



Missouri Department of Higher Education and Workforce Development

OWD Issuance 10-2019, Change 1

Release Number—Program Year

Release Date:
February 28, 2020
Effective Date:
February 28, 2020
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Continuous, until further notice

SUBJECT:

Wagner-Peyser / Labor Exchange Policy

ATTACHMENTS: --- Attachment 1 (Job Order guidance)

This Issuance is Official Policy of the Missouri Department of Higher Education and Workforce Development

ISSUING AUTHORITY:

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Director
Missouri Office of
Workforce Development

THIS ISSUANCE DOES NOT REQUIRE CREATION OR ALTERATION OF A CORRESPONDING LOCAL POLICY

KEYWORDS:

Employment Services; Job Orders; Labor Exchange; MoJobs; Wagner-Peyser; WP

THIS ISSUANCE AFFECTS:

Missouri One-Stop Delivery System (MJC/AJCs)
WIOA Title I Local Areas/Local Boards/Local Plans
WIOA Title I Performance/Accountability
WIOA Title I One-Stop Delivery/Service Providers
WIOA Adult Employment/Training
WIOA Dislocated Worker Employment/Training
WIOA Youth Workforce Investment Activities
WIOA Title III Wagner-Peyser Act Services
National/Statewide Programs/Grants
Trade Adjustment Assistance
State of Missouri Workforce System Procedures

FOR THE ATTENTION OF:

DWD State Professional Staff
One-Stop Frontline Staff
One-Stop Operators
One-Stop Functional Leaders
Service Providers
Local Quality Assurance Monitors
Local JVSG Veterans Reps
Local Trade Act Reps

RESCISSIONS:

DWD Issuance 32-2017: Wagner-Peyser Labor Exchange Manual

REFERENCES:

[20 CFR §652.9](#), "Labor Disputes".

[TEGL 31-11](#), "Update on Complying with Nondiscrimination Provisions: Criminal Record Restrictions and Disparate Impact Based on Race and National Origin," May 25, 2012.

SUMMARY:

This Issuance is designed to provide the case management requirements associated with the Wagner-Peyser program. Provides language necessary to allow staff to understand expectations on service delivery, case management entry requirements, and other functions necessary to facilitate a successful outcome for those customers enrolled into the Wagner-Peyser program.

BACKGROUND:

Wagner-Peyser (WP) is a core program under the Workforce Innovation and Opportunity Act (WIOA). Its basic purpose is to improve the functioning of the nation's labor markets by bringing together individuals seeking employment and employers who are seeking workers. WP services are delivered by Department of Higher Education and Workforce Development staff and Missouri Job Center staff in the Job Centers across the state.

SUBSTANCE:

The Wagner-Peyser Act, as amended by Title III of the WIOA, requires that the State administer a public labor exchange system, and also requires individuals to be provided basic career services, and allows for the provision of individualized career services.

Basic career services are universally accessible and must be made available to all individuals. Examples include provision of labor market information, provision of referrals to community resources, and eligibility determinations.

Individualized career services must be provided to actual participants after a determination has been made that such services are required to retain or obtain employment. Examples include specialized assessments, developing individualized employment plans, and career guidance/counseling.

All WP services can be found in the current OWD Issuance regarding Participant Activity Codes, Durations, & Definitions.

Initial Job Center Process

When an individual visits the local Job Center (JC) to utilize the labor exchange system, or are scheduled to meet with a staff person, JC staff are required to direct the individual to complete the steps below.

1. Create and/or update MoJobs Individual Profile; and
2. Create and/or update MoJobs résumé.

After these steps have been completed, an individual can continue to use the labor exchange system on their own or move forward to meet with staff, whatever the situation may be.

WP Enrollment

Enrollment into WP must be completed on the following individuals:

- Customers who are in need of staff-directed assistance in finding employment;
- Customers that are eligible for, or reporting for, services through the WIOA programs; Veteran's program (if being case managed), Reemployment Services and Eligibility Assessment (RESEA), Trade Act Assistance (TAA) program, Migrant and Seasonal Farmworkers (MSFW), Missouri Re-entry Process, etc.;
- When processing the TRA-22 for Trade Act (TAA) customers these can be recorded as 145-Unemployment Compensation Assistance once they are co-enrolled in Wagner-Peyser.
- Claimants complying with state or federal Unemployment Insurance (UI) laws or regulations that require registration with the public labor exchange as a condition for continued receipt or eligibility for program benefits.
 - NOTE: individuals reporting to the Job Center for ID verification purposes only *do not* require a WP enrollment.

A WP enrollment must be completed before any staff-assisted services are recorded, including job order referrals and/or services that are set to be tracked using the Events Calendar, with the exception of informational workshops. For this reason, staff are to verify that the customer has an active WP enrollment in place before the customer receives a seated interview with JC staff. All WP participants at the time of enrollment must have a completed active and online resume in the system.

Registration Requirements

The System allows individuals to access basic information without a log in. However, if a customer seeks to use the system for specific purposes, a registration must be created within the system. Examples include getting referral information for job openings and entering a job order in to the system.

All customers, job seekers and employers alike, must be registered in MoJobs so that appropriate services and notes can be recorded as they occur.

Verifying Accounts

Job Center (JC) staff are to verify if an account already exists within the MoJobs system before directing any customer to register in the system.

Duplicate Accounts

When duplicate accounts are discovered in the system, staff should verify and confirm which account is the correct account. In all cases when a customer has duplicate accounts, the account with the SSN must be used as the primary account. Staff should then contact the OWD Technical Support Unit via email at dwdsupport@dhewd.mo.gov and ask that the accounts be merged.

