

Alaska

■ **ALASKA EMPLOYMENT AGENCY LAW**

TERMS: It is illegal for anyone to charge money for referring workers to employment, or providing workers to an employer, without first obtaining a permit from the state. A person who furnishes labor or employment may not issue false or misleading information concerning a job opportunity, refer a child to employment contrary to the child labor laws, or refer a worker to a workplace subject to a strike without first informing the worker that a strike is in progress.

ENFORCEMENT: *Wage and Hour Administration, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4842).*

Arizona

■ PRIVATE EMPLOYMENT AGENTS LAW

TERMS: It is unlawful for any person, company or association to charge or collect a fee from anyone, in return for providing workers with job information or helping employers find workers, without first obtaining an employment agent's license from the state. In part, issuance of a license requires the applicant to pass a written examination regarding labor laws and regulations, to post a cash deposit or bond, and to pay a license fee. Among other prohibited acts, employment agents are forbidden from making false or misleading statements to workers regarding the nature, location or duration of any employment, the wages involved, or other conditions of the job.

ENFORCEMENT: *State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515).*

Arkansas

■ **ARKANSAS PRIVATE EMPLOYMENT AGENCY ACT OF 1975**

TERMS: In general, it is against the law for anyone to charge money to provide job information to workers seeking employment, or to provide employers with information enabling them to obtain workers, without being licensed by the state as an employment agency. Employment agencies and agents must display their license at their primary place of business and must observe specified rules of operation and conduct. Among numerous other prohibited acts, employment agents may not circulate false or misleading notices, or make false or misleading statements, regarding the availability of jobs or terms of employment. Also, an employment agency or agent may not knowingly send a worker to any job where a strike, lockout or other labor dispute is in effect.

ENFORCEMENT: *Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500).*

Connecticut

■ PRIVATE EMPLOYMENT AGENCY LAW

TERMS: It is unlawful for anyone in Connecticut to charge a fee to find work for a person seeking a job without first obtaining a license as an employment agency from the state labor department. Among the conditions for issuance or renewal of a license, the applicant must:

- (1) Post a bond in the amount of \$7,500 to cover any loss or damage caused by the licensee's failure to comply with these provisions.
- (2) Demonstrate sufficient knowledge of laws and regulations related to employment agencies and employment discrimination.
- (3) Comply with state-prescribed restrictions on the amount and timing of the fees charged.
- (4) Comply with state-imposed recordkeeping requirements.

It is also unlawful for anyone to charge an employer a fee to provide the employer with workers without first registering with the state labor department.

ENFORCEMENT: *Division of Wage and Workplace Standards, Connecticut Department of Labor, Wethersfield, Connecticut 06109 (860-263-6791)*. A worker adversely affected by an employment agency — whether licensed or not — may file a complaint with the Department, which is obligated to conduct a hearing on the complaint and take action to resolve it.

Hawaii

■ COMMERCIAL EMPLOYMENT AGENCY LAW

TERMS:

Licensing — In general, no one may engage in the business of providing employment information, obtaining jobs for workers, or furnishing workers to employers, without obtaining a license to do so from the state. Labor contractors and other employment agents may not charge or collect any registration fee or advance payment for job-finding services.

Prohibited Acts — Among other unlawful acts, licensed employment agencies and their agents are prohibited from (1) issuing false or misleading information concerning the availability of employment, wages, hours or other job conditions, (2) requiring an employer to deduct from a worker's pay any fee or service charge for the contractor or employment agency, unless the worker has authorized the deduction in writing, or (3) recruiting for or referring workers to any job where a strike, walkout or other labor dispute exists without advising the worker of the situation in writing beforehand.

ENFORCEMENT: *Department of Commerce and Consumer Affairs, Honolulu, Hawaii 96813 (808-587-4272).*

Illinois

■ PRIVATE EMPLOYMENT AGENCY ACT

TERMS: No private employment agency may recruit any migrant farmworker for any farm employer unless the agency first files a statement with the state, explaining the terms and conditions of the job and the existence of any strike or similar labor activity at the job site. A copy of the statement, in English and the language normally spoken by the worker, must be given to each worker by the private employment agency prior to recruitment.

