

SCOTI

Sharing Career Opportunities and Training Information

Labor Exchange

DRAFT SCOTI LE POLICY GUIDANCE HANDOUT

October 1, 2003

Draft SCOTI LE Policy Guidance Handout

Ohio Department of Job and Family Services (ODJFS)
Office of Workforce Development
Bureau of Workforce Services

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Subject: Wagner-Peyser Labor Exchange Services and the Sharing Career Opportunities and Training Information System Policy Guidance

- 1. Purpose:** The purpose of this draft handout is to transmit policy guidance on basic labor exchange services provided through the Wagner-Peyser Act. This document also contains **Ohio's DRAFT** Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) policy guidance on the use of the system in the delivery of self-service and staff-assisted labor exchange services in a One-Stop environment.
2. These documents are under development and subject to change. Each policy guidance will undergo reviews through the ODJFS clearance process and will be assigned a number. The documents in this handout are intended to introduce staff to policy statements on Wagner-Peyser labor exchange services and activities that will occur in SCOTI LE. The policy statements address the manner in which the SCOTI LE system works. The policy statements do not explain how the system works. Information on how the system works is in the Web-Based Training (WBT), SCOTI LE Training Curriculum and User Manual.

Both self-service and staff-assisted SCOTI LE services will be in comprehensive certified One-Stop centers. Some One-Stop centers may not offer staff-assisted labor exchange services. Throughout this document, the terminology, One-Stop center and SCOTI access point is used. SCOTI access point means a location where job seekers and employers can get staff-assisted access to SCOTI LE. A comprehensive certified One-Stop center means both self-service and staff-assisted SCOTIE LE services are available to job seekers and employers.

- 3. References:** The Wagner-Peyser Act as amended by Public Law 105-220, the Workforce Investment Act; 20 CFR 651 – 654; 20 CFR 658; The Civil Rights Act of 1964 as Amended; Age Discrimination Act of 1967 as Amended; Rehabilitation Act of 1973; Vietnam Era Veterans Readjustment Act of 1974; Public Law 107-288: The Jobs for Veterans Act; Americans With Disabilities Act of 1990; House Bill 470, Section 4141.04; and The Ohio Revised Code (ORC), Section 4141.04.
- 4. Background:** The Wagner-Peyser Act of 1933 established a nationwide system of public employment service. The Wagner Peyser Act was amended in 1998, along with the Workforce Investment Act (WIA), to make employment services part of the

One-Stop service delivery system. Labor exchange services provide universal access to an integrated array of labor exchange and WIA services so that workers, job seekers and businesses can find the services they need in the One-Stop delivery system and frequently under one roof in easy-to-find locations.

The Wagner Peyser program is a federally funded labor exchange developed to match employers with qualified workers. Changes in coordination and funding have occurred as a result of amendments to the Wagner-Peyser Act, but the labor exchange service (bringing together individuals seeking employment and employers seeking workers) continues as the basic purpose and mandate of the Wagner-Peyser program.

Ohio WAGNER-PEYSER PROGRAM

**Sharing Career Opportunities and Training Information
Labor Exchange System**

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Overview of Ohio Wagner-Peyser Program

Role of Wagner-Peyser in One-Stop System

Wagner-Peyser is a required One-Stop partner and program in each local workforce investment area One-Stop delivery system and is subject to provisions relating to such One-Stop partners. The One-Stop system is a seamless system of service delivery created through the collaboration of entities and One-Stop partners responsible for separate workforce development funding streams. The One-Stop system is designed to enhance access to services and improve outcomes for individuals seeking services. The One-Stop delivery system consists of one or more comprehensive, physical One-Stop centers in a local workforce investment area. The following provisions apply to the Wagner-Peyser program:

- C Wagner-Peyser must participate in the One-Stop delivery system in accordance with section 7(e) of the Wagner-Peyser Act;
- C Wagner-Peyser must be represented on the Workforce Investment Boards that oversee the local and State One-Stop delivery system and be a party to the Memorandum of Understanding (MOU) described at 20 CFR 662.300 of the WIA federal regulations addressing operational issues of the One-Stop delivery system; and
- C Wagner-Peyser services must be provided as part of the One-Stop delivery system.
- C All labor exchange services are delivered as a part of the local One-Stop delivery system in accordance with section 7(e) of the Wagner-Peyser Act;
- C The services described in paragraph (b)(1) of section 7 are available in at least one physical comprehensive One-Stop center in each local workforce investment area from which job seekers and employers can access them;
- C The MOU between One-Stop partners and the Local Workforce Investment Board meets the requirements of 20 CFR Section 662.300 of the WIA federal regulations; and
- C Labor exchange services will be delivered through Sharing Career Opportunities and Training Information (SCOTI) system.

Non-Wagner-Peyser staff may provide Wagner-Peyser services, but they may not charge cost against the Wagner-Peyser program. The One-Stop operator may provide guidance to a State merit-staff employee under the Act. State merit-staff means the Ohio Department of Job and Family Services staff. The One-Stop system envisions a partnership in which Wagner-Peyser Act labor exchange services are coordinated with other activities provided by other partners in a One-Stop setting. As part of the local MOU, One-Stop partners may agree to have staff receive guidance from the One-Stop operator regarding the provision of labor exchange services. Personnel matters, including compensation, personnel actions, terms and conditions of employment, performance appraisals, and accountability of merit-staff employees funded under the Wagner-Peyser Act, remain under the authority of the State Agency (including such matters that are delegated to any other public agency). Such guidance given to employees must be consistent with the provisions of the Wagner-Peyser Act.

Purpose

The basic purpose of the Ohio Wagner-Peyser program is to improve the functioning of the nation's labor markets by bringing together individuals who are seeking employment and employers who are seeking workers. Labor exchange services are available to all employers and job seekers, including unemployment insurance (UI) claimants, veterans, migrant and seasonal farm workers (MSFWs), and individuals with disabilities.

Goals

The goals of the Ohio Wagner-Peyser Program are as follows:

- C To assist job seekers in finding employment;
- C To assist employers in filling jobs;
- C To facilitate the match between job seekers and employers;
- C To participate in a system for clearing labor exchange services between the States; and
- C To meet the work test requirements for Unemployment Insurance claimants.

Objectives

The objectives of the Ohio Wagner-Peyser Program are as follows:

- C Assign an appropriate occupational code based on an evaluation of the job seeker's work experience, training, interests and personal characteristics;
- C Assist job seekers in making occupational choices, changes, or adjustments;
- C Provide equity in services to all job seekers and employers without regard to age, race, sex, color, religion, national origin, disability, political affiliation, belief, place of residence, current employment status or occupational qualifications, except in accordance with any legal requirements for veteran preference;
- C Assure, so far as practical, that job seekers referred to employers are suitably qualified for the job openings;
- C Give priority in services and job referral to qualified veterans;
- C Provide job order clearance between local workforce investment areas and states;
- C Provide job search and placement services to job seekers;
- C Provide, as necessary, assessment, counseling, testing, labor market and career information, and referral to support services to job seekers, employers and other interested individuals or groups;
- C Provide the UI work test which means claimants must register for labor exchange services and be available and actively seeking employment;
- C Provide profiling and reemployment services;
- C Assure, so far as practical, that no referral results in a monetary charge to the job seeker;
- C Obtain information from job seekers necessary to determine qualifications for

employment and any additional information required by local One-Stop partners, the Governor or the Secretary of Labor;

- C Make no referral to a job opening where the services to be performed, or the terms or conditions of employment, are contrary to federal, state or local law;
- C Recruit no workers for agricultural employment from one locality within the State to another locality within the State, if transportation from the pick-up point to the place of employment and return each day is not provided by the employer, in accordance with the common practice of employers in the area;
- C Recruit no workers for employment if the wages, hours or other conditions of work offered are substantially less favorable to the individual than those prevailing for similar work in the locality;
- C Assure that discriminatory job orders will not be accepted, except where the stated requirement is a bona fide occupational qualification; and
- C Make no job referral on job orders which will aid directly or indirectly in the filling of a job opening which is vacant because the former occupant is on strike, or is being locked out in the course of a labor dispute, or the filling of which is otherwise an issue in a labor dispute involving a work stoppage.