Job Seekers - Service Policy

It is the policy of the OWD to provide services to all individuals legally seeking employment opportunities. It is the goal of the OWD to maintain a quality labor exchange system and to provide the maximum services possible for job-ready applicants. OWD staff and their partner agencies will utilize their experience, expertise, and judgment to provide labor exchange services for these applicants. Additional services will be provided to customers who are not immediately job-ready. Services may include referral to job counseling, referral to training, and other appropriate resources to assist customers in obtaining employment as quickly as possible.

The following are policies of OWD:

- Give priority in selection and referral to qualified veterans and give disabled veterans priority over other veterans.
- Extend no preference in referral to any applicant or group of applicants (except in accordance with legal requirements).
- Accept an application from any job seeker, legally eligible to work in the U.S., without regard to place of residence, current employment status, or occupational qualifications.
- Obtain from the job seeker only that information which is necessary to determine his or her qualifications for employment and is required to carry out our legal responsibilities.
- Classify a job seeker in terms of all applicable Occupational Information Network (O*NET) codes and assign all appropriate job skills to the individual's record.
- Utilize the applicant's skills, education, training, and interests when referring applicants to job openings.
- Make no referral that will aid, directly or indirectly, in filling a job that is vacant due to the following: the former occupant of the job is on strike, the former occupant of the job is being locked out in the course of a labor dispute, or where the filling of the job is an issue in a labor dispute. With respect to positions not covered by these examples, an individual may be referred to a place of employment in which a labor dispute exists, provided he/she is given written notice of the dispute prior to or at the time of referral.
- Make no referral to a position where the job performed, or the terms or conditions of employment, are contrary to federal, state, or local law.
- Give equitable consideration, based on qualifications, to all registered applicants who have indicated their availability for employment, without regard to their presence in the office at the time of selection.

Employers

An account must be entered for all employers wanting to post a job opening on MoJobs. All employer accounts come equipped with a user name to MoJobs and require validation of the employer before allowing access to the system. If a new employer is seeking services, they must have a position for which they are seeking applicants before an account can be created.

JC staff may assist with creating accounts for employers. Creation of the employer account, by either party, will have an account status of 'Pending Verification' until the OWD Technical Support Unit validates the employer, which can take up to 48 hours to complete. In the meantime, job orders can still be entered in to the labor exchange system by staff and will be made available online once the account has been validated. Any questions regarding the validation of an employer are to be directed to the OWD Technical Support Unit at dwdsupport@dhewd.mo.gov or (866) 506-0251.

It is the responsibility of all JC staff to ensure employers receive quality services. JC staff are required to review job orders on an ongoing basis, whether or not JC staff assisted in the creation of a job order. Job orders should be reviewed to ensure the employer gets the most out of the system. If edits are needed, the employer should be contacted and services offered. JC staff are required work job orders on an ongoing basis and send out notifications to qualified job seekers. Notifications, or lack thereof, should be case noted on the employer's record upon completion.

Employer - Policy & Terms of Service

- Cannot sell or repost Job Seeker information found in the System;
- Must have a bona fide job opening to use the System and cannot post job orders for positions that are (1) not currently open for hiring, (2) used as source of sales leads, or (3) related to network marketing or pyramid schemes.
- Must demonstrate that an employer-employee relationship exists as demonstrated by the direct hiring of the employee, such as paying the required federal taxes and provision of W-2s at the end of the year.

Job Order Entry Timeline

All job orders received in the morning must be entered into MoJobs no later than close of business on that same day. Job orders received in the afternoon must be entered into the system no later than the close of business on the following day.

Obtaining Job Order Information

When an employer contacts the JC for assistance with job order entry, staff can review previous job orders on the employer's plan or use the Job Order Short Form to obtain the information necessary to enter a new job order.

If using a previously entered job order, the job order should be carefully reviewed with the employer to assure that specifications accurately describe the requirements of the new job opening.

If a previous job order is not found in the job order history, JC staff will obtain a description of the basic structure of the job and proceed with entering a job order. The employer should provide information about the significant tasks of the job and for each job listing:

- The job title and job description;
- The method, including the equipment, tools and technology, and materials used;
- The minimum qualification and hiring requirements;
- The degree of speed, accuracy, and tolerance (if applicable) involved;
- Other significant occupational information, or details, necessary to select and refer applicants; and
- Instructions on how to apply for the position.

JC staff should ask general questions about the structure common to all jobs, or develop specific questions about how a specific job may vary. JC staff should avoid questions that may lead the employer to make requirements that are not specific to the performance of the job.

Medical Marijuana Job Orders

Under federal law, marijuana is a controlled substance and therefore Missouri Job Centers cannot post job orders on behalf of Medical Marijuana employers nor can staff refer individuals to any medical marijuana job orders. Staff should notify the

Customer Support Unit if they discover any job orders related to any drug that is illegal under federal law as these job orders need to be removed from MoJobs.

ROLES, RESPONSIBILITIES, and REQUIRED ACTIONS:

Effective immediately, all WDB Directors and Missouri Job Center Leaders should inform Frontline Workforce System Staff of these requirements.

All Frontline Workforce System Staff performing WP case management services should immediately apply these requirements.

TIMELINE:

All Missouri Workforce System Staff—Implementation of these rules.....Immediate and Continuous

INQUIRIES:

Please direct all questions or comments regarding this Issuance document to dwdpolicy@dhewd.mo.gov. All active Issuances are available at jobs.mo.gov/dwdissuances. Expired/rescinded Issuances are available on request.

*For information about [Workforce Development](#) services, contact a [Missouri Job Center](#) near you.
Locations and additional information are available at jobs.mo.gov or 1-(888)-728-JOBS (5627).*

*Missouri Department of Higher Education and Workforce Development is an [equal opportunity](#) employer/program.
Auxiliary aids and services are available upon request to individuals with disabilities.
Missouri Relay Services at 711.*