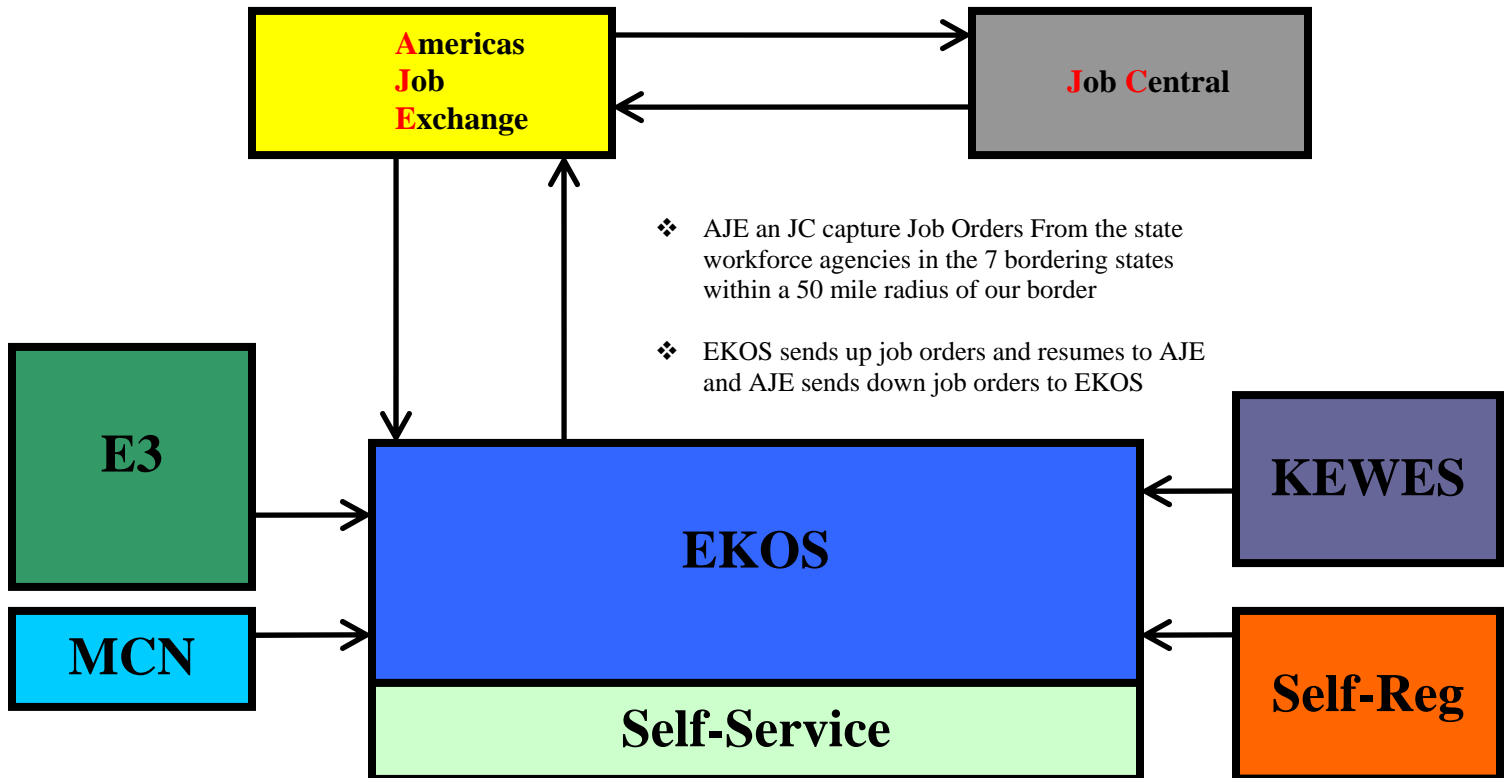
An EKOS Help Desk email box Ekos.Project@ky.gov is set to receive problems and/or questions regarding EKOS/e3, AJE and Self Registration and should not be emailed to individuals on the EKOS team. Inquiries/questions not pertaining to EKOS are to be forwarded to DTS Help Desk at 502-564-9216 or (toll free) 866-520-0002.

VII. Super Users (Point of Contact [POC])

All problems relating to EKOS should be reported by the POC established within each agency to the EKOS Help Desk at Ekos.Project@ky.gov.

Data Exchange Chart for EKOS

- ❖ Kentucky has 7 bordering states (2 most in the nation)
TN, OH, WV, VA, IN, IL, MO & 2 Counties in Arkansas



- ❖ Self- Service – Job Seekers will use this module to perform their job search, save their searches and create job scouts
- ❖ Self-Reg – Job Seekers submit and update their resume using this module
- ❖ Everyone who files an Unemployment Insurance claim through KEWES who are subject to work search also creates a resume in KEWES that is sent to EKOS

Care must be taken when taking and writing orders. There are legal requests that an employer may make and some requests that the employer may need help with.

A minimum age may be requested up to minimum age 39, necessary for insurance purposes, licensing requirements, etc., but no maximum age may be set with the exception of some federal and local government agencies, i.e., the FBI.

Some employers will ask for male applicants and when it is explained that they cannot discriminate by sex the usual response is that there is heavy lifting. Question the employer about the amount of weight that must be lifted, whether there will be help (mechanical or human) to lift, whether it must be lifted overhead, whether it must be moved in addition to lifted. Explain to the employer that we can list all those factors as requirements on the job order, but that the employer must agree to interview anyone who meets those requirements, male or female. Gender cannot be listed as a requirement on a job order.

In a case where common sense would seem to require one gender as opposed to another for a position it will require special wording in the job order. One example, a position requiring cleaning the women's locker room while it is occupied. It is still not permitted to specify gender, but explaining to the employer how we will list the work duties and conditions will satisfy their request.

If the request is for non-smoker, explain that we cannot list non-smoker, but we can list that the workplace is a non-smoking environment.

If the request is a certain height, find out why. Is it because they must be able to reach to a certain height to place or retrieve something? Find out what the height is, then explain in the job order will list that applicants must be able to reach to that height to perform the job duties.

The request may be for a right-handed person, because the duties require that items be place on a hook on an overhead conveyor prior to being dipped in coating solution. Safety required that the applicant have sufficient dexterity to perform those duties quickly using their right hand.

Again the job order must be written reflect the duties and conditions necessary to safely and efficiently perform the job, but not specify that the person be right handed.

The request may be that the applicant not be overweight, again the procedure is to let the employer know that this is not a legitimate request and to find out the reason for that request. Legitimate job requirements are the ability to work in confining spaces, ability to work in crawl spaces or in manholes, etc.

Legitimate requirements are those that are necessary to perform the job effectively and safely. Employers may initially make the request in an inappropriate manner. The right questioning to find out why the request is being made can uncover job requirements that will, with proper wording, get the employer a qualified applicant.

Some employer requests are made because of work conditions. The work conditions can and should be explained in the job order without the discriminatory limitations.

This same line of questioning could be used to clarify the employer's position in an EEO complaint.

Gender Specific Job Titles

Ann Hardy, with the Kentucky Commission on Human Rights, told me that KRS 344.080 prohibits the use of Gender Specific Job Titles in any advertisements, listings, etc., which would include job listings placed with us. I asked her specifically about the Foreman title and she said it was not allowed, not even with the M/F.

Federal Laws Prohibiting Job Discrimination Questions And Answers

Federal Equal Employment Opportunity (EEO) Laws

I. What Are the Federal Laws Prohibiting Job Discrimination?

- Title VII of the Civil Rights Act of 1964 (Title VII), which prohibits employment discrimination based on race, color, religion, sex, or national origin;
- the Equal Pay Act of 1963 (EPA), which protects men and women who perform substantially equal work in the same establishment from sex-based wage discrimination;
- the Age Discrimination in Employment Act of 1967 (ADEA), which protects individuals who are 40 years of age or older;
- Title I and Title V of the Americans with Disabilities Act of 1990 (ADA), which prohibit employment discrimination against qualified individuals with disabilities in the private sector, and in state and local governments;
- Sections 501 and 505 of the Rehabilitation Act of 1973, which prohibit discrimination against qualified individuals with disabilities who work in the federal government; and
- the Civil Rights Act of 1991, which, among other things, provides monetary damages in cases of intentional employment discrimination.

The U.S. Equal Employment Opportunity Commission (EEOC) enforces all of these laws. EEOC also provides oversight and coordination of all federal equal employment opportunity regulations, practices, and policies.

Other federal laws, not enforced by EEOC, also prohibit discrimination and reprisal against federal employees and applicants. The Civil Service Reform Act of 1978 (CSRA) contains a number of prohibitions, known as [prohibited personnel practices](#), which are designed to promote overall fairness in federal personnel actions. 5 U.S.C. 2302. The CSRA prohibits any employee who has authority to take certain personnel actions from discriminating for or against employees or applicants for employment on the bases of race, color, national origin, religion, sex, age or disability. It also provides that certain personnel actions can not be based on attributes or conduct that do not adversely affect employee performance, such as marital status and political affiliation. The [Office of Personnel Management](#) (OPM) has interpreted the prohibition of discrimination based on conduct to include discrimination based on sexual orientation. The CSRA also prohibits reprisal against federal employees or applicants for whistle-blowing, or for exercising an appeal, complaint, or grievance right. The CSRA is enforced by both the [Office of Special Counsel](#) (OSC) and the [Merit Systems Protection Board](#) (MSPB).

Additional information about the enforcement of the CSRA may be found on the OPM web site at [http://](http://www.opm.gov)

<http://www.eeoc.gov/facts/qanda.html> (1 of 12)3/2/2009 11:10:57 AM

www.opm.gov/er/address2/guide01.htm; from OSC at (202) 653-7188 or at <http://www.osc.gov>; and from MSPB at (202) 653-6772 or at <http://www.mspb.gov>.

Discriminatory Practices

II. What Discriminatory Practices Are Prohibited by These Laws?

Under Title VII, the ADA, and the ADEA, it is illegal to discriminate in any aspect of employment, including:

- hiring and firing;
- compensation, assignment, or classification of employees;
- transfer, promotion, layoff, or recall;
- job advertisements;
- recruitment;
- testing;
- use of company facilities;
- training and apprenticeship programs;
- fringe benefits;
- pay, retirement plans, and disability leave; or
- other terms and conditions of employment.

Discriminatory practices under these laws also include:

- harassment on the basis of race, color, religion, sex, national origin, disability, or age;
- retaliation against an individual for filing a charge of discrimination, participating in an investigation, or opposing discriminatory practices;
- employment decisions based on stereotypes or assumptions about the abilities, traits, or performance of individuals of a certain sex, race, age, religion, or ethnic group, or individuals with disabilities; and
- denying employment opportunities to a person because of marriage to, or association with, an individual of a particular race, religion, national origin, or an individual with a disability. Title VII also prohibits discrimination because of participation in schools or places of worship associated with a particular racial, ethnic, or religious group.

Employers are required to post notices to all employees advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

Note: Many states and municipalities also have enacted protections against discrimination and harassment based on sexual orientation, status as a parent, marital status and political affiliation. For

information, please contact the EEOC District Office nearest you.

III. What Other Practices Are Discriminatory Under These Laws?

Title VII

Title VII prohibits not only intentional discrimination, but also practices that have the effect of discriminating against individuals because of their race, color, national origin, religion, or sex.

National Origin Discrimination

- It is illegal to discriminate against an individual because of birthplace, ancestry, culture, or linguistic characteristics common to a specific ethnic group.
- A rule requiring that employees speak only English on the job may violate Title VII unless an employer shows that the requirement is necessary for conducting business. If the employer believes such a rule is necessary, employees must be informed when English is required and the consequences for violating the rule.

The Immigration Reform and Control Act (IRCA) of 1986 requires employers to assure that employees hired are legally authorized to work in the U.S. However, an employer who requests employment verification only for individuals of a particular national origin, or individuals who appear to be or sound foreign, may violate both Title VII and IRCA; verification must be obtained from all applicants and employees. Employers who impose citizenship requirements or give preferences to U.S. citizens in hiring or employment opportunities also may violate IRCA.

Additional information about IRCA may be obtained from the Office of Special Counsel for Immigration-Related Unfair Employment Practices at 1-800-255-7688 (voice), 1-800-237-2515 (TTY for employees/applicants) or 1-800-362-2735 (TTY for employers) or at <http://www.usdoj.gov/crt/osc>.

Religious Accommodation

- An employer is required to reasonably accommodate the religious belief of an employee or prospective employee, unless doing so would impose an undue hardship.

Sex Discrimination

Title VII's broad prohibitions against sex discrimination specifically cover:

- Sexual Harassment - This includes practices ranging from direct requests for sexual favors to workplace conditions that create a hostile environment for persons of either gender, including same sex harassment. (The "hostile environment" standard also applies to harassment on the

bases of race, color, national origin, religion, age, and disability.)

- Pregnancy Based Discrimination - Pregnancy, childbirth, and related medical conditions must be treated in the same way as other temporary illnesses or conditions.

Additional rights are available to parents and others under the Family and Medical Leave Act (FMLA), which is enforced by the U.S. Department of Labor. For information on the FMLA, or to file an FMLA complaint, individuals should contact the nearest office of the Wage and Hour Division, Employment Standards Administration, U.S. Department of Labor. The Wage and Hour Division is listed in most telephone directories under U.S. Government, Department of Labor or at http://www.dol.gov/esa/public/whd_org.htm.

Age Discrimination in Employment Act

The ADEA's broad ban against age discrimination also specifically prohibits:

- statements or specifications in job notices or advertisements of age preference and limitations. An age limit may only be specified in the rare circumstance where age has been proven to be a *bona fide* occupational qualification (BFOQ);
- discrimination on the basis of age by apprenticeship programs, including joint labor-management apprenticeship programs; and
- denial of benefits to older employees. An employer may reduce benefits based on age only if the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

Equal Pay Act

The EPA prohibits discrimination on the basis of sex in the payment of wages or benefits, where men and women perform work of similar skill, effort, and responsibility for the same employer under similar working conditions.

Note that:

- Employers may not reduce wages of either sex to equalize pay between men and women.
- A violation of the EPA may occur where a different wage was/is paid to a person who worked in the same job before or after an employee of the opposite sex.
- A violation may also occur where a labor union causes the employer to violate the law.

Titles I and V of the Americans with Disabilities Act

The ADA prohibits discrimination on the basis of disability in all employment practices. It is necessary to understand several important ADA definitions to know who is protected by the law and what constitutes illegal discrimination:

<http://www.eeoc.gov/facts/qanda.html> (4 of 12)3/2/2009 11:10:57 AM

Individual with a Disability

An individual with a disability under the ADA is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment. Major life activities are activities that an average person can perform with little or no difficulty such as walking, breathing, seeing, hearing, speaking, learning, and working.

Qualified Individual with a Disability

A qualified employee or applicant with a disability is someone who satisfies skill, experience, education, and other job-related requirements of the position held or desired, and who, with or without reasonable accommodation, can perform the essential functions of that position.

Reasonable Accommodation

Reasonable accommodation may include, but is not limited to, making existing facilities used by employees readily accessible to and usable by persons with disabilities; job restructuring; modification of work schedules; providing additional unpaid leave; reassignment to a vacant position; acquiring or modifying equipment or devices; adjusting or modifying examinations, training materials, or policies; and providing qualified readers or interpreters. Reasonable accommodation may be necessary to apply for a job, to perform job functions, or to enjoy the benefits and privileges of employment that are enjoyed by people without disabilities. An employer is not required to lower production standards to make an accommodation. An employer generally is not obligated to provide personal use items such as eyeglasses or hearing aids.

Undue Hardship

An employer is required to make a reasonable accommodation to a qualified individual with a disability unless doing so would impose an undue hardship on the operation of the employer's business. Undue hardship means an action that requires significant difficulty or expense when considered in relation to factors such as a business' size, financial resources, and the nature and structure of its operation.

Prohibited Inquiries and Examinations

Before making an offer of employment, an employer may not ask job applicants about the existence, nature, or severity of a disability. Applicants may be asked about their ability to perform job functions. A job offer may be conditioned on the results of a medical examination, but only if the examination is required for all entering employees in the same job category. Medical examinations of employees must be job-related and consistent with business necessity.

Drug and Alcohol Use

Employees and applicants currently engaging in the illegal use of drugs are not protected by the ADA when an employer acts on the basis of such use. Tests for illegal use of drugs are not considered medical examinations and, therefore, are not subject to the ADA's restrictions on medical examinations. Employers may hold individuals who are illegally using drugs and individuals with alcoholism to the same standards of performance as other employees.

The Civil Rights Act of 1991

The Civil Rights Act of 1991 made major changes in the federal laws against employment

<http://www.eeoc.gov/facts/qanda.html> (5 of 12)3/2/2009 11:10:57 AM

discrimination enforced by EEOC. Enacted in part to reverse several Supreme Court decisions that limited the rights of persons protected by these laws, the Act also provides additional protections. The Act authorizes compensatory and punitive damages in cases of intentional discrimination, and provides for obtaining attorneys' fees and the possibility of jury trials. It also directs the EEOC to expand its technical assistance and outreach activities.

Employers And Other Entities Covered By EEO Laws

IV. Which Employers and Other Entities Are Covered by These Laws?

Title VII and the ADA cover all private employers, state and local governments, and education institutions that employ 15 or more individuals. These laws also cover private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training.

The ADEA covers all private employers with 20 or more employees, state and local governments (including school districts), employment agencies and labor organizations.

The EPA covers all employers who are covered by the Federal Wage and Hour Law (the Fair Labor Standards Act). Virtually all employers are subject to the provisions of this Act.

Title VII, the ADEA, and the EPA also cover the federal government. In addition, the federal government is covered by Sections 501 and 505 of the Rehabilitation Act of 1973, as amended, which incorporate the requirements of the ADA. However, different procedures are used for processing complaints of federal discrimination. For more information on how to file a complaint of federal discrimination, contact the EEO office of the federal agency where the alleged discrimination occurred.

The CSRA (not enforced by EEOC) covers most federal agency employees except employees of a government corporation, the Federal Bureau of Investigation, the Central Intelligence Agency, the Defense Intelligence Agency, the National Security Agency, and as determined by the President, any executive agency or unit thereof, the principal function of which is the conduct of foreign intelligence or counterintelligence activities, or the General Accounting Office.

The EEOC'S Charge Processing Procedures

Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](http://www.eeoc.gov/facts/qanda.html).