Draft SCOTI LE Policy Guidance No. 1-03

Subject: Job Seeker Registration (Intake) in Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) System

I. Purpose

The purpose of this communication is to provide guidance on registration and who can be served by the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) system.

II. Background

Wagner-Peyser Labor Exchange services will be provided to job seekers based on the customer's choice of self-service or staff-assisted service. To maximize customer choice in levels of services and to emphasize universal access, One-Stop centers will contain, at a minimum, information and resources for self-service and/or staff-assisted service. Job seekers and employers will be able to register in SCOTI LE to receive labor exchange services. An account must be established in order to register.

III. Guidance Statement

A job seeker's full registration means all required entries of the registration are completed and an appropriate occupational code(s) is assigned. Partial registrations may be appropriate in the delivery of labor exchange services because the Ohio Job Insurance (OJI) system may submit incomplete registrations through an interface.

A job seeker's registration stays active for 120 days without activity by the job seeker. After 120 days of inactivity, the registration will be automatically moved by the SCOTI LE system to an inactive status. Inactive status means the job seeker will no longer be included in a match. One-Stop staff assigned to perform labor exchange functions can change the inactive status to active for a job seeker.

A. Self-Service Registration

The job seeker may establish an account to register on-line for services with the SCOTI LE system at www.scoti.ohio.gov. Job seekers can access a variety of services such as establishing a self-service Internet account to manage their own job search. Job seekers may create a complete job resume on-line which can be viewed by employers who have approved access to job seeker resume information. Job seekers may create a job objective statement and enter a summary of their qualifications. Job seekers may enter their work history and determine whether or not to include their work history as a job objective. Information in a variety of media is available on the following:

- C Local, statewide, and nationwide job listings and labor market and career information;
- C Training institution information, including courses offered, costs, and program

- performance;
- C Available supportive services;
- C How to file a claim for UI;
- C Reference and self-help materials on jobs and careers, including newspapers, periodicals, and videos;
- C Computer workstations with the following software capabilities:
 - < Clerical proficiency testing and/or practice;
 - < Interactive job interviewing practice;
 - < Internet access to local, state, and national job listings, self-assessment tools, and career-related information;
 - < Resume preparation; and
 - < Word processing;
- C Copiers, fax machines, and telephones;
- C Access to self-registration (intake).

In self-service SCOTI LE, job seekers can search job openings on the Internet by the following three criterion: location; occupation and wage. Although job seekers can browse job openings on the Internet, they cannot conduct a job match. Job seekers using the Internet can call a SCOTI access point to receive information on a referral to the job opening. Based on volume, a SCOTI access point may limit the number of job order referrals that they provide to the job seeker.

Job seekers may contact employers directly about job openings for which they have an interest by reviewing the employer's contact information for referral instructions, if it is not a suppressed job order. Job seekers can e-mail their resume directly to the employer who has designated that method of referral. Services to job seekers are available on www.scoti.ohio.gov and include the following:

- C Job listing of the State of Ohio State Civil Service openings;
- C Job Banks, Employer Locator, Internet Job Search Guide and Blueprint for Job Placement;
- C Ohio labor market and career information;
 - < Career Advice;
 - < Career Resources and Occupational Videos;
 - < Occupational Trends;
 - < Occupational Profiles;
 - < Occupational Codes (O'Net Online);
 - < Occupational Wages;
- C A screen that allows job seekers to determine their eligibility for state-funded assistance programs; and
- C A link that allows job seekers to file an initial Unemployment Insurance (UI) claim.

All administrative functions related to the self-service process is handled through

the SCOTI LE Help Desk.

B. Using System Without Registration

Job seekers may use SCOTI LE without registering; however, One-Stop staff should encourage them to register in order to receive maximum benefits from the system. Unregistered job seekers receive only two benefits from SCOTI LE:

1. Capacity to view limited details of employer job listings.
2. Use of the provided Internet job hunting resource links.

C. Staff-Assisted Registration

Staff-assisted services involve a job seeker who is registering and wants assistance from staff to complete the registration process. If the job seeker desires assistance, or is unable to complete the registration process, assistance will be provided. This may require an interpreter because of a hearing impairment, language difference or other communication barrier. Recognizing which job seekers may have undue difficulty with the registration process is not always possible in advance. One-Stop staff should monitor the self-registration process that occurs in the One-Stop center to identify job seekers who are having difficulty and arrange for assistance.

In each local workforce investment area and in at least one physical comprehensive certified One-Stop center, Wagner-Peyser staff must provide staff-assisted labor exchange services for registering for work, assistance in a job search, writing a resume, interviewing for a job, exploring occupational opportunities or obtaining information on job training or related support services. Specific labor exchange services that will be provided must be described in the Memorandum of Understanding (MOU).

Counseling and Vocational Assessment

Some One-Stop centers may offer counseling and vocational services. If there is some question about the job seeker's qualifications, the job seeker may be referred to a counselor to resolve the question. Consultation with an employment counselor may prove useful in deciding whether to offer the job seeker additional services. UI claimants requiring assistance in seeking work must receive the necessary guidance and counseling to ensure they make a meaningful and realistic work search.

One-Stop staff should accomplish the following:

- Review and analyze the information provided by the job seeker to ensure all qualifications for employment are adequately presented and current;
- ◻ Determine any needs the job seeker may have for employment counseling, selective placement or other services;
- ◻ Give the job seeker any additional information needed that will increase the opportunity for placement;
- ◻ Evaluate the occupationally significant facts about the job seeker and classify them according to an occupational coding system; and
- ◻ Complete any other required information.

D. Eligibility - Who Can Be Served?

Any job seeker who is qualified to work in the United States may register for work, without regard to place of residence, current employment status or occupational qualifications. SCOTIE LE services shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized to work in the United States. Unemployment Compensation claimants who are required to conduct work search to receive UI must register in SCOTI LE. Registration information is self-attestation.

Within the labor exchange system, there are programs that offer services to special populations such as veterans, individuals with disabilities, migrant and seasonal farm-workers, ex-offenders, youth, minorities and older workers.

E. Information for Registration

Contact Information

The registration process asks for contact information about the job seeker. Job seekers who refuse to provide telephone number and address will be registered, but their status will be inactive. Job seekers must be in active status in order to be matched to job orders. In order to change an inactive status to active, the job seeker must call the nearest SCOTI LE access point. SCOTI LE staff should refer the job seeker's information to ensure that it is current.

Social Security Number (SSN)

The registration process requires the job seeker's social security number as an identifier. There will be situations whereby the job seeker refuses to provide the social security number.

