UNITED STATES DEPARTMENT OF LABOR
Frances Perkins, *Secretary*
BUREAU OF LABOR STATISTICS
Isador Lubin, *Commissioner*

Laws Relating to Employment Agencies in the United States As of July 1, 1937

Prepared by the
LABOR LAW INFORMATION SERVICE
CHARLES F. SHARKEY, *Chief*

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PREFACE

There can be no doubt as to the great social importance of agencies designed to bring together the "jobless man" and the "manless job." For many years, in this country, this function was left to the more or less unregulated operation of private organizations. However, with the increasing complexity of an industrial life, it came to be recognized that, even aside from certain abuses which crept into the fee-charging private employment agency, the problem was so vast that the entry of the State in this field was justified and necessary.

The movement for free public employment agencies, which began in a very modest way with the establishment of a municipal office in Cleveland, Ohio, in 1890, spread steadily although rather slowly to other communities and States, and culminated in 1933 in the passage of a Federal law, usually referred to as the Wagner-Peyser Act. This act was designed to promote the development of a national system of employment offices.

The United States Employment Service was set up under this law to act as a coordinating body. However, the primary initiative in the establishment, support, and conduct of the State offices remains with the individual States. For this reason it is very important that the State legislation be drafted along as efficient lines as possible. To assist the States in this work the Bureau of Labor Statistics has prepared the present report, bringing together all of the laws, Federal and State, regarding employment offices. Legislation for the regulation of private employment agencies is included.

The report was prepared by Charles F. Sharkey, of the Bureau of Labor Statistics, with the collaboration of Ernest W. Goodrich, of the United States Employment Service, and with the assistance of Alfred Acee and Lucy R. Scott, of the Bureau.

ISADOR LUBIN,
Commissioner of Labor Statistics.

OCTOBER 18, 1937.

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United States Bureau of Labor Statistics

Laws Relating to Employment Agencies in the United States as of July 1, 1937

Public Employment Agencies

Public employment agencies, sometimes designated free public employment offices, are agencies supported by a public body—State, county, city, town, or village. Such agencies are primarily established for the purpose of furnishing employment to workers and labor to employers.

The first free public employment office in the United States was a municipal agency established in 1890 at Cleveland, Ohio. Later the idea became a definite movement which was taken up by various States, through their legislative bodies. The movement spread until at the present time the majority of the States have provided for the establishment of public employment offices. The growth of these institutions in the United States may be attributed in part to the alleged abuses which have grown up around private agencies. At the same time social utility and economic developments, as well as the belief that obtaining employment for the unemployed is a proper exercise of public authority, have played a powerful and important part in the establishment of public employment agencies.

As established, however, not all these agencies were functioning units. While enabling acts were adopted, some of the States made no appropriations for the maintenance of an up-to-date, efficient organization, and as a result the work of seeking to bring about contacts between the "jobless man" and the "manless job" has been seriously handicapped. With the adoption of Federal-State cooperative relations in the maintenance and operation of State employment offices under the Federal act of 1933, public employment agencies in the United States entered a new stage of development.

The principle of impartial administration was enunciated when the Supreme Court of Illinois,[1] as early as 1903, declared that whenever the public undertakes to conduct an employment office the services rendered must be without discrimination. An act of the Illinois legislature (acts of 1899, p. 268), which the court declared unconstitutional, forbade public employment agencies to furnish names of applicants for work to employers whose workmen were on strike. Two discriminations were pointed out by the court, one against employers whose employees were on strike, and the other against workmen seeking employment who were willing to accept service where workmen had gone out as strikers. The court said that an unwarrantable distinction was drawn "between workmen who apply for situations to

[1] *Mathews v. People*, 202 Ill. 389, 67 N. E. 23.

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employers where there is no strike or lock-out and workmen who do not so apply and * * * between employers who may have the misfortune to be the victims of a strike or lock-out and employers who do not have such misfortune."

Section 8 of the law under consideration, the court said, did not "relate to persons and things as a class or to all employers, but only to those who have not been the victims of strikes or lock-outs." As was said earlier in the case of *Gillespie* v. *People* (188 Ill. 176, 58 N. E. 1007), "where a statute does this—where it does not relate to persons or things as a class, but to particular persons or things of a class—it is a special, as distinguished from a general, law."

Federal Activities

The Federal Government entered the field of public employment service in 1907. By an act of the Congress of that year (34 U. S. Stat. L. 898) a division of information in the Bureau of Immigration and Naturalization (Department of Commerce and Labor) was established. Section 40 of the act provided that: "It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration."

In 1913, when the Department of Labor was created as a separate executive department,[2] the division of information of the Bureau of Immigration was transferred to it. The scope of the work was enlarged to correspond with the broad powers of the Department of Labor, as stated in the organic act: "The purpose of the Department of Labor shall be to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

The Federal Labor Service was organized in 1915, and was engaged mostly in the distribution of farm labor. The service was expanded during the World War, but its activities were reduced during the years immediately following. Except for the farm labor division, the principal function of the Service consisted of cooperation with the State and municipal employment agencies. In January 1918, the Service was taken from the Bureau of Immigration and set up as a separate agency in the United States Department of Labor. Subsequent attempts were made to place the employment service on a more permanent and substantial basis.

At the Seventy-first Congress (1931), a bill creating a cooperative national employment system was passed by both the House and Senate only to meet a presidential veto. Later in the same session, however, the Department of Labor (46 U. S. Stat. L. 1575) was granted an appropriation of $500,000 for its Employment Service. As a result of the appropriation thus obtained an enlarged Federal Employment Service was established at once with offices in every State of the Union. This system continued until it was abolished early in 1933.

[2] 37 U. S. Stat. L. 736.

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Federal Act Creating National Employment Service

Shortly afterwards, on June 6, 1933, a national employment system was established by an act (48 Stat. L. 113) passed at the special session of the Seventy-third Congress.

This law created a United States Employment Service in the Department of Labor and supplanted a former Federal employment service, with offices in every State, conducted independently of the State employment service.

The new law established a national employment system in cooperation with the various States, including the Territories of Hawaii and Alaska. An appropriation of $1,500,000 was provided for the fiscal year ending June 30, 1934, and $4,000,000 for each fiscal year thereafter, up to and including the fiscal year ending June 30, 1938. Thereafter the amount of the appropriation is to be determined by the Congress, as may be deemed necessary.

In order to obtain the benefits of any appropriations, a State must accept the provisions of the national act and designate a State agency with necessary powers to cooperate with the United States Employment Service. Seventy-five percent of the amounts appropriated are to be apportioned by the director among the several States in the proportion which their population bears to the total population of the United States. No payment shall be made to any State until an equal amount has been appropriated and made available for that year by the State. By an act of May 10, 1935, it was provided that in the apportionment of the amount, at least $10,000 must be granted to each State.

The United States Employment Service is charged with the duty of promoting and developing a national system of employment offices for men, women, and juniors "who are legally qualified to engage in gainful occupations"; to maintain a veterans' bureau, a farm placement service, and a public employment service for the District of Columbia; and to assist in establishing public employment offices in the several States and political subdivisions thereof in which there shall be located a veterans' employment service. The Federal agency is charged also with the duty to "assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States."

The law provides for the appointment of a Federal Advisory Council. This board is to be composed of representatives of employers and employees and the public for the purpose of formulating policies and the determining of problems relating to employment. The Federal director is required to form State advisory councils, similarly organized.

Before any applicant is referred to a place for employment, notice of any strikes or lock-outs must be given.

All States desiring to receive benefits under the act must submit detailed plans to the director, and must also make such reports concerning any operations and expenditures of money as the director

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may require. The franking privilege for free transmission of official mail matter is extended to the United States Employment Service and to all State employment systems operating under the provisions of the act.

The law was subsequently amended.[3] All the States have now accepted the act, thereby making possible a well integrated Federal-State system of public employment offices.

Acceptance by the States of the Wagner-Peyser Act

In the list below, the States are grouped according to the year in which the Federal law (the Wagner-Peyser Act) was accepted, together with date and citation of the law. Ten States accepted in 1933, and in 1935 a striking increase in the number of affiliated States was shown. With the enactment of several laws during 1937, all of the States and the two Territories have become affiliated with the United States Employment Service.

1933

Colorado, Aug. 17, spec. sess., ch. 9, sec. 1; Connecticut, June 9, Cumulative Supplement (1931–1935) to Revised Stat. 1930, sec. 900c; Illinois, Nov. 20, 1st spec. sess., p. 28; Massachusetts, July 22, Res. 52, p. 725; New York, Aug. 29, spec. sess., ch. 812, sec. 1; Ohio, July 11, p. 522; Pennsylvania, Dec. 27, spec. sess., No. 26, sec. 1; Virginia, Sept. 2, spec. sess., ch. 13, sec. 1; Wisconsin, July 6, ch. 360, sec. 1; Wyoming, Dec. 20, spec. sess., ch. 24, sec. 1.

1934

Iowa, Jan. 10, spec. sess., ch. 16, sec. 1; Kentucky, Mar. 14, ch. 554, sec. 1; Louisiana, July 15, No. 234, sec. 1; New Jersey, May 2, ch. 130, sec. 1; New Mexico, Apr. 27, spec. sess., ch. 15, sec. 1; West Virginia, Jan. 26, 2d spec. sess., ch. 77, sec. 2.

