

## CHAPTER 184

## EMPLOYMENT AGENCIES

184.29	Fees.	184.38	Rules governing agencies.
184.30	Bonds.	184.41	Violations.

**184.29 FEES.**

Before a license is granted to an applicant, the applicant shall pay the following fee:

- (a) An employment agent shall pay an annual license fee of \$250 for each license.
- (b) An applicant for a counselor's license shall pay a license fee of \$20 and a renewal fee of \$10.
- (c) An applicant for an employment agency manager's license shall pay a license fee of \$20 and a renewal fee of \$10.

**History:** *1Sp2001 c 4 art 2 s 10*

**NOTE:** The amendment to this section by Laws 2001, First Special Session chapter 4, article 2, section 10, is effective July 1, 2003. Laws 2001, First Special Session chapter 4, article 2, section 10, the effective date.

**184.30 BONDS.**

Subdivision 1. Every application for an employment agency's license must be accompanied by a surety bond approved by the department in the amount of \$10,000 for each location. The bond must be filed in the office of the secretary of state and conditioned that the employment agency and each member, shareholder, director, or officer of a firm, partnership, corporation, or association operating as an employment agency will comply with the provisions of sections 184.21 to 184.40 and any contract made by the employment agent in the conduct of the business. A person damaged by a breach of any condition of the bond may bring an action on the bond, and successive actions may be maintained on it.

*[For text of subd 2, see M.S.2000]*

**History:** *1Sp2001 c 4 art 2 s 11*

**NOTE:** The amendment to subdivision 1 by Laws 2001, First Special Session chapter 4, article 2, section 11, is effective July 1, 2003. Laws 2001, First Special Session chapter 4, article 2, section 11, the effective date.

**184.38 RULES GOVERNING AGENCIES.**

*[For text of subds 1 to 5, see M.S.2000]*

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 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 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.

*[For text of subd 7, see M.S.2000]*

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 subdivision 6, clause (b);

(d) The advertisement of any job without the inclusion in the advertisement of the "job order number" required in 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.

Subd. 9. No employment agent shall place or assist in placing any person in unlawful employment.

Subd. 10. No employment agent shall fail to state in any advertisement, proposal, or contract for employment, that there is a strike or lockout at the place of proposed employment, if the agent has knowledge that such condition exists.

Subd. 11. No employment agency or its employee may split, divide, or share, directly or indirectly, any fee, charge, or compensation received from any employer or applicant with any employer, or person in any way connected with the employer's business. A violation of this subdivision shall be punished by a fine of not less than \$100, and not more than \$3,000, or on failure to pay the fine by imprisonment for a period not to exceed one year, or both, at the discretion of the court.

*[For text of subs 12 to 16, see M.S.2000]*

Subd. 17. Except for applicant information given in the course of normal agency operations, no employment agent shall voluntarily sell, give, or otherwise transfer any files, records, or other information relating to its employment agency applicants and employers to any person other than a licensed employment agent or a person who agrees to obtain an employment agency license. Every employment agent who ceases to engage in the business of or act as an employment agent shall notify the department of such fact within 30 days thereof, and shall advise the department as to the disposition of all files and other records relating to its employment agency business.

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.

*[For text of subd 19, see M.S.2000]*

Subd. 20. No employment agent shall knowingly misrepresent to any employer the educational background, skills, or qualifications of any job candidate; or knowingly misrepresent to a job candidate the responsibilities, salary, or other features of any position of employment.

**History:** *1Sp2001 c 4 art 2 s 12-19*

**NOTE:** The amendments to subdivisions 6, 8, 9, 10, 11, 17, 18, and 20 by Laws 2001, First Special Session chapter 4, article 2, sections 12 to 19, are effective July 1, 2003. Laws 2001, First Special Session chapter 4, article 2, sections 12 to 19, the effective dates.

#### **184.41 VIOLATIONS.**

Any person who engages in the business of or acts as an employment agent or counselor without first procuring a license as required by section 184.22, and any employment agent, manager, or counselor who violates the provisions of this chapter is guilty of a misdemeanor.

In addition to the penalties for commission of a misdemeanor, the department may bring an action for an injunction against any person who engages in the business of or acts as an employment agent or counselor without first procuring the license required under section 184.22, and against any employment agent, manager, or counselor who violates the applicable provisions of this chapter. If an agency, manager, or counselor is found guilty of a misdemeanor in any action relevant to the operation of an agency, the department may suspend or revoke the license of the agency, manager, or counselor.

**History:** *1Sp2001 c 4 art 2 s 20*

**NOTE:** The amendment to this section by Laws 2001, First Special Session chapter 4, article 2, section 20, is effective July 1, 2003. Laws 2001, First Special Session chapter 4, article 2, section 20, the effective date.