If a job seeker is self-registering and has no social security number or refuses to provide the number, the job seeker should be instructed to visit the nearest SCOTI LE access point. For any job seeker who does not have a social security

number, staff in the local SCOTI LE access point must give the job seeker a pseudo nine-digit social security number that is a temporary number to be used to register the job seeker. The job seeker should be instructed to contact the nearest social security office to obtain a permanent social security number. Job seekers using a pseudo number will be included in a match. The pseudo number will remain in the SCOTI LE system until a job seeker provides a social security number.

The formula for a pseudo number is as follows:

Use 99 for the first two digits, use two digits for the month of the job seeker's birth, use two digits for the job seeker's day of birth, use two digits for the job seeker's year of birth, and use a 0 for the last digit. If the system detects a duplicate with the pseudo number, advance the last digit by one number until no duplicates are found.

Equal Employment Opportunity Questions

Job seekers who refuse to provide ethnicity and race information will be allowed to register. Refusal to provide a date of birth will preclude the job seeker from registering. A job seeker must be at least 14 years of age.

Occupation Chosen Without Experience

If a job seeker chooses an occupation in which he or she has no experience, the duties section of their application will not be completed. Thus, there will be no comparison between the job seeker's duties and the employer's required skills and qualifications. Even though it will be a disadvantage to the job seeker in selecting an occupation for which the individual has no training or qualifications, the individual will receive services and have the opportunity to choose such an occupation. The job seeker can be included in a match.

Draft SCOTI LE Policy Guidance No. 2-03

Subject: Services to Employers in the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) System

I. Purpose

The purpose of this communication is to provide guidance on Wagner-Peyser labor exchange services available to employers through the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) system.

II. Background

SCOTI LE shall be provided to employers through self-service and staff-assisted services tailored to meet the needs of the business community using the One-stop delivery system. Employers who create an account and are approved can use self-

service to manage their own job openings and search for their own candidates through www.scoti.ohio.gov.

One-Stop center staff and partners should engage the employer community to promote the placement of their customers. To minimize duplication and unnecessary employer contacts, One-Stop partners should participate in a collaborative approach to marketing through the One-Stop delivery system. One-Stop center staff should be trained to gather feedback from employers regarding their needs and to solicit job orders and job openings.

III. Guidance Statement

Self-service and staff-assisted labor exchange services are offered to employers. The mission is to assist employers in finding qualified workers. Job orders from employers can be entered into the SCOTI LE system. Businesses can get additional services (e.g., recruitments, interviewing on-site) that they may need in One-Stop centers.

SCOTI LE Online allows employers to enter job orders. To enter job orders online, the employer must have a Federal Employer Identification Number (FEIN) or State Unemployment Compensation Account Number (UCAN) to create an account and must provide employer contact information. For domestic or casual labor job orders, the employer may use their social security number (SSN). Employers cannot be served without a FEIN, UCAN or SSN.

When an employer enters a FEIN or UCAN number, the SCOTI LE system looks for the employer record that is in the employer specific location database that is built in SCOTI LE. If the employer record is in the database, an account can be created and the employer will be able to enter job orders. The employer specific location database is updated quarterly. SSN numbers may be purged quarterly.

A. Rules for Employers Who Use SCOTI LE System

Employers must adhere to the following policies when using the labor exchange system:

- C Neither the employer nor the employer's agents may charge a fee to provide a job seeker with access to a job referral.
- C Neither the employer nor the employer's agents may use the service to recruit replacement workers in a labor dispute.
- C Employers may not resell or re-post resumes.
- C Employers may not post job orders for positions that are not currently available, or as a source of sales leads, or anything related to network marketing or pyramid schemes.

- C Employers may not use job seeker information for any reason other than in filling their available positions.
- C Employers must provide equal employment opportunities to job seekers without regard to race, color, religion, gender, age, national origin, or disabilities.

B. Employer Registration

Registration means an employer can go to SCOTI LE Online to create and request an account. An on-line account allows employers to enter job orders. Employers may also use SCOTI LE without establishing an account. One-Stop staff should use a coordinated employer outreach effort to develop relationships with local employers and should advise them of the benefits that are available when they register online.

Self-service created accounts must be reviewed and approved by the Help-Desk staff in the Ohio Department of Job and Family Services (ODJFS). With an account, employers can enter job orders using their FEIN or UCAN.

Help-Desk staff in ODJFS will review the employer's information to validate that the employer is a legitimate entity using a correct employer identification number. The Help-Desk staff will approve employer access to SCOTI LE Online for job order entry. If employers do not have an employer identification number, they may call the Department of Commerce to be advised of the procedures to obtain a FEIN and/or UCAN.

1. The Benefit of SCOTI LE Online Without an Account:

- C Use of the list of Internet links to find important business information regarding current wages for an occupation and tax credits, etc.

2. The Benefits of SCOTI LE Online Registration With an Account

- C Job orders can be entered at the employer's convenience.
- C Employers can search the state's largest pool of resumes for job seekers.
- C A Resume Scout can be activated to alert the employer with an email when there are resumes that match the employer's job order criteria.
- C A list of Internet links can be used by the employer to find important business information regarding current wages for an occupation, tax credits, etc.
- C The employer can update their contact information.

C. Methods of Job Order Entry From Employers

Employers may enter job orders through two methods: self-service or staff-assisted services.

1. Employer Self-Service Job Orders

- C Bulletin Board job orders are for display only without having job matching capabilities. The bulletin board job order is entered by the employer who has an approved on-line account and has an employer identification number. These job orders are not screened by One-Stop staff. Candidates can see these job orders and can apply directly to the employer without One-Stop staff intervention.

2. Staff-Assisted Job Orders

- Employers may enter job orders, but there is staff intervention. These job order entries come over the Internet. SCOTI LE Online allows employers to enter updates and close job orders. These job orders will be matched to qualified job seekers. One-Stop staff may screen candidates and maintain records with these job orders.
- Employers may also telephone, fax, or visit a SCOTI LE access point to present a job order for entry into SCOTI LE. Employers visiting the One-Stop center can enter the order with staff assistance or request that staff enter the order for matching. These orders must also have the required FEIN, UCAN or SSN number.
SCOTI LE users can search for job orders by two methods:
 1. By job order number, if users know the assigned job order number; or
 2. By company name which allows users to search by the name of the company who may have job openings.

D. Taking Job Orders

Levels of Disclosure

If employers indicate a need for confidentiality of their identifying information, the SCOTI LE system provides three levels of disclosure. They are: 1) full disclosure which means all the employer information is displayed on the public web site; (2) partial disclosure which means the employer contact information is not displayed, and the job seeker must contact staff at the local One-Stop Center to receive more information; and (3) none which means only One-Stop Center staff can view these job orders, and these orders cannot be displayed on the Internet nor extended to America's Job Bank. The job seeker must contact staff at the SCOTI LE access point.

Suppressing job order information protects legitimate employer needs for confidentiality. It should be used judiciously, as it is counter productive to the effectiveness of a self-service system. Some job seekers may avoid applying when the employer name is not listed.

One-Stop staff should ask employers if they want a specific level of disclosure and if they want the job order on the Internet and/or in America's Job Bank. Staff should treat suppressed job orders with care so as not to reveal the name of the employer nor any other identifying information to job orders.