V. Who Can File a Charge of Discrimination?

- Any individual who believes that his or her employment rights have been violated may file a charge of discrimination with EEOC.
- In addition, an individual, organization, or agency may file a charge on behalf of another person in order to protect the aggrieved person's identity.

VI. How Is a Charge of Discrimination Filed?

- A charge may be filed by mail or in person at the nearest EEOC office. Individuals may consult their local telephone directory (U.S. Government listing) or call 1-800-669-4000 (voice) or 1-800-669-6820 (TTY) to contact the nearest EEOC office for more information on specific procedures for filing a charge.
- Individuals who need an accommodation in order to file a charge (*e.g.*, sign language interpreter, print materials in an accessible format) should inform the EEOC field office so appropriate arrangements can be made.
- Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](#).

VII. What Information Must Be Provided to File a Charge?

- The complaining party's name, address, and telephone number;
- The name, address, and telephone number of the respondent employer, employment agency, or union that is alleged to have discriminated, and number of employees (or union members), if known;
- A short description of the alleged violation (the event that caused the complaining party to believe that his or her rights were violated); and
- The date(s) of the alleged violation(s).
- Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](#).

VIII. What Are the Time Limits for Filing a Charge of Discrimination?

All laws enforced by EEOC, except the Equal Pay Act, require filing a charge with EEOC before a private lawsuit may be filed in court. There are strict time limits within which charges must be filed:

- A charge must be filed with EEOC within 180 days from the date of the alleged violation, in order to protect the charging party's rights.
- This 180-day filing deadline is extended to 300 days if the charge also is covered by a state or local anti-discrimination law. For ADEA charges, only state laws extend the filing limit to 300 days.
- These time limits do not apply to claims under the Equal Pay Act, because under that Act persons do not have to first file a charge with EEOC in order to have the right to go to court. However,

since many EPA claims also raise Title VII sex discrimination issues, it may be advisable to file charges under both laws within the time limits indicated.

- To protect legal rights, it is always best to contact EEOC promptly when discrimination is suspected.
- Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](#).

IX. What Agency Handles a Charge that is also Covered by State or Local Law?

Many states and localities have anti-discrimination laws and agencies responsible for enforcing those laws. EEOC refers to these agencies as "Fair Employment Practices Agencies (FEPAs)." Through the use of "work sharing agreements," EEOC and the FEPAs avoid duplication of effort while at the same time ensuring that a charging party's rights are protected under both federal and state law.

- If a charge is filed with a FEPA and is also covered by federal law, the FEPA "dual files" the charge with EEOC to protect federal rights. The charge usually will be retained by the FEPA for handling.
- If a charge is filed with EEOC and also is covered by state or local law, EEOC "dual files" the charge with the state or local FEPA, but ordinarily retains the charge for handling.

X. What Happens after a Charge is Filed with EEOC?

The employer is notified that the charge has been filed. From this point there are a number of ways a charge may be handled:

- A charge may be assigned for priority investigation if the initial facts appear to support a violation of law. When the evidence is less strong, the charge may be assigned for follow up investigation to determine whether it is likely that a violation has occurred.
- EEOC can seek to settle a charge at any stage of the investigation if the charging party and the employer express an interest in doing so. If settlement efforts are not successful, the investigation continues.
- In investigating a charge, EEOC may make written requests for information, interview people, review documents, and, as needed, visit the facility where the alleged discrimination occurred. When the investigation is complete, EEOC will discuss the evidence with the charging party or employer, as appropriate.
- The charge may be selected for EEOC's mediation program if both the charging party and the employer express an interest in this option. Mediation is offered as an alternative to a lengthy investigation. Participation in the mediation program is confidential, voluntary, and requires consent from both charging party and employer. If mediation is unsuccessful, the charge is returned for investigation.
- A charge may be dismissed at any point if, in the agency's best judgment, further investigation

will not establish a violation of the law. A charge may be dismissed at the time it is filed, if an initial in-depth interview does not produce evidence to support the claim. When a charge is dismissed, a notice is issued in accordance with the law which gives the charging party 90 days in which to file a lawsuit on his or her own behalf.

- Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](#).

XI. How Does EEOC Resolve Discrimination Charges?

- If the evidence obtained in an investigation does not establish that discrimination occurred, this will be explained to the charging party. A required notice is then issued, closing the case and giving the charging party 90 days in which to file a lawsuit on his or her own behalf.
- If the evidence establishes that discrimination has occurred, the employer and the charging party will be informed of this in a letter of determination that explains the finding. EEOC will then attempt conciliation with the employer to develop a remedy for the discrimination.
- If the case is successfully conciliated, or if a case has earlier been successfully mediated or settled, neither EEOC nor the charging party may go to court unless the conciliation, mediation, or settlement agreement is not honored.
- If EEOC is unable to successfully conciliate the case, the agency will decide whether to bring suit in federal court. If EEOC decides not to sue, it will issue a notice closing the case and giving the charging party 90 days in which to file a lawsuit on his or her own behalf. In Title VII and ADA cases against state or local governments, the Department of Justice takes these actions.
- Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](#).

XII. When Can an Individual File an Employment Discrimination Lawsuit in Court?

A charging party may file a lawsuit within 90 days after receiving a notice of a "right to sue" from EEOC, as stated above. Under Title VII and the ADA, a charging party also can request a notice of "right to sue" from EEOC 180 days after the charge was first filed with the Commission, and may then bring suit within 90 days after receiving this notice. Under the ADEA, a suit may be filed at any time 60 days after filing a charge with EEOC, but not later than 90 days after EEOC gives notice that it has completed action on the charge.

Under the EPA, a lawsuit must be filed within two years (three years for willful violations) of the discriminatory act, which in most cases is payment of a discriminatory lower wage.

Federal employees or applicants for employment should see the fact sheet about [Federal Sector Equal Employment Opportunity Complaint Processing](#).

XIII. What Remedies Are Available When Discrimination Is Found?

The "relief" or remedies available for employment discrimination, whether caused by intentional acts or by practices that have a discriminatory effect, may include:

- back pay,
- hiring,
- promotion,
- reinstatement,
- front pay,
- reasonable accommodation, or
- other actions that will make an individual "whole" (in the condition s/he would have been but for the discrimination).

Remedies also may include payment of:

- attorneys' fees,
- expert witness fees, and
- court costs.

Under most EEOC-enforced laws, compensatory and punitive damages also may be available where intentional discrimination is found. Damages may be available to compensate for actual monetary losses, for future monetary losses, and for mental anguish and inconvenience. Punitive damages also may be available if an employer acted with malice or reckless indifference. Punitive damages are not available against the federal, state or local governments.

In cases concerning reasonable accommodation under the ADA, compensatory or punitive damages may not be awarded to the charging party if an employer can demonstrate that "good faith" efforts were made to provide reasonable accommodation.

An employer may be required to post notices to all employees addressing the violations of a specific charge and advising them of their rights under the laws EEOC enforces and their right to be free from retaliation. Such notices must be accessible, as needed, to persons with visual or other disabilities that affect reading.

The employer also may be required to take corrective or preventive actions to cure the source of the identified discrimination and minimize the chance of its recurrence, as well as discontinue the specific discriminatory practices involved in the case.

The Commission

XIV. What Is EEOC and How Does It Operate?

EEOC is an independent federal agency originally created by Congress in 1964 to enforce Title VII of the Civil Rights Act of 1964. The Commission is composed of five Commissioners and a General Counsel appointed by the President and confirmed by the Senate. Commissioners are appointed for five-year staggered terms; the General Counsel's term is four years. The President designates a Chair and a Vice-Chair. The Chair is the chief executive officer of the Commission. The Commission has authority to establish equal employment policy and to approve litigation. The General Counsel is responsible for conducting litigation.

EEOC carries out its enforcement, education and technical assistance activities through 50 field offices serving every part of the nation.

The nearest EEOC field office may be contacted by calling: 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).

Information And Assistance Available From EEOC

XV. What Information and Other Assistance Is Available from EEOC?

EEOC provides a range of informational materials and assistance to individuals and entities with rights and responsibilities under EEOC-enforced laws. Most materials and assistance are provided to the public at no cost. Additional specialized training and technical assistance are provided on a fee basis under the auspices of the EEOC Education, Technical Assistance, and Training Revolving Fund Act of 1992. For information on educational and other assistance available, contact the nearest EEOC office by calling: 1-800-669-4000 (voice) or 1-800-669-6820 (TTY).

Publications available at no cost include posters advising employees of their EEO rights, and pamphlets, manuals, fact sheets, and enforcement guidance on laws enforced by the Commission. For a list of EEOC publications, or to order publications, write, call, or fax:

U.S. Equal Employment Opportunity Commission
Publications Distribution Center
P.O. Box 12549
Cincinnati, Ohio 45212-0549
1-800-669-3362 (voice)
1-800-800-3302 (TTY)
513-489-8692 (fax)

Telephone operators are available to take orders (in English or Spanish) from 8:30 a.m. to 5:00 p.m. (EST), Monday through Friday. Orders generally are mailed within 48 hours after receipt.

Information about EEOC and the laws it enforces also can be found at the following internet address:
<http://www.eeoc.gov>.

This pamphlet is available in braille, large print, audiotape, and electronic file on computer disk. Other EEOC publications are available in accessible formats on request. Requests to obtain accessible formats should be directed to the Publications Distribution Center.

This page was last modified on May 24, 2002.

Web Reference www.eeoc.gov/facts/qanda.html

**HR Guide to the Internet:
EEO: Protected Classes**

Protected Classes Title VII prohibits discrimination on account of:

1. **Race or Color** This category includes blacks, whites, persons of Latino or Asian origin or descent, and indigenous Americans (Eskimos, Native Hawaiians, Native Americans). The prohibition on discrimination based on "color" also has been interpreted by some courts to mean that a light-skinned black worker could pursue a discrimination case based on the actions of her darker-skinned supervisor. See, e.g., *Walker v. Secretary of Treasury, IRS*, 742 F. Supp. 670 (N.D. Ga. 1990), *aff'd*, 953 F.2d 650 (11th Cir.), *cert. denied*, 506 U.S. 853 (1992).
2. **National Origin** The Supreme Court has interpreted national origin as referring to "the country where a person was born, or, more broadly, the country from which his or her ancestors came." *Espinoza v. Farah Manufacturing Co.*, 414 U.S. 86, 88 (1973). The term does not include discrimination based solely on a person's citizenship. *Id.*; *Fortino v. Quasar Co.*, 950 F.2d 389, 392 (7th Cir. 1991).

The courts have generally upheld requirements that an employee be able to communicate in English, where the requirement is job-related. See, e.g., *Garcia v. Rush-Presbyterian-St. Luke's Medical Center*, 660 F.2d 1217, 1222 (7th Cir. 1981). The EEOC's position is that a rule requiring bi-lingual employees to only speak English at work is a "burdensome term and condition of employment" that presumably violates Title VII and should be closely scrutinized. 29 C.F.R. § 1606.7(a). Courts that have considered the issue, however, have generally upheld English-only rules. See, e.g., *Garcia v. Spun Steak Co.*, 998 F.2d 1480 (9th Cir. 1993); *Garcia v. Gloor*, 618 F.2d 264 (5th Cir. 1980), *cert. denied*, 449 U.S. 1113 (1981).

Discrimination based on national origin violates Title VII unless national origin is a bona fide occupational qualification (BFOQ) for the job in question. The employer must show that the discriminatory practice is "reasonably necessary to the normal operation of [the] particular business or enterprise." 42 U.S.C. § 2000e-2(e)(1). The courts and the EEOC interpret the BFOQ exception very narrowly. See 29 C.F.R. § 1604.2(a).

3. **Sex** This provision prohibits discrimination based on gender, and applies to both men and women. Employer rules or policies that apply only to one gender violate Title VII. *Phillips v. Martin Marietta Corp.*, 400 U.S. 542 (1971) (rule prohibiting having children applied only to women). Employers also may not provide different benefits to women than to men. *City of Los Angeles Department of Water and Power v. Manhart*, 435 U.S. 702 (1978). Title VII also prohibits sexual harassment, as described more fully below.

In 1978, Congress amended Title VII to make it clear that the statute prohibited discrimination because of pregnancy. 42 U.S.C. § 2000e-(k). Employers may not consider an employee's pregnancy in making employment decisions. Employers must treat pregnancy-related disabilities in a similar fashion to other disabilities that similarly affect an employee's ability to work.

Discrimination based on sex violates Title VII unless sex is a bona fide occupational qualification (BFOQ) for the job in question

4. **Religion** The term "religion" includes "all aspects of religious observance and practice, as well as belief." 42 U.S.C. § 2000e-(j). The EEOC Guidelines state that protected religious practices "include moral or ethical beliefs as to what is right and wrong which are sincerely held with the strength of traditional religious views." 29 C.F.R. § 1605.1.

Sincerity of religious belief is an issue for the trier of fact. *E.E.O.C. v. Ilona of Hungary, Inc.*, 97 F.3d 204 (7th Cir. 1997). The statute imposes a duty to "reasonably accommodate to an employee's or prospective employee's religious observance or practice" unless doing so would impose an "undue hardship on the conduct of the employer's business." 42 U.S.C. § 2000e-(j).

Title VII exempts from coverage a "religious corporation, association, educational institution, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, educational institution, or society of its activities." 42 U.S.C. § 2000e-1(a). Religious discrimination is also not unlawful under Title VII where religion is a BFOQ for the job in question. 42 U.S.C. § 2000e-2(e)(1).

Web Reference www.hr-guide.com/data/G714.htm

Employment Law Guide

↳ Chapter: Minimum Wage and Overtime Pay

On May 25, 2007, the Fair Labor Standards Act (FLSA) was amended to increase the federal minimum wage in three steps: to \$5.85 per hour effective July 24, 2007; to \$6.55 per hour effective July 24, 2008; and to \$7.25 per hour effective July 24, 2009.

- [Who Is Covered](#)
- [Basic Provisions/Requirements](#)
- [Employee Rights](#)
- [Compliance Assistance Available](#)
- [Penalties/Sanctions](#)
- [Relation to State, Local, and Other Federal Laws](#)

[Return to Table of Contents](#)

Compliance Assistance By Law

[Fair Labor Standards Act
FLSA](#)

DOL Agency Assistance

[Wage and Hour Division
FLSA Page](#)

Updated: July 2007

Fair Labor Standards Act of 1938 (FLSA), as amended **(29 USC §201 et seq.; 29 CFR Parts 510 to 794)**

Who is Covered

The Fair Labor Standards Act (FLSA) establishes standards for minimum wages, overtime pay, recordkeeping, and child labor. These standards affect more than 100 million workers, both full-time and part-time, in the private and public sectors.

The Act applies to enterprises with employees who engage in interstate commerce, produce goods for interstate commerce, or handle, sell, or work on goods or materials that have been moved in or produced for interstate commerce. For most firms, a test of not less than \$500,000 in annual dollar volume of business applies (i.e., the Act does not cover enterprises with less than this amount of business).

However, the Act does cover the following regardless of their dollar volume of business: hospitals; institutions primarily engaged in the care of the sick, aged, mentally ill, or disabled who reside on the premises; schools for children who are mentally, or physically disabled or gifted; preschools, elementary, and secondary schools and institutions of higher education; and federal, state, and local government agencies.

Employees of firms that do not meet the \$500,000 annual dollar volume test may be covered in any workweek when they are individually engaged in interstate commerce, the production of goods for interstate commerce, or an activity that is closely related and directly essential to the production of such goods.

The Act covers domestic service workers, such as day workers, housekeepers, chauffeurs, cooks, or full-time babysitters, if they receive at least \$1,500 (2007) in cash wages from one employer in a calendar year, or if they work a total of more than eight hours a week for one or more employers. (This calendar

year threshold is adjusted by the Social Security Administration each year.)

An enterprise that was covered by the Act on March 31, 1990, and that ceased to be covered because of the increase in the annual dollar volume test to \$500,000, as required under the 1989 amendments to the Act, continues to be subject to the overtime pay, child labor, and recordkeeping requirements of the Act.

The Act exempts some employees from its overtime pay and minimum wage provisions, and it also exempts certain employees from the overtime pay provisions alone. Because the exemptions are narrowly defined, employers should check the exact terms and conditions for each by contacting their local [Wage and Hour Division office](#) within the Department of Labor's Employment Standards Administration (ESA).

The following are examples of employees exempt from both the minimum wage and overtime pay requirements:

- Executive, administrative, and professional employees (including teachers and academic administrative personnel in elementary and secondary schools), outside sales employees, and certain skilled computer professionals (as defined in the Department of Labor's regulations); ¹

- Employees of certain seasonal amusement or recreational establishments;

- Employees of certain small newspapers and switchboard operators of small telephone companies;

- Seamen employed on foreign vessels;

- Employees engaged in fishing operations;

- Employees engaged in newspaper delivery;

- Farm workers employed on small farms (i.e., those that used less than 500 "man-days" of farm labor in any calendar quarter of the preceding calendar year); and

- Casual babysitters and persons employed as companions to the elderly or infirm.

The following are examples of employees exempt from the overtime pay requirements only:

- Certain commissioned employees of retail or service establishments;

- Auto, truck, trailer, farm implement, boat, or aircraft salespersons employed by non-manufacturing establishments primarily engaged in selling these items to ultimate purchasers;

- Auto, truck, or farm implement parts-clerks and mechanics employed by non-manufacturing establishments primarily engaged in selling these items to ultimate purchasers;

- Railroad and air carrier employees, taxi drivers, certain employees of motor carriers, seamen on American vessels, and local delivery employees paid on approved trip rate plans;

- Announcers, news editors, and chief engineers of certain non-metropolitan broadcasting stations;

- Domestic service workers who reside in their employers' residences;

- Employees of motion picture theaters; and

- Farmworkers.

Certain employees may be partially exempt from the overtime pay requirements. These include:

- Employees engaged in certain operations on agricultural commodities and employees of certain bulk petroleum distributors;

- Employees of hospitals and residential care establishments that have agreements with the employees that they will work 14-day periods in lieu of 7-day workweeks (if the employees are paid overtime premium pay within the requirements of the Act for all hours worked over eight in a day or 80 in the 14-day work period, whichever is the greater number of overtime hours); and

- Employees who lack a high school diploma, or who have not completed the eighth grade, who spend part of their workweeks in remedial reading or training in other basic skills that are not job-specific. Employers may require such employees to engage in these activities up to 10 hours in a workweek. Employers must pay normal wages for the hours spent in such training but need not pay

overtime premium pay for training hours.

