

Alaska

● ALASKA EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Alaska Stat. §§ 23.15.330 – 23.15.520

GENERAL SUMMARY: This provision in the Alaska labor statutes regulates the operation of employment agencies in the state, which could include agricultural labor contractors.

SPECIFIC TERMS AND CONDITIONS: No one may, for a fee or other compensation, engage in the business of furnishing employment or help without a permit issued by the state. Issuance of such a permit is contingent upon filing of an application, posting of a bond of up to \$10,000, and payment of a \$10 biannual fee. In addition to other prohibited acts, a person who furnishes labor or employment may not (1) write or publish false, fraudulent or misleading information concerning a job opportunity, (2) place a child in employment in violation of the child labor laws, or (3) refer a worker to a workplace where a strike or lockout exists without informing the worker of the existence of the strike or lockout. The law also imposes recordkeeping requirements on employment agencies, and all books and records kept under these provisions are subject to state inspection.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Wage and Hour Administration, Division of Labor Standards and Safety, Department of Labor and Workforce Development, Juneau, Alaska 99811 (907-465-4842). The Wage and Hour Administration receives and reviews applications for employment agency permits and may investigate applicants prior to issuance of a permit. The agency also investigates reported violations of the law and is authorized to inspect related books and records. The agency may suspend or revoke permits when violations are confirmed. Willful infractions can result in fines, imprisonment, or both.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Arizona

● PRIVATE EMPLOYMENT AGENTS LAW

STATUTORY CITATION: Ariz. Rev. Stat. §§ 23-521 – 23-536

GENERAL SUMMARY: With the objective of preventing fraud, misrepresentation, false statements and other wrongful acts, Chapter 3, Article 2 of the state labor statutes regulates the operations of private employment agents in Arizona, which may include farm labor contractors and crew leaders.

SPECIFIC TERMS AND CONDITIONS: It is unlawful for a person, firm or other entity to charge or collect a fee from anyone seeking employment, as compensation for providing workers with job information or furnishing employers with information that would enable them to secure help, 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 covering applicable labor laws and regulations, to post a cash deposit or surety bond, and to pay a license fee. An employment agent's license may be suspended or revoked, or renewal of the license may be denied, for, among other acts, making false or misleading statements to workers regarding the nature, location, duration, wages or other conditions of prospective employment, or misrepresenting any other material fact to any person seeking employment or furnishing jobs.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – State Labor Department, Industrial Commission of Arizona, Phoenix, Arizona 85007 (602-542-4515). The Department is charged with processing new and renewal applications for employment agent licenses, including administration of the license examination and collection of fees and deposits. The agency has authority to make investigations and conduct hearings in connection with the issuance, renewal, suspension or revocation of a license. Licensees who fail to comply with these provisions are subject to administrative fines, and any individual who acts as an employment agent in the state without a license is subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Arkansas

● ARKANSAS PRIVATE EMPLOYMENT AGENCY ACT OF 1975

STATUTORY CITATION: Ark. Code §§ 11-11-201 – 11-11-229

GENERAL SUMMARY: The Arkansas Private Employment Agency Act regulates the operation of employment agencies and employment agents, which may include farm labor contractors and crew leaders.

SPECIFIC TERMS AND CONDITIONS: With few exceptions, no one in Arkansas may, for compensation or profit, engage in the business of furnishing job information or related services to workers seeking employment, or furnishing employers with information enabling them to secure workers, without first obtaining a license to do so from the state. Issuance of a license requires the applicant to (1) pay an annual license fee, (2) post a \$5,000 surety bond, (3) pass a written examination concerning employment agency operating practices, and (4) meet certain prescribed standards of conduct, character and financial responsibility. Among numerous other prohibited acts, employment agents may not publish or circulate fraudulent 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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Labor Standards Division, Arkansas Department of Labor, Little Rock, Arkansas 72205 (501-682-4500). The Department is responsible for receiving and processing applications for private employment agency licenses, and for monitoring the activities of licensed employment agencies and agents. The Department may suspend, revoke, or refuse to renew the license of any licensee who has violated any provision of the Act. Likewise, operation of an employment agency or operating as an employment agent without a license is a misdemeanor, punishable by a fine, imprisonment, or both such penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

Connecticut

● PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Conn. Gen. Stat. §§ 31-129 – 31-134a

GENERAL SUMMARY: Chapter 564 of the Connecticut statutes regulates the operations of individuals or firms that charge money to find work for people seeking employment, or to find workers for employers seeking employees. This law is broad enough to apply to crew leaders and farm labor contractors.