Restrictive Job Orders

The term restrictive practice includes three categories of prohibited service activity: (1) activity prohibited by EEO law, (2) activity prohibited by law other than EEO law, and (3) activity prohibited by labor exchange guidance, policy and/or rule. It is essential for staff to avoid restrictive practices in all phases of order-taking, application taking and selection and referral procedures.

1. Discriminatory Language

If a job order discriminates against any job seeker because of race, color, religion, sex, national origin, age or disability, the employer must be informed that the order cannot be accepted unless the specification that discriminates is withdrawn. If the employer refuses to remove the restriction, the staff person must have the supervisor/manager review the order and call the employer to explain again why the restriction must be removed. If the employer still refuses to remove the restriction, the employer must be advised that the job order cannot be serviced. The supervisor/manager must advise the employer that referrals, and all other job orders, shall be suspended until the discrimination issue is resolved. The employer must also be notified in writing the reason why the order cannot be serviced, and employer must be offered a copy of the appeal process

There are a number of discriminatory terms that may still be used by some employers as "job titles". Similar terms may also be used by some to relay specifications of the job in the text portion of the job order. These discriminatory titles and job requirements must not be included in any job order entered for processing.

For example, employers who would request a Junior Accountant, a Bus Boy, or a Girl Friday would be using discriminatory language. (There are many more misuses of job titles.) If an employer includes as part of the specifications items like "no beards", the employer should be able to substantiate the business necessity for the requirement since this statement has very limited applicability. It is also important to understand that the overall

content of the job order may reveal intent to discriminate, and this should be considered along with the use of any restrictive terms.

All job order information should focus on the specifications of the job and qualifications needed to perform the job due to business necessity.

2. Job Orders Containing Bona Fide Occupational Qualifications (BFOQ)

Bona fide occupational qualifications are job requirements related to sex, age, national origin, or religion that are necessary to the operation of a particular business. Race is never a bona fide occupational qualification.

The Equal Employment Opportunity Commission (EEOC) and the federal courts interpret the concept of bona fide occupational qualification very narrowly. Age may be a bona fide occupational qualification under the Age Discrimination in Employment Act of 1967.

Very few BFOQs are appropriate for use in employment decisions. Some examples of appropriate ones are provided below:

- C Females as models to display dresses.
- C Males to be cast in a male actor's part.
- C Ministers of a particular church being required to be a member of that particular religion.
- C Being under a specified age to enter a registered apprenticeship program (i.e., one that the Department of Labor, Bureau of Apprenticeship and Training, has approved.)

For all job orders specifying sex, age, religion, or national origin as a bona fide occupational qualification, One-Stop staff must collect information and justification from the employer concerning the job requirement for a bona fide occupation before processing or servicing. One-Stop staff must seek an opinion from the SCOTI LE Help-Desk. The ultimate consideration for a BFOQ is whether a stated job requirement is essential to doing the job. If an appeal is file, only the EEOC or Ohio Civil Rights Commission (OCRC) can make the final determination. When a BFOQ is verified for a specific job, job referrals will be limited to customers who meet the BFOQ requirement.

3. Union Membership Is Prerequisite for Employment

Union affiliation or non-affiliation as a condition to be met prior to the date of hire cannot be accepted as a specification of any employer job order. Such orders are not serviced until the restrictive condition is withdrawn.

If an employer requests that no former employees be referred, the employer

may be violating the National Labor Relations Act. A violation occurs if the reason for refusing to interview the former employees is because they previously went on strike or were involved in union organizing.

4. Orders Predesignating Job Seeker to be Referred

When an employer requests that certain job seekers be referred on any basis except occupational specifications, such as when names of certain job seekers are given, or when former employees are specified, the One-Stop staff taking the order must inform the employer that referral action cannot be taken. Service must not be provided unless the employer agrees to interview and consider qualified job seekers who are referred. The exceptions to this rule is if workers requested are claimants, and the employer has been provided with the address of a former worker for call back purposes. The present address of a former employee may be given when requested by an employer so that the job seeker can be called back to work.

5. Commission Pay

State law requires that all employees be paid at least minimum wage for all covered employment regardless of the method of compensation. A job order must clearly state the method of compensation: salary, salary plus commission, or straight commission (also know as commission only). To be listed on SCOTI LE, all job orders must provide total compensation of at least the minimum wage for any hours worked or spent in required training. Jobs that pay straight commission cannot be included if they only pay when a product is sold, and do not guarantee the worker at least a minimum wage for the hours worked. Employers should be informed at the time of listing that the minimum wage law applies.

If a job listing indicates that a draw against commission is received, the job can only be listed on SCOTI LE if the employer guarantees minimum wage for the hours worked or spent in required training after the draw. A draw is usually compensation that has to be paid back to the employer by being subtracted from future commissions.

Orders Requiring Special Handling

1. Temporary Help Agencies

Private employment agencies offer a variety of services that may be referred to by terms such as “temp-to-hire”, “temp to perm”, or “temporary staffing.”

Job order staff in the One-Stop center needs to understand the nature of the service being offered by private employment agencies. When making decisions related to listing job openings for private employment agencies, staff should not assume that all private employment agencies operate the same way. When taking a job order from a private employment agency, there must be a legitimate job opening, applicant cannot be charged a fee, and there must be an employee-employer relationship. The following are examples of private employment agencies and the services they provide to employers that require special handling of job orders.

Temporary help agencies are employers and have a right to list their job vacancies on SCOTI LE when they are recruiting employees who will be on their payroll while performing work for another employer. The temporary help agency is the legal employer of record. The temporary help agency assumes responsibility for wages, payroll deductions, unemployment compensation, worker's compensation and employees are issued W-2 tax statements by the temporary help agency at the end of the year or term of employment, whichever comes first.

Job orders can be accepted and handled as any other job order. However, efforts should be made to learn that an actual job vacancy exists, and that recruitment adheres to the policies and procedures relating to EEO, labor disputes, federal contractors, independent contractors, etc. For this reason, staff must obtain the name of the work site employer and enter that information in the work site location on the job order. Entering the work site employer information will allow staff to verify with the work site employer that an actual vacancy exists and that compliance with the requirements discussed above are not violated. The work site employer's name should not be shared with job seekers.

Job orders placed by temporary help agencies may be called "temp-to-perm" or "temp-to-hire" openings. Temp-to-perm openings are probably the type most used in Ohio by Wagner-Peyser. These job orders should be treated as temporary jobs. The temporary help agency is the legal employer. No fee will be charged to the job seeker. Neither the temporary help agency employer, nor the employer's agent may charge a fee to the job seeker.

When job seekers are referred to temporary help agencies for temporary assignments, they must be informed that: (1) The job to which they are being referred is with a temporary help agency; (2) The temporary unit is a part of, or adjunct to, a private fee-charging agency; and, (3) No placement fee or charge will be made to the job seeker for accepting employment.

One-Stop centers are encouraged to foster relationships with temporary help agencies.

2. Minor Labor Laws

When an order is taken which may involve the referral of minors subject to school attendance and child labor laws, referrals will be made only in accordance with such laws; that is, only when working condition, job performed, and remuneration are in complete compliance with applicable law. One-Stop staff must refer to the Ohio Department of Job and Family Services EEO poster, "Minor Labor Laws," which provides a digest of Ohio Laws on this subject. The Wage and Hour Division under the Ohio Department of Commerce can be called for information on minor labor laws. The ultimate goal is that we do not become a party to an employer's violation of minor labor laws.