Basic Provisions/Requirements

The Act requires employers of covered employees who are not otherwise exempt to pay these employees a minimum wage of not less than \$5.85 per hour effective July 24, 2007; \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009. Youths under 20 years of age may be paid a minimum wage of not less than \$4.25 an hour during the first 90 consecutive calendar days of employment with an employer. Employers may not displace any employee to hire someone at the youth minimum wage.

Employers may pay employees on a piece-rate basis, as long as they receive at least the equivalent of the required minimum hourly wage rate. Employers of tipped employees (i.e., those who customarily and regularly receive more than \$30 a month in tips) may consider such tips as part of their wages, but employers must pay a direct wage of at least \$2.13 per hour if they claim a tip credit. They must also meet certain other conditions.

The Act also permits the employment of certain individuals at wage rates below the statutory minimum wage under certificates issued by the Department of Labor:

- Student learners (vocational education students);

- Full-time students in retail or service establishments, agriculture, or institutions of higher education; and

- Individuals whose earning or productive capacities for the work to be performed are impaired by physical or mental disabilities, including those related to age or injury.

The Act does not limit either the number of hours in a day or the number of days in a week that an employer may require an employee to work, as long as the employee is at least 16 years old. Similarly, the Act does not limit the number of hours of overtime that may be scheduled. However, the Act requires employers to pay covered employees not less than one and one-half times their regular rates of pay for all hours worked in excess of 40 in a workweek, unless the employees are otherwise exempt.

Employers must keep records on wages, hours, and other information as set forth in the Department of Labor's regulations. Most of this data is the type that employers generally maintain in ordinary business practice.

The Act prohibits performance of certain types of work in an employee's home unless the employer has obtained prior certification from the Department of Labor. Restrictions apply in the manufacture of knitted outerwear, gloves and mittens, buttons and buckles, handkerchiefs, embroideries, and jewelry (where safety and health hazards are not involved). Employers wishing to employ homeworkers in these industries are required to provide written assurances to the Department of Labor that they will comply with the Act's wage and other requirements, among other things.

The Act generally prohibits manufacture of women's apparel (and jewelry under hazardous conditions) in the home except under special certificates that may be issued when the employee cannot adjust to factory work because of age or disability (physical or mental), or must care for a disabled individual in the home.

Special provisions apply to state and local government employment.

It is a violation of the Act to fire or in any other manner discriminate against an employee for filing a complaint or for participating in a legal proceeding under the Act. The Act also prohibits the shipment of

goods in interstate commerce that were produced in violation of the minimum wage, overtime pay, child labor, or special minimum wage provisions.

Employee Rights

Employees may find out how to file a complaint from local [Wage and Hour Division offices](#), or from the program's toll-free help line at 1-866-4USWAGE.

In addition, an employee may file a private suit, generally for the previous two years of back pay (three years in the case of a willful violation) and an equal amount as liquidated damages, plus attorney's fees and court costs.

Compliance Assistance Available

More detailed information about the FLSA, including copies of explanatory brochures and regulatory and interpretative materials, is available on the [Wage and Hour Division's Web site](#), or by contacting the local [Wage and Hour Division offices](#). Another compliance assistance resource, the *elaws* [Fair Labor Standards Act Advisor](#), helps answers questions about workers and businesses that are subject to the FLSA. For additional assistance, contact the Wage and Hour Division help line at 1-866-4USWAGE.

Penalties/Sanctions

The Department of Labor uses a variety of remedies to enforce compliance with the Act's requirements. When Wage and Hour Division investigators encounter violations, they recommend changes in employment practices to bring the employer into compliance, and they request the payment of any back wages due to employees.

Willful violators may be prosecuted criminally and fined up to \$10,000. A second conviction may result in imprisonment. Employers who willfully or repeatedly violate the minimum wage or overtime pay requirements are subject to civil money penalties of up to \$1,100 per violation.

When the Department of Labor assesses a civil money penalty, the employer has the right to file an exception to the determination within 15 days of receipt of the notice. If an exception is filed, it is referred to an Administrative Law Judge for a hearing and determination as to whether the penalty is appropriate. If an exception is not filed, the penalty becomes final.

The Department of Labor may also bring suit for back pay and an equal amount in liquidated damages, and it may obtain injunctions to restrain persons from violating the Act.

Relation to State, Local, and Other Federal Laws

State laws also apply to employment subject to this Act. When both this Act and a state law apply, the law setting the higher standards must be observed.

¹ - [These regulations were revised effective August 23, 2004.](#) ([Back to text](#))

The Employment Law Guide is offered as a public resource. It does not create new legal obligations and it is not a substitute for the U.S. Code, Federal Register, and Code of Federal Regulations as the

official sources of applicable law. Every effort has been made to ensure that the information provided is complete and accurate as of the time of publication, and this will continue. Later versions of this Guide will be offered at www.dol.gov/compliance or by calling our Toll-Free Help Line at 1-866-4-USA-DOL (1-866-487-2365).

Web Reference www.dol.gov/compliance/guide/minwage.htm

Handy Reference Guide to the Fair Labor Standards Act

(For best printout, see the [PDF version](#).)

Revised July 2007

The Fair Labor Standards Act (FLSA) establishes minimum wage, overtime pay, recordkeeping, and youth employment standards affecting full-time and part-time workers in the private sector and in Federal, State, and local governments.

The Wage and Hour Division (Wage-Hour) administers and enforces FLSA with respect to private employment, State and local government employment, and Federal employees of the Library of Congress, U.S. Postal Service, Postal Rate Commission, and the Tennessee Valley Authority. The FLSA is enforced by the U.S. Office of Personnel Management for employees of other Executive Branch agencies, and by the U.S. Congress for covered employees of the Legislative Branch.

Special rules apply to State and local government employment involving fire protection and law enforcement activities, volunteer services, and compensatory time off instead of cash overtime pay.

Basic Wage Standards

Covered, nonexempt workers are entitled to a minimum wage of not less than \$5.85 per hour effective July 24, 2007; \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009. Special provisions apply to workers in American Samoa and the Commonwealth of the Northern Mariana Islands. Nonexempt workers must be paid overtime pay at a rate of not less than one and one-half times their regular rates of pay after 40 hours of work in a workweek.

Wages required by FLSA are due on the regular payday for the pay period covered. Deductions made from wages for such items as cash or merchandise shortages, employer-required uniforms, and tools of the trade, are not legal to the extent that they reduce the wages of employees below the minimum rate required by FLSA or reduce the amount of overtime pay due under FLSA.

The FLSA contains some exemptions from these basic standards. Some apply to specific types of businesses; others apply to specific kinds of work.

While FLSA does set basic minimum wage and overtime pay standards and regulates the employment of minors, there are a number of employment practices which FLSA does not regulate. For example, FLSA does *not* require:

1. vacation, holiday, severance, or sick pay;
2. meal or rest periods, holidays off, or vacations;
3. premium pay for weekend or holiday work;
4. pay raises or fringe benefits; or

5. a discharge notice, reason for discharge, or immediate payment of final wages to terminated employees.

The FLSA does not provide wage payment or collection procedures for an employee's usual or promised wages or commissions in excess of those required by the FLSA. However, some States do have laws under which such claims (sometimes including fringe benefits) may be filed.

Also, FLSA does not limit the number of hours in a day or days in a week an employee may be required or scheduled to work, including overtime hours, if the employee is at least 16 years old.

The above matters are for agreement between the employer and the employees or their authorized representatives.



[Back to Top](#)

Who is Covered?

All employees of certain enterprises having workers engaged in interstate commerce, producing goods for interstate commerce, or handling, selling, or otherwise working on goods or materials that have been moved in or produced for such commerce by any person, are covered by FLSA.

A covered enterprise is the related activities performed through unified operation or common control by any person or persons for a common business purpose and -

1. whose annual gross volume of sales made or business done is not less than \$500,000 (exclusive of excise taxes at the retail level that are separately stated); or
2. is engaged in the operation of a hospital, an institution primarily engaged in the care of the sick, the aged, or the mentally ill who reside on the premises; a school for mentally or physically disabled or gifted children; a preschool, an elementary or secondary school, or an institution of higher education (whether operated for profit or not for profit); or
3. is an activity of a public agency.

Any enterprise that was covered by FLSA on March 31, 1990, and that ceased to be covered because of the revised \$500,000 test, continues to be subject to the overtime pay, child labor and recordkeeping provisions of FLSA.

Employees of firms which are not covered enterprises under FLSA still may be subject to its minimum wage, overtime pay, recordkeeping, and child labor provisions if they are individually engaged in interstate commerce or in the production of goods for interstate commerce, or in any closely-related process or occupation directly essential to such production. Such employees include those who: work in communications or transportation; regularly use the mails, telephones, or telegraph for interstate communication, or keep records of interstate transactions; handle, ship, or receive goods moving in interstate commerce; regularly cross State lines in the course of employment; or work for independent employers who contract to do clerical, custodial, maintenance, or other work for firms engaged in interstate commerce or in the production of goods for interstate commerce.

Domestic service workers such as day workers, housekeepers, chauffeurs, cooks, or full-time babysitters are covered if:

1. their cash wages from one employer in calendar year 2007 are at least \$1,500 (this calendar year threshold is adjusted by the Social Security Administration each year); or
2. they work a total of more than 8 hours a week for one or more employers.



Tipped Employees

Tipped employees are individuals engaged in occupations in which they customarily and regularly receive more than \$30 a month in tips. The employer may consider tips as part of wages, but the employer must pay at least \$2.13 an hour in direct wages.

The employer who elects to use the tip credit provision must inform the employee in advance and must be able to show that the employee receives at least the applicable minimum wage (see above) when direct wages and the tip credit allowance are combined. If an employee's tips combined with the employer's direct wages of at least \$2.13 an hour do not equal the minimum hourly wage, the employer must make up the difference. Also, employees must retain all of their tips, except to the extent that they participate in a valid tip pooling or sharing arrangement.



Employer-Furnished Facilities

The reasonable cost or fair value of board, lodging, or other facilities customarily furnished by the employer for the employee's benefit may be considered part of wages.



Industrial Homework

The performance of certain types of work in an employee's home is prohibited under the law unless the employer has obtained prior certification from the Department of Labor. Restrictions apply in the manufacture of knitted outerwear, gloves and mittens, buttons and buckles, handkerchiefs, embroideries, and jewelry (where safety and health hazards are not involved). The manufacture of women's apparel (and jewelry under hazardous conditions) is generally prohibited. If you have questions on whether a certain type of work is restricted, or who is eligible for a homework certificate, or how to obtain a certificate, you may contact the local Wage-Hour office.



Subminimum Wage Provisions

The FLSA provides for the employment of certain individuals at wage rates below the statutory minimum. Such individuals include student-learners (vocational education students), as well as full-time students in retail or service establishments, agriculture, or institutions of higher education. Also included are individuals whose earning or productive capacity is impaired by a physical or mental disability, including those related to age or injury, for the work to be performed. Employment at less than the minimum wage is

authorized to prevent curtailment of opportunities for employment. Such employment is permitted only under certificates issued by Wage-Hour.



Youth Minimum Wage

A minimum wage of not less than \$4.25 an hour is permitted for employees under 20 years of age during their first 90 consecutive calendar days of employment with an employer. Employers are prohibited from taking any action to displace employees in order to hire employees at the youth minimum wage. Also prohibited are partial displacements such as reducing employees' hours, wages, or employment benefits.



Exemptions

Some employees are exempt from the overtime pay provisions or both the minimum wage and overtime pay provisions.

Because exemptions are generally narrowly defined under FLSA, an employer should carefully check the exact terms and conditions for each. Detailed information is available from local Wage-Hour offices.

Following are examples of exemptions which are illustrative, but not all-inclusive. These examples do not define the conditions for each exemption.

Exemptions from Both Minimum Wage and Overtime Pay

1. [Executive, administrative, and professional employees \(including teachers and academic administrative personnel in elementary and secondary schools\), outside sales employees, and employees in certain computer-related occupations \(as defined in Department of Labor regulations\);](#)
2. [Employees of certain seasonal amusement or recreational establishments](#), employees of certain small newspapers, seamen employed on foreign vessels, employees engaged in fishing operations, and employees engaged in newspaper delivery;
3. [Farmworkers](#) employed by anyone who used no more than 500 "man-days" of farm labor in any calendar quarter of the preceding calendar year;
4. Casual babysitters and persons employed as companions to the elderly or infirm.

Exemptions from Overtime Pay Only

1. Certain commissioned employees of retail or service establishments; auto, truck, trailer, farm implement, boat, or aircraft sales-workers; or parts-clerks and mechanics servicing autos, trucks, or farm implements, who are employed by non-manufacturing establishments primarily engaged in selling these items to ultimate purchasers;
2. Employees of railroads and air carriers, taxi drivers, certain employees of motor carriers, seamen on American vessels, and local delivery employees paid on approved trip rate plans;
3. Announcers, news editors, and chief engineers of certain non-metropolitan broadcasting stations;
4. Domestic service workers living in the employer's residence;
5. Employees of motion picture theaters; and
6. [Farmworkers](#).

Partial Exemptions from Overtime Pay

1. Partial overtime pay exemptions apply to employees engaged in certain operations on agricultural commodities and to employees of certain bulk petroleum distributors.
2. Hospitals and residential care establishments may adopt, by agreement with their employees, a 14-day work period instead of the usual 7-day workweek if the employees are paid at least time and one-half their regular rates for hours worked over 8 in a day or 80 in a 14-day work period, whichever is the greater number of overtime hours.
3. Employees who lack a high school diploma, or who have not attained the educational level of the 8th grade, can be required to spend up to 10 hours in a workweek engaged in remedial reading or training in other basic skills without receiving time and one-half overtime pay for these hours. However, the employees must receive their normal wages for hours spent in such training and the training must not be job specific.
4. [Public agency fire departments and police departments may establish a work period ranging from 7 to 28 days in which overtime need only be paid after a specified number of hours in each work period.](#)



[Youth Employment \(Child Labor\) Provisions](#)

The FLSA youth employment provisions are designed to protect the educational opportunities of minors and prohibit their employment in jobs and under conditions detrimental to their health or well-being. The provisions include restrictions on hours of work for minors under 16 and lists of hazardous occupations orders for both farm and non-farm jobs declared by the Secretary of Labor to be too dangerous for minors to perform. Further information on prohibited occupations is available from <http://www.youthrules.dol.gov>.



[Nonagricultural Jobs \(Youth Employment\)](#)

Regulations governing youth employment in non-farm jobs differ somewhat from those pertaining to agricultural employment. In non-farm work, the permissible jobs and hours of work, by age, are as follows:

1. Youths 18 years or older may perform any job, whether hazardous or not, for unlimited hours;
2. Youths 16 and 17 years old may perform any nonhazardous job, for unlimited hours; and
3. Youths 14 and 15 years old may work outside school hours in various nonmanufacturing, nonmining, nonhazardous jobs under the following conditions: no more than 3 hours on a school day, 18 hours in a school week, 8 hours on a non-school day, or 40 hours in a non-school week. Also, work may not begin before 7 a.m., nor end after 7 p.m., except from June 1 through Labor Day, when evening hours are extended to 9 p.m. Under a special provision, youths 14 and 15 years old enrolled in an approved Work Experience and Career Exploration Program (WECEP) may be employed for up to 23 hours in school weeks and 3 hours on school days (including during school hours).

Fourteen is the minimum age for most non-farm work. However, at any age, youths may deliver newspapers; perform in radio, television, movie, or theatrical productions; work for parents in their solely-owned non-farm business (except in manufacturing or on hazardous jobs); or gather evergreens and make evergreen wreaths.

[Farm Jobs \(Youth Employment\)](#)

In farm work, permissible jobs and hours of work, by age, are as follows:

1. Youths 16 years and older may perform any job, whether hazardous or not, for unlimited hours;
2. Youths 14 and 15 years old may perform any nonhazardous farm job outside of school hours;
3. Youths 12 and 13 years old may work outside of school hours in nonhazardous jobs, either with a parent's written consent or on the same farm as the parent(s);
4. Youths under 12 years old may perform jobs on farms owned or operated by parent(s), or with a parent's written consent, outside of school hours in nonhazardous jobs on farms not covered by minimum wage requirements.

Minors of any age may be employed by their parents at any time in any occupation on a farm owned or operated by their parents.

[Recordkeeping](#)

The FLSA requires employers to keep records on wages, hours, and other items, as specified in Department of Labor recordkeeping regulations. Most of the information is of the kind generally maintained by employers in ordinary business practice and in compliance with other laws and regulations. The records do not have to be kept in any particular form and time clocks need not be used. With respect to an employee subject to the minimum wage provisions or both the minimum wage and overtime pay provisions, the following records must be kept:

1. personal information, including employee's name, home address, occupation, sex, and birth date if under 19 years of age;
2. hour and day when workweek begins;
3. total hours worked each workday and each workweek;
4. total daily or weekly straight-time earnings;
5. regular hourly pay rate for any week when overtime is worked;
6. total overtime pay for the workweek;
7. deductions from or additions to wages;
8. total wages paid each pay period; and
9. date of payment and pay period covered.

Records required for exempt employees differ from those for nonexempt workers. Special information is required for homeworkers, for employees working under uncommon pay arrangements, for employees to whom lodging or other facilities are furnished, and for employees receiving remedial education.

Terms Used in FLSA

Workweek - A workweek is a period of 168 hours during 7 consecutive 24-hour periods. It may begin on any day of the week and at any hour of the day established by the employer. Generally, for purposes of minimum wage and overtime payment, each workweek stands alone; there can be no averaging of 2 or more workweeks. Employee coverage, compliance with wage payment requirements, and the application of most exemptions are determined on a workweek basis.

Hours Worked - Covered employees must be paid for all hours worked in a workweek. In general, "hours worked" includes all time an employee must be on duty, or on the employer's premises or at any other prescribed place of work, from the beginning of the first principal activity of the work day to the end of the last principal work activity of the workday. Also included is any additional time the employee is allowed (i.e., suffered or permitted) to work.



[Back to Top](#)

Computing Overtime Pay

Overtime must be paid at a rate of at least one and one-half times the employee's regular rate of pay for each hour worked in a workweek in excess of the maximum allowable in a given type of employment. Generally, the regular rate includes all payments made by the employer to or on behalf of the employee (except for certain statutory exclusions). The following examples are based on a maximum 40-hour workweek applicable to most covered nonexempt employees.

