



Division of Legislative Services

ISSUE BRIEF

“Ghost” Jobs

By: Grace Kelley, Legislative Research Analyst
August 8, 2025

Overview

[“Ghost” jobs](#) are online job postings for positions that do not currently exist, or that employers do not intend to fill immediately. Although “ghost” job postings may not be deliberate, companies may post these jobs to evaluate a potential pool of candidates for the future, to signal to existing employees that they are replaceable or that the company is making an effort to lessen their workload, or to demonstrate a recruitment of a diverse candidate pool despite their intent to hire internally. In a [2024 survey](#), 40% of hiring managers stated that their company had posted a fake job listing within the past year. Of that 40%, 19% posted 5 “ghost” job listings, 19% posted 10 “ghost” job listings, and 13% posted 75 or more “ghost” job listings. Hiring managers utilize this practice in confidence across the board to aid in increasing company revenue, boosting employee morale, and increasing employee productivity.

“Ghost” jobs can be discouraging for employment seekers, especially during times of job market insecurity and increasing costs of living. Companies often still contact and interview applicants for “ghost” jobs, making it difficult for employment seekers to distinguish between valid job postings and postings for jobs with no current vacancies. Accordingly, the practice of posting “ghost” jobs may play a role in eroding public trust of companies, which inevitably adds another layer of complication to the search for work. Additionally, [applicant data](#) collected from “ghost” job postings is inherently not used for its intended purpose, raising potential legal data protection concerns.

There are currently no federal or state laws that explicitly prohibit companies from posting notices for positions without an existing vacancy, regardless of a company’s intent. [California](#), [Kentucky](#), and [New Jersey](#) have introduced legislation that would mandate employers to disclose whether a job posting is for an existing vacancy in the hopes of eliminating the practice of posting “ghost” jobs. Additionally, in June 2025, the advocacy group [Truth in Job Ads](#) drafted potential federal legislation titled “The Truth in Job Advertising and Accountability Act” intended to eliminate “ghost” jobs, increase transparency in hiring practices, safeguard applicant privacy, and hold employers and job platforms accountable. However, this legislation has not been introduced in Congress.

Advantages of Minimizing “Ghost” Jobs

- **Employment Seeker Protection**

Interviews that lead nowhere or no responses to countless applications are discouraging for job applicants and erode trust in the hiring process and companies overall. Legislation intended to limit “ghost” job postings can increase transparency for employment seekers and build trust in hiring processes and companies alike. Additionally, job seekers can ensure their [applicant data](#) is being used or stored for its intended purpose.

Challenges of “Ghost” Job Legislation

- **Burden on Employers**

As “ghost” jobs are a relatively common practice among hiring managers, [employers](#) would need to audit all current job postings and disclose the explicit intent of said postings. Accordingly, HR processes may need adjustments to incorporate oversight and training to comply with the law.

- **Enforcement**

Civil penalties for violating requirements to disclose whether a job posting is for a current vacancy may be an effective enforcement mechanism. However, an appropriate balance between violation rectification opportunities and fine amounts may need to be considered to minimize the potential burden on smaller employers, sectors with higher turnover rates, and public sector hiring.

State Efforts on Minimizing “Ghost” Jobs

- **California**

[AB-1251](#) requires all private employers who publicly advertise job postings to include a clear and legible statement

"disclosing whether the posting is for a vacancy for the advertised position or not."

- **Kentucky**

[HB 57](#) prohibits the posting of “ghost” jobs as defined in the bill and requires the disclosure of whether a posting is for an existing vacancy or an anticipated future vacancy. The bill also outlines civil penalties for violations.

- **New Jersey**

[A4625](#) requires employers to disclose whether a job posting is for an existing vacancy and, if so, an employer must provide an estimated timeframe for filling the position. Employers are also required to remove job postings within two weeks of a position being filled, including notifying third-party job posting companies to remove the filled listings. Violations are subject to civil penalties, provided that prior to an employer being fined, the employer receives a warning from the Commissioner of Labor and Workforce Development to rectify the violation within seven business days. This stipulation was added to address concerns from committee hearings on the bill, citing the potential burden on smaller employers, positions with higher turnover, and public sector hiring.

Considerations for Delaware Legislators

- **Amend § 709C of Title 19 of the Delaware Code**

Passed in 2025, [House Substitute 2 for House Bill 105](#) requires employers to include salary or wage range information and a general description of benefits in all postings for job opportunities, and outlines civil penalties for employers

with 26 or more employees who fail to do so. Although this change may discourage employers from putting their efforts into posting “ghost” jobs, an amendment requiring employers to explicitly disclose whether a job posting is for an existing vacancy or anticipated vacancy may further increase transparency for employment seekers and definitively minimize “ghost” job postings.