Prohibited Job Orders

1. Independent Contractors

The purpose of the public labor exchange is to facilitate employment. One-Stop centers will not process job orders for independent contractors. Independent contractor opportunities are self-employment, which represent business opportunities, rather than employment. As an independent contractor, the individual is responsible for paying his/her own quarterly income taxes, disability insurance in lieu of Worker's Compensation, Social Security taxes, Unemployment Insurance taxes, and other such costs of doing business.

2. Job Orders with Fees, Investments and Purchases as a Condition of Employment

Job orders will not be accepted when the employer or agent of the employer requires the job seeker to pay a fee to apply for, be referred to, or be considered for employment. Universal access to basic labor exchanges services will be at no cost to job seekers.

Monetary investments and purchases of employment-related items are not considered fees. Employment situations involving investments or purchases may or may not be acceptable depending on the circumstances involved. Investments or purchases that primarily benefit the employer, cover the costs of the hiring process, or would commonly be considered the employer's cost of doing business are unacceptable for a job order. Investments or purchases that are primarily personal, benefit the employee, are a cost of entering an occupation, or that are usable in other employment or personal situations are acceptable for a job order.

Important factors in making these decisions are: (1) Ownership of the item; (2) Control of the item; and, (3) Transferability to other employment situations. Staff should look at the whole employment situation in making these decisions.

3. Labor Disputes

One-Stop managers must maintain current notification of information concerning a labor dispute existing in the local workforce investment area served by the One-Stop delivery system.

Notification of Labor Dispute. As soon as a One-Stop center has information from any source such as newspaper, radio, television, employer reports, or claimants, that individuals working for an employer located in the local workforce investment area served by the One-Stop center may be involved in a labor dispute, the One-Stop center will investigate the report and will notify the SCOTI LE Help-Desk that a possible labor dispute exists.

The notice to the SCOTI LE Help-Desk should contain as much information as possible and newspaper clippings or other outside printed information should be attached.

Determination of Labor Dispute: There must be a determination whether job openings are involved in labor dispute. If either party involved in a labor dispute has orders for workers on file in the local office or attempts to place an order, all referral action will be suspended or withheld, pending a determination as to whether a dispute actually exists and whether the job openings may be involved directly or indirectly in the dispute.

The One-Stop manager will obtain notification of the dispute from responsible representative(s) of the employer or the workers {or both if necessary). The notification should include a statement of cause of, or basis for, the dispute; a list of specific positions, crafts, trades, or jobs affected by the dispute; and the name(s) of any government agency (ies) (state or federal) directly involved in attempting to settle the dispute.

The continued existence of the dispute should be verified by calling both the employer and the representative of the workers involved, or from information obtained through claims procedures. If the parties disagree as to the existence of a dispute, the One-Stop manager will, through channels, request a ruling from the SCOTI LE Help-Desk.

Withholding referrals to jobs involved in labor dispute. The One-Stop center must not make referrals, which will aid directly or indirectly in filling a job that

is vacant because the former occupant is on strike or is being locked out in the course of a labor dispute, or the filling of which is an issue in a labor dispute.

Referring applicants to jobs not involved in a labor dispute. When a labor dispute exists at an establishment and the One-Stop manager determines that a job opening is not involved directly or indirectly in the dispute, annotate the order, "Labor dispute at establishment. This job not involved; order is being serviced".

The One-Stop staff may refer an applicant to such job opening, provided the applicant is informed of the existence of the labor dispute, and that the job is not involved in the dispute.

Draft SCOTI LE Policy Guidance No. 3-03

Subject: Working Job Orders in a One-Stop Environment Using the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) System

I. Purpose

The purpose of this communication is to provide guidance on working job orders in a One-Stop environment using SCOTI LE.

II. Background

Job order processing involves collecting and recording information received from any employer in Ohio or any state bordering Ohio. Business practices and steps for processing job orders in a One-Stop environment must adhere to the guidelines for the Wagner-Peyser Act and the SCOTI LE system requirements.

The Wagner-Peyser Act specifies that One-Stop delivery systems shall maintain an employment service for veterans. The Secretary of Labor prescribes special policies for providing services to veterans. Title IV of the Wagner-Peyser Act provides for job counseling and employment placement service for veterans to give them the maximum job opportunities for gainful employment.

III. Guidance Statement

A. Sharing Information with One-Stop Partners

Ohio's Wagner Peyser Labor Exchange services are handled through the SCOTI LE system. Wagner-Peyser staff are required to use SCOTI LE when providing labor exchange services.

One-Stop partners can request access to SCOTI LE. Any partner or entity using SCOTI LE must cooperatively work together and share job orders to effectively and efficiently serve employers. In addition, the One-Stop Operator in each workforce investment area should develop process and procedures on how all job orders are shared and worked among One-Stop partners. Quality service to

employers and job seekers should be the top priority in making decisions.

SCOTI LE allows any user to work any open job order. All users and all locations are permitted to run a match and make referrals of qualified candidates to any job order that is not in an inactive status and is not currently in use by another SCOTI user.

B. Match Pool

Match Pool Creation

SCOTI LE generates two match pools: (1) Job Seeker Match which compares the job seeker's skills and preferences to job orders existing in SCOTI LE; and (2) Job Order Match which compares the employer's qualifications and requirements to the SCOTI LE job seeker database. Job seeker matches allow a user to refer a job seeker immediately to any job order to which the job seeker matches the employer's required skills. Job order matches create a match pool of qualified candidates who must be reviewed for detailed skill requirements before notifying them for possible referral. This match pool must be worked in priority order.

Veterans are given full advantage of services available through the One-Stop delivery system. Job seekers who are veterans receive priority referral to jobs and training. The SCOTI LE system grants preference to veterans by law. In the match pool veterans and claimants are automatically prioritized for selection and notification in the job seeker match pool. The prioritized match pool is shown below.

- I. Veteran Status
 - a. Special Disabled Veteran
 - b. Campaign Badge Veteran
 - c. Disabled Veteran
 - d. Other Veteran
 - e. Eligible Person
 - f. Non-Veteran
- II. UI Claimant Status
- III. Date of Least Recent Referral
- IV. Numerical Order by SSN

The match pool must be worked in the order presented from the top down. Veterans' status is automatically calculated by SCOTI LE by the veteran's wizard. Because veterans always have priority, SCOTIE LE system will not allow a veteran to be bypassed in the match pool without a decision documented on the Notification and Referral screen in SCOTI LE. Veterans' preference does not

mean that veterans must be referred to the job order. Veterans' preference means veterans must be given consideration first. If a veteran does not qualify for the job order, the individual need not be referred to the employer.

Selection for Referral

Job seeker qualifications are compared with job requirements. Qualifications may include work experience, training, job-related personal characteristics, skills that require extensive training or practice, pertinent knowledge and the physical capacity to perform the essential functions of the job.

One-Stop staff responsible for reviewing the job seeker's duties on the Employment History screen must capture information regarding the job seeker's skills. The job seeker's duties are a required part of the job match variables. The Duties text box allows for text to be entered that will describe job seekers' duties and skills performed on a previous job. The necessary fields, especially the Duties field, must be completed in order to allow One-Stop staff to make the notification decision. Job seekers can list as many previous jobs as they want. The closer the job seeker's duties align with the employer's job requirements the more likely a referral will be made.

