

183.51 FOUNDRIES, ELEVATORS, BOILERS; REGULATIONS

that he is competent to take charge of all classes of steam boilers of not more than 100 horsepower. Before receiving a license he shall take and subscribe an oath that he has had at least one year of actual experience in operating such boilers.

[1973 c 725 s 35]

[For text of subds. 12 to 18, see M.S.1971]

CHAPTER 184. EMPLOYMENT AGENCIES

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184.21 Definitions

[For text of subds. 1 to 8, see M.S.1971]

Subd. 9. Job order. The term "job order" means a statement either written or oral by any employer to an agency, the purpose of which is to notify the agency of a job opening with that employer and to request that the agency provide the employer with applicants for interview or employment. All information concerning the availability, features, or requirements of a job shall be considered part of the job order.

[1973 c 780 s 1]

184.26 Application; licensing

[For text of subds. 1 and 2, see M.S.1971]

Subd. 3. An applicant for an employment agency's license shall be a citizen of the United States and shall be at least 18 years of age. An applicant for a counselor's license shall be at least 18 years of age.

[1973 c 725 s 36]

[For text of subds. 4 and 5, see M.S.1971]

184.33 License issuance; license revocation; penalties for violations

Subdivision 1. The department shall issue a license as an employment agent, employment agency manager or counselor to any person who qualifies for such license under the terms of sections 184.21 to 184.40. The department may refuse to issue a license to any person or may suspend or revoke the license of any employment agent, employment agency manager or counselor when it finds that any of the following conditions exist:

- (a) That the employment agent or counselor has violated any condition of the bond required by sections 184.21 to 184.40;
- (b) That the person, employment agent or counselor has personally engaged in a fraudulent, deceptive, or dishonest practice;
- (c) That the person, employment agent or counselor has violated any provisions of sections 184.21 to 184.40;
- (d) That the person, employment agent or counselor has been legally adjudicated incompetent and has not been restored to capacity.

Subd. 2. This section shall not be construed to relieve any person from civil liability or from criminal prosecution under sections 184.21 to 184.40 or under the laws of this state. A violation of this section shall be treated as a violation of section 325.79.

[1973 c 780 s 5]

184.38 Rules governing agencies

[For text of subds. 1 to 5, see M.S.1971]

Subd. 6. (a) No employment agent shall send out any applicant for employment without having obtained a job order, and if no employment of the

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kind applied for existed at the place to which the applicant was directed, the employment agent shall refund to the applicant, within 48 hours of demand, any sums paid by the applicant for transportation in going to and returning from the place.

(b) Nothing in this chapter shall be construed to prevent an employment agent from directing an applicant to an employer where the employer has previously requested that he be accorded interviews with applicants of certain types and qualifications, even though no actual vacancy existed in the employer's organization at the time the applicant was so directed; nor shall it prevent the employment agent from attempting to sell the services of an applicant to the employer even though no order has been placed with the employment agent; provided, that prior to scheduling an interview with an employer, when no opening currently exists with that employer, the applicant is clearly informed that no opening exists at that time.

[1973 c 780 s 2]

[For text of subd. 7, see M.S.1971]

Subd. 8. No employment agent shall knowingly cause to be printed or published a false or fraudulent notice or advertisement for help or for obtaining work or employment. For purposes of this subdivision the phrase "false or fraudulent notice or advertisement" shall include the following:

(a) The advertisement of any job for which there is no bona fide oral or written job order and completed job order form in existence at the time the advertisement is placed;

(b) The inclusion in any advertisement of any information concerning the identity, availability, features, or requirements of any advertised job when such information is not substantiated by, and included in, the supporting job order form;

(c) The advertisement of any job opening of the type described in section 184.38, subdivision 6, clause (b):

(d) The advertisement of any job without the inclusion in the advertisement of the "job order number" required in section 184.38, subdivision 18;

(e) If an applicant appears at any agency in response to the advertisement of a particular job, the failure to attempt placement of the applicant in the advertised job; provided however, that the agency may refuse to attempt such placement if the reason(s) for the refusal are clearly and truthfully disclosed to the applicant either orally or in writing.

[1973 c 780 s 3]

[For text of subs. 9 to 17, see M.S.1971]

Subd. 18. Every job order communicated to an agency shall be recorded by the agency on a job order form which form shall contain specific information as prescribed by the department. A job order form shall be filled out for each job order prior to any attempt to advertise the job opening or to place persons in said job. Such forms shall each be assigned a separate number and shall be maintained by the agency for a period of one year.

[1973 c 780 s 4]