SPECIFIC TERMS AND CONDITIONS

LICENSING — It is unlawful for anyone in Connecticut to charge a fee to find work for a person seeking employment without first obtaining a license as an employment agency from the state labor department. The annual license fee is \$150. 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.

REGISTRATION — It is unlawful for anyone to charge an employer a fee to provide the employer with workers without first registering with the state labor department. The annual registration fee is \$150.

PENALTIES — Any person who operates an employment agency without obtaining a license to do so is guilty of a Class A misdemeanor. Violation of any other provision of this law is punishable by a fine of up to \$250.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *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 registered 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.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Hawaii

● COMMERCIAL EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Haw. Rev. Stat. §§ 373-1 – 373-21

GENERAL SUMMARY: Chapter 373 of the state statutes regulates the business practices of employment agencies in Hawaii, which may encompass the recruitment and hiring activities of farm labor contractors or crew leaders.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No individual, association, partnership or company may, for a fee or other compensation, engage in the business of providing employment information, procuring jobs for workers, or procuring workers for employers, without obtaining a license to do so from the state. Granting of a license is conditioned on the applicant's payment of a biennial license fee, posting of a \$5,000 bond, and successful completion of an examination covering such topics as recruitment procedures, business law and employment agency regulations.

FEES FOR SERVICES — Labor contractors and other employment agents may not charge or collect any registration fee or advance payment for job-finding services.

UNLAWFUL PRACTICES — Licensed employment agencies and their agents and employees are prohibited from committing or engaging in any of the following acts, among numerous others:

- (1) Printing, publishing or circulating false or misleading information concerning the availability of employment, wages, hours or other job conditions.
- (2) Requiring an employer to withhold from a worker's earnings any fee or service charge for the contractor or employment agency, unless the worker has authorized such withholding in writing.
- (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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Department of Commerce and Consumer Affairs, Honolulu, Hawaii 96813 (808-587-4272).* This agency is responsible for examining and licensing employment agencies in the state, and for enforcing compliance with the restrictions and duties imposed on employment agencies by these provisions. Authorized representatives of the Department may enter any place where an employment agency is operated and may inspect and copy books, contracts and other records related to its operation. Failure by a licensee to comply with the employment agency law may lead to suspension or revocation of the license and criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Illinois

● PRIVATE EMPLOYMENT AGENCY ACT

STATUTORY CITATION: 225 Ill. Comp. Stat. §§ 515/0.01 – 515/15

GENERAL SUMMARY: Among other provisions, the Private Employment Agency Act contains preconditions on the recruitment of migrant farmworkers by private employment agencies in Illinois. In addition to forbidding any employment agency from operating without a state-issued license, the law requires disclosure of certain information regarding terms of employment and worker protections prior to commencement of farmworker recruitment activities.

PROVISIONS APPLICABLE TO AGRICULTURE

STATEMENT OF EMPLOYMENT CONDITIONS — No private employment agency may recruit any migrant farmworker for any farm employer unless the agency first files a statement with the state labor department on a prescribed form disclosing the terms and conditions of the job and the existence of any strike or similar concerted labor activity at the job site. A copy of the statement, in English and the language in which the worker is fluent, must be given to each worker by the private employment agency prior to recruitment.

SUMMARY OF EMPLOYMENT LAWS — 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 relevant to the pending employment. The law summary, in English and the language in which the worker is fluent, must at a minimum include an explanation of the provisions governing payment of wages, wage assignments, wage deduction orders, and migrant labor camps.

SPECIAL NOTES OR ADVISORIES

RETALIATION — 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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Fair Labor Standards Division, Illinois Department of Labor, Chicago, Illinois 60601 (312-793-2810)*. In addition to its employment agency licensing function under this law, the Department is responsible for monitoring the activities of such agencies and for investigating reported or suspected violations. Complaints against a licensee may be made to the Department orally or in writing. Penalties against agencies found in violation include license suspension or revocation, as well as criminal fines.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Indiana

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Ind. Code §§ 25-16-1-1 – 25-16-1-18

GENERAL SUMMARY: Indiana's employment agency law prohibits the operation of employment agencies (which may include certain farm labor contractors) without a state-issued license, defines certain unlawful agency practices, and requires licensees to observe specified recordkeeping duties.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No person, firm or association may, for profit-making purposes, offer through any medium whatsoever to secure jobs or furnish labor, or give information as to where jobs or labor may be secured, without first obtaining an employment agency license from the state. Every applicant for such a license must post a \$1,000 bond, pay a \$150 annual license fee, and meet prescribed standards of business and professional integrity before a license will be granted. Unless revoked before expiration, an employment agency license remains in force for one year after the date of issuance. The licensee must keep the license, together with a copy of the employment agency law, posted conspicuously at every locale where the licensee does business.