1. **Hourly rate** (regular pay rate for an employee paid by the hour) - If more than 40 hours are worked, at least one and one-half times the regular rate for each hour over 40 is due.
Example: An employee paid \$8.00 an hour works 44 hours in a workweek. The employee is entitled to at least one and one-half times \$8.00, or \$12.00, for each hour over 40. Pay for the week would be \$320 for the first 40 hours, plus \$48.00 for the four hours of overtime - a total of \$368.00.
2. **Piece rate** - The regular rate of pay for an employee paid on a piecework basis is obtained by dividing the total weekly earnings by the total number of hours worked in that week. The employee is entitled to an additional one-half times this regular rate for each hour over 40, plus the full piecework earnings.
Example: An employee paid on a piecework basis works 45 hours in a week and earns \$405. The regular rate of pay for that week is \$405 divided by 45, or \$9.00 an hour. In addition to the straight-time pay, the employee is also entitled to \$4.50 (half the regular rate) for each hour over 40 - an additional \$22.50 for the 5 overtime hours - for a total of \$427.50.
Another way to compensate pieceworkers for overtime, if agreed to before the work is performed, is to pay one and one-half times the piece rate for each piece produced during the overtime hours. The piece rate must be the one actually paid during nonovertime hours and must be enough to yield at least the minimum wage per hour.
3. **Salary** - The regular rate for an employee paid a salary for a regular or specified number of hours a week is obtained by dividing the salary by the number of hours for which the salary is intended to compensate. The employee is entitled to an additional one-half times this regular rate for each hour over 40, plus the salary.

If, under the employment agreement, a salary sufficient to meet the minimum wage requirement in every workweek is paid as straight time for whatever number of hours are worked in a workweek, the regular rate is obtained by dividing the salary by the number of hours worked each week. To illustrate, suppose an employee's hours of work vary each week and the agreement with the employer is that the employee will be paid \$480 a week for whatever number of hours of work are required. Under this agreement, the regular rate will vary in overtime weeks. If the employee works 50 hours, the regular rate is \$9.60 (\$480 divided by 50 hours). In addition to the salary, half the regular rate, or \$4.80, is due for each of the 10 overtime

hours, for a total of \$528 for the week. If the employee works 60 hours, the regular rate is \$8.00 (\$480 divided by 60 hours). In that case, an additional \$4.00 is due for each of the 20 overtime hours for a total of \$560 for the week.

In no case may the regular rate be less than the minimum wage required by FLSA.

If a salary is paid on other than a weekly basis, the weekly pay must be determined in order to compute the regular rate and overtime pay. If the salary is for a half month, it must be multiplied by 24 and the product divided by 52 weeks to get the weekly equivalent. A monthly salary should be multiplied by 12 and the product divided by 52.



[Back to Top](#)

Enforcement

Wage-Hour's enforcement of FLSA is carried out by investigators stationed across the U.S. As Wage-Hour's authorized representatives, they conduct investigations and gather data on wages, hours, and other employment conditions or practices, in order to determine compliance with the law. Where violations are found, they also may recommend changes in employment practices to bring an employer into compliance.

It is a violation to fire or in any other manner discriminate against an employee for filing a complaint or for participating in a legal proceeding under FLSA.

Willful violations may be prosecuted criminally and the violator fined up to \$10,000. A second conviction may result in imprisonment.

Violators of the youth employment provisions are subject to a civil money penalty of up to \$11,000 for each employee who was the subject of a violation.

Employers who willfully or repeatedly violate the minimum wage or overtime pay requirements are subject to a civil money penalty of up to \$1,100 for each such violation.

The FLSA prohibits the shipment of goods in interstate commerce which were produced in violation of the minimum wage, overtime pay, child labor, or special minimum wage provisions.



[Back to Top](#)

Recovery of Back Wages

Listed below are methods which FLSA provides for recovering unpaid minimum and/or overtime wages.

1. Wage-Hour may supervise payment of back wages.
2. The Secretary of Labor may bring suit for back wages and an equal amount as liquidated damages.
3. An employee may file a private suit for back pay and an equal amount as liquidated damages, plus attorney's fees and court costs.
4. The Secretary of Labor may obtain an injunction to restrain any person from violating FLSA, including the unlawful withholding of proper minimum wage and overtime pay.

An employee may not bring suit if he or she has accepted back wages under the supervision of Wage-Hour or if the Secretary of Labor has already filed suit to recover the wages.

A 2-year statute of limitations applies to the recovery of back pay, except in the case of willful violation, in which case a 3-year statute applies.



[Back to Top](#)

Other Labor Laws

In addition to FLSA, Wage-Hour enforces and administers a number of other labor laws. Among these are:

1. the [Davis-Bacon and Related Acts](#), which require payment of prevailing wage rates and fringe benefits on federally-financed or assisted construction;
2. the [Walsh-Healey Public Contracts Act](#), which requires payment of minimum wage rates and overtime pay on contracts to provide goods to the Federal Government;
3. the [Service Contract Act](#), which requires payment of prevailing wage rates and fringe benefits on contracts to provide services to the Federal Government;
4. the [Contract Work Hours and Safety Standards Act](#), which sets overtime standards for service and construction contracts;
5. the [Migrant and Seasonal Agricultural Worker Protection Act](#), which protects farm workers by imposing certain requirements on agricultural employers and associations and requires the registration of crewleaders who must also provide the same worker protections;
6. the [Wage Garnishment Law](#), which limits the amount of an individual's income that may be legally garnished and prohibits firing an employee whose pay is garnished for payment of a single debt;
7. the [Employee Polygraph Protection Act](#), which prohibits most private employers from using any type of lie detector test either for pre-employment screening of job applicants or for testing current employees during the course of employment;
8. the [Family and Medical Leave Act](#), which entitles eligible employees of covered employers to take up to 12 weeks of unpaid job-protected leave each year, with maintenance of group health insurance, for the birth and care of a child, for the placement of a child for adoption or foster care, for the care of a child, spouse, or parent with a serious health condition, or for the employee's serious health condition; and
9. the [Immigration and Nationality Act](#), as amended, which:
 - o under the [H-2A](#) provisions, provides for the enforcement of contractual obligations of job offers which have been certified to by employers of temporary alien nonimmigrant agricultural workers;
 - o under the [H-1C](#) provisions, provides for the enforcement of employment conditions attested to by employers in disadvantaged areas employing H-1C temporary alien nonimmigrant registered nurses;
 - o under the [D-1](#) provisions, provides for the enforcement of employment conditions attested to by employers seeking to employ alien crewmembers to perform specified longshore activity at U.S. ports; and
 - o under the [H-1B](#) provisions, provides for the enforcement of labor condition applications filed by employers wishing to employ aliens in specialty occupations and as fashion models of distinguished merit and ability.

More detailed information on FLSA and other laws administered by Wage-Hour is available by calling our toll-free help line 1-866-4US-WAGE (1-866-487-9243). For those who have access to the Internet, further information may also be obtained on the Wage and Hour Division Internet Home Page which can be located at the following address: www.wagehour.dol.gov.

Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA)

In accordance with the provisions of the SBREFA, the Small Business Administration established a National Small Business and Agriculture Regulatory Ombudsman and 10 Regional Fairness Boards to receive comments from small entities about federal agency enforcement actions. The Ombudsman annually evaluates enforcement activities and rates each agency's responsiveness to small entities. Small entities wishing to comment on Wage and Hour Division enforcement activities may call 1-888-REG-FAIR (1-888-734-3247), or write the Office of the National Ombudsman, U.S. Small Business Administration, 409 3rd Street, SW, MC2120, Washington, DC 20416-0005, or visit the Ombudsman's internet website, <http://www.sba.gov/ombudsman/>.

The right to file a comment with the Ombudsman is in addition to any other rights a small entity may have, including the right to contest the assessment of a civil money penalty. Filing a comment with the Ombudsman neither extends the maximum time period for contesting the assessment of a penalty, nor takes the place of filing the response required to secure an administrative hearing on a penalty. The Wage and Hour Division does not consider filing of a comment with the Ombudsman as a factor in determining how to resolve issues raised during a compliance action.

Equal Pay Provisions

The equal pay provisions of FLSA prohibit sex-based wage differentials between men and women employed in the same establishment who perform jobs that require equal skill, effort, and responsibility and which are performed under similar working conditions. These provisions, as well as other statutes prohibiting discrimination in employment, are enforced by the Equal Employment Opportunity Commission. More detailed information is available from its offices which are listed in most telephone directories under U.S. Government.

[You can also order a printed version of this publication using our Wage and Hour Publication \(WHPS\) system.](#)

Web Reference www.dol.gov/esa/whd/regs/compliance/hrg.htm

Work Opportunity Tax Credit

The Work Opportunity Tax Credit (WOTC) is designed to help members of certain groups of people move from economic dependency to self-sufficiency by giving employers an incentive to hire them. This incentive is a significant credit against federal taxes owed.

The amount of tax credit an employer can earn varies depending upon the group to which the eligible employee belongs, the amount of wages paid to the employee, and the number of hours worked by the employee. **For most of the targeted groups**, the employer may claim a tax credit equal to 40% of the first \$6000 of qualified wages paid to each WOTC-eligible employee who works 400 hours or more during the first year of employment, for a maximum \$2400 credit per eligible hire. For those who work at least 120 hours but less than 400, employers may claim a tax credit equal to 25% of the first \$6000 in qualified wages paid. An employee must work at least 120 hours in order to claim any tax credit.

For the [Qualified Summer Youth Employees](#) group, the amount of the tax credit an employer earns is based on the first \$3000 in qualified wages paid, rather than \$6000. Thus, the maximum tax credit allowed for hiring members of this group is \$1200 per eligible hire.

Employers can earn a maximum \$9000 tax credit per eligible hire for hiring individuals certified as [Long-term Family Assistance Recipients](#). For this group, the amount of the tax credit an employer earns is based on the first \$10,000 in qualified wages paid during the first year of employment, rather than \$6000. In addition, the employer may claim a tax credit equal to 50% of the first \$10,000 in qualified wages paid to such employees during the second year of employment.

Employers can earn a maximum \$4800 tax credit for hiring [disabled veterans](#). For this subgroup, the amount of tax credit an employer earns is based on the first \$12,000 in qualified wages paid.

The job seeker and the employer must complete [IRS Form 8850](#), *Pre-Screening Notice and Certification Request for the Work Opportunity Credit*, on or before the day the job seeker is offered employment. The employer must then **mail the original** of this completed form to the Kentucky Office of Employment & Training (OET) **not later than the 28th day** after the employee begins work for the employer. All required forms and related documents must be mailed to the following address:

**WOTC Coordinator
Office of Employment & Training
275 East Main Street, 2W-A
Frankfort, Kentucky 40621.**

The employer must also complete and submit to OET an *Individual Characteristics Form*, [ETA 9061](#). In some cases, the employer may be required to obtain and submit documentation to prove that the employee meets the eligibility criteria for one of the targeted groups. The [ETA 9061](#) and documentation may be submitted at any time after the employee begins work for the employer. However, OET cannot issue an *Employer Certification* to the employer until the [ETA 9061](#) has been

received and eligibility has been verified. The *Employer Certification* is required in order for the employer to be allowed to claim the tax credit. If possible, the [ETA 9061](#) and supporting documentation should be submitted with the [IRS 8850](#) to expedite processing, but under no circumstances should the IRS 8850 be mailed more than 28 days after the employee's start-to-work date. The employer should not submit an [IRS 8850](#) to OET unless he/she has some basis on which to believe that the employee meets the criteria for at least one of the WOTC-qualifying groups.

Questions regarding the WOTC program in Kentucky should be directed to WOTC program staff at **502-564-7456**.

WOTC ELIGIBLE GROUPS

A) Qualified IV-A Recipient - refers to a member of a family that received family assistance [i.e., Temporary Assistance for Needy Families (TANF)] for at least 9 months during the 18-month period prior to hire.

B) Qualified Veteran - refers to

1. a U.S. military veteran who is a member of a family that has received Food Stamps for at least 3 consecutive months during the 15 month-period prior to the hire date, or
2. a disabled veteran entitled to compensation for a service-connected disability, **and** having a hiring date which is not more than 1 year after having been discharged or released from active duty in the Armed Forces of the United States, **or** having aggregate periods of unemployment during the 1-year period ending on the hiring date which equal or exceed 6 months.

C) Qualified Ex-Felon - refers to an ex-felon who is hired within a year of having been convicted of a felony or released from incarceration.

D) Designated Community Residents - refers to any person who is at least age 18, but not yet 40, on the hire date, **and** lives within a [Federal](#) Empowerment Zone, Enterprise Community, Renewal Community, or Rural Renewal County ([* see below](#)).

E) Vocational Rehabilitation Referral - refers to a disabled person who

1. has received vocational rehabilitation services from the Office of Vocational Rehabilitation, the Office for the Blind, or the Veterans Administration within 2 years prior to the hire date, and was hired pursuant to a written individualized plan of employment, or
2. is a ticket holder under the *Ticket to Work* Program and has an individualized work plan (IWP) developed and implemented by an employment network (EN).

F) Qualified Summer Youth Employee - refers to any person who is at least 16 but not yet 18 years old, is hired to work during the summer (May 1 to September 15), and lives in a [Federal](#) Empowerment Zone, Enterprise Community, or Renewal Community ([* see below](#)). Rural Renewal County residents are **not** included in this group.

G) Qualified Food Stamp Recipient - refers to any person who has attained age 18 but not yet 40 on the hiring date, **and** is a member of a family that has received food stamps for the 6 months prior to the hire date, **or** received food stamps for at least 3 months during the 5 months prior to the hire

date, in the case of an *Able-Bodied Adult Without Dependents (ABAWD)* who ceased to be eligible for such assistance due to failure to comply with work requirements of the food stamp program.

H) Supplemental Security Income Recipient - refers to any person who received Supplemental Security Income (SSI) benefits for either of the two months prior to the month when hired.

I) Long-term Family Assistance Recipient - refers to any person who

- is a member of a family that has received family assistance (i.e., AFDC/TANF benefits) for all of the 18 consecutive months ending on the hiring date; **or**
- is a member of a family that has received family assistance for at least 18 months (whether or not consecutive) beginning after August 5, 1997, and has a hiring date that is not more than two years after the end of the earliest 18-month period; **or**
- after August 5, 1997, ceased to be eligible for family assistance because of either federal or state time limits on receipt of AFDC/TANF, and was hired within two years after exhausting their eligibility for such benefits.

* Residence in a Federal Empowerment Zone (EZ), Enterprise Community (EC), Renewal Community (RC) or Rural Renewal County (RRC) is required for two of the WOTC-qualifying groups (groups D and F above). To determine if an employee's address is in such an area, use this Internet web address to link to the Interactive Locator Map: <http://egis.hud.gov/egis/cpd/rcezec/welcome.htm>

Unemployment Tax Credit

The Unemployment Tax Credit (UTC) program provides employers a credit of \$100 per eligible hire against Kentucky income taxes owed for hiring residents who have been unemployed for 60 days and remain on the payroll for at least 180 days. UTC regulations and application form can be found [here](#). For more information, contact [Ginny Burton](#) at 502-564-7456.

Office of Employment and Training
275 East Main Street 2nd Floor
Frankfort, Kentucky 40601
502.564.7456 Phone
502.564.7459 Fax
Kentucky Relay Service
1-800-648-6057

Web Reference http://www.oet.ky.gov/des/employer/tax_credit.htm

FEIN / Employer Records

We need to correct our database as much as possible by July 1, 2007 when E3 is implemented.

The new employer portal for Kentucky, E3, will use FEIN (Federal Employer Iden. Numbers) for processing and verifying employers. It is now mandatory that you add this field to all new EKOS employer records. Per management, you will also need to add this to existing records as you work with them between now and July. You will need to ask the employer for this number.

It is also available on UI Program 42 but this search can be tricky. Example: The KY Fried Chicken in Inez is listed as Angela's Food on UI 42. Angela's Food is the legal name. No where on the record do you see any reference to KY Fried Chicken. (If you search by Kentucky Fried Chicken in UI 42, you will get a large number of FEIN numbers for various franchises.)

By asking for the FEIN, you will also know when it is necessary to add a new employer record in EKOS or if you just need to add another contact to the existing record. IF the FEIN is already used for a corporation and they are simply adding another location, you just add a new contact page. EKOS will allow 300 employer contacts per employer record.

Do a search in EKOS for KY Fried Chicken; then search for KFC; then search for Kentucky Fried Chicken. You will see the many ways this record has been entered.

If several KFC's are owned by the same franchise, they should have one employer record. This information is needed for EEO reports provided from EKOS to employers for EEO audits.

If they currently have 2 records, inactivate the record with no job orders or activities. If both have open job orders attached, inactivate the one with the oldest job order. The system will allow you to inactive an employer record with an open order. You will also need to manually add the employer contacts from the "inactive" record to the "active" record if they do not already exist on that record. Place a post a note on the employer record's comment section stating why it is being inactivated.

When entering a new record for an independent contractor (as defined by UI auditors), we will use a pseudo number ex: 99-9701161

System = 3 9's

Your 2 digit office number

Contractor's month and year of birth

(This is the same process we use for customer pseudo numbers)

FEIN is not required for independent contractors. Always put a Post A Note that the employer stated they are not required to have a FEIN.

DEFINITIONS

Category:

Domestic: This is a Job Order that is for a private household such as for a Companion or Baby Sitter.

Regular: This is the primary selection that is used. It refers to a Job Order that is the typical Order from an employer recruiting for employees.

WOTC Eligibles Requested: Work Opportunity Tax Credit:

This selection can be used when an Employer has specifically requested that staff refer customers who meet the criteria of WOTC eligibility.

Wage Subsidy Private Employer: A Job Order that is specific for a private employer who is subsidizing the employee's salary.

Wage Subsidy Public Employer: A Job Order that is specific for a public employer who is subsidizing the employee's salary.

Emergency Vets Training Act: Not used at this time

Source (Fed):

Employer Listing: A Job Order submitted by the employer.

Job Development: This is to be selected if the Job Order is one that has resulted from Job Development by a staff for a specific customer.

Mandatory Listing: This is to be selected if the employer who is listing the Job Openings is a Federal Contract Job Listing (FCJL) employer. An FCJL employer is mandated to list Job Openings with the Department for Employment Services or on America's Job Bank.