Match Processing

To maximize efficient service to employers, any One Stop staff that is assigned an LE role can conduct a match and refer to any job order regardless of the work site location.

Job Order Match

The employer job order is matched from the Job Match screen on the Employer Menu and by using the button "Run Match" to conduct the match. The job referral process begins after the job order match pool is created. Each applicant in a job order match pool must be reviewed in order of priority.

Job Seeker Match

One-Stop staff can work any job order that is in Open status in the SCOTI LE system. Open status means the job order is ready to be matched to job seekers. Also, One-Stop staff can run a job seeker match and refer the job seeker to an OPEN status job order without regard to match pool priority. One-Stop staff must ensure that job seekers actually match before referring to the job order. Once a decision is made on a job order, the job seeker will no longer appear in a subsequent match for that job order. Because match pool records are not maintained, One Stop staff must re-run a match pool.

In order to effectively run a job seeker match, three variables must be entered on the Desired Employment tab for a job seeker. The job seeker match is run on occupational code, location and wage. The correct code must be used to get a good job match.

B. Screening/Referral/Quality Assurance

Job referral is the process by which a registered job seeker is notified and referred to a specific job opening on a job order, and the referral is recorded on that job order. The purpose of a referral is to facilitate the labor exchange function between the job seeker and the employer. Identifying and selecting job seekers for referral to a job opening begin as job seekers are processed in the match pool. The following steps in the screening and referral process will ensure that the employer receives qualified job seekers:

- Determine that a job order is in Open status. Only one staff person will be allowed to notify and/or refer at any one time. The SCOTI LE system automatically locks the job order when it is being worked. When the first notification/referral process is completed, another One-Stop staff person can work on the notification/referral on the order.

If a job order is in referred status, this means all of the requested referrals and notifications have been made. One-Stop staff can no longer make a new referral and notification unless a negative result on a notification or referral is entered.

- A determination must be made on whether a job seeker is qualified to meet the employer's minimum workers' qualifications. The first job seeker in the match pool must be selected to compare the job seeker's Duties on the Notification and Referral screen with the employer's requirement of Desired Skills on the same screen. The comparison will allow One-Stop staff to determine if the job seeker can be notified for referral. Determining job seeker qualification is important in the steps of ensuring the employer with the highest possible quality referral.

The preferred method of contact is telephone. The telephone approach quickly facilitates the placement process for employers and job seekers. If the telephone contact is unsuccessful, other options can be used. After job seekers have been notified, they may be referred to the job order. The only reason job seekers should not be notified is because the individuals do not qualify for the job order based on duties. Job seekers who are interested and qualify should be referred to the job order.

Note: The duties of the job seeker are pre-populated from the Employment

History screen previously completed by the job seeker or One-Stop staff assisting the job seeker. The Desired Skills are pre-populated from the employer Job order description screen.

- Review the employer's referral instructions, including methods of contact, contact person and driving directions, as appropriate.
- Ensure that the job seeker has the necessary pre-employment skills (completing an employment application; preparing a resume; interviewing) to adequately represent his/her qualifications to the employer.
- Provide additional relevant information about the employer's hiring practices.
- May provide the job seeker with a printed referral or introduction card or letter to give to the employer, as appropriate.
- Record the referral against the job order in accordance with established SCOTI LE system procedures.

C. Job Order Maintenance

Timeliness of Job Order Entry and Match Processing

Job orders should be entered into SCOTI LE at the time the job orders are received. Job orders shall be verified for accuracy of content immediately. After completing the review, a match is conducted and the notification and referral process should begin immediately. Working job orders timely presents a positive image to the employer and facilitates job seekers who could be referred to the job order to have an opportunity to be interviewed and potentially placed in employment.

It is important to note that job orders in SCOTI LE will remain active for up to 90 days. After that time, the job order will be inactivated by the SCOTI LE system. To keep the job order active, the actual close date can be changed by the One-Stop staff.

Retention of Employer's Record

Employers' records will be updated quarterly. If an employer has a job order, the employer cannot be deleted for three years. If there is no job order, the employer's record is purged immediately.

D. Daily Report on New Job Orders

The Daily Report on New Job Orders is a routine system generated administrative report. This report displays job orders for the Internet and America's Job Bank that have been assigned to a SCOTI access point so that the location is aware that it has received a job order. The report will capture elements such as:

- C Job order number
- C An employer's name
- C Order source
- C Order type
- C O*Net code
- C O*Net Title
- C Number of Openings
- C Minimum and maximum salaries

E. Communication with the Employer

Communication with the employer during the selection process is important to keep the employer informed of the progress toward filling the job order and to assure that One-Stop staff is selecting job seekers based on the employer's current requirements and preferences.

SCOTI LE will generate a referral verification letter. If One-Stop staff chooses the option to send a referral verification letter, the SCOTIE LE system will mail the letter to the employer. The sole source of information on whether a job seeker was hired is the employer.

In the case of a Mass Recruitment job order (this is a specific job order type in which a large number of candidates are desired by the employer. These candidates may be referred without completing a registration in SCOTI LE), upon verification of hiring by the employer, SCOTI LE users may simply enter the name and SSN of those hired into the system and SCOTI LE will complete the required information with default values.

It is important to note that on the Job Order Summary tab, the close date of the order signals the SCOTI LE system to close the order. The order will close on the date it is scheduled to close unless the date is changed to a future date.

Draft SCOTI LE Policy Guidance No. 4-03

Subject: Systems Monitoring and Accountability of Activities in the Sharing Career Opportunities and Training Information (SCOTI) Labor Exchange (LE) System

I. Purpose

The purpose of this communication is to provide policy guidance on reports that may be used to monitor labor exchange activities and outcomes of job orders in the SCOTI LE system in One-Stop centers.

II. Background

The State of Ohio is required by the federal government to report accurate data and to record activities and services on job seekers registered in the SCOTI LE system. The Ohio Department of Job and Family Services has the responsibility of ensuring accuracy, uniformity and comparability in the reporting of statistical data derived from the SCOTI LE system.

III. Guidance Statement

The Ohio Department of Job and Family Services, Office of Research Assessment and Accountability staff, One-Stop management staff, and staff from the Veterans Services Office will monitor activities in the SCOTI LE system.

The SCOTI LE system will be monitored to ensure that One-Stop staff is handling job orders, job runs, veteran's preference, job matches and other LE system activities in accordance with Wagner-Peyser and other State and federal rules and regulations. Monitoring will occur through reports and on-site visits. A number of reports are available in SCOTI LE for both routine and audit purposes.

A. Trigger Report

The SCOTI LE system generated Trigger Report will record all occasions in which an unexpected event occurs. Examples of an unexpected event are a job order with a one-to-one ratio for referrals to placements and/or orders that show no matches run. If monitoring results indicate a performance problem, the problem will be treated as a training issue. One-Stop staff's access to SCOTI LE may be suspended until re-training has been provided. This report will be available in December 2003.

B. Sample Report

The Sample Report is an audit on activities that have occurred in SCOTI LE. How job seekers and job orders are handled will be reviewed using the Sample Report. Only State monitoring staff will access the Sample Report. This report will be available in December 2003.

C. Administrative Reports

One-Stop Operators should have procedures to internally monitor SCOTI LE activities. Administrative reports in SCOTI LE are available to designated LE staff.

