



## PERMANENT ADMINISTRATIVE ORDER

**ED 5-2019**  
CHAPTER 471  
EMPLOYMENT DEPARTMENT

**FILED**  
12/06/2019 11:03 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE  
& LEGISLATIVE COUNSEL

FILING CAPTION: Updating rule to allow job postings to be available immediately when posted by validated employers

EFFECTIVE DATE: 12/08/2019

AGENCY APPROVED DATE: 12/06/2019

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AMEND: 471-020-0035

REPEAL: Temporary 471-020-0035 from ED 3-2019

RULE TITLE: Job Listings

NOTICE FILED DATE: 10/14/2019

RULE SUMMARY: This amendment adds the phrase "and job listings entered by validated employers, business owners who have provided supporting information to demonstrate they are operating a legitimate business," to part (5). This provides clarity of when job listings may be immediately made available to customers. Additionally this amendment removes part (7) as this rule would no longer be applied retroactively to part (5).

### RULE TEXT:

- (1) All job listings accepted by authorized Employment Department or partner staff must:
  - (a) Be for an identifiable current job opening, or an identifiable future job opening;
  - (b) Establish an employer-employee relationship;
  - (c) Pay at least minimum wage, unless exempted by state or federal law; and
  - (d) Not contain terms or conditions of employment contrary to state or federal law.
- (2) The Employment Department will not list job listings replacing workers that are out of work due to a labor dispute, as defined in OAR 471-030-0097.
- (3) No job listing will be accepted that charges a fee to candidates, unless:
  - (a) The fee is for a drug test and is charged only to individuals who have been offered work contingent on passing the drug test;
  - (b) The fee is for a physical examination to determine that the job offered is within the physical capabilities of the applicant and is only charged to individuals who have been offered work contingent upon passing the physical examination; or
  - (c) The fee is for a license, test or check (such as a background check) that is required by statute or law and is charged only to individuals who have been offered work contingent on obtaining the required license or passing the required test or check.
- (4) Unless the conditions of any job listing can reasonably be shown to be a "bona fide occupational requirement" (BFOQ), as determined by the Department, all employers making use of the Employment Department's job listing

system will abide by all state and federal laws relating to Equal Employment Opportunity, including prohibition against discrimination.

(5) Job listings streamed from outside sources that are not staff accepted and job listings entered by validated employers may be immediately made available to customers. If any of these listings are found to be out of compliance with Federal and State laws and rules, the agency will take necessary action to remedy.

(6) The Employment Department shall evaluate all requests to accept job listings streamed from outside sources. If the agency finds a request to be viable, the agency shall enter in a written agreement prior to data exchange.

STATUTORY/OTHER AUTHORITY: ORS 657.610

STATUTES/OTHER IMPLEMENTED: ORS 657.610, 657.705 - 657.725