1935

Alabama, Sept. 11, Act No. 372, sec. 1; Arizona, Mar. 20, ch. 55, sec. 1; Arkansas, Mar. 21, Act No. 173, sec. 1; California, June 1, ch. 258, sec. 1; Delaware, Apr. 18, ch. 109, sec. 3; Florida, June 10, ch. 17270, sec. 1; Georgia, Mar. 12, No. 108, p 439, sec. 1; Idaho, Mar. 29, spec. sess., ch. 22, sec. 2 (as amended 1936, ch. 12, sec. 21); Indiana, Feb. 14, ch. 40, sec. 1; Minnesota, Apr. 29, Res. 23, p. 788; Missouri, May 31, p. 288; Nebraska, May 25, ch. 107, sec. 3; Nevada, Mar. 27, ch. 96, sec. 1; New Hampshire, June 20, ch. 146, sec. 1; North Carolina, Mar. 19, ch. 106, sec. 2; North Dakota, Mar. 12, ch. 161, sec. 5; Oklahoma, May 6, ch. 52, sec. 1; Oregon, Feb. 28, ch. 135, sec. 1; Rhode Island, May 31, ch. 2266, sec. 1; South Dakota, Mar. 8, ch. 40, sec. 1; Tennessee, Apr. 22, ch. 165, sec. 1; Texas, May 11, ch. 236, sec. 1; Utah, Mar. 25, ch. 38, sec. 27 (d); Vermont, Apr. 9, No. 164, sec. 1; Washington, Mar. 21, ch. 145, sec. 12.

1936

Maine, Dec. 18, spec. sess., ch. 1, sec. 12; Maryland, Dec. 17, spec. sess., ch. 1, sec. 12; Michigan, Dec. 24, spec. sess., Act No. 1, sec. 12; Mississippi, Mar. 23, ch. 176, sec. 12; South Carolina, June 1, No. 946, sec. 12.

1937

Alaska, Apr. 2, spec. sess., ch. 4, sec. 12; Hawaii, May 18, act 243, sec. 44; Kansas, Mar. 26, ch. 255, sec. 15; Montana, Mar. 16, ch. 137, sec. 12a.

The following table shows the official State agencies designated to cooperate with the United States Employment Service under the Wagner-Peyser Act. Designation of the State agency is found in the section of the law cited.

[3] See text of law and amendments thereto on page 113.

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State agencies authorized to cooperate with the United States Employment Service

State	Agency	Citation of law
Alabama	State Department of Labor	Acts of 1935, ch. 372, sec. 2.
Alaska	Unemployment Compensation Commission	Acts of 1937 (spec. sess.), ch. 4, sec. 12.
Arizona	Arizona State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936 (1st spec. sess.), ch. 13, sec. 12.
Arkansas	State Department of Labor	Acts of 1937, Act No. 155, sec. 12.
California	Division of State Employment Agencies (of the Department of Employment).	Acts of 1935, ch. 352, sec. 93.
Colorado	Colorado Industrial Commission	Acts of 1935 (3d spec. sess.), ch. 2, sec. 12 (as amended 1937, ch. 260).
Connecticut [1]	Connecticut State Employment Service Department (In the Unemployment Compensation Division of the Department of Labor and Factory Inspection).	Acts of 1936 (1st spec. sess.), ch. 2.
Delaware	Unemployment Compensation Commission	Acts of 1937, S. B. 79, sec. 12.
Florida	Florida Industrial Commission	Acts of 1937, S. B. 1009, sec. 13.
Georgia	Georgia State Employment Service Division (of the Bureau of Unemployment Compensation in the Department of Labor).	Acts of 1937, No. 335, sec. 12.
Hawaii	Unemployment Compensation Board	Acts of 1937, No. 243, sec. 44.
Idaho	Industrial Accident Board	Acts of 1936 (3d spec. sess.), ch. 12, sec. 21.
Illinois	Department of Labor	Acts of 1937, p. 571, sec. 20.
Indiana	Unemployment Compensation Board	Acts of 1936, ch. 4, sec. 11 (as amended 1937, ch. 125).
Iowa	Iowa State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936 (spec. sess.), ch. 4, sec. 12 (as amended 1937, ch. 102).
Kansas	Kansas State Employment Service Section (of the Unemployment Compensation Division in the Commission of Labor and Industry).	Acts of 1937, ch. 255, sec. 15.
Kentucky	Kentucky State Employment Service (section of the Division of Unemployment Compensation in the Department of Industrial Relations).	Acts of 1936 (4th spec. sess.), ch. 7, sec. 12.
Louisiana	Louisiana State Employment Service Division (of the Department of Labor).	Acts of 1936, Act No. 97, sec. 11.
Maine	Unemployment Compensation Commission	Acts of 1936 (1st spec. sess.), ch. 1, sec. 12 (as amended 1937, ch. 228).
Maryland	Maryland Reemployment Service Division (of the Unemployment Compensation Board).	Acts of 1936 (2d spec. sess.), ch. 1, sec. 12 (as amended 1937, ch. 314).
Massachusetts	Division of Public Employment Offices (in the Department of Labor and Industries) under supervision of the Unemployment Compensation Commission.	General Laws 1932, ch. 23, sec. 9L (as added 1935, ch. 479).
Michigan	Michigan State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936 (1st spec. sess.), No. 1, sec. 12.
Minnesota [1]	Industrial Commission	Acts of 1936 (2nd spec. sess.), ch. 2 (as amended 1937, chs. 43, 306, 401, and 452).
Mississippi	Mississippi State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936, ch. 176, sec. 12.
Missouri	Unemployment Compensation Commission	Acts of 1937, p. 574, sec. 14.
Montana	Montana State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1937, ch. 137, sec. 12.
Nebraska	Nebraska State Department of Labor	Acts of 1937, L. B. 189, sec. 12.
Nevada	Labor Commissioner	Acts of 1937, ch. 129, sec. 12.
New Hampshire	Commissioner of Labor	Acts of 1935, ch. 146, sec. 2.
New Jersey	New Jersey State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936 (1st spec. sess.), ch. 270, sec. 12.
New Mexico	Unemployment Compensation Commission	Acts of 1936 (1st spec. sess.), Act No. 1, sec. 12.
New York	Industrial Commissioner	Acts of 1933, ch. 812, sec. 2.
North Carolina	North Carolina State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936 (1st spec. sess.), ch. 1, sec. 12.
North Dakota	North Dakota State Employment Service Division (of the Workmen's Compensation Bureau).	Acts of 1937, ch. 232, sec. 11.
Ohio	Ohio State Employment Service Division (of the Unemployment Compensation Commission) (after January 1, 1938).	Acts of 1936, p. 286, sec. 15 (as amended 1937, S. B. 26).
Oklahoma [2]	Oklahoma State Employment Service Section (of the Unemployment Compensation and Placement Division in the Department of Labor).	Acts of 1936 (1st spec. sess.), H. B. No. 1, sec. 12.

[1] The law does not specifically designate a State agency but the attorney-general of the State has ruled that the agency listed is the State agency.

[2] The law does not specifically designate a State agency, but in accordance with an interpretation of the law by the Solicitor of the Department of Labor the agency listed is accepted as the official State agency.

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State agencies authorized to cooperate with the United States Employment Service—Continued

State	Agency	Citation of law
Oregon	Oregon State Employment Service Division (of the Unemployment Compensation Commission.)	Acts of 1935, ch. 70, sec. 18 (as amended 1937, ch. 398).
Pennsylvania	Department of Labor and Industry	Acts of 1933 (spec. sess.), Act No. 26, sec. 15.
Rhode Island	Unemployment Compensation Board	Acts of 1936, ch. 2333, sec. 11, (as amended 1937, ch. 2556).
South Carolina	South Carolina State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936, Act 946, sec. 12.
South Dakota [3]	South Dakota State Employment Service Division (of the Unemployment Compensation Commission).	Acts of 1936 (spec. sess.), ch. 3, sec. 12.
Tennessee	State Department of Labor	Acts of 1936 (2d spec. sess.), Act No. 1, sec. 12 (as amended 1937, ch. 128).
Texas	Unemployment Compensation Commission	Acts of 1936 (3d spec. sess.), ch. 482, sec. 12 (as amended 1937, H.B. 586).
Utah	Utah State Employment Service (Division of Industrial Commission).	Acts of 1936 (spec. sess.), ch. 1, sec. 12 (as amended 1937, ch. 43).
Vermont	Vermont Unemployment Compensation Commission.	Acts of 1935, ch. 164, sec. 2 (as amended 1936, Act No. 1).
Virginia	Unemployment Compensation Commission (through the Virginia State Employment Service).	Acts of 1936 (spec. sess.), ch. 1, sec. 12.
Washington	State Department of Social Security (through the Washington State Employment Service Division).	Acts of 1937, ch. 162, sec. 12.
West Virginia	State Employment Service Division (of the Department of Unemployment Compensation).	Acts of 1936 (2d spec. sess.), ch. 1, sec. 17 (as amended 1937, ch. 100).
Wisconsin	Industrial Commission	Acts of 1933, ch. 360, sec. 2.
Wyoming	Unemployment Compensation Commission	Acts of 1937, ch. 113, sec. 12.

[3] Acts of 1937, ch. 223, will not be effective until it is approved by referendum vote in November 1938.

Private Employment Agencies

In general, private employment agencies include any business that offers, promises, attempts, or aids in procuring, directly or indirectly, help or employment for another for any fee or remuneration paid or received for such service.

At the present time in the United States there are 42 States which have enacted legislation directly or indirectly regulating the operation of private employment offices. In most of the States provisions are made for the licensing and bonding of such agencies. In addition to the private employment agencies conducted for profit, agencies are also established by various philanthropic organizations, trade-unions, and associations of employers. Agencies created for the placement of professional workers such as teachers, nurses, etc., are also numerous.

In the State of Idaho the maintenance of private employment offices for profit is forbidden. Exceptions are made, however, in the case of nonprofit employment offices conducted by religious, benevolent, or charitable societies, and those furnishing professional employment.

One of the reasons given for the establishment of public employment agencies is the alleged abuses practiced by many of the private agencies. Some of the more common of the fraudulent methods were enumerated by the United States Bureau of Labor in 1912 as follows:

1. Charging a fee and failing to make any effort to find work for the applicant.
2. Sending applicants where no work exists.
3. Sending applicants to distant points where no work or where unsatisfactory work exists, but whence the applicant will not return on account of the expense involved.

