

June 15, 2007

Reminder About Job Order Policy B6.

The central office has recently received several questions regarding the interpretation of Job Order Policy B6 entitled "Fees, Investments, and Purchases as a Condition of Employment" particularly as it relates to trucking companies recruiting and training entry level truck drivers. Several of these employers require entry level truck drivers to pay a fee for training, or, in the alternative, require entry level truck drivers to enter into a contract to work for that particular employer for a specified amount of time.

The pertinent part of policy B6, states "[i]nvestments 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."

Training new employees is the usual cost of doing business for an employer. Therefore, requiring an employee to pay a fee for training, or take on a contractual obligation in lieu of a monetary fee for training, is unacceptable. Job orders that reflect this type of arrangement are not acceptable for JobNet.

Job Order Policy B6 includes an exception. "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."

Certifications and licenses required to enter a particular occupation are personal, they benefit the employee, they are the cost of entering an occupation, and they can be taken to other places of employment. It is acceptable to factor in the cost of any schooling or training that is a normal and standard part of obtaining that certification or license provided it is within the fair market value for similar schooling or training. Therefore, an employer may post a job order on JobNet requiring a new employee to cover a part or all of the cost of obtaining a certification or license to work within the occupation for which they are hired.

It is acceptable to post a job order on JobNet for a trucking company requiring a new employee to pay a part or the entire licensing fee to obtain their Commercial Drivers License.

Whether a fee is acceptable will depend on the facts of each situation. Staff entering and approving job orders need to ask each employer to give a specific description of any cost to job seekers. If there is an acceptable cost to a job seeker it must be clearly represented within the job order. At a minimum, this means that the job order should state exactly what the cost is for and exactly how much the cost is.

These job orders remain subject to all other applicable statutes, regulations, and policies. Should you have any questions or concerns, please contact Catherine Manakas at (608) 266-1303 or Catherine.manakas@dwd.state.wi.us.

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