PROHIBITED PRACTICES — Among numerous other restrictions, it is illegal for anyone operating as an employment agency or agent (1) to refer a worker to a job, or collect any fee from a worker, without having obtained a bona fide job order or offer, (2) to refer any worker to a job site where a strike or lockout is known to exist without notifying the worker of such condition, or (3) to publish or circulate any false, fraudulent or misleading notice, or give any false information or misrepresentation, concerning work or the availability of employment.

RECORDKEEPING — Every licensed agency must record, and safeguard for at least 2 years thereafter, (1) identifying information on every worker referred to or placed in employment, including the date of such referral or placement, (2) the amount of the fee received and the wage rate agreed upon, and (3) the name and address of the entity with whom the worker was placed.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Special Investigation Unit, Indiana Department of Revenue, Indianapolis, Indiana 46204 (317-232-5977)*. The Department is responsible for processing license applications under the employment agency law and for issuing licenses to applicants meeting the eligibility standards outlined in the act. Authorized representatives of the Department may enter any place of business of any employment agent, inspect the agent's register, books and other records, and make arrests for violations of the employment agency law. A person who violates the law is subject to criminal prosecution.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Iowa

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Iowa Code §§ 94A.1 – 94A.6

GENERAL SUMMARY: Chapter 94A of the state statutes regulates the business activities of employment agencies in the state, which may include the operations of farm labor contractors and crew leaders.

SPECIFIC TERMS AND CONDITIONS

LICENSE — It is unlawful for any person or firm, for a fee or other compensation, to bring together employers seeking help with workers looking for employment without obtaining an employment agency license from the state. As a condition for receipt of a license, the applicant is required to post a surety bond in the sum of \$30,000, to pay any damages due to a wrongful act or violation of law on the part of the applicant. The applicant must also furnish the state agency with a fee schedule and a copy of its contract form, and pay a \$75 license application fee.

RECORDKEEPING — Employment agencies are required to keep records of each worker who signs an employment contract or agreement, the name and address of each employer to whom they refer an employee, and the respective fees charged. Each record must be kept for at least 2 years. They must also provide a copy of the respective contract or agreement — specifying the fee to be paid by the employee — to each employee referred to an employer.

PROHIBITED ACTS — Among other prohibitions spelled out in the law, a worker cannot be required to pay a fee to an employer as a condition of hire, and an employee cannot be compelled to reimburse the employer for a fee the employer paid to an employment agency when the employee was hired. Likewise, employment agencies are forbidden to fraudulently promise or deceive an employer seeking help or a worker seeking employment, charge an employee a fee greater than is allowed under the fee schedule filed with the state, or charge a fee greater than 15 percent of the employee's annual gross earnings.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor, Iowa Workforce Development, Des Moines, Iowa 50319 (515-725-5615).* The Division is responsible for receiving employment agency license applications, investigating applicants, and licensing those applicants found qualified to conduct such a business. The Division may revoke a license at any time, for cause.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Kansas

● PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Kan. Stat. §§ 44-401 – 44-412

GENERAL SUMMARY: The state's private employment agency law requires any for-profit business in Kansas which uses advertising to solicit workers seeking employment, or which provides job information to workers seeking employment, and charges the workers a fee to do so, to (1) obtain a private employment agency license from the state, and (2) comply with specific rules regulating their activities.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may open, operate or maintain a business performing any private employment agency activities or service without a license issued by the state labor department. The annual license fee is \$25.

BOND — Each applicant for a license must post a bond in the amount of \$500 as security against violations of the employment agency law.

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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Standards Division, Kansas Department of Labor, Topeka, Kansas 66603 (785-296-5000, extension 1068).* The Department is responsible for licensing private employment agencies and for monitoring compliance with the provisions of the employment agency law. When a complaint is received, the Department must investigate and is required to report confirmed violations to the state attorney general, or to the district or county attorney, for prosecution. Violations are treated as class C misdemeanors.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Louisiana

● PRIVATE EMPLOYMENT SERVICE LAW

STATUTORY CITATION: La. Rev. Stat. §§ 23:101 – 23:115

GENERAL SUMMARY: Among the state labor laws are provisions regulating the operations of individuals and businesses that charge workers a fee to find or attempt to find them employment. These provisions apply to both agricultural and non-agricultural employment situations.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one operate, solicit or advertise a service that charges a fee to the worker to match workers with jobs without first obtaining a license to do so from the state. As prerequisites 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 maintain 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 spelled out in the law.

PROHIBITED ACTS — Among other prohibited conduct, employment agencies may not (1) share the fees they collect from one party with any other party to the employment arrangement, (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.

