

Original

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M. Miss Prior

IN THE HOUSE

BY MISS PRIOR

HOUSE BILL NO. 95

IN THE LEGISLATURE OF THE TERRITORY OF ALASKA

TWENTY-FIRST SESSION

A BILL

For an Act entitled: "An Act regulating private employment agencies; establishing operating rules and regulations; defining violations and prescribing penalties; and declaring an emergency."

BE IT ENACTED BY THE LEGISLATURE OF THE TERRITORY OF ALASKA:

Section 1. DEFINITIONS. For the purposes of this Act, words and phrases shall have the following meaning:

(1) "Person" means any individual, company, society, firm, partnership, association, corporation, manager, contractor, subcontractor, or their agents or employees.

(2) "Employment agency" or "agency" means any person as defined above, engaged in the business of furnishing employment or help, or giving information as to where employment or help may be secured; or displaying any employment sign or bulletin, or, through the medium of any card, circular or pamphlet, or otherwise offering to secure employment or help.

(3) "Fee" means any money received by any person or other valuable consideration, paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency under this Act.

(4) "Registration fee" means any charge made, or attempted to be made, for registering or listing an applicant for employment.

1 Section 2. EXEMPTIONS. Nothing in this Act shall include
2 bona fide educational, religious, charitable, fraternal, and
3 benevolent organizations making no charge for services, bona
4 fide labor organizations, and government agencies.

5 Section 3. PERMIT AND BOND.

6 (1) PROCURING AND POSTING PERMIT. No person shall
7 open or carry on any employment agency unless he has procured a
8 permit therefor from the Commissioner of Labor. Such permit
9 shall be posted in a conspicuous place in the employment agency.

10 (2) APPLICATION. A written application for a permit
11 shall be made to the Commissioner of Labor in the form prescribed
12 by him and shall include (a) the name and address of the
13 applicant and the street and number of the building or place
14 where the business of the employment agency is to be conducted;
15 (b) the business or occupation engaged in by the applicant for at
16 least two years immediately preceding the date of application;
17 and (c) the names and addresses of all persons financially
18 interested in the operation of said business, either as partners
19 or profit sharers therein.

20 (3) BOND. Before any such permit may be issued, the
21 applicant shall first furnish bond to the Commissioner of Labor
22 in such sum and with such sureties as the Commissioner shall
23 deem proper and necessary, but in no case less than \$1,000.00.
24 This bond shall be a guarantee that the applicant shall fully
25 comply with the provisions and requirements imposed by this Act
26 and shall pay all judgments recovered against such applicant for
27 any violations of the provisions thereof, together with such
28 judgments and costs as may be recovered against him by any
29 laborer, worker or applicant for a position on account of any

1 willful misrepresentations or for willfully deceiving any laborer
2 or applicant for a position.

3 (4) INVESTIGATION OF APPLICANT. Upon receipt of any
4 application for a permit, the Commissioner of Labor may cause an
5 investigation to be made as to the character and responsibility
6 of the applicant and of the premises in which it is proposed to
7 conduct the business.

8 (5) REFUSAL OF PERMIT. The Commissioner of Labor,
9 after proper notice and hearing, may refuse to grant a permit
10 where there is reasonable ground to believe that the applicant
11 is of unfit moral character or irresponsible. Each application
12 shall be granted or refused within thirty days from date of
13 filing.

14 (6) PERMIT FEES. Accompanying the Application for a
15 Permit shall be the sum of \$10.00. All fees collected shall be
16 remitted to the Treasurer of Alaska to be covered into the
17 General Fund. In addition to paying this fee, all persons
18 conducting employment agencies must comply with the provisions
19 of the Alaska Business License Act.

20 (7) APPLICATION FOR RENEWAL. Thirty days prior to
21 the expiration of a permit the holder must apply for renewal of
22 his permit if the agency is to continue operation after the
23 expiration date. The application for renewal shall contain all
24 the data requested in the original application, but brought up to
25 date where changes have occurred in location or ownership.

26 (8) REVOCATION OR SUSPENSION OF PERMIT. The
27 Commissioner of Labor may revoke or suspend any permit when it is
28 shown that:

29 (a) the permittee or his agent has violated or

1 failed to comply with any of the provisions of this Act;

2 (b) the permittee has ceased to be of good moral
3 character;

4 (9) NOTICE AND HEARING. Before revoking or suspending
5 any permit, the Commissioner of Labor shall notify, in writing,
6 the holder of such permit of the charges against him and afford
7 him an opportunity to be heard in person or by counsel.

