

13 NCAC 17 .0106 JOB ORDERS

(a) Bona Fide Job Order Required. No private personnel service shall offer or hold itself out as being able to secure a specific position of employment for an applicant without having a bona fide job order. A bona fide job order is one which:

- (1) Is recorded on a form;
- (2) Contains, at a minimum, the following:
 - (A) Name and title of the person communicating the job order to the private personnel service;
 - (B) Date recorded or last verified, whichever is most recent;
 - (C) Name and address of the employer;
 - (D) Job title and requirements;
 - (E) Wages or salary, including any bonus that is included in the stated anticipated annual earnings;
 - (F) Anticipated hours worked;
 - (G) Any compensation that is based on commission;
 - (H) Whether it is the applicant or the employer that is responsible for the placement fee; and
 - (I) Name of the person recording the job order.

(b) Private Personnel Service Responsible for Explaining Conditions of Employment. At a minimum, the private personnel service shall fully disclose to the applicant all of the required information in Subparagraph (a)(2) of this Rule. The private personnel service shall ask the employer for the following information, at a minimum, and shall disclose it to the applicant if received from the employer:

- (1) Name and title of person to whom the applicant is to report for an interview;
- (2) Requisite education and experience; and
- (3) All known conditions of employment, including regular and overtime wages, commissions, benefits, hours, work schedule, whether overtime is expected, whether overtime is included in the expected annual earnings and actual days worked per week.

(c) Disclosure requirements. Disclosure required by this Rule shall occur prior to the applicant's interview with the employer. The private personnel service shall base its disclosure upon documents received from the employer or conversations with the employer which shall be reduced to writing. Disclosure shall be accurate to the best of the private personnel service's knowledge.

(d) Commission-based Compensation:

- (1) If an applicant is to be compensated, in whole or in part, by commissions and the employer will be responsible for a potential fee reimbursement, then the job order must also be signed by the employer.
- (2) A private personnel service may, however, forego the written job order requirement if it is willing to assume liability for a potential fee reimbursement in accordance with G.S. 95-47.4(f) and G.S. 95-47.4(h)(2).

(e) Job Order Verification. At least once a month, the private personnel service shall verify job orders for which applicants are referred or for which advertisements are placed.

*History Note: Authority G.S. 95-47.3A; 95-47.6; 95-47.9;
Eff. February 27, 1995;
Amended Eff. April 1, 2001;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. July 22, 2018.*