ADMINISTRATION AND ENFORCEMENT

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

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Massachusetts

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Mass. Gen. Laws Ch. 140, §§ 46A – 46R

RELATED REGULATIONS: 454 Mass. Code Regs. 24.00

GENERAL SUMMARY: Chapter 140 of the state statutes includes provisions regulating employment agencies, briefly defined as individuals or businesses that, for a fee, attempt to find employment for workers or workers for employers. These provisions may apply to farm labor contractors and crew leaders.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may open, operate or advertise an employment agency in Massachusetts without obtaining a license to do so from the state. The license application must include affidavits from two reputable residents of the state attesting that the applicant is of good moral character.

BOND — 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, to 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 following the date of the last entry.

PROHIBITED ACTS — Among other prohibited acts, it is illegal for an employment agency, whether licensed or not, (1) to publish any false, fraudulent or misleading information regarding employment, (2) to send a worker to a job site without first obtaining a bona fide job order, or (3) to send a worker to a job site affected by a strike.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Massachusetts Department of Labor Standards, Boston, Massachusetts 02114 (617-626-6952)*. This agency has authority to inspect the premises, registers, contract forms and other records of employment agencies doing business in Massachusetts, and may investigate any complaint lodged against a licensed employment agency by a worker or employer. The Department may suspend or revoke the license of any agency found to have violated any provision of the employment agency law. Violations are punishable by fine, imprisonment or both.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Minnesota

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Minn. Stat. §§ 184.21 – 184.41

GENERAL SUMMARY: Chapter 184 of the Minnesota statutes regulates the operation of employment agencies in the state, implicitly including certain agricultural crew leaders and labor contractors.

SPECIFIC TERMS AND CONDITIONS

Every employment agent — defined as an individual, firm or other group that engages for profit or compensation in the business of furnishing workers with information or services enabling them to obtain employment, or furnishing anyone who is in the market for help of any kind with information enabling the employer to obtain workers — must enter into a written contract with each worker to whom the agent renders services. The contract must be dated and show the name of the agent, the charges or fees to be paid by the worker for the agent's services, and other prescribed information.

Among other conditions specified in the law, employment agents are required (1) to give every worker from whom any fees or charges are exacted an itemized receipt for each such charge, and (2) to keep a detailed record identifying each employer to whom any worker was referred, the name and address of each such worker, the occupation or position offered and filled, the expected duration of employment, the wage to be paid, the amount of the agent's fee, the date and amount of payment, and related information. It is unlawful, among other practices, for an employment agent to knowingly print or publish a false or fraudulent notice or advertisement regarding employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070)*. The Department has supervisory and investigative authority over employment agencies, agents and counselors. Representatives of this agency have the right to examine all records required to be kept by such entities and to investigate the advertisements and other communications circulated by them before the public, to determine compliance. The Department may take legal action against employment agencies or agents for confirmed violations, and any such violation may also be prosecuted as a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.

Nebraska

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Neb. Rev. Stat. §§ 48-501.01 – 48-524

GENERAL SUMMARY: The state labor laws include provisions regulating the business practices of employment agencies, which may include certain farm labor contractors.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No person, firm or corporation may procure employment for any worker, where a fee or other valuable consideration is collected directly from the job-seeker, without first being licensed as a private employment agency. Similarly, no labor agent or other entity 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.

BOND — Each applicant for a license must secure a surety bond in the amount of \$10,000, conditioned on compliance with the duties, responsibilities and restrictions imposed on licensees by these provisions.

RECORDKEEPING — Entities licensed as private employment agencies 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 lockout at the job site.

REPORTING — Labor agents who recruit or hire farmworkers in Nebraska for employment outside the state must make monthly reports to the state enforcement agency showing (1) the name and address of each contractor, recruiter or comparable representative engaged in such activities on their behalf, (2) the name, address, age and sex of each worker solicited for out-of-state employment, (3) the name and address of each employer to whom the worker is referred, (4) the place of employment, (5) the kind of work to be performed, (6) the term of employment, (7) the wages to be paid, and (8) whether or not transportation is to be furnished, arranged or paid for, either out of or on return to Nebraska.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of Labor Standards, Nebraska Department of Labor, Lincoln, Nebraska 68508 (402-471-2239).* The Department is responsible for the licensing of private employment agencies in the state and for monitoring their compliance with these provisions. The Department may cancel the license of any employment agency found to have violated the requirements imposed on the licensee and may institute criminal proceedings to enforce the prescribed penalties. The Department is also authorized to bring action in the name of the state against the licensee's bond for violation of any of its conditions, and to approve action on the bond by private parties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Nevada

● PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Nev. Rev. Stat. §§ 611.020 – 611.320

GENERAL SUMMARY: Chapter 611 of the state statutes regulates the business activities of persons, firms and other entities that, for a fee, furnish information to job-seekers enabling them to secure employment, furnish information to employers enabling them to obtain workers, or maintain a record of individuals seeking employment or workers. The term "employment agency" may include certain farm labor contractors, but it does not include employers who procure their own workers or the agents of such employers.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may engage in the activities of an employment agency, as defined briefly above, without first obtaining a license from the state to do so.