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4. Collusion between the agent and employer, whereby the applicant is given a few days' work and then discharged to make way for new workmen, the agent and employer dividing the fee.
5. Charging exorbitant fees, or giving jobs to such applicants as contribute extra fees, presents, etc.
6. Inducing workers, particularly girls, who have been placed, to leave, pay another fee, and get a "better job."[4]

In addition to the abuses alleged, the charge of inadequacy has also been lodged against the private employment agencies.[5]

The Legislature of Minnesota in 1885 enacted a law which sought to correct alleged abuses by the specific prohibition of such agencies, and about the same time the State of New York did likewise. None of these provisions were effective, however, since the law failed to provide for a proper and adequate administration.

Since the publication of the previous edition of this bulletin (No. 581) in 1933, considerable attention has been directed by some of the States to improving and extending their laws regulating private employment agencies. The State of Colorado adopted a theatrical employment agency law covering all types of agencies organized to provide engagements for circus, vaudeville, theatrical, and other entertainments, and agencies which furnish information as to where such theatrical engagements may be secured. A license fee of $100 is required for the operation of a theatrical employment agency, with an additional fee of $50 for each employee. The act also requires that each application for a license must be accompanied by a bond for $1,000.

The legislature of Illinois expanded the private employment agency law of that State and, in 1935, gave special consideration to the licensing of theatrical employment agents. Maryland repealed the former employment agency law and enacted new legislation covering the licensing of such agencies in greater detail.

Delaware amended the occupation license law, and now requires that private employment agents shall pay a license fee of $10. Mississippi reenacted the privilege tax law[6] requiring emigrant agents to pay a fee of $500.

Court Decisions Dealing With Regulation of Private Employment Agencies

The legality of the restrictive legislation of private employment agencies has been before the courts in several instances. An act (acts of 1903, ch. 11) of the California Legislature contained a provision limiting the fee to be charged by a private employment agency. The California court held that such a provision was unconstitutional since it infringed the liberty of contract. (*Ex parte Dickey*, 144 Calif. 234, 77 Pac. 924.)

The Legislature of Michigan in 1913 (Public Act No. 301) enacted a law which imposed a license fee on the operation of employment agencies, and prohibited an agent from sending an applicant to an employer who had not applied for labor. The Supreme Court of Michigan, in the case of *People* v. *Brazee* (183 Mich. 259, 149 N. W. 1053), held that the business of conducting an employment agency

[4] United States Bureau of Labor. Bull. No. 109: Statistics of unemployment and the work of employment offices. Washington, 1913, p. 36.
[5] See report of Commission on Industrial Relations, S. Doc. 415, 64th Cong., 1st sess., vol. I, pp. 109-111; vol. II, pp. 1165-1440.
[6] See Bureau of Labor Statistics Bull. No. 581, p. 149.

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was one properly subject to police regulation and control. An appeal later to the United States Supreme Court [7] resulted in an affirmation of the decision of the State court.

In the opinion by Mr. Justice McReynolds it was held that a State, in the exercise of its police power, "may require licenses for employment agencies and prescribe reasonable regulations in respect to them to be enforced according to the legal discretion of a commissioner. The general nature of the business is such that, unless regulated, many persons may be exposed to misfortunes against which the legislature can properly protect them."

Another case concerning the private employment agency law of Michigan was recently decided in that State.[8] The specific question involved in this case was whether or not the charging of a fee for services rendered or proposed to be rendered was the same as operating an employment agency for gain or profit.

Several cases of importance have been decided in the courts concerning employment agency legislation in the State of Washington. An initiative measure (acts of 1914, no. 8) prohibited the collection of fees by employment agents from employees seeking work. The act was considered by the State supreme court without the question of the constitutionality of the law being challenged. (*Huntworth* v. *Tanner*, 87 Wash. 670, 152 Pac. 523.) In an earlier decision,[9] however, by a United States district court the constitutionality of the law was passed upon and it was sustained as a valid exercise of the police power of the State. In 1917, the question of the constitutionality of the law was before the United States Supreme Court.[10] In a 5 to 4 decision the law was declared unconstitutional. The court held that the private employment agency was a useful and legitimate business, and that while subject to regulation under the police power of the State, it could not be suppressed without violating the fourteenth amendment of the United States Constitution. A vigorous dissent was expressed by Mr. Justice Brandeis, in which Justices McKenna, Holmes, and Clarke joined, on the ground that "the law in question is a valid exercise of the police power of the State directed against a demonstrated evil."

The Legislature of Washington, by an act of 1927 (ch. 71), repealed the law relative to the collection of fees for securing employment, by virtue of the United States Supreme Court decision.

The question of fixing the fees of private employment agencies by public authorities was determined by the United States Supreme Court on May 28, 1928.[11] The private employment agency law of New Jersey required every employment agency to "file with the commissioner of labor for his approval, a schedule of fees proposed to be charged for any services rendered to employers seeking employees, and persons seeking employment, and all charges must conform thereto." An application for a license was made by one Rupert Ribnik to carry on an employment agency. The application was rejected by the commissioner of labor because in his opinion the fees proposed to be charged were excessive and unreasonable. The applicant appealed to the New Jersey State court, where the law was

[7] *Brazee* v. *Michigan*, 241 U. S. 340.
[8] *People* v. *Goulding*, 266 N. W. 378.
[9] *Wiseman* v. *Tanner*, 221 Fed. 694.
[10] *Adams* v. *Tanner*, 244 U. S. 590.
[11] *Ribnik* v. *McBride*, 277 U. S. 350.

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sustained, under the due process of law clause.[12] Subsequently the New Jersey Court of Errors and Appeals affirmed the lower court.[13] The case was taken by Ribnik to the United States Supreme Court. This court, in a 6 to 3 decision, reversed the State court, and held the fee-fixing provision of New Jersey was unconstitutional. Mr. Justice Sutherland held that the law was in conflict with the due process of law clause of the fourteenth amendment to the Federal Constitution. The decision was based on several cases previously decided by the United States Supreme Court.[14]

Mr. Justice Sutherland, in his opinion, compared the fixing of fees of employment agencies to the fixing of the price at which theater tickets should be sold by a ticket broker, and continued: "It is not easy to see how, without disregarding that decision, price-fixing legislation in respect of other brokers of like character can be upheld." The court in the course of its opinion reasoned that—

> The business of securing employment for those seeking work and employees for those seeking workers is essentially that of a broker, that is, of an intermediary. While we do not undertake to say that there may not be a deeper concern on the part of the public in the business of an employment agency, that business does not differ in substantial character from the business of a real estate broker, ship broker, merchandise broker, or ticket broker. * * *
>
> An employment agency is essentially a private business. True, it deals with the public, but so do the druggist, the butcher, the baker, the grocer, and the apartment or tenement-house owner and the broker who acts as intermediary between such owner and his tenants. Of course, anything which substantially interferes with employment is a matter of public concern, but in the same sense that interference with the procurement of food and housing and fuel are of public concern. The public is deeply interested in all these things. The welfare of its constituent members depends upon them. The interest of the public in the matter of employment is not different in quality or character from its interest in the other things enumerated; but in none of them is the interest that "public interest" which the law contemplates as the basis for legislative price control. * * *
>
> To urge that extortion, fraud, imposition, discrimination, and the like have been practiced to some or to a great extent in connection with the business here under consideration, or that the business is one lending itself peculiarly to such evils, is simply to restate grounds already fully considered by this court. These are grounds for regulation but not for price fixing, as we have already definitely decided.

A dissenting opinion was delivered by Mr. Justice Stone, in which Mr. Justice Holmes and Mr. Justice Brandeis joined.

As a result of the decisions by the United States Supreme Court in the employment agency cases, a State may license and regulate them but cannot prohibit the business entirely, nor fix the fees collected by the agency.

On March 11, 1932, the District Court of the Northern District of Texas held that a statute which provided for the licensing and regulating of private employment agencies was void, insofar as it limited the fee charged by the agency. (*Karr* v. *Baldwin*, 57 Fed. (2d) 252.)

Emigrant Agents

The regulating, licensing, and restricting of agencies which recruit labor in one State for employment in another has been the subject of legislation in a few of the southern States and also in Hawaii and the Philippine Islands. The term "emigrant agent", as construed in

[12] *Ribnik* v. *McBride*, 133 Atl. 870.
[13] *Ribnik* v. *McBride*, 137 Atl. 437.
[14] *Adkins* v. *Children's Hospital*, 261 U. S. 525; *Wolff Co.* v. *Industrial Court*, 262 U. S. 522; *Tyson & Bro.* v. *Banton*, 273 U. S. 418.

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most of the State laws, means any person engaged in hiring laborers or soliciting emigrants in one State to be employed beyond the limits of the State.

In some of the States the law is embodied in the taxing or revenue laws, while in others a comprehensive code has been adopted regulating the activities of such agencies. The constitutionality of some of the laws has been attacked in the State courts, and they have been declared unconstitutional.

As early as 1891 the State of North Carolina, by the provisions of chapter 75, laid a tax of $1,000 on the business of emigrant agents. The court in that State, in the case of *State* v. *Moore* (18 S. E. 342), declared that since the law prescribed no regulation as to the conduct of the business nor any police supervision, it was restrictive and prohibitory, and void as an attempted exercise of the police power. The court also declared that if the law was to be considered as a taxing law, it was also void for want of uniformity. Ten years prior to the enactment of the North Carolina law, the Legislature of Alabama enacted a law (acts of 1881–82, p. 162) regulating emigrant agents, the constitutionality of which was tested in the case of *Joseph* v. *Randolph* (71 Ala. 499, 46 Am. Rep. 347).