Along with the statement of employment conditions, a private employment agency recruiting migrant farmworkers must also provide each recruited worker with a written summary of state employment laws related to the upcoming employment. The law summary, in English and the language normally spoken by the worker, must include an explanation of the laws governing payment of wages, wage deductions, and migrant labor camps.

ENFORCEMENT: *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810).*

SPECIAL NOTE: It is unlawful for a private employment agency to retaliate or discriminate in any other way against a worker for having filed a complaint, given information, testified or exercised any other right granted by this law.

Indiana

■ EMPLOYMENT AGENCY LAW

TERMS: It is illegal for any person, company or association, for a fee or profit, to arrange jobs for workers, provide workers to employers, or give information as to where jobs or workers may be obtained, without first being licensed by the state as an employment agency. Every applicant for such a license must post a \$1,000 bond, pay a \$150 annual license fee, and meet certain business and professional standards before a license will be granted.

Among numerous other restrictions, it is unlawful for anyone operating as an employment agency or agent to refer a worker to a job, or collect any fee from a worker, without having obtained a valid job order or offer, or to refer any worker to a job site where a strike is known to exist without notifying the worker of such condition. Likewise, employment agencies and employment agents may not circulate any false or misleading notice, or give any false or misleading information, concerning work or the availability of employment.

ENFORCEMENT: *Special Investigation Unit, Indiana Department of Revenue, Indianapolis, Indiana 46204 (317-232-5977).*

Iowa

■ EMPLOYMENT AGENCY LAW

TERMS: It is unlawful for any person or firm, for a fee or other compensation, to supply workers to an employer, to arrange jobs for workers, or to give information to employers or workers as to where help or jobs may be obtained, without having a state-issued employment agency license. As conditions for receipt of a license, the applicant must pay a \$75 license application fee, provide the state agency with a fee schedule and a copy of its contract form, and post a bond in the amount of \$30,000 to cover any damages due to a wrongful act or violation of law on the part of the applicant.

Employment agencies are also required to keep a record of each worker who signs an employment contract or agreement, the name and address of each employer to whom they refer a worker, and the fees they charge. Likewise, a worker cannot be required to pay a fee to an employer as a condition of hire, and employment agencies are prohibited from deceiving or making false promises to workers seeking employment or employers seeking workers.

ENFORCEMENT: *Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-725-5615).*

Kansas

■ PRIVATE EMPLOYMENT AGENCY LAW

TERMS: Anyone who uses advertising to recruit workers seeking employment or provides job information to workers seeking employment, and charges the workers a fee to do so, must obtain a private employment agency license from the state labor department. Each applicant for a license must pay an annual license fee of \$25 and post a bond in the amount of \$500 as security against violations of the employment agency law.

Among other prohibited acts, it is illegal for a licensed employment agency to publish any false or fraudulent notice or give any false information to workers concerning work or employment.

ENFORCEMENT: *Employment Standards Division, Kansas Department of Labor, Topeka, Kansas 66603 (785-296-5000, extension 1068).*

Louisiana

■ PRIVATE EMPLOYMENT SERVICE LAW

TERMS: This law regulates the operations of private individuals and businesses that charge workers a fee to find or attempt to find them employment.

Licensing — No one operate or advertise a service that charges workers a fee to match them with jobs without first obtaining a license to do so from the state. As conditions for receiving a license, initial applicants must pay a \$200 annual license fee, a \$300 investigation fee, and a \$100 examination fee.

Bond — License applicants must obtain and keep in effect a \$5,000 surety bond, covering potential damages resulting from operation of their business.

Fees for Services — The fees charged by a private employment service must be reasonable and are subject to numerous restrictions and conditions.

Prohibited Acts — Among other violations, employment agencies may not (1) share the fees they collect from workers with the employers they provide workers to, (2) knowingly publish any false, fraudulent or misleading information related to a job or employment, or (3) send a worker to a worksite where a strike or other labor dispute is in progress.

ENFORCEMENT: *Office of Workforce Development, Louisiana Workforce Commission, Baton Rouge, Louisiana 70804 (225-342-2679).* This agency is responsible for licensing private employment services in the state, and for investigating and prosecuting complaints of violations.

Massachusetts

■ EMPLOYMENT AGENCY LAW

TERMS: Individuals or businesses that charge a fee to find employment for workers in Massachusetts (which may include farm labor contractors and crew leaders) are required to be licensed as employment agencies and meet other restrictions on their activities.