BOND — Before a license is issued, the applicant must deposit with the state enforcement agency a \$1,000 bond or equivalent security, conditioned on compliance with the employment agency law and payable to the people of the state in the event of damages by misrepresentation, fraud, or the unlawful acts or omissions of the licensee in connection with the business for which the license is granted.

RECORDKEEPING — Every licensee must make, and retain for at least 2 years, a record of every worker who secures employment through the licensee's services. The record must include, in part, a copy of the contract between the worker and the employment agent, and the receipt given to the worker for any fees charged by the agent.

PROHIBITED PRACTICES — Among other unlawful acts, it is illegal for an employment agency or agent (1) to publish or circulate any false, fraudulent or misleading information concerning employment or labor, or (2) to send a worker to any place of employment where a strike, lockout or similar labor dispute is in progress without first advising the worker of that fact in writing.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Office of the Labor Commissioner, Nevada Department of Business and Industry, Carson City, Nevada 89706 (775-684-1890).* In addition to its employment agency licensing function, this agency is responsible for monitoring licensees' business activities and investigating complaints involving employment agencies in the state. On behalf of a complainant, the agency is authorized to bring action on the bond of any licensee against whom a claim or suit has been filed, for damages arising from the licensee's business. The law also prescribes criminal penalties for violation of these provisions.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

New Jersey

○ PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: N.J. Rev. Stat. §§ 34:8-43 – 34:8-63

RELATED REGULATIONS: N.J. Admin. Code 13:45B, Subch. 2

GENERAL SUMMARY: Chapter 8 of the state labor laws includes provisions regulating the operation of employment agencies, a term broadly defined but including any business or agency which, for a fee, procures jobs for workers or provides workers for employers, whether such fee is collected from the worker or the employer. No one may perform any of the functions of an employment agency in New Jersey without first obtaining from the state an employment agency operator's license, the issuance of which, among other conditions, requires successful completion of a written examination concerning (1) the provisions of the employment agency law and the associated administrative rules, and (2) the applicant's relevant knowledge and experience. Likewise, employment agency owners must post a \$10,000 bond covering liability for damages due to misrepresentation, fraud or any unlawful act committed in the course of the licensee's business. The statute defines a multitude of prohibited activities which are grounds for license suspension, revocation or non-renewal, as well as for civil money penalties.

PROVISIONS APPLICABLE TO AGRICULTURE: To the extent that (1) workers' wages are paid directly by the farm operators for whom the workers' services are performed and (2) no job-finding or employment fees are charged to or collected from the workers, the employment agency law **does not apply** to anyone who furnishes seasonal field or harvest workers to farm operators.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – Regulated Business Section, Division of Consumer Affairs, New Jersey Department of Law and Public Safety, Newark, New Jersey 07101.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – None.

New York

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: N.Y. General Business Law §§ 170 – 194

GENERAL SUMMARY: Article 11 of the state business statutes regulates the activities of employment agencies in New York, defined broadly as individuals, corporations, associations, agencies and other entities (implicitly including certain farm labor contractors) that, for a fee, attempt to procure jobs for persons seeking employment or furnish workers to employers seeking the services of employees.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may open or operate an employment agency, as generally described above, without first obtaining a license to do so from the state. Among other prerequisites to issuance of an employment agency license, the applicant must pay a license fee and post a surety bond covering damages that may result from misrepresentation, fraud, deceit or any illegal act by the licensee while performing the functions authorized by the license.

RECORDKEEPING — For every job applicant referred to a job, licensees are required to keep a register of the date of application, the start date of employment, and the fee assessed for the employment agent's services. Similar data on the employers served by the agent must also be maintained.

LIMITATION ON FEES — An employment agency may not charge or accept a fee or other compensation for its services until after a job applicant has actually been matched with a job. The total fee for placement of a worker into agricultural employment of less than a month's duration is limited to 10 percent of the salaries or wages received by the worker over the life 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 lodging. For a job lasting longer than a month, these same fee ceilings apply only to the first full month's salary or wages.