The Alabama law provided that no one should be allowed to contract with laborers, or to induce them to leave certain counties, where the intention was to remove them from the State, unless the persons so contracting had paid a license tax of $250 for each county. The Alabama court held that this law interfered unwarrantably with the rights of the employer and the laborer. The act was construed by the court as a restriction upon the rights and privileges of laborers to free emigration as citizens of the United States, since it was not a tax on the occupation of employment or emigrant agents, but upon the act of hiring even a single employee.

On February 9, 1905, the Supreme Court of Alabama again had occasion to decide a case (*Kendrick* v. *State*, 39 So. 203) involving emigrant agents. The court held that an act of 1903 (p. 344) was not in conflict with the fourteenth amendment to the Constitution of the United States, and also that the act was not adverse to section 31 of the constitution of Alabama, providing that "emigration shall not be prohibited." The court answered the objection that the law was in conflict with the Federal Constitution by citing a case (*Williams* v. *Fears*, 179 U. S. 270) in which the United States Supreme Court, in an opinion written by Mr. Chief Justice Fuller, upheld a Georgia act and settled the question in favor of the constitutionality of the law requiring a license tax on emigrant agents.

The license tax required in the Alabama law, the supreme court of the State said, if sustained at all, must be under the general power to tax occupations. The court stated the principle as follows:

> We understand the principle to be that the State can divide the various business vocations into classes for the purpose of levying occupation taxes, and levy varying amounts on the different occupations; the limitation being (1) that there must be uniformity among members of the same class, and the classification must be reasonable; and (2) the State can not levy such an occupation tax on any useful or harmless occupation as will amount to a prohibition of same. And when we say harmless occupation we do not mean to prescribe an occupation because one man, in the lawful pursuit of it, may draw away business from another or outrun him in the race for patronage or trade, but harmless in the sense of not being demoralizing in its tendency, injurious to the health of the people, promotive of

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disorder, or interfering with the rights of other citizens to be protected in their constitutional privileges.

To further discourage the growth and extension of emigrant agents the Legislature of Alabama in 1923 passed a most drastic law, which fixed the license fee at $5,000 per annum for the use of the State, and such additional sum (not exceeding 50 percent) as might be levied by the county. Such license must be paid in each county in which the labor agent engages in business.

The Mississippi emigrant agent law (acts of 1912, ch. 94) was before the courts of that State in 1918. In the case of *Garbutt* v. *State* (77 So. 189), the Supreme Court of Mississippi held that the requiring of a license fee of $500 was not a burden or a tax on commerce between the States. The court cited the cases of *Williams* v. *Fears* (179 U. S. 270), *State* v. *Napier* (41 S. E. 13), and *State* v. *Hunt* (40 S. E. 216). The tax imposed on an emigrant agent in Mississippi, the court pointed out, did not undertake to tax one who solicits or hires workmen for his own use or employment, but was laid upon the person doing a regular business as an emigrant or employment agent. In upholding the tax the Mississippi court said:

> In view of the activity of labor agents in Mississippi within the past few years, and the free emigration of laborers to other States, especially the heavy transportation of colored laborers to the northern States—amounting the past year to a veritable "exodus"—we are not prepared to declare the tax prohibitory. The amount of the tax is primarily a legislative question.

The Legislature of Texas, at the first called session in May 1929, passed an emigrant agency law. A large employer of emigrant labor applied to the Federal District Court of Northern Texas for an injunction to restrain the enforcement of the act. The injunction was issued and the court held that the tax imposed on emigrant agents was excessive. To meet the objection of the court, the legislature immediately enacted new legislation by reducing the amount of the occupation tax, and thereby fixed the fee at $1,000 for the State, with a graduated county tax (based on population) to be paid in every county in which the emigrant agent operated. After the enactment of the second emigrant agency law, the same company that had objected to the first act again sought to enjoin the enforcement of its provisions.

In the case of *Hanley* v. *Moody* et al. (39 Fed. (2d) 198), the United States District Court for the Northern District of Texas, Dallas Division, held that section 4 of chapter 96, acts of 1929 (second called session), was unconstitutional. Section 4 of the act related to the bond ($5,000) required of all emigrant agents for the return of laborers to the State. The court held that this requirement was a violation of both the State and Federal Constitutions and therefore enjoined enforcement of the section by a restraining order. As to the occupation taxes required, the court held that they were not an illegal and oppressive exercise of the sovereign power of the State of Texas.

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TEXT OF THE LAWS

Public Employment Agencies

ALABAMA

ACTS OF 1935

Act No. 372

Section 1. *Federal act accepted.*—The State of Alabama accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, United States Code, Title 29, Section 49), "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", in conformity with section 4 thereof, and will observe and comply with the requirements of said Act.

Sec. 2. *State agency.*—The State Department of Labor is hereby designated and constituted the agency of the State of Alabama for the purposes of such Act. Said Department, its officers and employees are hereby given full power to cooperate with all authorities of the United States having powers or duties under such Act and to do and perform all things necessary to secure to the State of Alabama the benefits of such Act in the promotion and maintenance of a system of public employment offices.

Sec. 3. *Appointment of employees.*—The Commissioner of Labor, in accordance with the regulations prescribed by the Director of the United States Employment Service, shall appoint the officers and other employees of the Alabama State Employment Service created under this Act.

Sec. 4. *Federal funds.*—All Federal Funds made available to this State under said Act of Congress shall be paid into the General Treasury of this State, and said Funds are hereby appropriated and made available to the State Department of Labor to be expended as provided by said Act of Congress and this Act.

Sec. 5. *Appropriation.*—That the sum of $20,000.00 or so much thereof as may be necessary, is hereby appropriated out of any monies in the General Treasury, not otherwise appropriated, for the carrying out of the purposes of this Act. Said appropriation to be payable only on approval and order of the Governor.

Sec. 6. *Effective date.*—This Act shall take effect immediately upon its passage and approval by the Governor.

Act No. 447.—*Unemployment compensation law*

Section 16 (as amended 1936, No. 156). *Employment service.*—

* * * * * * *

(c) Whenever requested by the Unemployment Compensation Commission to perform certain acts in connection with the Unemployment Compensation Commission, the Alabama State Employment Service shall perform such acts as are requested and in the manner prescribed by the Unemployment Compensation Commission as expeditiously and economically as may be, and shall render to the Unemployment Compensation Commission a statement of the actual expenses incurred by the Alabama State Employment Service, and the manner in which they were performed, whereupon the Unemployment Compensation Commission shall pay to the Alabama State Employment Service the amount of such expenses incurred.

ALASKA

ACTS OF 1937 (SPECIAL SESSION)

Chapter 4.—*Unemployment compensation law*

Section 10. *Unemployment compensation commission.*—(a) There is hereby created a Commission to be known as the Unemployment Compensation Commission of Alaska. The Commission shall consist of three members, who shall be

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appointed by the Governor, by and with the consent of the Legislature, as soon as possible after the passage and approval of this Act and thereafter when any vacancy occurs in its membership. During his term of membership on the Commission no member shall serve as an officer or committee member of any political party organization, and not more than two members of the Commission shall be members of the same political party. Each member shall hold office for a term of six years, except that:

* * * * * * *

(c) The Commission shall establish two coordinate divisions: The Alaska Territorial employment service division, created pursuant to Section 12 of this Act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Commission may find that such separation is impracticable.

SEC. 11. *Administration.*—(a) It shall be the duty of the Commission to administer this Act; and it shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, made [make] such investigations, and take such other action as it deems necessary or suitable to that end.

* * * * * * *

(d) Subject to other provisions of this Act, the Commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder.

* * * * * * *

SEC. 12. *Employment service.*—(a) The Alaska Territorial Employment Service is hereby established under the Unemployment Compensation Commission as a division thereof. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933, (48 Stat. 113; U. S. C., title 29 sec. 49 (c)), as amended. It shall be the duty of the Commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this Territory the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this Territory, in conformity with Section 4 of said Act, and this Territory will observe and comply with the requirements thereof. The Unemployment Compensation Commission is hereby designated and constituted the agency of this Territory for the purposes of said Act. The Commission is directed to appoint the director, other officers, and employees of the Alaska Territorial Employment Service. Such director shall have been a resident of Alaska for at least five (5) years before date of appointment.

(b) All moneys received by this Territory under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Commission for the Alaska Territorial Employment Service, to be expended as provided by this Section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized to enter into agreements with any political subdivision of this Territory or with any private, non-profit organization, and as a part of any such agreement the Commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment

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Service. There is hereby appropriated to the Employment Service Account of the Unemployment Compensation Administration Fund, from any money in the Territorial Treasury not otherwise appropriated, the sum of Fifteen Thousand Dollars ($15,000.00). In addition, there shall be paid into such account the moneys designated in Section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this Territory under Title III of the Social Security Act, as amended.

ARIZONA

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 13.—*Unemployment Compensation Law*

SECTION 10 (as amended 1937, ch. 68). *Unemployment compensation commission.*—(a) There is hereby created an unemployment compensation commission of Arizona to be composed of three members, to be appointed by the governor for terms of two, four and six years respectively; and thereafter each new member, other than an appointment to fill a vacancy, shall be for a period of six years; vacancies on said commission to be filled for any unexpired term. Each such member shall receive as compensation the sum of one thousand dollars per annum.

* * * * * * *

(c) The commission shall establish and supervise the conduct of two coordinate divisions: The Arizona State Employment Service Division created pursuant to Section 12 of this Act, and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impracticable. The commission is authorized to appoint, fix the compensation of, and prescribe the duties of the director of the Unemployment Compensation Division, provided that such appointment shall be made on a non-partisan merit basis, in accordance with the provisions of this Act relating to personnel.

* * * * * * *

SEC. 11. *Personnel.*—

* * * * * * * *

(d) Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a non-partisan merit basis. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder.