Licensing — No one may open, operate or advertise an employment agency without obtaining a license to do so from the state.

Bonding — Each licensed employment agency must obtain a bond in the amount of \$3,000 as security for the payment of any damages caused in connection with the agency's activities.

Recordkeeping — The agency must keep a register of all applicants seeking employment and all employers seeking workers. The record must include the nature of the employment involved, the wages offered or accepted, and the fees paid by the worker or the employer. These records must be kept for at least 3 years.

Prohibited Acts — Among other violations, it is illegal for an employment agency, whether licensed or not, (1) to publish any false, fraudulent or misleading information about employment, (2) to send a worker to a job site without first obtaining a valid job order, or (3) to send a worker to a job site affected by a strike.

ENFORCEMENT: *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6952).*

Minnesota

■ EMPLOYMENT AGENCY LAW

TERMS: Anyone who charges a fee for providing workers with information or services enabling them to obtain employment, or for providing employers with information enabling them to obtain workers, is required to have a written agreement with each worker or employer to whom he or she provides services. The contract must be dated and show the name of the agent, the charges or fees to be paid by the worker or employer for the agent's services, and other prescribed information.

Among other responsibilities, the agent must give each worker an itemized receipt for each fee or charge paid by the worker, and must keep a detailed record identifying each employer to whom the worker was referred, the occupation involved, the expected duration of the job, the wage to be paid, and related information.

It is illegal for an employment agent to knowingly print or publish false information regarding employment.

ENFORCEMENT: *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070).*

Nebraska

■ EMPLOYMENT AGENCY LAW

TERMS: In general, it is illegal for a person to charge a worker a fee of any kind in return for finding the worker a job or arranging employment, unless the person is licensed by the state as a private employment agency. Similarly, no one from outside the state may enter Nebraska and attempt to recruit, hire or transport out of Nebraska any agricultural workers, singly or in groups, for any purpose without an employment agency license permitting such activity. Among other conditions, each applicant for a license must be bonded in the amount of \$10,000.

Every person licensed under this law must issue to each worker placed on the job, and to each employer furnished with one or more workers, a record showing the occupation involved, the name and address of the worker, the amount of the fee charged the worker, the wages to be paid, the name and address of the employer, and the existence of any known strike or similar labor dispute at the job site.

ENFORCEMENT: *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239).*

Nevada

■ PRIVATE EMPLOYMENT AGENCY LAW

TERMS: In general, it is illegal for any person or firm to charge a fee for providing information to workers enabling them to obtain jobs, or for providing information to employers enabling them to obtain workers, unless the person or firm doing so is licensed as an employment agency. Employers who recruit workers for their own operation are not considered employment agencies.

Before a license is issued, the applicant must post a \$1,000 bond or equivalent security, to cover damages resulting from violations of this law by the license-holder. Among other unlawful acts, employment agencies and employment agents are prohibited from circulating any false or misleading information concerning employment or labor, or sending a worker to any place of employment where a strike or similar labor dispute is in progress without first advising the worker of that fact in writing.

ENFORCEMENT: *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890)*. In response to a complaint filed by a worker, this agency is authorized to take legal action on the bond of any licensee, for damages suffered by the worker as a result of the licensee's business operations.

New York

■ EMPLOYMENT AGENCY LAW

TERMS:

Licensing — With few exceptions, it is illegal for anyone to charge a fee for arranging jobs for workers, or for supplying workers to employers, without first obtaining an employment agency license from the state. Among other licensing conditions, the applicant must post a bond covering damages that may result from any misrepresentation, fraud or other illegal act committed by the employment agency or agent while conducting employment-related activities.

Limitation on Fees — An employment agency may not charge or accept a fee for its services until after a worker has actually been placed on the job. The total fee for placing a worker in agricultural employment of less than a month's duration is limited to 10 percent of the wages received by the worker over the term of the job, or 12 percent when one meal per working day is provided, 14 percent for two meals per day, and 18 percent for three meals and housing. For a job lasting longer than a month, these same fee limits apply only to the first full month's salary or wages.

Recordkeeping — For every worker referred to a job, the employment agent must keep a record of the date of the application, the start date of the job, and the fee charged for the agent's services. Similar information on the employers served by the agent must also be maintained.

