

SDWORKS JOB ORDERS

Verified employers can directly post job orders to SDWORKS. An employer may seek DLR staff assistance to develop, review, or post a job order. For more information, review the *SDWORKS Employer Supplement* ([WIOA Resource 30](#)).

If the job order is for Foreign Labor Certification, please reference [Foreign Labor Job Orders](#) Policy 8.8.

DLR reserves the right to remove job orders from SDWORKS.

Requirements

SDWORKS job orders must:

- Be listed under the actual employer and include the name of the employer of record.
- Identify immediate job vacancies expected to be filled within 60 days.
- Be for positions located within the State of South Dakota or within 30 miles from the South Dakota border.
- Represent an employer/employee relationship. Businesses seeking independent contractors do not meet the definition of an employer/employee relationship. ***If the individual is to be compensated as an Independent Contractor and not as an employee, the job order may not be posted.*** An exception to this bullet is
 - **Non-Paid Internships** that meet the “primary beneficiary test” are excluded from this requirement.
- Not be for job postings describing work situations that conflict with federal and state compensation laws such as, but not limited to, the Fair Labor Standards Act (29, U.S.C. Chapter 8), South Dakota Minimum Wage (SDCL 60-11-3, 60-11-3.2) or Labor Laws (SDCL 60-12; 29 Code of Federal Regulation, Part 570).
- Be in compliance with *20 CFR §652.9*. DLR will not provide job referrals on job orders representing position that are vacant due to an active labor dispute involving a work stoppage.
- Not require the applicant to pay a fee to be considered for employment, pay for employer-provided training to be considered for employment, make an investment in the business to be considered for employment, make an arrangement to pay the advertising employer or third-party acting on behalf of the employer.
- Reflect the appropriate O*NET codes that represents the occupation and duties of the job.
 - Job orders should be coded using the appropriate *Occupation Information Network* (O*NET) code. Use of the correct code is critical to ensure the best match will be made with job seekers. If an employer is not sure what O*Net code to use, they should contact their local [Job Service Office](#) for assistance.
 - **Example:** *If the opening is for housekeeping the O*NET code would be for housekeeping, not a healthcare code (even though the worker will be performing work in a clinical setting).*

JOB ORDER STATUS

Job orders posted in SDWORKS will automatically close in 45 days unless the job order is manually extended in SDWORKS. If an employer wants to re-post a job order after it has closed, they should NOT re-open a closed job order. Rather, they should open a new job order and copy an existing job order.

QUESTIONABLE JOB ORDERS

If a job order does not meet applicable employment laws or comply with DLR policy, DLR staff must notify the person who submitted the job order and allow an opportunity to amend the contents of the job order.

FRAUDULENT JOB ORDERS

Job seekers who believe they have information concerning a scam have the right to notify the State Attorney General’s Office of Consumer Protection. Suspicious job orders should be reported **immediately** to SDWORKSPUB@state.sd.us.

*20 CFR §652.9
Wagner-Peyser Act §13(b)(1)*