SEC. 12 (as amended 1937, ch. 68). *Employment service.*—(a) The commission shall create a division to be known as the Arizona state employment service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the act of Congress entitled "an act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes," approved June 6, 1933, (48 Stat. 113, U. S. Code, Title 29, Section 49 (c) as amended). The said division shall be administered by a full-time salaried director, who shall be charged with the duty to co-operate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said act, and this State will observe and comply with the requirements thereof. The State Employment Service Division is hereby designated and constituted the agency of this State for the purpose of said Act. The existing free public employment offices established pursuant to Chapter 55 of the laws of the twelfth session of the legislature of the State of Arizona, 1935 Session, shall be transferred to the jurisdiction of the employment service division of the commission upon this Act becoming effective and all records, files and property, including office equipment, of such offices shall likewise be

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transferred to such division, and the unexpended balance of any appropriation made for such offices is hereby made available to the commission for the purpose of maintaining said state employment divisions. Upon such transfer all duties and powers of the board of directors of state institutions, or the Employment Service Division thereof, relating to the establishment, maintenance and operation of free public employment offices shall be vested in the Employment Service Division of the Commission. The commission is directed to appoint the director, other officers, and employees of the Arizona State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the Arizona State Employment service to be expended as provided by this section of said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, service, or quarters as contribution to the employment service account.

SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of co-operating with the United States Employment Service. There is hereby transferred to the employment service account of the unemployment compensation administration fund the unexpended balance to the credit of the Arizona Employment Service and consisting of funds appropriated under Chapter 55, Session Laws Twelfth Legislature of Arizona 1935, for the fiscal year ending June 30, 1937, and funds received by this State from the United States Government for the purpose of establishing free employment offices. In addition, there shall be paid into such account the moneys designated in Section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

ARKANSAS

ACTS OF 1937

Act No. 155—*Unemployment compensation law*

SECTION 10. *Unemployment compensation division.*—(a) There is hereby created in the department of labor a division to be known as the unemployment compensation division, which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the commissioner of labor. The commissioner is authorized with the approval of the Governor to appoint and prescribe the duties of such director, provided that such appointment shall be made on a nonpartisan, merit basis.

(b) There is hereby established in the unemployment compensation division two coordinate sections, the Arkansas State employment service section, created pursuant to section 12 of this Act, and the unemployment compensation section. Each section shall be responsible for the discharge of its distinctive functions. Each section shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Commissioner may find that such separation is impracticable.

SEC. 11. *Administration.*—

* * * * * * *

(d) Subject to other provisions of this Act, the Commissioner is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties under this Act. The Commissioner may delegate to any such person such power and authority as he deems reasonable and proper for the effective administration of this Act, and may in his discretion bond any person

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handling moneys or signing checks hereunder. The Commissioner shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. The State Civil Service Commission shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in these State Civil Service examinations. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office shall be appointed or employed under this Act. The commissioner shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

SEC. 12. *Employment service.*—

* * * * * * *

(a) The Arkansas State employment service is hereby established in the Department of Labor as provided in Section 10 a. The Commissioner, through the Director appointed pursuant to provisions of Section 10 of this Act, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes" approved June 6, 1933 (48 Stat. 113; U. S. C. title 29, Sec. 49 (c)) as amended. It shall be the duty of the Commissioner through the said Director to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof. The Arkansas State Department of Labor as hereinbefore provided is hereby designated and constituted the agency of this State for the purposes of said Act. The Commissioner is directed to appoint the officers, and the employees of the Arkansas State employment service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commissioner for the Arkansas State employment service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commissioner, through the director, is authorized to enter into agreements with any political subdivision of this State or with any private, nonprofit organization and as a part of any such agreement the commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any money in the State Treasury not otherwise appropriated, on July 1, 1937 the sum of ($55,000.00). In addition, there shall be paid into such account the moneys designated in Section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

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CALIFORNIA

DEERING'S GENERAL LAWS, 1931

ACT 2350.—*Public employment offices*

SECTION 1. *Establishment.*—The commissioner of the bureau of labor statistics, hereinafter called "commissioner," shall establish free employment bureaus in the cities of San Francisco, Los Angeles, Oakland and Sacramento, and thereafter, whenever he deems it necessary in other cities and towns.

SEC. 2. *Offices; rules, etc.*—The commissioner shall procure, by lease or otherwise, suitable offices; incur the necessary expenses in the conduct thereof; appoint the necessary officers, assistants and clerks, and fix the compensation therefor; and promulgate rules and regulations for the conduct of free employment bureaus in order to carry out the purposes of this act.

SEC. 3. *Appropriation.*—There is hereby appropriated out of the moneys of the state treasury, not otherwise appropriated, the sum of $50,000, to be used by the commissioner in carrying out the provisions of this act, and the controller is hereby directed from time to time to draw his warrants on the general fund in favor of the commissioner, for the amounts expended under his direction, and the treasurer is hereby authorized and directed to pay the same.

ACT 3546.—*Immigrants and immigration*

SECTION 5. *Powers and duties of commission; employment bureau.*—The commission of immigration and housing shall have the power * * * to investigate and determine the genuineness of any application for labor that may be received and the treatment accorded to those for whom employment shall be secured; to co-operate with the state employment bureaus, municipal employment bureaus, and with private employment agencies within the state, and also with the employment and immigration bureaus conducted under the authority of the federal government or by the government of any other state, and with public and philanthropic agencies designed to aid in the distribution and employment of immigrants; and to devise and carry out such other suitable methods as will tend to prevent or relieve congestion and obviate unemployment; * * *.

ACTS OF 1933

CHAPTERS 102 (p. 3161), 114 (p. 3184)

[By ch. 102 (p. 3161) (Assem. Con. Res. No. 45) the legislature authorized the commissioner of the bureau of labor statistics to establish a free employment agency in Oakland to be located within the area lying west of Market Street and south of Twentieth Street. By ch. 114 (p. 3184) (S. Con. Res. No. 38) the legislature authorized the establishment of such an agency in Bakersfield.]

ACTS OF 1935

CHAPTER 131 (p. 2698)

[By this chapter (Assem. Con. Res. No. 52) the legislature recommended that a free employment agency be established in the city of Alameda by the Chief of the Division of Labor Statistics.]

SUPPLEMENT (1935) TO DEERING'S GENERAL LAWS, 1931

ACT 8780d.—*Unemployment Reserves Act* [1]

SECTION 75. *Administration.*—This act shall be administered by the Unemployment Reserves Commission of this State, to be appointed by the Governor, by and through the State Department of Employment which is hereby created and of which such commission shall be the governing body.

SEC. 88. *Personnel.*—The commission may appoint and employ an executive officer, who shall act as the secretary of the commission, and shall be Director of the Department of Employment. The commission may employ such assistance as seems to it necessary for the administration of this act, subject to the provisions of the Civil Service laws.

[1] This act appears to supersede Act No. 8834a.

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SEC. 93. *Division of state employment agencies.*—On July 1, 1936, the Division of State Employment Agencies of the Department of Industrial Relations shall become and remain the Division of State Employment Agencies in the Department of Employment. All persons employed in such division and the records and property thereof shall, upon such change become the employees, records and property of the Department of Employment. All persons employed in any capacity in such division shall continue and remain in such capacity in such division after the change, subject to the power of the commission as the governing body of the department to abolish such division, change old divisions or create new divisions, change duties and powers of such division, or impose upon it new and additional powers and duties.

The State of California hereby accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933, passed by the Congress of the United States, and entitled "An act to provide for the establishment of a National Employment system and for cooperation with the States in the promotion of such system, and for other purposes," in conformity with section 4 thereof, and will observe and comply with the requirements of said act of Congress.

The Division of State Employment Agencies in the Department of Employment shall be the agency of this State for the purposes of said act.

Said division by and through its chief shall have full power to cooperate with all the authorities of the United States having powers and duties under said act of Congress and, with the approval of the commission, to do and perform all things necessary to secure to this State the benefits of that act of Congress in the promotion and maintenance of a system of public employment offices.

All moneys made available by or received by this State under that act of Congress shall be paid into a special "employment service account" in the unemployment administration fund, and all such moneys are hereby appropriated without regard to fiscal year, and shall be expended in accordance with law by the Division of State Employment Agencies as provided by this act and by that act of Congress.

SEC. 94. *Appropriation.*—The unexpended balance of every appropriation and fund, available for the purposes or support of the division prior to the transfer, shall be available to the commission for such purposes or support after the transfer.

COLORADO

STATUTES ANNOTATED, 1935

CHAPTER 97

ARTICLE 4.—*Employment agencies*

SUBDIVISION I. COLORADO FREE EMPLOYMENT AGENCIES

SECTION 136. *Agencies designated.*—Free employment offices are hereby created as follows: One in each city of not less than twenty-five thousand and two in each city containing a population of two hundred thousand or over and one in the city of Grand Junction, in Mesa County, for the purpose of receiving applications of persons seeking employment, and applications of persons seeking to employ labor. Such offices shall be designated and known as Colorado free employment offices.

SEC. 137. *Superintendents.*—Within sixty days after this subdivision shall have been in force, the secretary of state as commissioner of labor ex officio shall appoint a superintendent and assistant superintendent who shall act as clerk for each of the offices created by the last preceding section, who shall devote their entire time to the duties of their respective offices. The tenure of such appointment shall be two years, unless sooner removed for cause. The salary of each superintendent shall be twelve hundred dollars ($1,200) per annum; the salary of each assistant superintendent shall be twelve hundred dollars ($1,200) per annum, together with the proper amounts for defraying the necessary cost of equipping and maintaining the respective offices.

