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**The Employer  
Advisory**

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**Employment Case Analysis You Can Use**

**FEDERAL AGENCIES DEFINE INTERNET JOB APPLICANT**

Four federal agencies issued joint guidelines on the definition of a job “applicant” in the context of Internet job recruiting. The guidelines should enable employers to more easily comply with the EEO regulations that require employers to track job applicants.

Under the new guidelines, an unsolicited resume is not considered an application. Employers are not required to retain these resumes. A response to a posted job ad that does not follow the employer’s standard application procedures is not an application. An individual is considered an applicant only when: 1) the employer actively sought applications to fill a position; 2) the individual followed the employer’s standard procedures for applying for the position; and 3) the individual expressed an interest in that position. The narrowing of the definition of applicant should reduce the number of applicants that need to be tracked by employers.

A resume posted on a resume bank or on a personal web site is not an application because the posting is considered a personal advertisement. An individual may become an applicant if the employer responds regarding a particular position, the individual then expresses an interest in that position, and subsequently follows the employer’s standard application procedures.

Employers should take this opportunity to review their application procedures. These guidelines have not yet been approved by the Office of Management and Budget. The announcement of the effective date is expected in the near future. Employers should implement well-defined procedures for Internet job recruiting.

**Employers should prepare for the new guidelines by reviewing their Internet job recruiting policies. These new guidelines significantly narrow the definition of job applicant and offer some protection to employers inundated with unsolicited resumes received via the Internet. (KAA)**

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