Source (State):

Application Only: The Job Order was submitted through the regular process.

Full Service: This is to be used on a Job Order from an employer who uses the One-Stop Centers as their source of recruitment.

Job Fair: The Job Order was received from recruitment at a Job Fair.

Federal Contractor Job Listing

Employers with U.S. Government contracts or subcontracts of \$10,000 or more must list job openings with the Federal-State employment service system. The exceptions to the aforementioned are those positions affected by unions and internal hires/promotions/fills/recalls. In Hawaii, employers must list with the Workforce Development Division. The employer shall take affirmative action to employ and advance in employment qualified disabled veterans and veterans of the Vietnam era.

Each Government contractor, holding a contract or subcontract for \$50,000 or more and having at least 50 employees, is required to prepare and maintain an affirmative action program at each establishment which sets forth the policies and practices in hiring and promoting qualified disabled and Vietnam era veterans. The plan must be updated each year.



What Are Covered Employers Required To Do?

- ◆ Provide equal employment opportunity, refrain from discrimination, and take affirmative action to employ and advance protected veterans in employment. This means to take positive steps in all employment practices to enable veterans to be considered for employment opportunities, including hiring, promotions, training, pay and for other purposes.
- ◆ Employers are also required to **immediately list** with the local State employment service office **all** employment openings as part of the affirmative action. The exceptions to this are for executive and top management jobs, positions filled from within the employer's organization, union positions, and jobs lasting 3 days or less.
- ◆ Employers must list their jobs with the local State offices in one of the following ways:
 - ▶ Contacting the local State employment offices to place job orders; or
 - ▶ by entering individual jobs directly over the Internet through America's Job Bank (AJB) on <http://www.ajb.dni.us>; or
 - ▶ linking their company computer with AJB's computer to transmit job vacancies directly. To learn how, contact AJB on (518) 457-3488 or via Internet (<http://www.ajb.dni.us/ajbpi.html>).

Information entered in this way to AJB will be sent directly to the appropriate local State employment service agencies.

The local State employment service offices will then give the covered veterans priority in referral to employment openings. Employers are not required to hire any particular applicant or to hire from any group of applicants.

Web Reference <http://dlir.state.hi.us/wdd/kaneohe/fcjl.html>

H2A

Definition of H-2A Work Visa:

H-2A visa is a [non-immigrant visa](#) which allows foreign nationals to enter into the United States for temporary or seasonal agricultural work. To be more precise, this non-immigrant visa category permits temporary admission of foreign agricultural workers to perform labor or services of a temporary or seasonal nature, provided U.S. workers are not available.

H2A Visa Details:

H2A visa is initially issued for a period up to one year. Extensions of the H-2A visa may be granted for a maximum of 3 consecutive years. There is no numerical limit for H-2A temporary agricultural visa issued. The H-2A visa cannot be self-petitioned. The U.S. employer must file a petition on behalf of their employees. The sponsor can be self-employed, a partnership, corporation agricultural association.

A single petition by a U.S. employer is enough to sponsor multiple workers, if

- they will perform the same services;
- they will work at the same location; and
- they obtain their visa stamp through the same U.S. Consulate.

The sponsor must satisfy the following conditions to import aliens under the H2A visa:

- Employer must provide free housing that meets safety and health standards established by law.
- Employer must provide each worker either three meals per day or furnish free cooking and kitchen facilities to prepare their own meals. The employer can disclose the cost in the worker contract.
- The wage or rate of pay must be the same for U.S. workers and H2A workers. The rate must be a higher wage rate called adverse effect wage rate.
- Employer is responsible for providing transportation of workers.

Benefits of H-2A Visa:

- You are permitted to enter into the U.S. for temporary work.
- You can enjoy all the benefits of a regular employee.
- You can travel freely in and out of the United States.
- The spouse and unmarried children (under the age of 21) are permitted to stay with you in the U.S under [H4 visa](#).
- You can change your jobs if you can show a new job offer.
- You may apply for [green card](#) while on H-2A visa status.

Limitation of H-2A Work Visa:

- The job must be temporary or seasonal in nature.
- The employer has to establish the facts the need for services or labor is seasonal or temporary.
- Dependents of H-2A visa holders are not permitted to work, unless they personally qualify for a work visa.
- H-2A time counts whether you are in the U.S. or abroad.

Web Reference <http://www.immspec.com/h-2a-visa.htm>

H2B: H-2B work visa is a [non-immigrant visa](#) issued to the skilled and unskilled foreign nationals who wish to enter the United States to engage in non-agricultural employment which is seasonal, intermittent, a peak load need, or a one-time occurrence. H-2B visas are offered mainly for the types of positions such as wait staff, housekeeping, food servers, retail sales, life guards, ski lift operators, golf course personnel, grounds keepers, and more.

Every year, nearly 66,000 H-2B visas are issued. Initially, it is granted for 1 year. Extension is possible in one year increments to a maximum of 3 years and each extension requires submitting a new [Labor Certification](#).

In order to qualify for H-2B visa, you must

- have a valid temporary job offer from a U.S. employer to perform non-agricultural work
- submit the proof of an intent to return to your home country on expiration of the visa

Benefits of H-2B Working Visa:

With H-2B work visa,

- You are permitted to work legally in the United States for your sponsor;
- You are allowed to travel in and out of the United States until the visa expires;
- You may change jobs if you can show a new job offer;
- You may study on H-2B visa;
- Dependents (spouse and unmarried child) are permitted to accompany you on [H-4 dependant visa](#). They are also permitted to study on H-4 visa; and
- You may apply for change of status on H-2B visa.

Limitation of H2B Work Visa:

- H-2B dependents are not permitted to work in the U.S.
- Requirement of labor certification, a time consuming process
- The job must be temporary in nature

Getting an H-2B visa is a two-step process. First, the U.S. employer has to file an application for temporary labor certification to the U.S. Department of Labor (DOL). The process of obtaining temporary certification is similar to, but less expensive and time consuming than permanent certification. After reviewing your application, DOL either issues a temporary labor certification or a notice that such a certification cannot be issued. Once the labor certification is approved, the U.S. employer can file the petition for a nonimmigrant worker with the USCIS.

The petition should be filed no more than six months before the assigned work begins. Along with the form,

petitioner has to submit certain supporting documentation with the USCIS. Once the USCIS approves your petition, they forward the approval to a U.S. Consulate to have the visa stamped in the alien's passport.

The H-2B visa application must include the following documents

- a valid passport;
- one passport size photograph;
- a valid temporary labor certification from the DOL indicating that qualified U.S. workers are not available and that employment of the alien will not adversely affect the wages of working conditions of similarly employed U.S. workers;
- evidence of ties to the home country; and
- copies of employment letters and/or training certificates, demonstrating that the alien met the minimum job requirements stated in the certification when the labor certificate application was submitted to DOL.

Web Reference <http://www.immspec.com/h-2b-visa.htm>

Permanent Labor Certification

A permanent labor certification issued by the Department of Labor (DOL) allows an employer to hire a foreign worker to work permanently in the United States. In most instances, before the U.S. employer can submit an immigration petition to the Department of Homeland Security's [U.S. Citizenship and Immigration Services \(USCIS\)](#), the employer must obtain an approved labor certification request from the DOL's Employment and Training Administration (ETA). The DOL must certify to the USCIS that there are no qualified U.S. workers able, willing, qualified and available to accept the job at the prevailing wage for that occupation in the area of intended employment and that employment of the foreign worker will not adversely affect the wages and working conditions of similarly employed U.S. workers.

To improve the operations of the permanent labor certification program, ETA published a final regulation on December 27, 2004, which required the implementation of a new re-engineered permanent labor certification program by March 28, 2005. This new electronic program has improved services to our various stakeholders.

The DOL processes Applications for Permanent Employment Certification, ETA Form 9089. The date the labor certification application is accepted for processing is known as the filing date and is referred to by USCIS and the Department of State as the priority date. After the labor certification application is approved by the DOL, it should be submitted to the appropriate USCIS service center with a Form I-140, Immigrant Petition for Alien Worker. You may access the [State Department Visa Bulletin](#) to learn which priority dates are currently being processed.

Qualifying Criteria

Applications filed on or after March 28, 2005, must file using the new PERM process and adhere to the new [PERM Regulations](#).

The job opportunity must be for a full time, permanent position.

There must be a bona fide job opening available to U.S. workers.

Job requirements must adhere to what is customarily required for the occupation in the U.S. and may not be tailored to the foreign worker's qualifications.

The employer must pay at least the prevailing wage for the occupation in the area of intended employment.

Web Reference www.foreignlaborcert.doleta.gov/perm.cfm

E3 Website Overview

www.e3.ky.gov

To View the E3 Training Package

Click this Link <http://my.edcabinet.ky.gov/ekosinfo/e3TrainingPackage022409.pdf>

*** **Never Delete** an e3 Contact in the Employer Record ***

*** You **Cannot** manually enter a e3 contact in the Employer Record ***

Pending User Registrations Queue

A View to a Queue – for You!

e3.ky.gov distributes registrations in the Pending Registration Queue by matching the e3 Contact's zip code to the zip codes assigned to each OET Local Office Administrative Area. Depending on your location, you may receive only registrations with Kentucky zip codes. If your office serves counties in one or more neighboring states, you also will receive registrations from zip codes within a 50-mile radius of the state line. Status Controllers will handle registrations beyond the 50-mile radius.

View 1	View 2	View 3
Account Reviewers	OET Managers/ Assistant Managers	Status Controllers
See Only the Zip Codes Served by Your Office	See Only the Zip Codes Served by Your Office	See All Zip Codes In-state and Out-of-State

Privileges:

- Approve a registration
- Pending Deny a registration
- Lock Staff ID

Privileges:

- Approve a registration
- Pending Deny a registration
- Lock Staff ID
- Unlock Staff ID

Privileges:

- Approve a registration
- Deny a registration
- Lock a Staff ID
- Unlock a Staff ID
- Filter records

Pending User Registration Queue

Functions and Requirements

Please go to the Pending User Registration Queue.

Column Sorting:

Most e3 columns in the queue can be sorted alphabetically/numerically in ascending/descending order by clicking on the column headers.

24-Hour Turnaround and Delays for Registration Processing:

- In-state User Registrations must be approved within 24 hours, Monday-Friday, excluding state/federal holidays.
- Out-of-state (within 50-mile radius) User Registrations may require longer.
- Out-of-state (beyond 50-mile radius) User Registrations will be processed by Status Controllers.
- AR staff will receive the **User Account Pending Approval** e-mail for each registration waiting in their queue. You will receive e-mails **ONLY** for users with zip codes served by your Administrative Area.

Alerts:

When a record has remained in the queue for more than 24 hours, a Δ symbol will appear in the Alert column.

View Details/Lock/Staff ID:

- Click View to open and review the User Registration.
- The record will lock automatically to your **Staff ID**.
- If you exit the record, it will remain locked to your Staff ID until you return.
- e3 will **NOT** allow another staff to view a locked record
- Only an OET Manager/Assistant Manager or a Status Controller can unlock the record. If you become ill or leave on vacation, the manager may need to reassign the record for timely processing.
- The **Unlock** column will only display in the OET Manager/Assistant Manager and Status Controller's views.

Working the Registration Queue

After you click **View** for the record you wish to review, the complete registration will display. Scroll down and review the information carefully.

- Check K-Net to verify the FEIN. If you are unable to locate the FEIN. . .
- Call the **Company Phone**. Ask for the Accounting, Purchasing, or Personnel Department. All should have access to the company's FEIN and be able to verify it for you.
- **A possible script could be:** *Hello, my name is (name) from the Office of Employment and Training in (location). A representative of your company recently registered with e3.ky.gov, our on-line Job Posting service. I'm calling to verify your company's Federal Employer Identification Number. Could you provide that number for me or refer me to the department that might have it?*
- Finally, verify that the registration's contact is a legitimate representative of the company. And the individual who registered with e3 is (contact's name). *Could you verify that this individual does represent your company? Thank you!*
- In the Staff Notes section, enter the means used for validation, i.e. K-NET, phone call, name of person to whom you spoke, etc.
- **Note:** If this is a new company, use the opportunity to welcome its staff to your community and advise them of your location. The company may need other services that you offer.

Approving the Registration

Are you satisfied with the confirmations you received?

- Scroll down and click **Approve**.
- The registration record will exit the queue and create a Contact Record in EKOS. If this is the first registration for this employer (New FEIN) then it will also create an employer record in EKOS.
- e3 will automatically send the User Account Approved e-mail to the user.

Placing Registrations in Pending Denial

If you can't confirm the FEIN, no one by the Contact's name works at this company or something isn't right, then it's time to **DOCUMENT** the problem.

Staff Notes: Use Staff Notes to capture when you called the company, who provided the information, or other information you feel is pertinent to the problem.

Reason for Denial or Pending Denial: Use this field to explain why you **CANNOT** approve this record. This field is required. Provide enough information for the Status Controller to continue investigation of the Problem. Information in this field will be included in the notification of denial that is sent to the user.

Click Pending Denial:

- The record exits your view of the queue and displays in the Status Controller queue. Be sure to **Refresh the List**.
- e3 changes the registration's status to Pending Denial.
- The **Staff Notes** and **Reason for Pending Denial** information will stay with the record.

Denying Registrations/Appealing Denials

Because we want to register as many employers as possible in **e3.ky.gov**, we hope that few, if any, registrations are placed in Pending Denial and sent to Status Controllers. This second-level denial step serves two purposes:

- To ensure that more than one staff has made a reasonable attempt to validate the user.
- To effectively document all reasons why a user would be denied use of the system.

Important: If a denied user appeals the decision and provides compelling reason why e3 should approve the registration, the Status Controller can approve the registration for up to one (1) year from the denial date.

Pending Job Posts Queue

Another View to a Queue – for You!

e3.ky.gov distributes job posts in the Pending Job Post Queue by first, matching the Hiring Contact's zip code to the OET Office/Administrative Area and to participating WIA that serves that zip code and secondly, if the Hiring Contact's zip doesn't match the system then matches the job location zip to the appropriate office in the same manner. If neither zip matches, the job will be placed in the Status Controller queue. Depending on your location, you may receive only job post with Kentucky zip codes. If your office serves counties in one or more neighboring states, you also will receive job posts from zip codes within a 50-mile radius of the state line. Status Controllers will handle job posts beyond the 50-mile radius, then assign them to the appropriate office.

View 1	View 2	View 3
Job Post Reviewers (OET & WIA)	OET Mgrs/Asst. Mgrs. WIA Dir./Asst. Dir.	Status Controllers
See Only the Zip Codes Served by Your Office	See Only the Zip Codes Served by Your Office	See All Zip Codes In-state and Out-of-State

Privileges:

- Approve a job post
- Deny a job post
- Edit a job post
- Lock Staff ID

Privileges:

- Approve a job post
- Deny a job post
- Lock Staff ID
- Unlock Staff ID (OET only)

Privileges:

- Approve a job post
- Deny a job post
- Lock a Staff ID
- Unlock a Staff ID
- Filter records
- Assign job post to field

Pending Job Posts Queue

Functions and Requirements

Please go to the Pending Job Posts Queue.

Column Sorting:

Most e3 columns in the queue can be sorted alphabetically/numerically in ascending/descending order by clicking on the column headers.

24-Hour Turnaround and Delays for Registration Processing:

- Job Posts must be approved within 24 hours, Monday-Friday, excluding state/federal holidays.
- JPRs will receive the **Job Post Pending Review** e-mail for each post waiting in the queue. You will receive e-mails **ONLY** for users with zip codes served by your Administrative Area and for user's whose zip code is outside KY's 50 mile radius that post a job with a location zip is in your service area.

Alerts:

When a record has remained in the queue for more than 24 hours, a Δ symbol will appear in the Alert column.

View Details/Lock/Staff ID/Unlock:

- Click View to open and review the Job Post.
- The record will lock automatically to your **Staff ID**.
- If you exit the record, it will remain locked to your Staff ID until you return.
- e3 will **NOT** allow another staff to view a locked record.
- Only an OET Manager/Assistant Manager or a Status Controller can unlock the record. If you become ill or leave on vacation, the manager may need to reassign the record for timely processing.
- The **Unlock** column will only display in the OET Manager's/Assistant Manager's and Status Controller's views.

Working the Pending Job Posts Queue

After you click **View** for the record you wish to review, the complete job post will display. Scroll down and review the information carefully.

- Check Job Conditions for Affirmative Action.
- Check Job Description for discriminatory language.
- Note any other detail that you normally consider when reviewing a job post.

Approving the Job Post

Are you satisfied with the job post as received?

- Scroll down and click **Approve**.
- The job post record will exit the queue and create an Open Job Order in EKOS.
- e3 will automatically send the Job Post Approved e-mail to the user.

Submitting Changes to Users

If *significant* changes to the job post are necessary, you must complete two important, **REQUIRED** functions:

- Edit the job post entry screens.
- Explain the changes you made in the **Revision Summary** text box and provide adequate reasons for their necessity. Be clear and concise. **The employer (user) will view the Revision Summary when you submit it.** (Do not submit changes to the user for spelling corrections, removal of non-standard characters, etc.)

Click **Submit Changes to User**:

- The job post remains in the **Pending Job Post** queue, but the status changes to **Pending User Acceptance**. You edit the post while it is in this status.
- e3 sends the **Job Post Under Review** e-mail, asking the user to click a link, log-in to e3, go to **My Job Posts**, and review the post. (The post status will display as **Pending User Acceptance**.)
- In **My Job Posts**, the user can view-ONLY your **Revision Summary** and the changes you made to the post.
- Because the record is locked to your Staff ID, your name and telephone number will display for the user to contact.
- The user may accept or decline the changes, or contact you to discuss wording or other issues.
- **If you are contacted, take the following actions:**
 - Discuss the user's issues and reach agreement on what should be changed.
 - Ask the user to click **Accept** on the post because you cannot edit while the record is in **Pending User Acceptance** status. Explain that you will make the changes, as discussed, then approve the job post. The user will be able to check the changes in **My Job Posts** as soon as you approve it.
 - Go **IMMEDIATELY** to the Pending Job Posts queue, **Refresh** the list, and find the user's job post. It now will be in **User Accepted** status. Make the changes, click **Approve**.
 - e3 sends the **Job Post Approved** e-mail to the user.
 - The job post exits the queue and posts to EKOS, where it receives a KY####.
 - The KY#### posts back to e3 and displays as a reference for the user in My Briefcase and My Job Posts.