SEC. 138. *Offices.*—The Superintendent of each such free employment office shall, within 60 days after appointment, open an office in such locality as shall have been agreed upon between such superintendent and deputy commissioner of the bureau of labor statistics as being most appropriate for the purpose intended, such office to be provided with a sufficient number of rooms and apartments to enable him to provide, and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of each office in position and manner to secure the fullest public attention shall be

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placed a sign which shall read in the English language, "Colorado Free Employment Office," and the same shall appear either upon the outside windows or upon signs in such other language as the location of each such office shall render advisable. The superintendent of each such free employment office shall receive and record in books kept for that purpose names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired. Separate registers for applicants for employment shall be kept showing the age, sex, nativity, trade or occupation of each applicant, the cause and duration of nonemployment, whether married or single, the number of dependent children, together with such other facts as may be required by the bureau of labor statistics to be used by said bureau;

Provided, That no special registers shall be open to public inspection at any time, and that statistics and sociological data as the bureau of labor shall require shall be held in confidence by said bureau, and so published as not to reveal the identity of anyone.

And, provided, further, That any applicant who shall decline to furnish answers to the questions contained in special registers shall not thereby forfeit any rights to any employment the office might secure.

SEC. 139. *Weekly reports.*—Each superintendent shall report on Thursday of each week to the deputy commissioner of the said bureau of labor statistics the number of applications for positions and for help received during the preceding week and the number of positions secured; also those unfilled applications remaining on the books at the beginning of the week. It shall also show the number and character of the positions secured during the preceding week. Upon receipt of these lists and not later than Saturday of each week the deputy commissioner of said bureau of labor statistics shall cause to be printed a sheet showing separately and in combination, the lists received from all such free employment offices.

SEC. 140. *Advertising, etc.*—It shall be the duty of each such superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants, and other employers of labor, and to use all diligence in securing the cooperation of the said employers of labor for the purposes and objects of said employment offices. To this end it shall be competent for such superintendents to advertise in the columns of newspapers or other medium for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the state of Colorado or not.

SEC. 141. *Annual reports.*—It shall be the duty of each such superintendent to make report to the said bureau of labor statistics annually, not later than December 1 of each year, concerning the work of his office for the year, together with a statement of the expense of the same, including the charges of an interpreter when necessary, and such report shall be published by the said bureau of labor statistics with its biennial report. Each such superintendent shall also perform such other duties in the collection of statistics of labor as the deputy commissioner of the bureau of labor statistics may require.

SEC. 142. *No fees to be charged.*—No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices and any superintendent, assistant superintendent or clerk, who shall accept, directly or indirectly, any fee or compensation from any applicant, or from his or her representative, shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty-five (25) dollars nor more than fifty (50) dollars, or imprisonment in the county jail not more than thirty days, or by both such fine and imprisonment at the discretion of the court.

SEC. 143. *Definitions.*—The term "applicant for employment," as used in this subdivision, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this subdivision, shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional services and all other legitimate services.

SEC. 144. *Receipts.*—All money or moneys received from fees and fines by the said deputy commissioner of labor shall constitute a fund for the purposes of enforcing the provisions of this subdivision, and the said commissioner shall, at the end of each fiscal year, make an account of said fund and pay into the State treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this subdivision.

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SEC. 145. *Maintenance.*—All printing, blanks, blank books, stationery, postage, and such other supplies as may be necessary for the proper conduct of the business of the offices herein created, shall be furnished by the secretary of state upon requisition for the same by the superintendents of the several offices.

SEC. 146. *Same.*—All expenses attendant upon the conducting of the several offices herein named shall be paid by this State: *Provided,* Such expense shall not exceed the sum of two thousand (2,000) dollars in any one year; and the State auditor is hereby authorized to draw his warrant on the State treasurer for the same.

ACTS OF 1936 (THIRD SPECIAL SESSION)

CHAPTER 2.—*Unemployment compensation law*

SECTION 10 (as amended 1937, ch. 260). *Unemployment compensation commission.*—(a) This Act shall be administered by the Industrial Commission of Colorado.

(b) There shall be established by the Commission, two coordinate divisions: The Colorado State Employment Service Division, referred to in Section 12 of this Act, and the Unemployment Compensation Division, both of which shall be subject to the supervision and direction of the Industrial Commission. Each Division shall be responsible to the Commission for the discharge of its distinctive function. Each Division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the Commission may find that such separation is impracticable.

SEC. 11. *Personnel.*—

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(d) Subject to other provisions of this Act and the Civil Service regulations, the Commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The Commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder.

SEC. 12 (as amended 1937, ch. 260). *State employment service.*—(a) The Colorado State Employment Service is hereby established in the Industrial Commission as a division thereof. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress entitled, "An Act to provide for the establishment of a national employment system and for the cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113: U. S. C., Title 29, Sec. 49 (c)), as amended. It shall be the duty of the Commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Colorado Industrial Commission is hereby designated and constituted the agency of this State for the purposes of said Act. The Commission is directed to appoint the Director, other officers and employees of the Colorado State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the Commission for the Colorado State Employment Service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the Commission may accept moneys, services, or quarters as a contribution to the Employment Service Account.

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SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby transferred to the employment service account of the unemployment compensation administration fund the present unexpended balance of all appropriations made by this State to the Colorado State Employment Service. In addition, there shall be paid into such account the moneys designated in section (12) (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

CONNECTICUT

CUMULATIVE SUPPLEMENT (1931–35) TO THE GENERAL STATUTES

SECTION 900c. *Federal act accepted.*—The state of Connecticut accepts the benefits of an act of the congress of the United States entitled "An Act to Provide for the Establishment of a National Employment System and for cooperation with the states in the promotion of such system and for other purposes", approved June 6, 1933, and will observe and comply with the requirements of said act. The department of labor and factory inspection is designated as the state agency for the purpose of said act and is vested with all powers necessary to cooperate with the United States employment service under this section.

ACTS OF 1936 (FIRST SPECIAL SESSION)

CHAPTER 2.—*Unemployment Compensation Law*

SECTION 7. *Unemployment compensation division; employment service department.*—A. There is created in the department of labor and factory inspection a division to be known as the unemployment compensation division, which shall be administered by a full-time, salaried, executive director, who shall be subject to the supervision and direction of the commissioner of labor and factory inspection, herein called the administrator. The administrator is authorized to appoint, fix the compensation of and prescribe the duties of such executive director, provided such appointment shall be subject to the approval of the governor and the rate of such compensation shall be subject to the approval of the board of finance and control. There are established in said division two coordinate departments, the Connecticut state employment service department and the unemployment compensation department. Each department shall be responsible for the discharge of its distinctive functions. Each department shall be a separate administrative unit with respect to personnel, budget and duties except so far as the administrator may find that such separation in local offices is impracticable. Each free public employment bureau now maintained by the state shall be transferred to the jurisdiction of the Connecticut state employment service department, herein established, on or before July 1, 1937, and said department shall establish and maintain free public employment bureaus in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the act of congress entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation with the States in the Promotion of Such System and for Other Purposes," approved June 6, 1933.

SEC. 9. *Administration; personnel.*—

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D. There is created a bureau of personnel for the unemployment compensation act. Said bureau shall consist of three persons, no two of whom shall reside in the same county and not more than two of whom shall be members of the same political party. No member shall be an officer or committee member of any state or local political party organization nor hold any other public office. Within thirty days after the passage of this act, the governor shall appoint three members of such bureau, each of whom shall take office immediately upon his appointment, and whose terms of office shall expire one, two and three years, respectively, from the first day of April next succeeding the date of appointment. Prior to April

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first in each year, beginning with the year 1938, the governor shall appoint a member of said bureau for the term of three years from the first day of April next succeeding the date of his appointment and until his successor shall be appointed and shall have qualified. Each member shall be sworn to a faithful performance of his duties. Any vacancy shall be filled by the governor for the unexpired portion of the term. Subject to other provisions of this act, the administrator is authorized to appoint, subject to the approval of the bureau of personnel, and prescribe the duties and powers of, such officers, accountants and other persons as may be necessary in the performance of his duties. The compensation of each such person so appointed shall be approved by the board of finance and control. No person, except the administrator, the members of the advisory council, the members of the bureau of personnel, the unemployment commissioners and the executive director appointed as provided in section seven of this act, may hold any position, exercise any authority or receive any compensation for services rendered, or any reimbursement for expense incurred, under this act, except unemployment benefit payments under section five of this act, unless his appointment or employment shall have been approved in writing by the bureau of personnel. Such approval shall be given only on a nonpartisan basis of competency, fitness and actual merit for carrying out the duties of the position in question, and only after such examination and investigation as said bureau shall consider reasonably adequate to ascertain such competency, fitness and actual merit of such person. The burden of satisfying said bureau of such competency, fitness and actual merit in the case of any person shall rest on such person. Said bureau shall not approve for employment any person who shall fail to satisfy it that he is not an officer or committee member of any state or local political party organization, and the position of any person who becomes, or is found to be, such an officer or committee member, shall become vacant. Reasonable compensation for the members of said bureau shall be fixed by the board of finance and control, and such compensation, and the necessary expenses of said bureau incurred in the discharge of its duties, when approved by said board, shall be paid as an administrative expense of this act. The administrator may delegate to any person duly employed such authority as he deems reasonable and proper for the effective administration of his duties under this act, and may in his discretion require any such person, whose duties require him to handle moneys, checks or warrants for the payment of moneys, to give bond to the state for the faithful performance of his duties, in such amount as the administrator may determine, and in such form as the attorney general shall approve, and the premiums on each such bond shall be paid from the unemployment compensation administration fund.

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SEC. 10. *Employment service account—*

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B. A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining free public employment bureaus and of cooperating with the United States employment service. There shall be paid into such account all moneys received by this state under the act of congress entitled "An Act to Provide for the Establishment of a National Employment System and for Co-operation with the States in the Promotion of Such System and for Other Purposes," approved June 6, 1933, and any amendments thereto, such moneys as are apportioned for the purposes of this act from any moneys received by this state under title III of the federal social security act and any amendments thereto, and such moneys as are made available by the general assembly for the Connecticut state employment service.

