◯ 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.*