The **Submit Changes to User** process provides an electronic record of a valuable, yet often unappreciated, service that you provide – preventing employers from facing legal repercussions for discriminatory language. e3 gives us a method to quantify the time and effort you put into this activity.

Denying Job Posts/Appealing Denials

Normally, staff will be able to resolve a job post revision in the previous process, but in the rare instance that a job post must be denied, **e3** provides **Deny** functionality. To use this, documentation is needed.

Staff Notes: Use Staff Notes to capture information that you or other staff may need in follow-up discussions regarding this job post. Remember, if your record must be reassigned before it leaves the queue, your successor needs quality notes about your work.

Reason for Denial: Use this field to explain why you **CANNOT** approve this job post. Provide enough information for managers to use if the employer appeals the denial. This field is required.

Click Deny:

- **e3** sends the **Job Post Denied** e-mail to the user.
- The record exits the queue. Be sure to **Refresh the List**.
- **e3** logs the record in the Denied Job Posts reports.
- The **Staff Notes** and **Reason for Denial** will append to the record for future reference.

Important: A denied user may appeal the decision to the EKOS Project Team, or to a higher level.

- If the Status Controller's decision is that the denial was inappropriate, the job will be returned to the original queue for a second review and approval. Please contact the EKOS Project Team for any discussion or questions about a job post in this situation.

Veterans Priority of Service

Employment and Training Administration Advisory System U.S. Department of Labor Washington, D.C. 20210	CLASSIFICATION "Jobs for Veterans Act"
	CORRESPONDENCE SYMBOL OWI
	DATE September 16, 2003

ADVISORY: TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 5-03

TO: ALL STATE WORKFORCE LIAISONS
ALL STATE WORKFORCE AGENCIES
ALL ONE-STOP SYSTEM LEADS
ALL STATE RAPID RESPONSE COORDINATORS
ALL STATE BUSINESS RELATIONS GROUP CONTACTS
ALL ETA DISCRETIONARY GRANTEEES
ALL ETA COMPETITIVE GRANTEEES
ALL ETA DEMONSTRATION GRANTEEES

FROM: EMILY STOVER DeROCCO
Assistant Secretary

SUBJECT: Implementing the Veterans' Priority Provisions of the "Jobs for Veterans Act" (PL 107-288)

1. Purpose. To inform states and other Department of Labor (DOL)-funded workforce investment system partners of the veterans' priority provisions of the "Jobs for Veterans Act" and to provide general guidance as to the implementation of these provisions.

2. References. "Jobs for Veterans Act" (Pub. L. 107-288)

3. Background. On November 2, 2002, President Bush signed the "Jobs for Veterans Act" (Pub. L. 107-288). Section 2(a) of the Act 38 U.S.C. 4215(a) creates a priority of service for veterans (and some spouses) "who otherwise meet the eligibility requirements for participation" in DOL training programs.

4. Policy Guidance. Twenty DOL-funded workforce programs are covered by the section 4215 veterans' priority. Most of these programs have only general program eligibility requirements and do not target specific participant groups. DOL also administers a number of programs that have existing statutory targeting provisions that must be taken into account when applying the veterans' priority.

The programs affected include, but are not limited to: the Workforce Investment Act (WIA) Adult and Dislocated Worker formula-funded program, Wagner-Peyser Employment Services, the Trade Act programs, National Emergency Grants, the Senior Community Service Employment Program (SCSEP), the Migrant and Seasonal Farmworker program, the Indian and Native American program, H-1B Technical Skills Training Grants, Job Corps, WIA

RESCISSIONS	EXPIRATION DATE Continuing
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Demonstration Projects, Youth Opportunity Grants, the WIA Youth formula-funded program, Labor Market Information Formula Grants, Pilots, Research and Development, and the Career One-Stop Electronic Tools and other Internet-based self-service tools operated by DOL grantees.

For most DOL programs, implementing the veterans' priority will pose few practical difficulties. However, in a few programs, the veterans' priority will compete with existing statutory priorities that favor certain population groups. These programs include SCSEP, the WIA-funded Adult and Youth programs, and the Welfare-to-Work (WtW) program.

Individual guidance will be issued separately for each affected ETA program. This will include guidance on electronic and other self-service service delivery methods where the priority is applicable. In the interim, the purpose of this Training and Employment Guidance Letter (TEGL) is to provide the workforce investment system with general guidance regarding the statute and its scope, as well as an understanding of how the veterans' priority will affect current business processes as it is implemented. For WIA, this TEGL is applicable to operations under current law. At the time of WIA reauthorization, veterans' priority guidance will be updated.

Web Reference <http://wdr.doleta.gov/directives/attach/TEGL5-03.html>

Priority of Service for Veterans and Eligible Spouses: Final Rule

The U.S. Department of Labor (DOL) is issuing new regulations implementing priority of service for veterans and eligible spouses, as provided by the Jobs for Veterans Act (JVA), and as specified by the Veterans' Benefits, Health Care, and Information Technology Act of 2006. JVA calls for priority of service to be implemented by all "qualified job training programs," defined as "any workforce preparation, development or delivery program or service that is directly funded, in whole or in part, by the Department of Labor." Since enactment of JVA in 2002, priority of service has been implemented under policy guidance issued by the Employment and Training Administration. The purpose of these regulations is to further articulate how priority of service is to be applied across all new and existing qualified job training programs. The new regulations appear in the December 19, 2008 edition of the *Federal Register* and are effective as of January 19, 2009.

Key Definitions

- *Covered person* – The regulations adopt and apply this statutory term, which includes *eligible spouses*, as defined by the statute, and *veteran*, as defined by the regulations.
- *Veteran* – The regulations specify that the definition for *veteran* specified at 38 U.S.C. 101(2) applies across all qualified job training programs for the purpose of priority of service. That definition includes two key criteria:
 - Service in the active military, naval, or air service; and,
 - Discharge under conditions other than dishonorable.

- The definition of *veteran* specified by the regulations for priority of service is functionally equivalent to the definition enacted by the Workforce Investment Act (WIA) and codified at 29 U.S.C. 2801(49)(A).

Identifying and Informing Covered Persons

- The regulations require all recipients of funds for qualified job training programs to identify covered persons at the *point of entry* to programs and/or services so they can take full advantage of priority of service. Point of entry includes physical locations, such as One-Stop Career Centers, as well as web sites and other virtual service delivery resources.
- The regulations require all recipients to implement policies to ensure that covered persons are aware of:
 - Their entitlement to priority of service;
 - The full array of programs and services available to them; and,
 - Any applicable eligibility requirements for those programs and/or services.

Implementing Priority of Service

- The regulations provide that priority of service means the right of eligible covered persons to take precedence over eligible non-covered persons in obtaining services. They further specify that taking precedence may mean:
 - The covered person receives access to the service or resource earlier in time than the non-covered person; or
 - If the service or resource is limited, the covered person receives access to the service or resource instead of or before the non-covered person.
- The regulations specify how priority of service is to be applied across three different types of qualified job training programs:
 - Universal access programs that do not target specific groups;
 - Discretionary targeting programs that focus on certain groups but are not mandated to serve target group members before other eligible individuals; and,
 - Statutory targeting programs that are mandated by federal law to provide priority or preference to certain groups.

Responsibilities of States and Localities

- States must develop policies for the delivery of priority of service by:
 - State Workforce Agencies;
 - Local Workforce Investment Boards; and,
 - One-Stop Career Centers.
- The State's policies must require Local Workforce Investment Boards to develop policies for delivery of priority of service by:
 - Local One-Stop Career Centers; and,
 - Local workforce preparation and training providers.

Monitoring Compliance with Priority of Service

- DOL will monitor recipients of funds for qualified job training programs to ensure that covered persons are made aware of and provided priority of service.
- Monitoring will be performed jointly by the Veterans' Employment and Training Service (VETS) and the DOL agency responsible for administering the program.
- If monitoring identifies non-compliance with priority of service, the results of the monitoring: 1) will be handled in accord with each program's compliance review procedures; and, 2) may lead to imposition of a corrective action plan.

Data Collection and Reporting on Priority of Service

- The regulations refer to covered persons at the point of entry as *covered entrants*.
- Those qualified job training programs that have served an average of 1,000 or more covered persons per year over the three most recent years of operation are required to collect and report data on covered entrants.
- Six programs currently meet the size threshold for reporting on covered entrants: 1) WIA Adult; 2) WIA Dislocated Worker; 3) National Emergency Grants; 4) Wagner-Peyser State Grants; 5) Trade Adjustment Assistance (TAA); and, 6) Senior Community Service Employment Program.
- The Information Collection Request (ICR) accompanying the regulations provides that those programs that meet the size threshold will be required to: a) implement reporting on covered entrants; and, b) apply the new definitions for veterans and eligible spouses in their existing reporting on covered participants.
- The ICR further provides that programs below the size threshold will be required to apply the new definitions for veterans and eligible spouses in their existing reporting on covered participants.

Web Reference <http://www.dol.gov/vets/Fact%20Sheet%20-%20Priority%20of%20Service%20Final%20Rule.doc>

Job Order Match

Performing Matches and Referrals

Using the search capabilities of the AOSOS Customer and Job Order modules, you can search for matching customers and job orders using the AOSOS Match mode functions. Once one or more matching records have been found, customers can be referred to an employer using the application's Refer functionality.



Once a customer record is matched or referred to a job order, it will never again appear as a search result in a Match search using the same search criteria.

Matches

Customer and Job Order Matches can be launched from either the Job Order or Customer modules.

Performing Matches from the Job Order Module

1. Using the Job Order Search window, locate the desired job order for the Match operation (see [Chapter 5, AOSOS Job Order Search](#) for instructions) and display it in the Job Order Detail window (see [Figure 7-1](#)).

OR

Create and save a new job order (see [Chapter 6, AOSOS Job Order Detail](#) for instructions) using the Job Order Detail window (see [Figure 7-1](#)).

- In the Job Order Detail window, click the **Match** button (see Figure 7-1). The Customer Search window will appear. Several Customer Search window fields will be pre-populated with criteria from the job order (see Figure 7-2).

The screenshot shows the Job Order Detail window for 'Acme Explosives' with Order# NY0006079 and ID: NY60005900. The window has tabs for General Info, Contact Info, Job Detail, Job Description, Comments, Matches, Referrals, Saved Searches, and Audit. The Job Detail tab is active, showing fields for Order Data, Status, Last Open Date, Category, O*Net Title, Emp. Job Title, Source, and Job Location. The Match button is highlighted in the bottom toolbar. An arrow points from the Match button to the Job Order Search table above.

	Company	Title	Order#	Date	Status	Age	OR/MD	#D	#R	#O	#H
<input type="checkbox"/>	AJB Employer	hiring consultant and cook	NY0006078	05/03/2006	Open	47	AOSOS - 12	1	12		
<input type="checkbox"/>	AJB Employer	spanking technician	NY0006075	04/21/2006	Open	59	AOSOS - 65		65		
<input checked="" type="checkbox"/>	Acme Explosives	C&B Inspectors	NY0006078	05/03/2006	Open	47	AOSOS - 12	3	12	1	
<input type="checkbox"/>	Acme Explosives	Butter Fingers	NY0006087	08/09/2006	Open	10	AOSOS -	1	2		
<input type="checkbox"/>	Acme Explosives	Construction related works	NY0006080	05/03/2006	Open	47	AOSOS - 20	3	20		
<input type="checkbox"/>	Acme Explosives	Construction Laborers	NY0006077	05/02/2006	Open	48	AOSOS - 20	1	20		
<input type="checkbox"/>	Funky Town Co.	Operations Manager	NY0006086	08/09/2006	Open	10	AOSOS -		1		

Buttons: 25 Search Clear Detail Print List Save Search Assign to List Match Filter

Either locate and display or create and save a job order.

Job Order Search

Job Order Detail

Click the **Match** button. The Customer Search window will appear (see Figure 7-2). Several Customer Search window fields will be pre-populated with criteria from the Job Order.

Figure 7-1.

Customer Search window, with search criteria from the job order.

Customer Search window, with search criteria from the job order.

CUSTOMER **PROVIDER** **EMPLOYER** **STAFF** **HELP**

Customer Search Customer Detail Comp Assess Services

1 - 25 of 27

Quick Search General Info **Education** Job Criteria Text Search Geographic Activities Programs List Search Custom

Education This Level

Driver's License Required

SSN	Vet	Status	Seeker Name	Objective
117-65-1887	No	Active	Hamilton, Steliana	to find employment as programmer
087-61-5989	No	Active	Harrison, Michael	to find full time work
073-38-0027	No	Active	Hawthorne, Regina	EO 1
800-32-5555	No	Active	Hayes, Willy M	To play center field for a major league baseball team
555-55-5555	No	Active	Hog, Ima	find an office job; secretary
530-70-9439	No	Active	Hogan, Sharon D	To secure a challenging position in which to utilize my skills
073-37-0095	No	Active	Hollister, Jenny	EO 1
998-77-4441	No	Active	Hoss, Boss	To use my skills in a civilian capacity

25 Search Clear Detail Print List Save Srch Assign to List Match Refer Activity Post a Note Correspond MR New

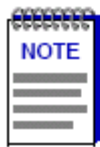
Use the Customer Search window to search for matching customers for the job order.

Figure 7-2.

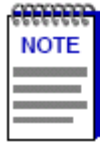
3. If necessary, enter, change, and/or delete the search criteria on the various tabbed pages of the Customer Search window (see Chapter 2, AOSOS Customer Search in the AOSOS Customer Services User's Guide, for details).



*If you click the Customer Search window's **Clear** button while performing a Match operation, Match mode will be cancelled. If you wish to remove or change search criteria for your Match operation, you should manually alter the necessary fields. Do not use the **Clear** button to clear the fields.*



*You cannot use the **Customer SSN** and **Customer ID** fields on the Customer Search window **Quick Search** page while in Match mode.*



*The Customer Search **Work Week** conventions on the Job Criteria page operate as follows during a Match operation:*

*If the Match operation is initiated for a **Full Time** job, the customer search will return customer records that specify a preference for Full Time or Any employment.*

*If the Match operation is initiated for a **Part Time** job, the customer search will return customer records that specify a preference for Part Time or Any employment.*

*See Chapter 2, **AOSOS Customer Search** in the **AOSOS Customer Services User's Guide**, for details on the Customer Search window.*

4. To limit the size of your result set, click on the arrow button (▼) in the **Search Limit** field, and select the desired result set size (25, 50, or 100) from the drop-down list.
5. To activate the search, click the **Search** button. Your search results will appear in the Search Results list below the Customer Search window fields (see [Figure 7-3](#)).
 - a. At this point in the Match operation, if your customer search returns any search results, the **Save Search** button will become active. This button allows you to save the search parameters used in this Match operation so that the search can be performed again later. All saved searches will be listed on the Saved Searches page of the Job Order Detail window for later use. See [Saved Searches](#), on [page 7-13](#), for details on Saved Searches.
6. To match one or more customers to the job order, select the desired list entries in the Search Results list and click the **Match** button. The customer record(s) will be listed on the **Matches** page of the job order's Detail window ([Figure 7-4](#)). A Match activity will also appear on the Customer Detail **Activities** page and the **Service History** page (in the Services module) for each matched customer record. (see [Figure 7-5](#)).

1 - 3 of 3

Education: Equal To, This Level: Associates Degree, Driver's License Required

SSN	Val	Status	Seeker Name	Objective
222-22-2298	No	Active	Hamilton, James W	Find another job like the one I have now, sit around and do r
117-65-1997	No	Active	Hamington, Stefania	to find employment as programmer
530-70-9439	No	Active	Hogan, Sharon D	To secure a challenging position in which to utilize my skills

25 Search Clear Detail Print List Save Srch Assign to List Match Filter Activity Post a Note Correspond IVR New

To match customers from this window, highlight the customer entries and click the **Match** button.

Figure 7-3.

- To review customer records before performing any matches, highlight one or more of your search results and click the **Detail** button. The Customer Detail window will appear.
- Review the customer record as necessary.
- If you decide to match a customer record after reviewing it in the Customer Detail window, click the **Tag** button at the bottom of the window. The button's label will change to **UnTag**. To deselect the record, click the **UnTag** button.
- Click the **Return to Srch** button. The Customer Detail window will disappear, returning you to the Customer Search window. You will still be in **Match** mode. If you tagged any customer records in their Customer Detail windows, their search result list entries will be highlighted.

- e. Click the **Match** button. The selected customer record(s) will be listed on the **Matches** page of the job order's Detail window (Figure 7-4). A Match activity will also appear on the Customer Detail **Activities** page and the **Service History** page (in the Services module) for each matched customer record. (see Figure 7-5).

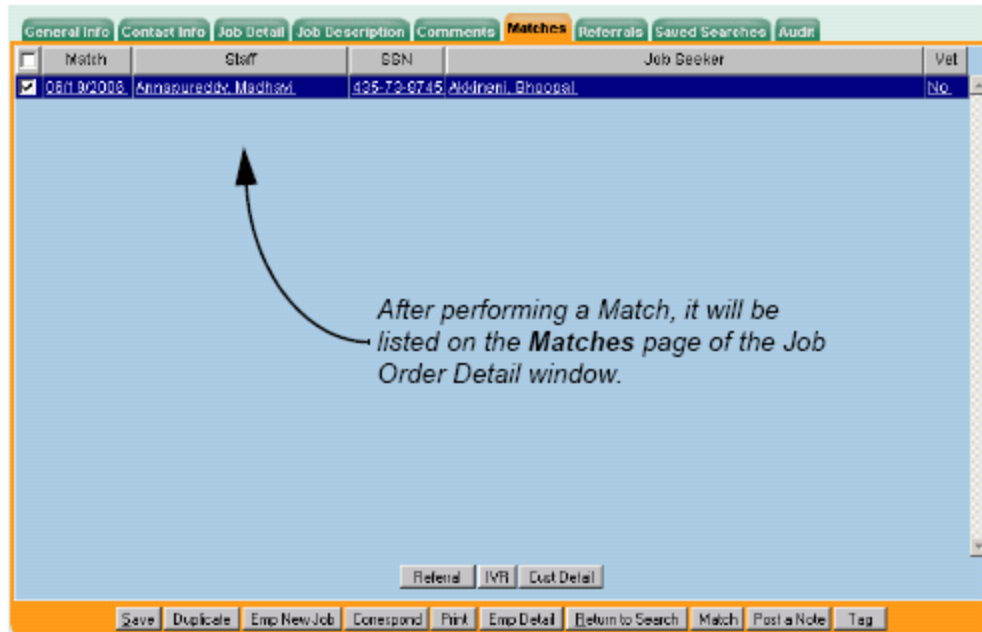


Figure 7-4.