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DELAWARE

REVISED CODE, 1935

CHAPTER 70, ARTICLE 13.—*State employment service*

SEC. 2613. *Bureau created.*—(a) In order to promote the establishment and maintenance of public employment offices in Delaware, there is hereby created a bureau to be known as the Delaware State Employment Service, at the head of which shall be a director.

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(b) At the time the Delaware State Employment Service is ready to begin operations on or before July 1, 1935, the Employment Bureau now existing in the State of Delaware shall be abolished, and all records, files and property (including office equipment) of the existing Employment Bureau shall thereupon be transferred to the Delaware State Employment Service.

SEC. 2614. *Wagner-Peyser Act accepted.*—The State of Delaware accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933 (48 Stat. 113, United States Code, Title 29, Sec. 49), "An Act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such systems, and for other purposes," in conformity with Section 4 thereof, and will observe and comply with the requirements of said Act.

The Delaware State Employment Service is hereby designated and constituted the agency of the State of Delaware for the purposes of said Act. Said Service, its officers and employees are hereby given full power to co-operate with all authorities of the United States having powers and duties under said Act, and to do and perform all things necessary to secure to the State of Delaware the benefits of said Act, in the promotion and maintenance of a system of public employment offices.

SEC. 2615. *Appropriation.*—(a) All Federal Funds made available to the State of Delaware under said Act of Congress shall be paid into the Treasury of the State and said funds are hereby appropriated and made available to the Delaware State Employment Service to be expended and disbursed as provided by said Act of Congress and by this article.

(b) There shall be appropriated out of the Treasury of the State of Delaware from funds not otherwise appropriated the sum of Twelve Thousand Five Hundred ($12,500.00) Dollars per year. Such funds are necessary to be appropriated in order to secure the full amount allotted to the State of Delaware by the Government of the United States and for the purpose of maintaining public employment services. The aforesaid funds are to provide for the maintenance and expenses of the Delaware State Employment Service, and to be disbursed as needed by the State Treasurer upon warrants signed by the Director, by order of the Bureau hereinafter mentioned.

The money herein appropriated shall be made available on July 1, 1935, for the fiscal year ending June 30, 1936, and then each succeeding first of July for two years, and thereafter such sums shall be made available as the Delaware General Assembly may deem necessary.

SEC. 2616. *Duty of Bureau.*—It shall be the province and the duty of the Bureau to promote and develop an employment office or system of employment offices, in order:

(1) That employers seeking workers and the unemployed, without cost to either, may be referred to each other;

(2) To provide adequate quarters and facilities for the registration of employees and for the receipt of orders from employers;

(3) To provide prior opportunity of employment to Delawareans and citizens of the United States, except when such are unavailable and not qualified;

(4) To co-operate in the administration of unemployment insurance laws;

(5) To provide complete responsible records of all applicants;

(6) To reduce the wageless period between jobs and the resulting drain on savings, credit, and social agencies;

(7) To develop and operate a technique by which workers in obsolete or similar occupations may be economically absorbed in a gainful occupation.

(8) To provide facilities by which those in need of rehabilitation or readjustment may be absorbed in private industry with mutual advantage;

(9) To provide information to juniors and those responsible for their training and influence in choosing the proper occupations;

(10) To reduce the cost to industry of procurement, sifting out, and turnover;

(11) To provide existing facilities for government and industry in a period of national emergency;

(12) To provide for the licensing and regulation of private employment agencies;

(13) To provide for the clearance of labor to work opportunities between Delaware and the other States;

(14) To co-operate in the dissemination of employment information and trends, and with other public bodies to the end that Governmental administration and legislation will have additional, necessary, and accurate facts for their guidance.

SEC. 2617. *Report.*—An annual report of the expenditures and activities of the Delaware State Employment Service shall be made by the Director to the Governor.

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The Delaware State Employment Service shall be administered by a Bureau of three persons, including the aforesaid Director, designated as such by the Governor. All members of the said Bureau shall be appointed by and serve at the discretion of the Governor by and with the advice of the Advisory Council.

The three members of the Bureau shall be allowed reasonable travelling expenses when performing official business and serve without compensation except the Director, who shall devote full time to the direction and duties of the employment service, and shall receive such salary as the said Bureau, with the advice of the Governor, shall determine, payable monthly. The said Bureau is hereby directed to employ such assistants as it may be deemed necessary to carry out the provisions of this article.

SEC. 2618. *Local funds.*—The said Bureau shall co-operate with the counties, cities and towns of the State, and shall require such local cooperation as it may deem necessary to carry out the provisions of this article. Any local funds granted for the co-operative maintenance of a local office shall be deposited in the State Treasury and may be withdrawn only by warrants of the Director and only for said purpose.

SEC. 2619. *Advisory Council; duty.*—The Governor shall appoint an Advisory Council in accordance with the regulations of the United States Employment Service and in co-operation with the Director of the United States Employment Service;

(a) To advise in formulating policies of administration;

(b) To insure impartiality, neutrality, and freedom from political influence in the administration of the Service;

(c) To assist in the development of standards for the operation of the Service;

(d) To assist in maintaining the standards established by the United States Employment Service for the selection of the personnel of the State Service;

(e) To discuss problems relating to the Service;

(f) To promote public understanding of the purposes, policies, and practices of the Service.

ACTS OF 1937

S. B. 79.—*Unemployment Compensation Law*

SECTION 10. *Unemployment compensation commission.*—(a) There is hereby created a commission to be known as the Unemployment Compensation Commission of Delaware. The commission shall consist of four members who shall be appointed by the Governor with the advice and consent of a majority of all the members elected to the Senate within ninety days after the passage of this Act or after any vacancy occurs in its membership.

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(c) There is hereby established in the commission two coordinate divisions: The Delaware State employment service division hereby transferred to the commission as a division thereof, pursuant to Section 12 of this Act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commission may find that such separation is impracticable. Each commissioner shall be paid from the unemployment compensation administration fund a fixed monthly salary at a rate determined by the Governor.

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SEC. 11. *Duties and powers of commission.*—

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(d). Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this Act. The Commission may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder. The commission shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any

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public office shall be appointed or employed under this Act. The Commission shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

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SEC. 12. *Employment service.*—(a) The Delaware State Employment Service is hereby transferred to the commission as a division thereof which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for co-operation with the States in promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., title 29 Sec. 49 c) as amended. The said division shall be administered by a full-time salaried director. It shall be the duty of the commission to co-operate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The commission is hereby designated and constituted the agency of this State for the purposes of said Act. All records and property of the Delaware State Employment Service shall become the records and property of the division and all persons employed in such service shall become employees of the division in similar capacity subject to the power of the commission to change or make new appointments in accordance with the regulations prescribed by this Act and the director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commission for the Delaware State employment service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services or quarters as a contribution to the employment service account.

SEC. 13. *Special fund.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There shall be transferred into this account all moneys heretofore appropriated to the Delaware State Employment Service. In addition, there shall be paid into such account all moneys hereinafter appropriated for the purpose of maintaining public employment offices in this State, moneys designated in section 12(b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

DISTRICT OF COLUMBIA

[See United States Code, 1934, title 29, sec. 49b (post, p. 113)]

FLORIDA

ACTS OF 1937

CHAPTER 18402.—*Unemployment compensation law*

SECTION 11. *Administrative organization.*—(a) There is hereby created in the Florida Industrial Commission two coordinate divisions, the Florida State employment service division, created pursuant to section 13 of this Act, and a division to be known as the unemployment compensation division, each of which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the Commission. The chairman of the Florida Industrial Commission shall be paid for the additional duties involved in the

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administration of this Act such sum as may be agreed upon between the said chairman and the National Social Security Board. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Commission may find that such separation is impracticable. The Commission is authorized to prescribe the duties of the Director of the Unemployment Compensation Division and of the Florida State Employment Service. The Governor shall appoint the Directors of the Unemployment Compensation Division and of the Florida State Employment Service. Such officers shall hold office at the will of the Governor. The Governor shall fix the compensation of such officers in a sum not exceeding $5,000.00 per year for their services, to be paid as the salaries of the employees under this Act are paid.

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SEC. 12. *Personnel.*—

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(d) Subject to other provisions of this Act, the Commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such employees, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this Act: Provided, however, the Commission shall pay no employee a monthly compensation exceeding $300.00. No person shall be employed by the Commission nor shall the Commission authorize the payment of any compensation to any person employed under this Act who has not been a resident of the State of Florida for at least five years immediately preceding his employment. The Commission may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling monies or signing checks hereunder; the cost of such bonds shall be paid from the unemployment compensation administration fund. The Commission shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. The Commission shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

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SEC. 13. *Employment service.*—(a) The Florida State Employment Service is hereby established in the Florida Industrial Commission as a division with a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Commission may find that such separation in local offices is impractical because of the small size of the territory served or of the volume of work done, which division shall be responsible for the discharge of its distinctive functions. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for The Establishment of a National Employment System and for Cooperation with the States in the promotion of such System, and for other Purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., Tit. 29, Sec. 49 (c)), as amended. It shall be the duty of the division to cooperate with any official or agency of the United States having power or duties under the provisions of the Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Florida Industrial Commission is hereby designated and constituted the agency of this State for the purpose of said Act. The Commission is authorized and directed to appoint sufficient employees to carry out the purposes of this Section.

(b) All monies received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the unemployment compensation administration fund, and said monies are hereby made available to the Commission for the Florida State Employment Service, to be expended as provided by this Act and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized

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to enter into agreements with any political subdivision of this State and with any private non-profit organization and as a part of any such agreement, the Commission may accept monies, services, or quarters as a contribution to the Employment Service Account.

SEC. 14. *Employment service account.*—

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(b) A special "Employment Service Account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to Section 13 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any monies in the State Treasury on the 1st day of July, 1937, the sum of $70,000 and a like sum the 1st day of July, 1938. In addition, there shall be paid into such account the monies designated in Section 13, subsection b of this Act, and such monies as are apportioned for the purposes of this Act from any monies received by this State under Title III of the Social Security Act, as amended.