PROHIBITED CONDUCT — Among other illegal acts, it is unlawful for an employment agency (1) to circulate any false, fraudulent or misleading information, (2) to knowingly refer a worker to employment which violates state or federal minimum wage or child labor laws, or (3) to refer a worker to a workplace where a labor dispute is in progress without notifying the worker of that fact in writing.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* Apart from the Department's licensing function under the employment agency law, representatives of the Department are authorized to inspect the registers, receipt books and other records maintained by each employment agency, and to subpoena the records of any employer involved when there are grounds to believe a violation has been committed. Any worker who has been recruited or referred to a job by an employment agency or agent in apparent conflict with these provisions may file an oral or written complaint with the Department, which may suspend or revoke the agency's license and impose an administrative fine of up to \$500 if evidence presented in a hearing on the complaint confirms a violation. Non-compliance with the employment agency law is also punishable as a criminal offense.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

North Dakota

○ EMPLOYMENT AGENCY LICENSING LAW

STATUTORY CITATION: N.D. Cent. Code §§ 34-13-01 – 34-13-16

GENERAL SUMMARY: Chapter 34-13 of the state statutes regulates the business activities of employment agencies and agents in North Dakota, in part by requiring such entities to obtain a license from the state, to post bond as security against violations of conditions on the license, to disclose the amount of their fees and pertinent employment information to each worker referred to a job, and to observe certain recordkeeping duties and other specified rules of practice.

PROVISIONS APPLICABLE TO AGRICULTURE: Provided the contractor employing the workers pays required Social Security and unemployment insurance taxes, provides required workers' compensation insurance coverage, and is responsible for the workers' job performance, the employment agency licensing law **does not apply** to farm labor contractors and others who employ workers to render part-time or temporary services to or for a farm operator or other third party.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *North Dakota Department of Labor and Human Rights, Bismarck, North Dakota 58505.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Oklahoma

○ PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Okla. Stat. Title 40, §§ 52 – 57

RELATED REGULATIONS: Okla. Admin. Code §§ 380:10-1-1 – 380:10-1-10

GENERAL SUMMARY: Any person, firm or corporation that, for a fee, procures employment for workers seeking a job, or provides information as to where jobs may be obtained, must first obtain a license from the state to do so. Among other conditions for receipt of a license, the agency or agent must obtain a bond — in the amount of \$5,000 in the first year, \$3,000 in the second year, and \$1,000 each year thereafter. The private employment agency law limits the fees such businesses may charge for their services, and requires employment agents to keep detailed records of their job placement activities and to observe prescribed rules of fair practice.

PROVISIONS APPLICABLE TO AGRICULTURE: Provided the person employing the workers pays their wages, pays Social Security and unemployment insurance taxes, carries required workers' compensation insurance, and is responsible for the workers' performance on the job, the private employment agency law **does not apply** to anyone (implicitly including a farm labor contractor or crew leader) who employs workers to perform temporary or part-time services for or under the direction of a third person (such as a farm operator).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Safety Standards and Licensing Division, Oklahoma Department of Labor, Oklahoma City, Oklahoma 73105.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Oregon

○ EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Or. Rev. Stat. §§ 658.005 – 658.250

GENERAL SUMMARY: Chapter 658 of the Oregon statutes includes provisions regulating employment agencies in the state, briefly defined as individuals, businesses and organizations that directly or indirectly charge money to find or obtain jobs for workers, or that provide information regarding where jobs or workers may be procured. Among other requirements, an employment agency must file a \$5,000 surety bond (or equivalent evidence of financial responsibility) with the state, as security for payment of debts and any damages resulting from unlawful acts by the agency. Employment agencies are also obligated to keep accurate and current records of job orders, job referrals, fees and other aspects of their business, and to put in writing all registration and referral agreements made with any worker seeking employment through their services. The law imposes numerous additional duties and rules of conduct with which employment agencies are compelled to comply.

PROVISIONS APPLICABLE TO AGRICULTURE: The employment agency law **does not apply** to farm labor contractors who are subject to the state farm labor contractor law (*summarized in the next entry*).

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Oregon Bureau of Labor and Industries, Portland, Oregon 97232.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Puerto Rico

● PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: 29 Laws P.R. Ann. §§ 564 – 574

RELATED REGULATIONS: Regulation 417

GENERAL SUMMARY: Chapter 33 of Puerto Rico's labor statutes regulates, among related activities, the operation of private employment agencies, broadly defined as any person or organization that offers to arrange employment for individuals seeking work or to procure workers for employers seeking help. The private employment agency law applies to all such activities, whether or not a fee is charged for the services provided and irrespective of the nature of the employment offered or sought.

SPECIFIC TERMS AND CONDITIONS

LICENSING — It is illegal to operate an employment agency in Puerto Rico without a license issued by the administering agency authorizing such activity. In addition to a finding that the applicant is of good moral character and professional integrity, issuance of a license requires the posting of a bond of at least \$3,000 covering loss or damage arising from non-compliance with the law, and payment of a license fee.

