

Idaho Policies for Employment Services

IDAHO
DEPT. OF LABOR

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1.0 Nondiscrimination in Employment Services 20 CFR 652.8(j)

No individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration or in connection with any services or activities authorized under the Wagner-Peyser Act in violation of any applicable nondiscrimination law, including laws prohibiting discrimination on the basis of age, race, sex, color, religion, national origin, disability, political affiliation, or belief.

All complaints alleging discrimination shall be filed and processed according to the state procedures following the applicable DOL nondiscrimination regulations. Discriminatory job orders will not be accepted, except where the stated requirement is a bona fide occupational qualification (BFOQ). BFOQ is explained in policy 10.5. Employers' valid affirmative action requests will be accepted and a significant number of qualified applicants from the target group(s) will be included to enable the employer to meet its affirmative action obligations.

2.0 Equal Opportunity Statement and Complaint Procedures

Please review the Idaho Department of Labor Equal Opportunity Statement and complaint procedures here: <https://idahoworks.gov/ada/r/eoe>.

Complaints may also be filed directly here: <https://www.labor.idaho.gov/dnn/Job-Seekers/Complaints>.

3.0 Priority of Service for Veterans

Federal law requires providing priority service to qualified veterans over non-veterans. State law requires preference to qualified veterans for certain government jobs. For more information about Veterans Preference: https://idahoworks.gov/ada/r/veterans_priority.

4.0 IdahoWorks Registration Policy

The public workforce system is accountable for its effectiveness as measured by the number of individuals and companies using its system, as well as the number and types of services provided by workforce staff. The online IdahoWorks system captures this information used to produce performance reports that are linked to federally funded grants.

Idaho Department of Labor

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To accurately portray the use of the system, all parties – job seekers and employers - receiving services at the One-Stop Center must be registered in IdahoWorks. Workforce development staff are responsible for documenting all services provided to both job seekers and employers.

5.0 Confidentiality

5.1 Information regarding your Social Security number, date of birth, gender, disability, race, and ethnic status is for statistical and federal reporting purposes to monitor agency compliance with equal opportunity and nondiscrimination requirements. These data are not made available to employers or the public.

For more information about privacy regarding the IdahoWorks labor exchange system, please visit: https://idahoworks.gov/ada/r/privacy_policy.

5.2 Customer information is confidential to the extent it would not be ordinarily disclosed without explicit consent. Exceptions exist when (1) the customer represents a clear and imminent danger to themselves or others and, (2), if the customer provides information that gives reason to believe that a child under the age of eighteen (18) years of age has been abused. In such situations, department staff will follow legal requirements to provide this information to the appropriate local, state, or federal authority.

5.3 The INS I-9 Work Authorization Form is the responsibility of the employer. IDOL staff cannot complete the INS I-9 Form or verify identification for the I-9 on behalf of an employer.

6.0 Labor Disputes

A labor dispute is defined as: "Any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee." (NLRA, ETA Handbook 373.)

It is Department policy that during a labor dispute all staff remain impartial when dealing with employers, employees and their representatives. Information received by the Department in the course of labor dispute fact-finding is confidential employment security information and may be used only in Department operations.

Federal regulations at 20 CFR § 652.9 prescribe the role of the Department in identifying labor disputes, procedures for notifying appropriate parties, and restrictions placed on job orders and referrals.

7.0 Conduct at the Idaho Department of Labor offices or Idaho American Job Centers

All customers are expected to conduct themselves in a manner that does not disrupt the office, threaten staff or other customers, or adversely impact the credibility that workforce staff must maintain with prospective employers or customers.

Examples of prohibited conduct include: disruptive behavior, excessively loud conversation or shouting, threats or intimidations, offensive or abusive language, loitering, misusing Department or public resources, criminal activity, and refusal to follow reasonable instructions from staff.

Staff will attempt to advise the offending customer to halt the inappropriate behavior. However, staff reserve the right to discontinue access to services any time a customer's behavior poses an immediate risk to staff or other customers, staff reserve the right to dismiss the customer from the premises. Law enforcement will be notified timely and if staff or management deem it if appropriate.