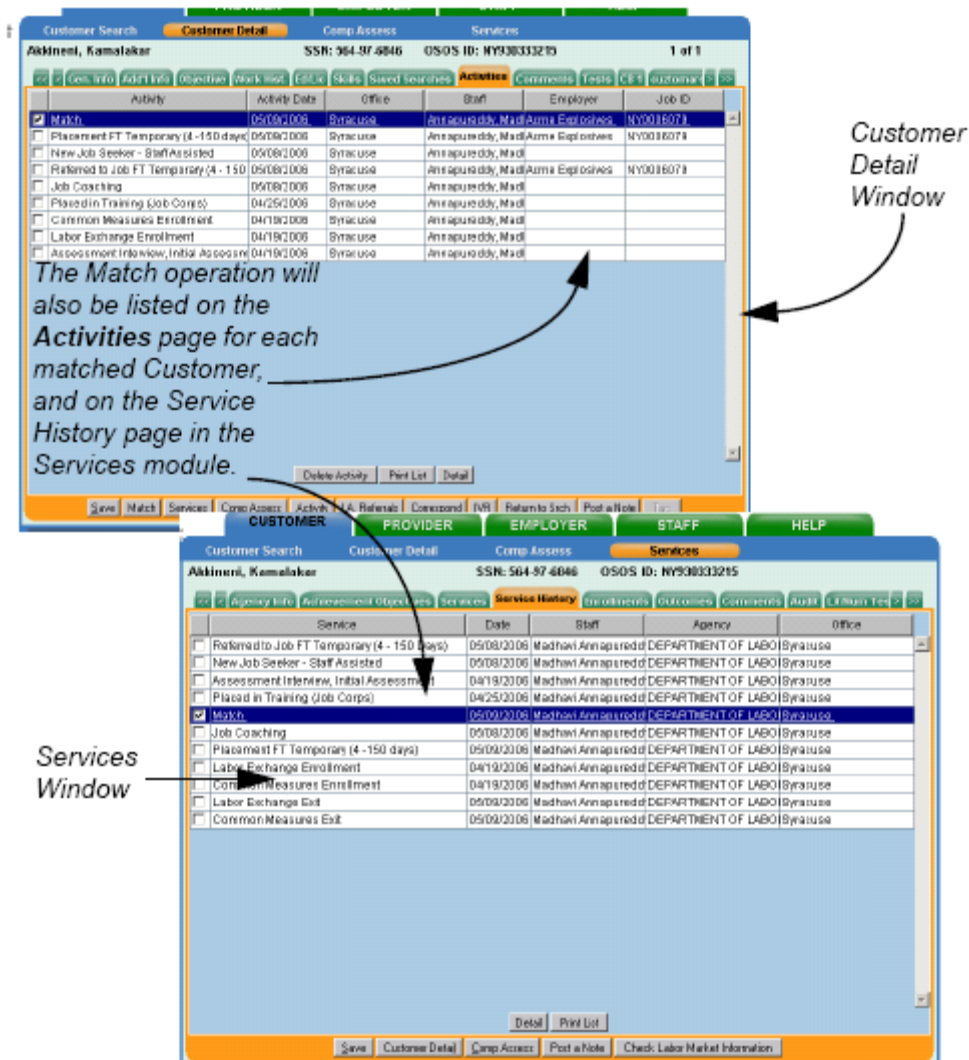


Figure 7-5.

Referrals

Performing Referrals from the Job Order Detail Window

After a customer has been matched to a job order, the customer will be listed on the **Matches** page of the Job Order Detail window. From here, a customer can be Referred to the employer for the job. To do so:

1. On the **Matches** page of the Job Order Detail window, click on the list entry for the customer to be referred. The entry will be highlighted to indicate that it is selected (see [Figure 7-13](#)).
2. Click the **Referral** button. The selected customer will be listed on the **Referrals** page of the Job Order Detail window ([Figure 7-15](#)). A Refer service will also appear on the **Activities** page of the customer record and the **Service History** page (in the Services module) for the customer (see [Figure 7-10](#)).

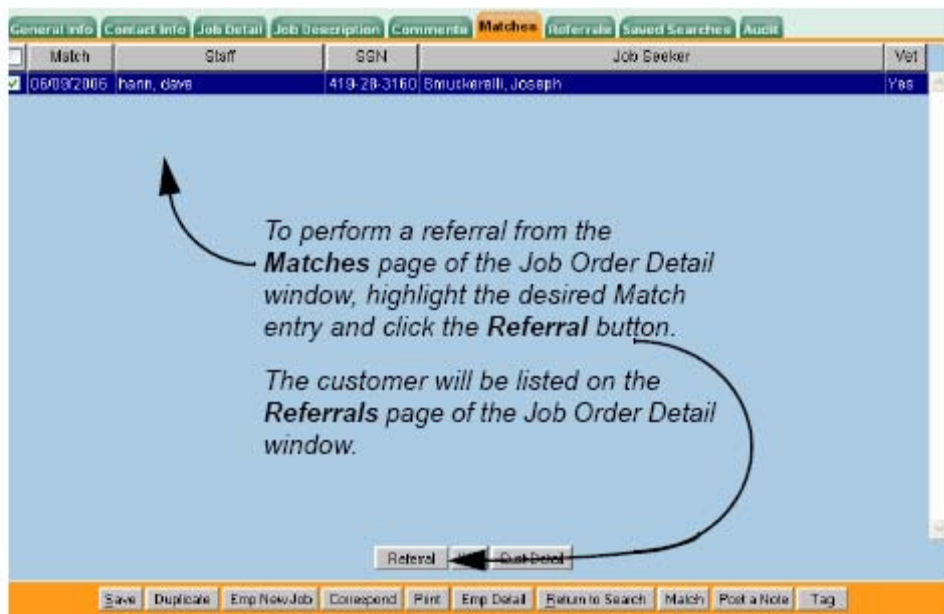


Figure 7-13.

Performing Referrals from a Search Window

During a Match operation, if you find a perfect Customer - Job match, you can perform a referral directly from the Customer or Job Order Search windows. To do so:

1. Highlight the desired list entries and click the **Refer** button (see [Figure 7-14](#)). The customer(s) will be listed on the **Referrals** page of each involved job order's Detail window ([Figure 7-15](#)). A Refer service will also appear on the **Activities** page of the customer record and the **Service History** page (in the Services module) for the customer (see [Figure 7-10](#)).

General Info Job Detail List Search Custom

Full Time First Shift
 Part Time Second Shift
 Regular Third Shift
 Seasonal Rotating Shift
 Temporary Split Shift
 Short Term Shift Varies
 Hours Per Week
 Education Required
 Experience Required Years Months
 Public Transportation

Starting Pay
 Minimum
 Maximum
 Unit

Benefits
 Health Insurance
 Dental Insurance
 Vacation
 Sick Leave
 Holidays
 Retirement/Pension Plan
 Clothing/Uniform Allowance
 Child Care

<input type="checkbox"/>	Company	Title	Order#	Date	Status	Age	GRND	#D	#R	#O	#H
<input type="checkbox"/>	AJB Employer	spanking technician	NY0006075	04/21/2006	Open	59	AOBOS - 65			65	
<input type="checkbox"/>	AJB Employer	hiring consultant and cook	NY0006078	05/03/2006	Open	47	AOBOS - 12	1		12	
<input type="checkbox"/>	Acme Explosives	Construction Laborers	NY0006077	05/02/2006	Open	48	AOBOS - 20	1		20	
<input type="checkbox"/>	Acme Explosives	C&B Inspectors	NY0006079	05/03/2006	Open	47	AOBOS - 12	3		12	1
<input checked="" type="checkbox"/>	Genesis Inc	Front desk	NY0006076	04/21/2006	Open	59	AOBOS - 15			15	
<input type="checkbox"/>	Thirteen Thirty Seven	Senior Software Engineer	NY0007069	06/15/2006	Open	4	AOBOS -	1		2	
<input type="checkbox"/>	Thirteen Thirty Seven	Ass. Software engineer	NY0006080	06/13/2006	Open	6	AOBOS -	1		1	

25

To refer customers to job orders from a Search window in Match mode, highlight the list entries and click the **Refer** button.

Figure 7-14.

Manually Adding a Referral for a Job

To manually refer a customer for a job order:

1. In the Job Order Detail window, click the Referrals tab. The Referrals page (Figure 7-15) will appear.

Acme Explosives Order#: NY0006080 ID: NY600005900 1 of 1

General Info Contact Info Job Detail Job Description Comments Matches **Referrals** Saved Searches Audit

<input type="checkbox"/>	SSN	Name	Vet	Date	Staff	Ref Meth	Result	Pay At Hire	Unit
<input type="checkbox"/>	153-74-8845	Akkineni, Rajendra	No	05/03/2006	Annapureddy, M	Staff Matching			
<input checked="" type="checkbox"/>	265-67-6787	Akkineni, Harry	No	06/19/2006	Annapureddy, M	Staff Matching			
<input type="checkbox"/>	032-54-6876	Akkineni, Harish	Yes	05/18/2006	Annapureddy, M	Staff Matching			
<input type="checkbox"/>	132-48-4887	Akkineni, Raghu	No	05/23/2006	Annapureddy, M	Staff Matching			

Add Referral Post Result Delete Referral Print List Cust Detail

Employer Letter w/ Resume Customer Letter w/ Job Order Follow-Up w/ Employer Follow-Up w/ Customer

Save Duplicate Emp New Job Correspond Print Emp Detail Return to Search Match Post a Note Top

Figure 7-15. The Referrals Page of the Job Order Detail Window

2. Click the **Add Referral** button. The Add Job Referral pop-up window (Figure 7-16) will appear.

Add a Job Referral

SSN Lookup Seeker

Name

Date

Save Cancel

Figure 7-16. The Add Job Referral Pop-Up Window

3. In the **SSN** field, enter the valid Social Security Number for the customer to be referred.

4. Click the **Lookup Seeker** button. AOSOS will retrieve the customer's name and display it in the **Name** field. If the Social Security Number is invalid, or does not exist in the system, an error message will result.
5. In the **Date** field, enter the date on which the referral was performed (in **mmddyyyy** format). The value will be formatted by the system (i.e., separators, such as slashes, are automatically inserted), so enter only numeric characters.



Dates beyond the current system date are not allowed. If you attempt to add a referral with a date that exceeds the current system date, an error message will result.

6. To complete the referral, click the **Save** button. The Add Job Referral window will disappear, and the new referral entry will be listed on the **Referrals** page (its default referral method will be listed as **Staff Matching**). A Refer service will also appear on the **Activities** page of the customer record and the **Service History** page (in the Services module) for the customer (see [Figure 7-10](#)).

Posting a Referral Result

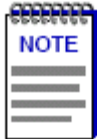
To post result information for a referral:

1. On the **Referrals** page of the Job Order Detail window, click on the list entry for the desired referral. The entry will be highlighted to indicate that it is selected.
2. Click the **Post Result** button. The Post Result pop-up window ([Figure 7-17](#)) will appear.

Figure 7-17. The Post Result pop-up window

By default, the **Result Date** field will display the current system date.

3. To change the Result Date, highlight the value in the **Result Date** field and enter the desired referral date (in **mmddyyyy** format). The value will be formatted by the system (i.e., separators, such as slashes, are automatically inserted), so enter only numeric characters.



An error message will result on save if:

- *The entered Result Date is invalid.*
 - *The entered Result Date is beyond the current system date.*
 - *The entered Result Date is before the Referral Date.*
4. To enter or change the referral method, click on the arrow button (▼) in the **Referral Method** field, and select the desired method from the drop-down list.
 5. To enter or change the referral result, click on the arrow button (▼) in the **Result** field, and select the desired result (e.g., **Hired**, **Not Hired**, **FTR to Interview**, **Refused Job**, etc.) from the drop-down list.



Referral results will be listed on the Customer Detail window Activities page for the customer.

6. To enter or change the salary and pay unit (for a hired referral):
 - a. Enter the starting pay amount in the **Pay at Hire** field. Enter the pay value in whole dollar and cent amounts. Commas and dollar signs should not be entered.
 - b. Select the unit of pay (**Hourly**, **Daily**, **Weekly**, **Monthly**, **Yearly** or **Other**) for the specified pay amount by clicking on the arrow button (▼) in the **Unit** field and selecting the appropriate pay unit from the drop-down list.



*If **Hired** is selected for the **Result** field, the **Pay at Hire** and **Unit** fields require entries. The system will automatically populate these fields with the job order's Minimum salary value and unit. These values can be changed if necessary.*

*If anything other than **Hired** is present in the **Result** field, the **Pay at Hire** and **Unit** fields must remain blank in order to save the referral.*



*If the salary entered, when calculated according to the **Pay** and **Unit** fields, is less than the minimum salary of \$10,192.00 per year or greater than the maximum salary of \$350,000.00 per year, a warning message will be generated stating that the entered salary is outside of the expected range.*



When a referral is added for a job order, AOSOS automatically increments the Number of Referrals value for the order.

*When a customer's **Result** value is changed to **Hired** for a job with a **Temporary**, **Seasonal** or **Regular** duration (full- or part-time), AOSOS automatically changes the customer's **Job Seeker** status to **Inactive**, and increments the Number of Hires for the job order.*

*If the customer is hired for a job with a **Short Term** duration (full- or part-time), the customer's **Job Seeker** field value will remain **Active**. The Number of Hires for the job order will still be incremented.*

7. Click **OK** to perform your changes to the referral, or on **Cancel** to cancel the operation.

Correspondence Help

The AOSOS **Help** menu provides a link to the OSOS Correspondence Help web site, which allows you to quickly obtain the necessary correspondence and data source templates. This site also includes instructions for placing the correspondence templates in the proper directory, modifying a client machine's autoexec.bat file, and creating custom correspondence templates. To launch the OSOS Correspondence Help web site:

1. Click on the **Help** menu in the menu bar, and select **Correspondence Help** from the menu. A client browser window will open and navigate to the Correspondence Help web site ([Figure 7-1](#)).



Figure 7-1. The OSOS Correspondence Help Site

Initiating Correspondence

AOSOS Correspondence can be initiated (using the **Correspond** button) from several locations within the AOSOS application, including the:

- Customer Detail window (customer correspondence)
- Customer Comprehensive Assessment window (customer correspondence)
- Customer Search window (customer correspondence)
- Employer Detail window (employer correspondence)
- Employer Search window (employer correspondence)
- Job Order Detail window (employer *and* referral correspondence)



*Employer correspondence is **automatically** initiated from the Job Order Detail window after a job order is created and successfully saved with a status of **Open**. The purpose of this is to notify the employer that their job order has been entered into AOSOS. A copy of the job order will be appended to the correspondence. The template used for this type of correspondence is called **Employer_JO_Thank_You.doc**.*

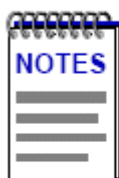
This type of correspondence uses the data items included in the Job Order Save Summary data source file (JobSaveSummaryDataSrc.doc).

*Note that this will only occur when a job order is **first** created and saved with a value of **Open**. If you update and save the job order later, correspondence **will not** launch automatically.*

- Provider Detail window (provider correspondence)
- Provider Search window (provider correspondence)

If you initiate correspondence from within the Customer, Employer or Provider Search window, you have the ability to select several recipients before clicking the **Correspond** button. If you do so, the Microsoft Word correspondence document will, after the Mail Merge operation, contain multiple copies of the selected correspondence type, separated by page breaks within the document.

All other correspondence methods will generate a single copy of the selected correspondence type.



*AOSOS Employer and Provider correspondence can only be conducted with employers and providers that have at least one contact person designated in the system. Use the **Contact Info** page of the Employer or Provider Detail windows to add a contact before attempting to correspond with the employer or provider.*

*Before initiating correspondence from the Employer or Provider Search windows, you must first display the contact information in the search results list using the **Show/Hide Contacts** button.*

Completing Correspondence

Once correspondence has been initiated, a correspondence template must be selected. Microsoft Word will display the template and the Mail Merge operation will be automatically conducted. The correspondence can then be modified and sent, as desired.



This section contains enough Microsoft Word instruction to perform the basic correspondence operation. For complete information on Word's Mail Merge, word processing, printing, fax, and/or email functionality, consult your Microsoft Word user documentation or online help.

1. After correspondence has been initiated, the Pick a Document Template pop-up window (Figure 7-2) will appear.

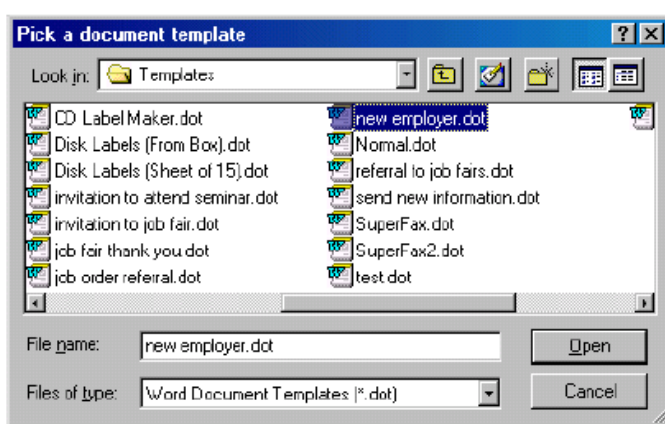


Figure 7-2. The Pick a Document Template Pop-Up Window

2. Using this window, browse (if necessary) to your client machine's **C:\Program Files\Microsoft Office\Templates** directory and locate the template (.dot) file that you wish to use.
3. Click on the template file (it will become highlighted to indicate that it is selected) and click the **Open** button. Microsoft Word will start (if necessary) and display the selected template (see [Figure 7-3](#)).