PROHIBITED ACTS — Among numerous other infractions described in the statute, licensed employment agencies are forbidden (1) to make any false promise or give false information to a worker or employer, (2) to send a worker to a job site where a strike or lockout is in progress without first advising the worker in writing that such a condition exists, and (3) to fail to keep required records of their activities.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Bureau of Labor Standards, Puerto Rico Department of Labor and Human Resources, Hato Rey, Puerto Rico 00918 (787-754-2100).* The Department is responsible for the licensing of employment agencies and for assuring compliance by licensees with the restrictions and duties imposed on them by these provisions. In response to a specific complaint or on the agency's own accord, representatives of the Department may visit and inspect any premises where an employment agency is conducting business, and may examine and copy registers and other documents pertaining to operation of the business. Besides suspension or loss of the license to operate, violators of the employment agency law are subject to prosecution on criminal misdemeanor charges.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

South Carolina

○ EMIGRANT AGENCY LICENSING LAW

STATUTORY CITATION: S.C. Code §§ 16-17-610 – 16-17-630

GENERAL SUMMARY: With few exceptions, the state criminal statutes deem it a misdemeanor and an offense against public policy for anyone (other than the South Carolina Department of Employment and Workforce) to solicit or hire laborers in South Carolina for employment in another state without first obtaining an emigrant agent's license from the state and each county in which the agent intends to solicit or hire workers. The only prerequisite for issuance of a state license is payment of an annual license fee of \$500 for each county of intended operation; county licensing requires payment of an annual fee of \$2,000 in each such jurisdiction.

PROVISIONS APPLICABLE TO AGRICULTURE: The emigrant agent licensing law **does not apply** to anyone soliciting or hiring workers in South Carolina for agricultural employment in an adjacent state, as long as the neighboring state places no limitation on the solicitation or employment of farm labor by South Carolina employers.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *South Carolina Office of the State Treasurer, Columbia, South Carolina 29201.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – County treasurers.

Utah

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Utah Code §§ 34-29-1 – 34-29-20

GENERAL SUMMARY: Chapter 29 of the Utah labor statutes regulates employment agents in the state, defined in brief as anyone who, for money or other valuable consideration, acts as an intermediary between employers and job-seekers, which may include certain farm labor contractors or crew leaders.

SPECIFIC TERMS AND CONDITIONS

LICENSING — It is illegal for anyone to engage in the business of obtaining work or employment for others, or to act as a broker between employers and persons seeking work, without first obtaining a license to do so from the city where the business is to be carried on (or from the county, if the business is not within a city or town). As one of several conditions on issuance of a license, the applicant must post a bond in the amount of \$1,000, conditioned on compliance with the employment agency law and payment of any damages incurred as a result of the licensee's operations. The license must be conspicuously displayed at the employment agent's place of business.

FEES FOR SERVICES — Private employment agents must maintain a schedule of the fees to be charged in the conduct of their operations, and the fee schedule must be posted where it is plainly visible to potential clients. No agency may charge a fee greater than (a) the fee in effect at the time the employment contract is issued, or (b) 25 percent of a worker's actual earnings during the first 30 days on the job if the worker was terminated during the first 30 days.

RECORDKEEPING — Licensees must keep a register of each employer from whom they have received a job order, and a corresponding record on each worker to whom they have furnished information or assistance regarding employment.

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 described in the statute, it is a misdemeanor for an employment agent to give any false employment information, to misrepresent the terms and conditions of any employment, to fail to keep required records, or to willfully make any false entries in the required records.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – 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.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

PRIVATE CIVIL ACTION — Any worker who has suffered legal damages due to unlawful or improper practices by an employment agent may bring suit against the agent's bond, using a private attorney or public legal service provider.

Washington

○ EMPLOYMENT AGENCY ACT

STATUTORY CITATION: Wash. Rev. Code §§ 19.31.010 – 19.31.910

GENERAL SUMMARY: The Employment Agency Act requires businesses which charge a fee to procure employment for job-seekers, or which give out any sort of employment information for profit, to obtain a license from the state to do so. Licensing is conditioned, in part, on posting a \$2,000 surety bond or equivalent security to cover any legal damages stemming from violation of the Act by the licensee. Employment agencies are required to keep a prescribed record of all services rendered to employers and job applicants, to provide applicants with a written contract outlining the cost and other terms of the job placement services they receive, and to observe other duties and rules of conduct.

