

1 Department of Labor and Industry

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3 Adopted Permanent Rules Relating to Employment Agencies; Fees

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5 Rules as Adopted

6 5200.0500 DEFINITIONS.

7 Subpart 1. [Unchanged.]

8 Subp. 2. Accept. "Accept" means that the applicant has
9 agreed with the employer on a specific position, wages, hours,
10 working conditions, and a specific starting date, and has signed
11 an acceptance form in which the agency has designated the terms
12 of the acceptance. The applicant may withdraw the acceptance
13 provided that the applicant did not actually start the job.

14 Subp. 3. Fee status. "Fee status" is the designation on
15 the job order which describes the fee liability. The designated
16 fee status for job listing services shall be limited to
17 concurrent fee arrangement. The designated fee status for
18 liability for placement shall be limited to one of the following
19 terms:

20 A. to F. [Unchanged.]

21 Subp. 4. and 5. [Unchanged.]

22 5200.0600 FEE INFORMATION ON CONTRACTS.

23 Subpart 1. Job placement. Applicant contracts with
24 employment agencies engaged in the placement of applicants shall
25 contain all of the following statements unless language less
26 restrictive to the applicant is approved by the department:

27 A. to D. [Unchanged.]

28 Where the applicant undertakes no fee liability of any
29 nature, the contract, as an alternative to items A to D, may
30 read: "I understand that I am not liable for any fee and that
31 compensation to the agency is to be settled between the employer
32 and the agency."

33 Subp. 2. Job listing. Applicant contracts with job
34 listing services shall contain the following statement: "I
35 understand that a fee shall be due the job listing service at

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1 the time of contractual arrangements are-entered-into-and. No
2 other fee or-portion-of-fee shall be collected by-the-job
3 listing-service for services rendered, provided that fees for
4 job placement may be charged and the fee arrangement for
5 placement shall be contained in a separate contract."

6 5200.0610 ACCEPTANCE FORM STANDARDS.

7 The acceptance form, with employment agencies engaged in
8 placement activities, to be signed by the applicant shall
9 contain the following information:

10 A. to K. [Unchanged.]

11 5200.0620 FEE DETERMINATION.

12 The following terms and methods shall be used in
13 determining amount of fee due:

14 A. to D. [Unchanged.]

15 E. A fee based on a concurrent fee arrangement shall
16 be uniform for all applicants serviced.

17 5200.0680 COLLECTION OF FEE FROM APPLICANT.

18 No fee or portion of a fee except a concurrent fee
19 arrangement shall be collected from an applicant before the
20 actual start date.

21 5200.0700 JOB ORDER FORM.

22 The following information must be contained on the job
23 order form for each bona fide job order:

24 A. to S. [Unchanged.]

25 T. Fee status. One of the following terms shall be
26 used to indicate the fee status for placement:

27 (1) to (6) [Unchanged.]

28 U. The term "concurrent fee" shall be used to
29 indicate the fee status for job listing services only.

30 5200.0800 ANNUAL RECORD OF SERVICE REPORT.

31 Subpart 1. Job placement. A record of service shall be
32 maintained in a separate ledger in the office of each employment
33 agency for a period of three years and shall contain the

1 information required by Minnesota Statutes, section 184.38,
2 subdivision 5. Each agency shall submit annually to the
3 department with its agency license renewal application, a
4 summary of the above record which contains the following
5 information for the preceding year:

- 6 A. total applicants placed;
- 7 B. total annual salaries of placements; and
- 8 C. total amount of fees collected.

9 The individual summary shall be used solely for compilation
10 of statistical data for the employment industry as a whole.

11 The summary shall be submitted on a form provided by the
12 department which shall make provision for its protection from
13 usage inconsistent with its purpose.

14 Subp. 2. Job listing. Job listing service record of
15 service report shall include:

- 16 A. total applicants serviced; and
- 17 B. total amount of fees collected.