Routine administrative reports include job order, activity and other reports that will indicate performance. The specific administrative reports in SCOTI LE are:

- C Job Order Activity Summary
- C Labor Exchange System Activity Report
- C Veterans Statistical Report
- C Summary of Applicant Characteristics
- C Veterans Registration Report
- C New Job Orders

Draft SCOTI LE Policy Guidance No. 5-03

Subject: Sharing Career Opportunities and Training Information (SCOTI) Labor

Exchange (LE) Roles Within the One-Stop Environment

I. Purpose

The purpose of this communication is to provide guidance on Wagner-Peyser SCOTI Labor Exchange roles in the One-Stop centers.

II. Background

As the local One-Stop staff performs labor exchange functions using the SCOTI LE automated system, One-Stop staff will be conducting its business practices differently as the labor exchange system gets implemented. There will be staff and managers' roles with different levels of access to SCOTI LE that will allow for different functionality of One-Stop staff.

III. Guidance Statement

In the One-Stop centers there will be roles that One-Stop staff may assume. The One-Stop partners in a One-Stop center will assign the roles. It is not advised that every One-Stop staff person be assigned a role for labor exchange. Only One-Stop staff that will perform labor exchange functions will need a role. One-Stop staff responsible for assigning a role cannot assign a role that is equal to their own, but can assign a role that is lower than their role.

In order for governmental employees to get access to SCOTI LE, a 7078 Security Agreement must be completed and signed with original signature of each staff member that will need access. The 7078 Security Agreement must be mailed to the SCOTI LE Help Desk. To obtain the 7078 Security Agreement, the following website can be used: <http://www.state.oh.us/scripts/odjfs/forms/pdf/07078.pdf>.

In order for non-governmental employees to get access to SCOTI LE, both a 7078 Security Agreement and a Confidentially Agreement must be completed and signed. Call the SCOTI LE Help-Desk to obtain the Confidentially Agreement.

After the roles have been assigned and required forms have been appropriately completed and received, the SCOTI Help-Desk may grant access for the assigned role. The roles may include:

- C One-Stop Staff
- C One-Stop Manager
- C Labor Exchange (LE) Staff
- C Labor Exchange (LE) Manager
- C Veteran Staff
- C Veteran Program Manager

- C WIA Case Manager
- C WIA Case Manager Supervisor
- C WIA Office Manager

When job seekers visit the One-Stop center, they may receive service by the receptionist or another staff member designated with the responsibility to begin the individual's registration in SCOTI LE. The receptionist or other staff may have an access role described as "One-Stop Staff" and may report to a "One-Stop Manager." The One-Stop Staff and Manager role will be able to access the first three tabs that contain contact and demographic information and the ability to post to the job seeker's services record. in SCOTI LE. The One-Stop Staff and Manager role cannot refer job seekers to employers, but can refer individual job seekers to services other than labor exchange services.

The LE Staff may have access to components in SCOTI LE to complete functions such as job seeker registration, registration updates, job order entry, match run and referral processing of job orders. The LE Staff may have access to reports pertinent to their assigned function. The LE Staff may report, functionally, to the LE Manager.

The LE Manager may have full administrative access to the SCOTI LE system for the purpose of managing the workload of various LE Staff assigned LE functions. The administrative duties may include monitoring, reporting and reviewing LE Staff production. The LE Manager's access will allow the manager to perform all of the functions of the LE Staff, in addition to accessing reports available in the reporting component of SCOTI LE.

The Veteran's Staff may have access to components in SCOTI LE to complete functions such as job seeker registration, registration updates, job order entry, match run and referral processing of job orders, in addition to the veteran's functions. The Veteran's Staff will have access to additional screens for the purpose of case management for veterans in training and will be able to run reports to review veteran's production statistics.

The Veterans' Program Manager's access will allow the manager to perform all of the functions of the Veteran's Staff and access the additional screens for case management for veterans, in addition to accessing reports available in the reporting component of SCOTI LE.

In addition to the six roles discussed above, the SCOTI WIA system will contain a role called "WIA Case Manager" that may report to the "WIA Case Manager Supervisor" or the "WIA Office Manager." The WIA specific levels of access to SCOTI are available for the purpose of registering persons seeking training and other services provided by the Workforce Investment Act (WIA) of 1998. A staff member with a WIA role does not automatically give the staff member access to

SCOTI LE. A WIA staff member does not necessarily need a labor exchange role, unless the WIA staff member is responsible for performing labor exchange functions. In most instances, WIA Case Managers will not need a labor exchange role.

Draft SCOTI LE Policy Guidance No. 6-03

Subject: Wagner-Peyser Labor Exchange Performance

I. Purpose

The purpose of this communication is to provide guidance on Wagner-Peyser

SCOTI Labor Exchange performance measures and reporting requirements.

II. Background

The enactment of the Workforce Investment Act (WIA) of 1998 along with the incorporation of the Wagner-Peyser activities created landmark change for the delivery of labor exchange services. The Ohio Department of Job and Family Services (ODJFS) is required to submit reports on Wagner-Peyser labor exchange services and on services to veterans to the Department of Labor (DOL) on a quarterly basis. The One-Stop delivery systems must meet the challenge of accountability when reporting the labor exchange performance measures, data collection and reporting requirements, and the establishment of expected levels of performance. This quarterly reported information aids Congress, the States, the business community and other partners and stakeholders in assessing the value of labor exchange services for customers.

The roadmap for the data collection and the reporting process to support the labor exchange performance measurement system is the ET Handbook No. 406 (ETA 9002 Data Preparation Handbook) and the VETS 200 Report and Specifications. The ET Handbook was transmitted by DOL Training and Employment Guidance Letter (TEGL) No.1-02, which is available online at: www.doleta.gov.

The five sections of the ETA 9002 are divided into three distinct areas of services, outcomes and job openings received. The VETS 200 Report is a subset of the ETA 9002 data. The data reported are the same data elements as the ETA 9002, but this information only applies to the activities of the Local Veterans Employment Representatives (LVERs) and Disabled Veteran Outreach Programs (DVOPs). This report evaluates the findings of more intensive services offered to veterans.

III. Guidance Statement

The Ohio Department of Job and Family Services is required to report to the Department of Labor employment outcomes of job seekers, including veterans, and job seeker and employer customer satisfaction scores.

Information on individuals who are registered job seekers with SCOTI LE is required to be reported. Total registered job seekers is defined as the number of job seekers who complete registration or receive a service with the labor exchange during a reporting period consisting of four consecutive calendar quarters. Job seekers receiving staff-assisted services funded under Wagner-Peyser must be registered.

Job openings are also reported to DOL according to the date they were listed in SCOTI LE. Job openings initially listed with America's Job Bank and imported into

SCOTI LE will be included in the count of job openings.

A. Performance Measures

Ohio has adopted the performance standards that are established by the Department of Labor (DOL). When the state's performance standards have been determined by DOL we will issue the standards to the local One-Stop Centers.

The four performance measures that apply to the public labor exchange funded by Wagner-Peyser are defined below.