Prohibited Acts — Among other illegal acts, it is unlawful for an employment agency to circulate any false or misleading job-related information, to knowingly refer a worker to employment which violates state or federal minimum wage or child labor laws, or to refer a worker to a workplace where a labor dispute is in progress without notifying the worker of that fact in writing.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* A worker who has been recruited or referred to a job by an employment agency or agent in apparent violation of these provisions may file a complaint with the Department.

Puerto Rico

■ PRIVATE EMPLOYMENT AGENCY LAW

TERMS: In general, it is illegal for any person or company to offer or arrange employment for individuals seeking work, or to obtain workers for employers seeking help, unless the person or company has a license authorizing such activity. An employment agency license will not be issued unless the applicant is found morally and professionally qualified, and until the applicant has paid a license fee and posted a bond of at least \$3,000 covering losses or damages resulting from non-compliance with the law.

Among numerous other unlawful acts defined in the law, licensed employment agencies are forbidden from making any false promise or giving false information to a worker or employer, or from sending a worker to a job site where a strike or similar labor dispute is in progress without first advising the worker in writing that such a condition exists.

ENFORCEMENT: *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).*

Utah

■ EMPLOYMENT AGENCY LAW

TERMS:

Licensing — It is illegal for anyone to engage in the business of arranging jobs for workers, or to act as a go-between for employers and job-seekers, without first obtaining an employment agency license. As one of several licensing requirements, the applicant must post a bond in the amount of \$1,000, to guarantee payment of any damages that may result from the agency's operations.

Fees for Services — Private employment agencies must maintain a schedule of their fees, and the schedule must be posted where it is plainly visible to potential clients. No agent may charge a fee greater than 25 percent of a worker's actual earnings during the first 30 days on the job if the worker is terminated during the first 30 days

Disclosures — Employment agencies and agents are required to provide every worker referred to employment with a copy of the terms of the job, including the amount of the fees received by the agent, the type of work to be performed, the wage rate to be paid, the expected duration of the job, and the name and address of the employer.

Prohibited Acts — Among other offenses defined in the law, it is a crime for an employment agent to give any false job information or to misrepresent the terms and conditions of any employment.

ENFORCEMENT: The city, town or county in which an employment agency carries on its business is responsible for licensing the agency, and for handling complaints and questions regarding the fees charged by employment agencies for their services.

A worker who has suffered any loss due to unlawful or improper practices by an employment agency or agent may bring suit against the agent's bond, using a private attorney or public legal services program.

West Virginia

■ PRIVATE EMPLOYMENT AGENCY LAW

TERMS: It is unlawful for anyone to charge a fee for providing job information to workers, or for assisting employers in finding workers, without first obtaining a letter of approval from the state labor department, which authorizes the state tax department to issue a business license. A state business license issued to an employment agent must be posted in plain sight at all times where the agent conducts business.

The licensing provision does not apply to employers who are making placements for individuals on their own payroll.

Among other prohibited acts, it is illegal for an employment agent to knowingly make any false statement to a job-seeker, or to withhold any pertinent information furnished by an employer, regarding the availability, nature, location, duration, pay rate, or other conditions of employment or work.

ENFORCEMENT: *Wage and Hour Section, Division of Labor, West Virginia Department of Commerce, Charleston, West Virginia 25305 (304-558-7890)*. Aside from issuing letters of approval, the Division of Labor supervises the business activities of licensed agents.

The agency responsible for issuing business licenses to private employment agencies is the *West Virginia State Tax Department, Charleston, West Virginia 25301 (304-558-3333)*.

Wyoming

■ EMPLOYMENT AGENCY LAW

TERMS:

Licensing — It is illegal for a business or individual, for a fee, to supply an employer with workers or to refer workers to employment, without first obtaining an employment agency license from the state. The license must be posted in plain sight at the location where the agency or agent conducts business.

Bonding — An applicant for a license is required to be bonded in the amount of \$500, to assure compliance with the employment agency law.

Prohibited Acts — Among other violations described in the law, a licensed employment agency may not give any false or misleading information, or make any false promise, relating to work or employment.

ENFORCEMENT: *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. A worker who has received false or misleading information from an employment agent or labor contractor, or who has evidence of a violation of the employment agency law, may file a complaint with the Department.