8 Section 4. LIMITATIONS UPON CONDUCTING OF EMPLOYMENT
9 AGENCIES. No permit shall be granted to conduct an employment
10 agency:

11 (a) in rooms used for living purposes;

12 (b) in connection with a building or premises where
13 intoxicating liquors are sold or consumed;

14 (c) in connection with a pool hall or recreation
15 center operated for profit;

16 (d) to a person whose permit has been revoked within
17 three years from the date of application;

18 (e) to a person who is financially interested in a
19 travel agency or who in any way benefits financially from the
20 sale of air, steamship or bus transportation.

21 Section 5. OPERATION AND MANAGEMENT.

22 (1) REGISTER. Every employment agency shall keep a
23 register in which shall be entered the name and address of each
24 applicant, the date registered and the amount of fee received.

25 (2) BOOKS, RECORDS, REPORTS, ETC. All registers,
26 books, records and other papers kept pursuant to this Act in an
27 employment agency shall be open to the inspection of the
28 Commissioner of Labor and his agents at all reasonable times.

29 Any true copies of such records or special reports required by

1 the Commissioner of Labor shall be furnished within thirty days
2 of the request.

3 (3) CONTRACT OR RECEIPT: CONTENTS. Every agency shall
4 give to each applicant for employment from whom a fee is to be
5 received a contract or receipt in which is stated:

6 - (a) the name, address and telephone number of
7 the employment agency;

8 - (b) the name of the applicant;

9 - (c) the name and address of the person to whom
10 the applicant is sent for employment, and the address to which
11 the applicant is to report for work;

12 (d) the amount of the fee charged and collected
13 from the applicant;

14 (e) the kind of work to be performed, the wages
15 or salary, and other conditions of employment.

16 (4) DUTY OF EMPLOYER. Each employer to whom an
17 applicant is sent in response to a request for an employee shall
18 state on the reverse side of the contract, or receipt, that he
19 refused to employ the applicant, or that he discharged him in
20 less than seven days after employing him, when either is the
21 fact, and return such to the applicant or employment agency.

22 (5) SCHEDULE OF FEES: POSTING SCHEDULE. Every person
23 conducting an employment agency shall file with the Commissioner
24 of Labor a schedule of fees to be charged and collected in the
25 conduct of its business. Changes in the schedule may be made,
26 but no change shall become effective until seven days after the
27 date of filing thereof with the Commissioner of Labor and until
28 posted for not less than seven days in a conspicuous place in
29 the agency. A copy of the schedule in effect with any changes

1 noted thereon shall be posted in a conspicuous place in the
2 agency which is frequented by applicants for help or employment.

3 (6) MAXIMUM FEES. After due notice and hearing the
4 Commissioner of Labor shall set a maximum schedule of fees;
5 such schedule may be reviewed biennially after due notice and
6 hearing by the Commissioner.

7 (7) RETURN OF FEES. If the applicant paying a cash
8 fee fails to obtain employment, the agency shall upon demand
9 therefor, repay the amount of the fee to the applicant within
10 48 hours.

11 (8) PROHIBITED ACTS.

12 (a) Sending out applicants for employment
13 without having a bona fide request from an employer;

14 (b) Sending any female to any employer conduct-
15 ing his business in violation of Territorial or Federal laws;

16 (c) Placement of children in violation of the
17 child labor laws;

18 (d) Dividing or offering to divide fees with
19 any employer;

20 ~~(e) Inducing or attempting to induce employees
21 to leave employment with a view to obtaining other employment
22 through the agency;~~

23 (f) Making any charge which does not conform with
24 the schedule of fees;

25 (g) Accepting anything of value as a fee or in
26 lieu of a fee;

27 (h) Making false entries in registers and
28 records of the agency;

29 (i) Writing, publishing or causing to be

1 published any false, fraudulent, or misleading information,
2 representation, notices or advertisements concerning job
3 opportunities; ~~specifically or in general.~~

4 (9) RULES AND REGULATIONS. The Commissioner of Labor
5 may promulgate rules and regulations, not inconsistent with this
6 Act.

7 Section 6. SEVERABILITY. If any provision of this Act,
8 or the application thereof to any person or circumstance is held
9 invalid, the remainder of the Act and such application to other
10 persons or circumstances shall not be affected thereby.

11 Section 7. EMERGENCY CLAUSE. An emergency is hereby
12 declared to exist and this Act shall take effect immediately
13 upon its passage and approval.

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15
16 (i) Send any applicant for
17 employment to a place where
18 a strike or lockout exists
19 without so informing the
20 applicant of the existence
21 of such strike or lockout.

22 Passed 3/4/53
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