8.0 Restructuring Services

If attempts to rectify a customer's inappropriate behavior are unsuccessful, the local office may seek restructured services to the offending customer to ensure participation in the public workforce system. Restructured services may be limited or delivered alternatively, such as providing service over the phone or email.

9.0 Third-Party Employer Representatives and Private Employment Agencies

9.1 Employers or their authorized representative can create an account in IdahoWorks to post jobs. Third-party authorized representatives may access the Employer Account in IdahoWorks with a signed statement from the employer.

9.2 It is the policy of the Idaho Department of Labor to provide recruitment services to private employment agencies, provided there is a reasonable assurance that the private agency has, or will soon have, suitable employment opportunities for the applicant. Applicant "pool building" is not acceptable.

10.0 Job Listings

10.1 All job listing are posted into the IdahoWorks labor exchange system and must comply with federal employment and non-discrimination regulations. Job listings that do not comply with the federal regulations will be rejected and removed from view. This does not mean the Department of Labor is obligated to review or assume liability for job listings.

10.2 Job listings may be posted directly in IdahoWorks by an employer or authorized representative with an IdahoWorks employer account. These are referred to as self-service job listings.

Idaho Department of Labor staff may assist Idaho employers or authorized representatives with developing and/or posting job listings. These are referred to as staff-assisted job listings.

10.3 The Idaho Department of Labor will only accept listings for jobs that constitute an employer/employee relationship. These jobs are subject to unemployment insurance regulations or the employee will receive a W-2 for tax purposes. Contracting opportunities are not permitted through the Idaho Department of Labor's labor exchange system.

10.4 All job listings must comply with Equal Opportunity nondiscrimination regulations. Job listings referencing religion, race, color, sex, age (40+), disability or national origin are illegal, except in the case of a Bona Fide Occupational Qualification.

Bona fide occupational qualification (BFOQ) means that an employment decision or request based on age, sex, national origin or religion is based on a finding that such characteristic is necessary to the individual's ability to perform the job in question. Since a BFOQ is an exception to the general prohibition against discrimination on the basis of age, sex, national origin, or religion, it must be interpreted narrowly in accordance with the Equal Employment Opportunity Commission regulations set forth at 29 CFR parts 1604, 1605, and 1627. Any proposed bona fide occupational qualification must be explained in the job description.

10.5 All of the following information is required to list a job:

Job Title

Job Description -Must include the essential functions of the occupation and specify additional requirements such as drug testing or affirmative action. The job description should also elaborate on dropdown categories, which alone may not capture the nature of the job. For example, the job alternates between full- and part-time depending on the season.

Standard Occupational Classification code- Occupational classification most closely matching the job description.

Location – Primary worksite

Temporary or Permanent Status

Full-or-Part-time Hours

Expected Wages - This information is required for statistical purposes and used by staff to determine appropriate job placement. Although employers are provided the option to not to disclose the wage in the job posting, not providing a wage or wage-range will limit job-seeker response and referrals through the system.

11.0 Employer Accounts in IdahoWorks

An employer's IdahoWorks account may be immediately suspended if staff deem the account's activities not consistent with proper labor exchange services. Inappropriate account activities include: collecting a list of job seekers for future recruiting, posting fraudulent job listings, or improperly contacting job seekers. It is the responsibility of the employer to notify Employment Services staff if the employer believes the account was disabled in error.

12.0 Discontinuation of Services to Employers

The regulations at 20 CFR 658.500 outline causes and procedures for discontinuing services to employers who list jobs with our department or are provided employment services.

It is the policy of the Department of Labor to provide assistance to employers to ensure they comply with federal requirements. Discontinuation of service to an employer is initiated only for egregious or repeated violations and refusal to submit to staff requests for compliance under certain federal regulations.

To initiate the discontinuation of services to an employer, the Director of the Department of Labor will send a letter certified return receipt notifying the employer of the intention to discontinue services in 20 days. The letter will cite the specific cause(s) for the discontinuation of services and options for restoring service.

20 CFR 658.501(b) provides the Director the authority to discontinue service immediately without going through the required procedures if the Director has cause to believe the situation could cause substantial harm to a significant number of workers. Substantial harm includes physical, emotional or financial harm. Significant number of workers vary by circumstance. Each situation is reviewed independently.