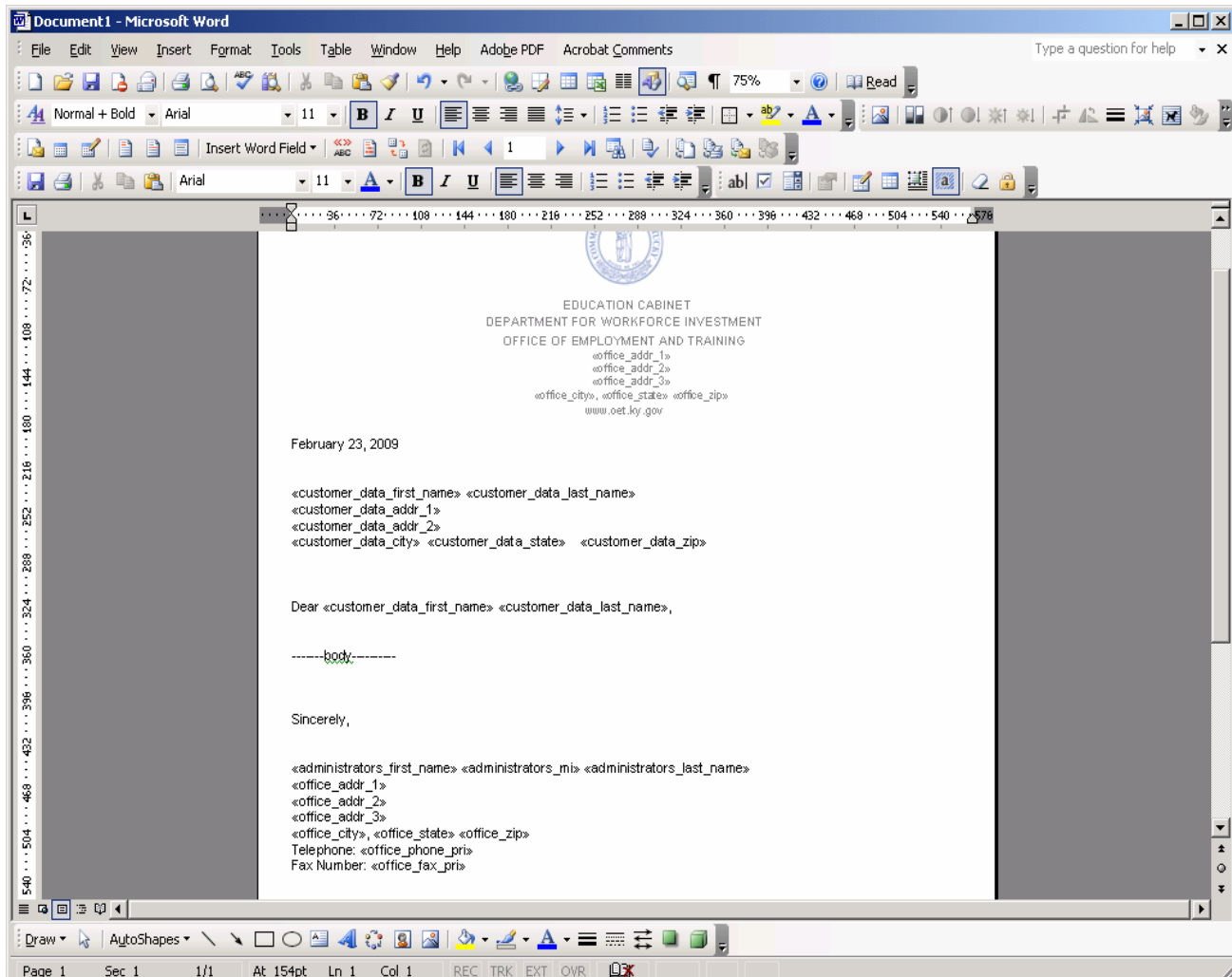


Figure 7-3. Correspondence Template Displayed in Microsoft Word (Pre-Merge)

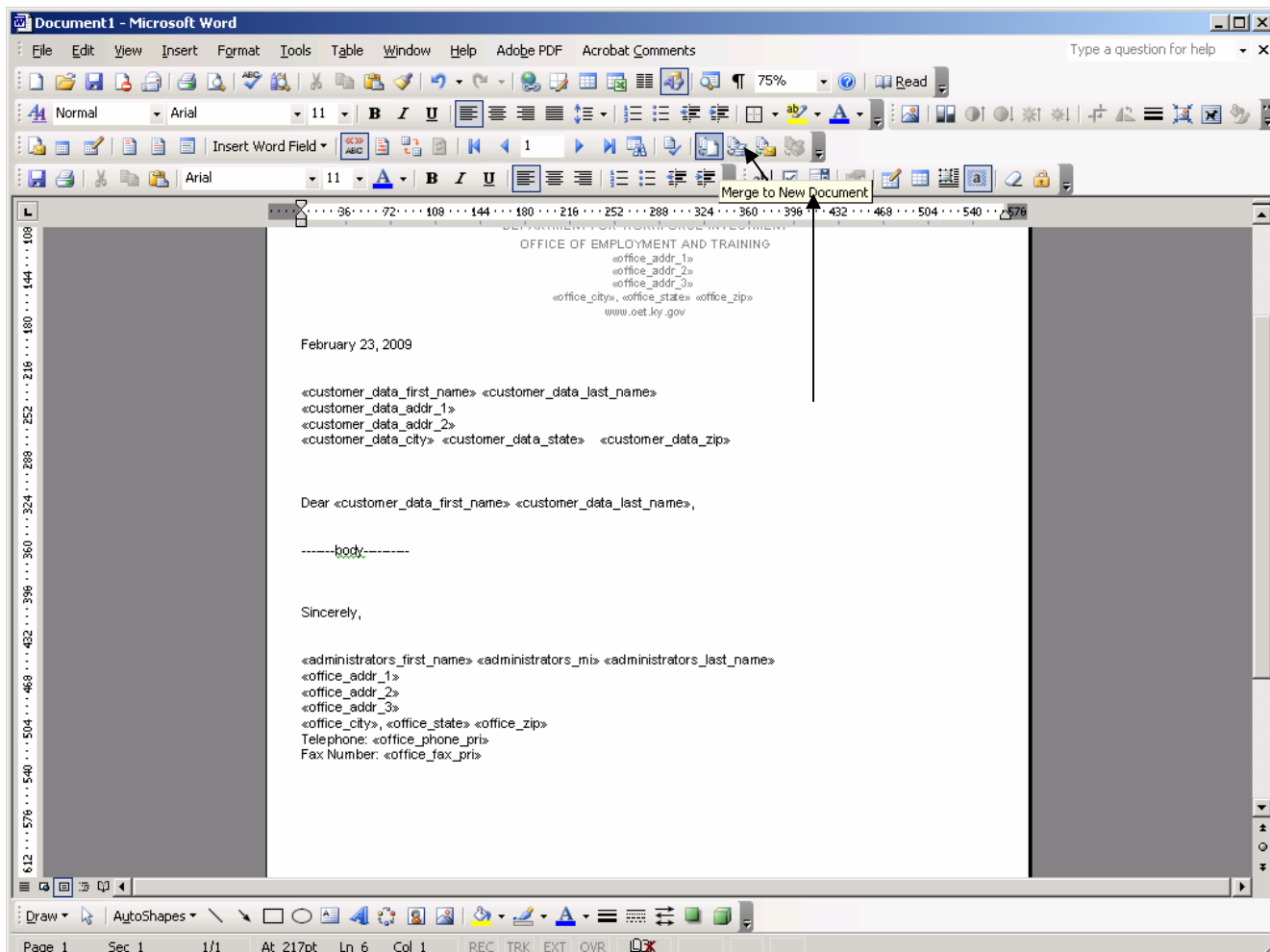
If necessary, modify the displayed template as desired.



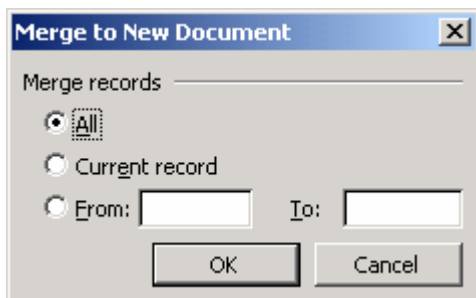
Some AOSOS correspondence templates contain text that is enclosed within single angle brackets (e.g., <text>). This text must be replaced manually, either before or after performing Mail Merge. This data is not part of the exported AOSOS data source.

4. On your Microsoft Word Menu select **Tools / Letters and Mailings** and select (Show Mail Merge Toolbar)

5. Click on the Merge to New Document icon



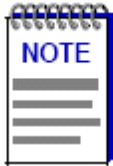
6. Select ALL and click the OK Button



Some AOSOS correspondence templates contain text that is enclosed within single angle brackets (e.g., <text>). This text must be replaced manually, as this data is not part of the exported AOSOS data source.

Corresponding with an Employer

The **Correspond** button, located at the bottom of the Employer Search window, allows you to generate employer correspondence through the use of Microsoft® Word™'s Mail Merge, template generation, and word processing functionality. AOSOS exports data required by Mail Merge. Microsoft Word allows the generated correspondence to be printed, faxed, and/or emailed, as necessary.



You must have Microsoft® Word™ installed on your client machines in order to use the AOSOS Correspondence functionality.



*After performing an Employer Search, the **Correspond** button will initially be grayed-out. It will not become active until you display the employer contact information using the **Show/Hide Contacts** button. See [Showing/Hiding Employer Contacts](#) on [page 2-25](#) for complete instructions on displaying employer contact information in your list of search results.*

Employer correspondence can only be conducted from the Employer Search window when employer contacts are displayed in the search results list. This is accomplished using the **Show Contacts** feature. When contacts are shown, the search results list will refresh and display a separate employer entry for each assigned employer contact, sorted according to the contact names. This means that the same employer might then have multiple entries in the list; one for each of their assigned contacts. Since an employer can have up to 12 assigned contacts, the search result list could possibly expand to 1200 entries (maximum of 100 employers x 12 contacts).

To correspond with employers from the Employer Search window:

1. Perform an employer search and sort your search results as desired.
2. Display the employer contacts using the **Show/Hide Contacts** button.
3. Select the list entries for the employer contacts to whom correspondence will be sent.
 - a. To select a *sequential* group of search results from your list:
 - 1.) Click to highlight the first record in the desired group.
 - 2.) Hold down the **Shift** key, and click on the last record in the desired group. All records in the selected range will be highlighted.
 - b. To select a *non-sequential* group of search results from your list:
 - 1.) Hold down the **Alt** key, and click to highlight each record in the desired group.
 - c. To select all employer records in your list:
 - 1.) Click on the **Select All** button. All list entries will become highlighted to indicate that they are selected.
4. Click the **Correspond** button at the bottom of the Employer Search window.

See **Chapter 4, AOSOS Correspondence**, for further instructions on performing AOSOS employer correspondence.

Performing Interactive Voice Response (IVR) Transactions

The AOSOS Interactive Voice Response (IVR) functionality in the Job Order module allows you to select a pre-defined IVR script to be associated with the customer information for one or more matched customers, and stored in an IVR table for retrieval by an IVR vendor. This functionality is used to inform customers of their match to a job order. If you select multiple matched customers, a separate transaction will be recorded for each one. Only one IVR script can be selected for a list of customers. IVR scripts are defined using the AOSOS Admin application (see your *AOSOS Admin Guide* for details) and stored in a state-configurable domain table.

To initiate an IVR transaction for one or more matched customers:

1. From the Matches list, select the list entries for the customers for whom IVR transactions will be created.
 - a. To select a *sequential* group of customers from the list:
 - 1.) Click to highlight the first customer in the desired group.
 - 2.) Hold down the **Shift** key, and click on the last customer in the desired group. All customers in the selected range will be highlighted.
 - b. To select a *non-sequential* group of customers from the list:
 - 1.) Hold down the **Alt** key, and click to highlight each customer in the desired group.
2. Click the **IVR** button at the bottom of the Matches page. The IVR Script Selector pop-up window (Figure 6-21) will appear.

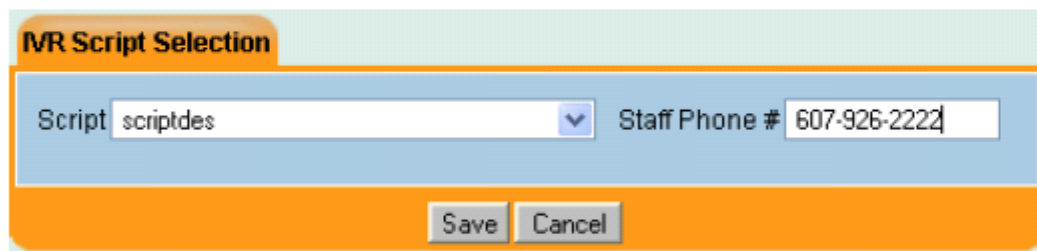
The image shows a pop-up window titled "IVR Script Selection". It has a light blue header bar with the title in orange. Below the header is a white area containing two input fields: "Script" with a dropdown menu showing "scriptdes" and a blue arrow button, and "Staff Phone #" with a text box containing "607-926-2222". At the bottom of the window is an orange bar with two buttons: "Save" and "Cancel".

Figure 6-21. The IVR Script Selector Pop-Up Window

3. Select a pre-defined IVR script by clicking on the arrow button (▼) and selecting the desired script name from the drop-down list.
4. To assign a staff member's phone number to the transaction(s), enter the phone number (including the area code) in the **Staff Phone #** field. If no phone number is entered in this field, the phone number of the currently signed-on staff person's office will be assigned to each transaction by default.
5. Click **Save** to save the transaction(s), or **Cancel** to cancel the operation and return to the Matches page.

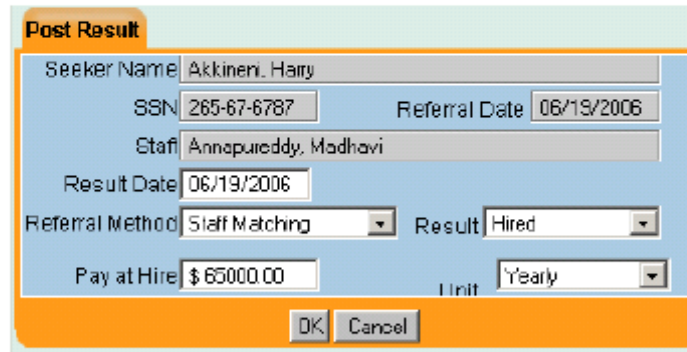
Mass Email/Fax

AOSOS provides the ability to send mass emails and faxes via Microsoft's mail merge option. This feature is available for Employers, Job Contacts, Customers, and Providers

Posting a Referral Result

To post result information for a referral:

1. On the **Referrals** page of the Job Order Detail window, click on the list entry for the desired referral. The entry will be highlighted to indicate that it is selected.
2. Click the **Post Result** button. The Post Result pop-up window (Figure 7-17) will appear.



Post Result

Seeker Name: Akkineni, Harry

SSN: 265-67-6787 Referral Date: 06/19/2006

Staff: Annapureddy, Madhavi

Result Date: 06/19/2006

Referral Method: Staff Matching Result: Hired

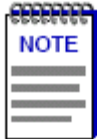
Pay at Hire: \$ 65000.00 Unit: Yearly

OK Cancel

Figure 7-17. The Post Result pop-up window

By default, the **Result Date** field will display the current system date.

3. To change the Result Date, highlight the value in the **Result Date** field and enter the desired referral date (in **mmddyyyy** format). The value will be formatted by the system (i.e., separators, such as slashes, are automatically inserted), so enter only numeric characters.



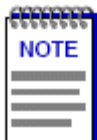
An error message will result on save if:

- *The entered Result Date is invalid.*
 - *The entered Result Date is beyond the current system date.*
 - *The entered Result Date is before the Referral Date.*
4. To enter or change the referral method, click on the arrow button (▼) in the **Referral Method** field, and select the desired method from the drop-down list.
 5. To enter or change the referral result, click on the arrow button (▼) in the **Result** field, and select the desired result (e.g., **Hired**, **Not Hired**, **FTR to Interview**, **Refused Job**, etc.) from the drop-down list.



Referral results will be listed on the Customer Detail window Activities page for the customer.

6. To enter or change the salary and pay unit (for a hired referral):
 - a. Enter the starting pay amount in the **Pay at Hire** field. Enter the pay value in whole dollar and cent amounts. Commas and dollar signs should not be entered.
 - b. Select the unit of pay (**Hourly**, **Daily**, **Weekly**, **Monthly**, **Yearly** or **Other**) for the specified pay amount by clicking on the arrow button (▼) in the **Unit** field and selecting the appropriate pay unit from the drop-down list.



*If **Hired** is selected for the **Result** field, the **Pay at Hire** and **Unit** fields require entries. The system will automatically populate these fields with the job order's Minimum salary value and unit. These values can be changed if necessary.*

*If anything other than **Hired** is present in the **Result** field, the **Pay at Hire** and **Unit** fields must remain blank in order to save the referral.*



*If the salary entered, when calculated according to the **Pay** and **Unit** fields, is less than the minimum salary of \$10,192.00 per year or greater than the maximum salary of \$350,000.00 per year, a warning message will be generated stating that the entered salary is outside of the expected range.*



When a referral is added for a job order, AOSOS automatically increments the Number of Referrals value for the order.

*When a customer's **Result** value is changed to **Hired** for a job with a **Temporary**, **Seasonal** or **Regular** duration (full- or part-time), AOSOS automatically changes the customer's **Job Seeker** status to **Inactive**, and increments the Number of Hires for the job order.*

*If the customer is hired for a job with a **Short Term** duration (full- or part-time), the customer's **Job Seeker** field value will remain **Active**. The Number of Hires for the job order will still be incremented.*

7. Click **OK** to perform your changes to the referral, or on **Cancel** to cancel the operation.

EEO Report -

EK Employer Number :	
Start Date :	01/01/2008
Ending Date :	12/31/2008

Date Printed : 02/23/2009

Referrals	Ethnicity							Age				Male	Female	Veterans	Disability
	White	Black or African American	Hispanic or Latino	Alaskan or American Indian	Asian	Hawaiian or Pacific Islander	Other	Under 16	16 - 21	21 - 40	40 and above				
894	378	124	9	1	1	0	199	0	15	343	354	479	233	94	73

Report Summary Page with Totals in each column

TRAINING EVALUATION

Subject: _____ Date: _____

Trainer(s) _____

Did this training meet your expectations?
Circle Yes or No and respond

Yes **NO** Please explain how and why

What was the most **interesting** part of the training?

What was the most **important** new information that you learned?

What **improvements** would you suggest for this training?

How long have you worked for the agency?

Rate the quality of the presentation of material by the instructor(s)

Low-----High

1 2 3 4 5

Comments on Instructor(s)

Additional Comments: