

November 7, 2006

## **Job Order Policy A16. Private Employment Agencies Has Been Revised**

Recently Job Order Policy A16. Private Employment Agencies (including Temporary and Direct Hire) was revised to clarify situations where non-employment agencies or companies perform employment agency functions. The entire policy is listed below. The red text is the new language. The online Job Order policy documents [http://www.dwd.state.wi.us/dws/staff/job\\_order/policies\\_procedures/default.htm](http://www.dwd.state.wi.us/dws/staff/job_order/policies_procedures/default.htm) and [http://dwd.wisconsin.gov/dws/staff/job\\_order/policies\\_procedures/Job\\_Order\\_Policies\\_and\\_Procedures\\_2006.pdf](http://dwd.wisconsin.gov/dws/staff/job_order/policies_procedures/Job_Order_Policies_and_Procedures_2006.pdf) have been updated.

### **A16. Private Employment Agencies (including Temporary and Direct Hire)**

Private employment agencies may be referred to by a number of names such as temp agencies, temporary agencies, staffing services or placement services. Private employment agencies offer employers a variety of services which may be referred to by terms such as "temp-to-hire", "temp-to perm", "temporary staffing", or "direct hire." **Occasionally a non-employment agency company will perform employment agency functions (such as recruiting) and should be treated like an employment agency.** Job order staff need to understand the nature of the service being offered by the private employment agency, rather than depending upon the name assigned to the service or the agency, when making decisions related to listing these openings.

#### **Direct Hire**

Private employment agencies, **or other private companies performing employment agency functions**, may also act as an agent for other businesses to recruit employees who work directly for the other business. These situations are often referred to as "direct hires." Private agencies may list job orders to recruit for other employers in these situations, with certain restrictions. They are not the legal employers of record.

To accept a job order from a private agency where the agency is acting only as a recruiting agent, the name of the actual employer must be provided to job order staff. The name of the actual employer must appear in the area for employer name and address in the Employer Demographics section of the job order unless it is a suppressed job order. (In the event the private employment agency, **or other private companies performing employment agency functions**, indicates that their client, the "actual" employer, does not wish to have their name appear on the order, list the opening as a suppressed order. A suppressed order does not show the employer name and address and, as with all direct hire orders, referral instructions will instruct job seekers to apply through the private employment agent or staffing service. For more information, see A17. Suppressed Job Orders.)

Staff should indicate in the Staff Comments field that this is a "direct hire" and the referral instructions should direct job seekers to the private employment agency. Staff must indicate "yes" to the question "Is this job order a recruitment for an employer by a Staffing Agency?" in the Job Order Management section of the job order form in order to activate the Employment Agency icon on JobNet. If the job is expected to last over 150 days, assign occupational codes based on the occupation, duration of the job, and hours per week. No fee should be charged to the job applicant.

The following Mandatory Statement must be checked on the Job Order Management Tab:

"This position is listed by a private employment agency. The agency is not the legal employer; it is recruiting for the actual legal employer. No fee will be charged of the job applicant."

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