PROVISIONS APPLICABLE TO AGRICULTURE: The Employment Agency Act **does not apply** to farm labor contractors.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Employment Agencies Section, Washington State Department of Licensing, Olympia, Washington 98507.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

West Virginia

● PRIVATE EMPLOYMENT AGENCY LAW

STATUTORY CITATION: W. Va. Code §§ 21-2-4 – 21-2-15

GENERAL SUMMARY: Article 2 of the West Virginia labor laws regulates, among other matters, the operation of private employment agencies, which include all persons, firms, corporations and associations that furnish job-seekers with employment information, or that provide employers with information or other assistance in procuring labor or employees. The private employment agency law applies equally to both agricultural and non-agricultural employment.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No one may provide services as an employment agent for a fee or profit 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 conspicuously displayed 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.

RECORDKEEPING — An employment agent must maintain a record on each worker referred to employment. At a minimum, the record must contain the name of the worker, the name of the employer to whom the worker was sent, the nature of the employment, and the rate of pay. A copy of the agent's records must be submitted monthly to the state enforcement agency.

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.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *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 under the private employment agency law, it is the Division's duty to supervise the business activities of licensed agents. Representatives of the Division may at any time inspect the registers and other records maintained by any employment agency in the state, may notify the state tax commissioner concerning any such establishment found to have violated the law or the associated regulations, and may request revocation of the establishment's business license. Failure to comply with these provisions is a misdemeanor, punishable by a fine, jail term, or both.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *West Virginia State Tax Department, Charleston, West Virginia 25301 (304-558-3333)*. As noted above, this agency is responsible for issuing business licenses to private employment agencies for which the Division of Labor has provided a letter of approval.

Wisconsin

○ EMPLOYMENT AGENTS LAW

STATUTORY CITATION: Wis. Stat. §§ 105.01 – 105.16

GENERAL SUMMARY: Chapter 105 of the Wisconsin statutes regulates the business activities of employment agents, a term which includes all persons who furnish job-seekers with information enabling them to secure employment, furnish employers with information enabling them to fill job vacancies, or maintain a register of persons seeking employment or workers. The employment agents law forbids the conduct of such activities unless the employment agent is licensed by the state and covered by a \$5,000 surety bond.

License applicants must submit a schedule of the fees charged to workers and employers using their services, and licensees are prohibited from assessing charges in excess of fee ceilings fixed by the state enforcement agency. Among other prohibited acts, employment agents may not misrepresent any material aspect of any employment or labor that they may be in a position to secure, and no agent may place a worker in any employment which is unlawful or in conflict with a regulation or order of the state agency. Employment agents are also subject to administratively prescribed recordkeeping and reporting requirements.

PROVISIONS APPLICABLE TO AGRICULTURE: The employment agents law **does not apply** to persons (implicitly including seasonal agricultural labor contractors) who employ workers to render temporary or part-time services to, for or under the direction of a third party, provided that the person employing the workers (1) pays federal Social Security taxes, pays state and federal unemployment insurance contributions, carries required workers' compensation insurance, and maintains liability insurance covering the acts of its employees while on the job, and (2) does not require a worker to forfeit or pay any amount for accepting permanent employment with any one of the third parties for whom the worker performed temporary or part-time services.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Bureau, Equal Rights Division, Wisconsin Department of Workforce Development, Madison, Wisconsin 53703.*

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None.*

Wyoming

● EMPLOYMENT AGENCY LAW

STATUTORY CITATION: Wyo. Stat. §§ 27-8-101 – 27-8-111

GENERAL SUMMARY: Chapter 8 of the Wyoming labor statutes regulates employment offices or agencies operated for the purpose of furnishing employers with workers or furnishing workers with employment, or where a fee or other consideration is charged or received for such services. The employment agency law applies without regard to occupational or industrial classification.

SPECIFIC TERMS AND CONDITIONS

LICENSING — No person, firm or corporation may open, operate or maintain an employment agency, as described in brief above, without first obtaining a license from the state to do so. The license must be posted conspicuously at the location where the agency conducts business.

BONDING — Each applicant for a license is required to secure a surety bond in the amount of \$500, conditioned on compliance with the employment agency law and related regulatory provisions.

PROHIBITED ACTS — It is illegal for a licensed agency to give any false or misleading information, or make any false promise, relating to work or employment.

ADMINISTRATION AND ENFORCEMENT

PRIMARY ENFORCEMENT AGENCY – *Labor Standards Office, Wyoming Department of Workforce Services, Cheyenne, Wyoming 82002 (307-777-7261)*. Anyone 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, which must investigate the charges and may revoke the agent's license if the allegations are confirmed. Likewise, it is the Department's duty to file a report of the violation with the state attorney general or the local district attorney for enforcement of the criminal penalties.

SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY – *None*.