1) *Job Seeker Entered Employment Rate (JSEER):*

$$\text{JSEER} = \frac{\text{Number Entered Employment with a New Employer}}{[\text{Number New Registered Job Seekers} - \text{Number Employed or Re-employed with Same Employer}]}$$

Elements of the measure are defined as follows:

- *Entered Employment with a New Employer:* The number of registered job seekers who, in the first or second quarter following the registration quarter, earned wages from a new employer if the job seeker was previously not employed, or earned wages from a different employer than that from which the registered job seeker earned wages in the quarter prior to the registration quarter if the job seeker was previously employed.
- *Registered Job Seekers:* Job seekers who registered with the labor exchange during the registration quarter; job seekers who were re-registered after their registration year expired; job seekers who were not formally re-registered, but who engaged in a labor exchange activity after their registration year expired.
- *Employed or Re-employed with Same Employer:* Those job seekers whose only wages earned in the first and second quarter following registration were exclusively with the same employer from which wages were earned in the quarter prior to the registration quarter.
- *Registration Quarter:* The calendar quarter in which a job seeker completed an initial registration with the labor exchange or in which a previously registered job seeker began a new registration year.

According to this measure, a successful employment outcome is recorded for a job seeker who enters employment with a new employer, whether the job seeker was employed or unemployed at the time of registration. This

outcome is determined by comparing the employer identification numbers (EIN) of registered job seekers' employers prior to and following registration based on information contained in the UI wage record database, the State Directory of New Hires (SDNH) database, or other available records. An unsuccessful outcome is recorded for a job seeker who does not enter employment with a new employer during the measurement period. Job seekers who remain employed exclusively with the same employer during the measurement period are excluded from the calculation.

2) Job Seeker Employment Retention Rate at Six Months (JSERR):

$$\text{JSERR} = \frac{\# \text{ Retained Employment Two Quarters after Entered Employment with a New Employer (age 19 and over)}}{\# \text{ Entered Employment with a New Employer (age 19 and over)}}$$

Elements of the measure are defined below:

- *Retained Employment Two Quarters after Entered Employment with a New Employer (age 19 and over)*: The number of registered job seekers age 19 and older at the time of registration who earned wages in the second quarter following the quarter in which they *Entered Employment with a New Employer*.
- *Entered Employment with New Employer (age 19 and over)*: The number of registered job seekers age 19 and older at the time of registration who, in the first or second quarter following the registration quarter, earned wages from a new or different employer than that from which the registered job seeker earned wages in the quarter prior to the registration quarter.

According to this measure, a successful employment retention outcome is recorded for job seekers, age 19 and over at the time of registration, who were determined to have entered employment according to the job seeker entered employment rate measure, and who were found through wage record matching to be employed in the second quarter following the quarter in which they first were determined to have entered employment. A successful outcome for retention is recorded for employment identified through wage record matching with any employer.

3) Job Seeker Customer Satisfaction

An outside contractor will conduct a labor exchange job seeker customer satisfaction survey. Specifications for the survey are as follows:

The job seeker customer satisfaction score is a weighted average of job seeker ratings on each of three questions regarding overall satisfaction, and is reported on a 0-100 point scale. The score is a weighted average, not a percentage.

All registered job seekers of labor exchange services are eligible to be chosen for inclusion in the random sample. As the population of job seekers registering with the labor exchange is different from the population of participants exiting WIA services, a separate survey is required to adequately gauge the satisfaction of job seeker customers.

Per Training and Employment Guidance Letter No. 6-00, Change 1, States may randomly sample job seekers (and employers) to obtain the desired number of completed surveys. States are required to determine the appropriate sample sizes and sampling percentages using the required response rate and the required number of interviews. Five hundred completed job seeker surveys must be obtained each year (four consecutive quarters) for calculation of the measure. Job seekers should be contacted within 60-90 days of the date of registration or the beginning of a new registration year. A completed job seeker survey is defined as a survey in which all three questions regarding overall satisfaction have been answered. The response rate from the sample with valid contact information must be a minimum of 50 percent. The standard of 500 from a sample of the whole population of customers provides accuracy such that there is only a 5 in 100 chance that the results would vary by more than ± 5 points from the score obtained from surveying the whole population.

The surveys should be conducted using a uniform telephone methodology. The rationale for only using telephone surveys is that (1) the comparability of the measure for assessing performance levels is most reliably obtained with a telephone survey, (2) telephone surveys are easily and reliably administered, and (3) defining procedures for mailed surveys is more difficult than defining procedures for telephone surveys.

4) Employer Customer Satisfaction

An outside contractor will conduct a labor exchange employer customer satisfaction survey. The results of the American Customer Satisfaction Index (ACSI) used to measure employer customer satisfaction under WIA also is used to measure employers' satisfaction with labor exchange services. Accordingly, States are encouraged to conduct one survey of employers to measure their satisfaction with One-Stop employer services to meet both the WIA and the public labor exchange employer customer satisfaction measurement requirements. Specifications for the employer customer satisfaction survey are described in TEGL 14-00, Attachment D, which is

available online at www.doleta.gov.

Using a uniform telephone methodology, States must achieve at least 500 completed interviews and meet the minimum required response rates. The surveys should be conducted on a rolling basis throughout the program year. To obtain sufficient numbers, smaller States will need to survey on an ongoing basis. Employers should be contacted within 60 days of the completion of the service or 30-60 days after a job order has been listed where no referrals have been made.

The employer customer satisfaction score is a weighted average of employer ratings on each of three questions regarding overall satisfaction, and is reported on a 0-100 point scale. The score is a weighted average, not a percentage.

B. Veterans' Performance Measures

Section 4 of the ETA 9002 D contains reporting performance information for veterans. This information defines how to report the specific data for veterans. A statewide report is created and submitted by the state to the Department of Labor.

Two key data elements are used to determine how to generate the count on the registration date and the activity date for the VETS 200 report. It is critical in the performance measures reporting process to abide by the following definitions of these key data elements:

1. Registration Date is the most recent of the following events:
 - a. Initial registration with the labor exchange;
 - b. Re-registration with the labor exchange after a previous registration year has expired;
 - c. The engagement in a labor exchange activity for a job seeker whose previous registration year has expired and who has not been formally re-registered.
2. Activity Date is the most recent date that the job seeker engaged in a labor exchange activity.

Please note under the VETS 200 A report that 1) the total job seekers and job seek characteristics are for individuals registered by VETS funded DVOP staff, and 2) reporting elements are services and/or outcomes as a result of services by VETS funded DVOP staff.

Under the VETS 200 B note that 1) the total job seekers and job seeker

characteristics are for individuals registered by VETS funded LVER staff, and 2) the reporting elements are services and/or outcomes as a result of services by VETS funded LVER staff.

C. Performance Reporting

One-Stop Operators are required to collect and maintain information to support labor exchange reporting. One-Stop Operators must use the SCOTI LE system to report data on labor exchange services provided to job seekers including veterans, and on job openings employers list with the SCOTI LE. By entering job seeker and employer information into the SCOTI LE system, the system will automatically collect the information that is required for reporting.

Because employment outcome information is dependent on wage record data, it will not be available at the same time as information on the number of job seekers who are registered job seekers or who receive labor exchange services. Outcome information for job seekers and veterans will be collected on separate reports from information on services.

D. Sanctions

The DOL standards are based on a three (3) year average of the performance reported by all states. July 1, 2003 - June 30, 2004 is the first year for counting performance, and it is a hold-harmless year in which there will be no penalty imposed for failure to meet the established standards. There must be an improvement each year thereafter, or the State may receive financial sanctions, including ineligibility for incentive funds and a 5% reduction in the Wagner-Peyser allocation for the following year.