SDWORKS EMPLOYER VERIFICATION

SDWORKS is an online database for job seekers and employers in South Dakota. Employers can search Labor Market Information (LMI), post job openings, and search for potential candidates for recruiting purposes at no cost. DLR fulfills this responsibility utilizing SDWORKS. DLR will administer all SDWORKS employer accounts as detailed in this policy.

For more information on SDWORKS employer accounts, or to create an employer account, review the SDWORKS Employer Accounts Resource 30.

EMPLOYERS

DLR staff will verify all initial SDWORKS employer account requests. Upon meeting the criteria, employers may post job orders and receive applications.

An employer:
- Is a person or organization that employs people;
- Pays the employee a salary or wage;
- Assigns and directs an employee's work duties;
- Withholds a portion of an employee's wage for remittance to federal, state, and local tax authorities; and
- Annually issues (or intends to issue) IRS Wage and Tax Statement (Form W-2) summarizing the employee's income and withholdings.

An employer needs to have job openings, either current or in the near future, within the State of South Dakota or in its adjacent counties.

Federal law prohibits the use of these services for the purpose of soliciting business opportunities.

Federal Employer Identification Number
For businesses to hire individuals, they must have a Federal Employer Identification Number (FEIN). Prior to posting job orders or receiving workforce program services such as On-the-Job Training, an employer must provide their FEIN in SDWORKS. Employers can obtain their FEIN immediately by applying online at www.irs.gov.

If a new business is in the process of obtaining a FEIN, the employer's social security number may be used temporarily, with the expectation that the employer will provide the FEIN to DLR when it is obtained.

Third-Party Agents
Employers can notify the Department of third-party involvement during the account enrollment process or by contacting their local job service office.

A Third Party Agent (TPA) will need to create their own account in SDWORKS and request access to each employer account they are authorized to work with. A signed authorization will need to be provided for each employer and uploaded to SDWORKS before access. Authorization is valid one year from the date of signature.

Foreign Labor
If a new account is created for H-2B, the employer will need to continue through the verification process.

If the new employer account is a job order request by the FLC Coordinator or Program Assistant for H-2A, employer verification is not required.

FRAUDULENT EMPLOYER ACCOUNTS

Job seekers who believe they have information concerning a scam have the right to notify the State Attorney General's Office of Consumer Protection at 605.773.4400 or 1.800.300.1986.

Suspicious employer accounts should be reported ***immediately*** to SDWORKSPUB@state.sd.us.

SDWORKS EMPLOYER ACCOUNT STATUS

Pending Verification
The employer account is awaiting verification. The employer can log into their account and view/reply to messages but is prevented from posting or viewing jobs or searching for and viewing job seeker information. This is the default setting for newly-registered employer accounts.

Enabled
If the account is determined to be a valid employer with accurate account and contact information, the account will be *Enabled* by DLR staff. An *Enabled* account will allow an employer all access rights to the SDWORKS system.

Locked Out
If an employer account is not able to be verified, is determined to be fraudulent, if the business has closed, or if the employer has violated the terms in the SDWORKS Employer Account Agreement, the employer's account will be *Locked Out.* This status completely removes the employer's access to SDWORKS.