GEORGIA

ACTS OF 1937

ACT No. 335.—*Unemployment Compensation Law*

SECTION 10. *Bureau of unemployment compensation.*—(a) There is hereby created in the Department of Labor a Bureau, to be known as the Bureau of Unemployment Compensation, which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the Commissioner of Labor. The Commissioner by and with the approval of the Governor is authorized to appoint, fix the compensation of, and prescribe the duties of such director, provided that such appointment shall be made on a nonpartisan, merit basis.

(b) There is hereby established in the Bureau of Unemployment Compensation, two coordinate divisions, the Georgia State Employment Service Division, created pursuant to Section 12 of this Act, and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties except in so far as the Commissioner may find that such separation is impracticable.

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SEC. 11. *Personnel.*—

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(d) Subject to other provisions of this Act, the Commissioner is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of his duties under this Act. The Commissioner may delegate to any such person such power and authority as he deems reasonable and proper for the effective administration of this Act, and may in his discretion bond any persons handling moneys or signing checks hereunder. The Commissioner shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. He shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office shall be appointed or employed under this Act. The Commissioner shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause.

SEC. 12. *Employment service.*—(a) The Georgia State Employment Service is hereby established in the Department of Labor as a division of the Bureau of Unemployment Compensation. The Commissioner, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Con-

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gress entitled "An Act to provide for the establishment of a National Employment System and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, Sec. 49 (c)), as amended. The said Division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4, of said Act, and this State will observe and comply with the requirements thereof. The Georgia State Employment Service Division is hereby designated and constituted the agency of this State for the purposes of said Act. The Commissioner is directed to appoint the director, other officers, and employees of the Georgia Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service, and shall be confined to bona fide residents of the State of Georgia.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the Commissioner for the Georgia State Employment Service Division, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said Commissioner is authorized to enter into agreements with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the Commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment Service. In addition to the moneys paid into the employment service account pursuant to Section 12 (b) of this Act there shall be paid into such account such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title 3 of the Social Security Act, as amended.

HAWAII

ACTS OF 1937

ACT No. 243.—*Unemployment insurance law*

SECTION 18. *County unemployment compensation commissions.*—In each county in the Territory of Hawaii there is hereby created a county unemployment compensation commission.

The commission shall be composed of three members in each of the counties who shall be appointed by the governor in the manner prescribed in section 80 of the Organic Act, and the governor shall designate one member to serve as chairman of the commission.

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SEC. 19. *Territorial unemployment compensation board.*—The chairmen of the respective county unemployment compensation commissions are hereby designated as members of the territorial unemployment compensation board. In addition to the above four ex-officio members, the governor shall appoint in the manner prescribed in section 80 of the Organic Act three additional members from the Territory at large, one of whom shall be designated as chairman of the board.

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SEC. 20. *Eligibility for membership.*—No person shall be eligible for membership on the territorial unemployment compensation board or the county unemployment compensation commissions who occupies any elective position under the territorial or county government, and no member shall during his term of

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office serve as an officer or committee member of any political party organization, or present himself as a candidate of any political party for election to any public office.

SEC. 21. *Duties and powers.*—It shall be the duty of the board to administer this Act, and it shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end.

* * * * * * *

The board is authorized to appoint, fix the compensation subject to the approval of the governor, and prescribe the duties and powers of its officers, and other employees as may be necessary, and they shall hold office subject to the pleasure of the board.

The board shall establish minimum standards of training, experience and ability for personnel employed by the board and commissions and provide for the maintenance and enforcement of such personnel standards. The board shall act as appeal tribunal from any decision of a county commission.

SEC. 22. *Duties and powers of county commissions.*—Subject to the administrative supervision of the territorial board, the county commissions shall make such rules and regulations, and employ such persons as may be necessary for the administration of this Act in their respective counties. Each commission shall cause to be maintained public employment offices in such number and in such locations as may be necessary to provide for the registration of the unemployed and to carry out other provisions of this Act.

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SEC. 44. *Public employment service.*—The board shall establish a public employment service and the county commissions shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933. The territorial board shall cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and do and perform all things necessary to secure to the Territory the benefits of said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by the Territory, in conformity with section 4 of said Act, and the Territory shall observe and comply with the requirements thereof. The unemployment compensation board is hereby designated and constituted the agency of the Territory for the purposes of said Act. The board shall appoint such officers and employees as may be necessary.

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SEC. 47. *Public employment service funds.*—All monies received by the Territory under the Act of Congress, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933, shall be paid into the territorial treasury and said monies together with monies appropriated by the Territory for public employment offices are hereby made available to the unemployment compensation board to be expended as provided by section 44 and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the board is authorized to enter into agreements with any political subdivision of the Territory or with any private, non-profit organization, and as a part of any such agreement the board may accept monies, services, or quarters as a contribution to the employment service, and such monies shall be deposited with the treasurer of the Territory to be separately accounted for.

* * * * * * *

SEC. 49. *Account.*—The territorial auditor is hereby authorized to prescribe and maintain such methods of accounting, not inconsistent with any requirement or regulation of the Federal Government, or any agency thereof, including the Social Security Board and the United States Employment Service, designed for the purpose as he may deem necessary properly to carry out the provisions of this Act.

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IDAHO

CODE, 1932

TITLE 43, CHAPTER 2.—*Public employment offices*

SECTION 43-201. *Private agencies for profit abolished; exception.*—The further maintenance of private employment offices within the State of Idaho is hereby forbidden: *Provided,* That nothing in this chapter shall operate to prevent the maintenance of employment offices by religious, benevolent, or charitable societies whenever the same are not conducted for profit: *Provided, further,* That nothing in this chapter shall prevent the operation of agencies for schoolteachers or other professional employment, or the maintenance of private employment agencies where no compensation for procuring the employment is exacted from the person for whom the employment is procured.

SEC. 43-202. *Duty of municipalities.*—The duty of maintaining suitable employment offices in the various municipalities of this state is hereby declared to be a function of government, and such offices shall be established and conducted under the municipalities of this state as in this chapter provided.

SEC. 43-203. *What cities, etc., to have offices.*—In all cities and villages of this State having a population of five thousand or more there shall be established by the authorities thereof a suitable employment agency whereat all persons desiring employment may register their names, the kind of employment desired, and the wages demanded, and at which any person desiring to employ labor of any class may register his name, the kind of labor desired, and the wages which he is willing to pay therefor: *Provided,* That membership in or affiliation with any religious political, benevolent, charitable, labor, or any other organization shall never be allowed to influence or control the securing of employment or services at any municipal employment agency, and no employment clerk or other person connected with a municipal employment agency shall ever ask any applicant for employment or services any questions relating to his membership in or affiliations with any religious, political, benevolent, charitable, labor, or other organization, or to his political views on any matters whatever. In such cities the employment office shall be located, where practicable, in the city hall, and where such municipality is a county seat such employment office shall be located, when considered favorable by the municipal authorities, in the county courthouse or in the building used as such.

SEC. 43-204. *Smaller cities, etc.*—In cities and villages having a population smaller than five thousand it shall be the duty of the municipal authorities to establish a separate employment office when conditions in any such municipality seem to warrant the same, but if no such separate employment office is established it shall be the duty of the municipal authorities to provide for the establishment of such an office in the office of the police judge, or if there be no such official then in the office of a justice of the peace.

SEC. 43-205. *Equipment.*—It shall be the duty of any city or village in which a municipal employment agency is established, as provided in this chapter, to suitably equip such office with the necessary furniture, books, blanks, and stationery for the proper conduct of the business pertaining to such office.

SEC. 43-206. *Fees.*—A fee of $1 shall be charged by any municipal employment office for each position secured for any applicant without the limits of the municipality in which such employment office is situated, and a fee of 50 cents shall be charged for each position secured for any applicant within the limits of the municipality in which such agency is situated.

SEC. 43-207. *Clerks, etc.*—It shall be the duty of the governing authorities of any city or village to determine the number of clerks which it is necessary to employ for the proper conduct of the business of its municipal employment office, but the number of said clerks shall never be greater than is necessary for the proper discharge of the duties of such office. Where separate employment offices are maintained, as in this chapter provided, the compensation of chief clerk of any such office shall not exceed the sum of $125 per month, nor shall the salary of any assistant clerk exceed the sum of $100 per month. When the employment office in any municipality is established in the office of a police judge or justice of the peace such police judge or justice of the peace shall be entitled to half of the amount of all fees collected by him in each and every month: *Provided,* That the compensation of a police judge or justice of the peace in charge of a municipal employment office shall never exceed the sum of $125 per month. All fees collected by any clerk other than a police judge or justice of the peace and one-half of all fees collected by any police judge or justice of the peace in charge of a municipal

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employment office shall be deposited with the city or village treasurer to the credit of the general fund of such city or village on the last day of each and every month.

SEC. 43-208. *Appointment.*—All clerks in any municipal employment office shall be appointed by the mayor or acting mayor of such city or village, and such clerks shall hold office during their good behavior. They may be removed by the mayor for incompetency or neglect, but shall never be removed for political or personal reasons.

SEC. 43-209. *Records.*—It shall be the duty of the chief clerk of each municipal employment office established under this chapter to keep a true, accurate, and complete record of all moneys received or expended in such office, and all positions secured for applicants at such office, and it shall be the duty of said clerk to file with the county auditor of the county in which his office is located, on the first Monday in December of each year a complete record of the business transacted in his office during the preceding year, and all moneys received and disbursed.

SEC 43-210. *Bonds.*—Any municipal employment clerk, other than a police judge or justice of the peace must give bond in a sum equal to twice the amount of his annual salary, and any police judge or justice of the peace in charge of a municipal employment office must give bond in the sum of $1,000 in addition to any bond which he may be, by law, required to give as such police judge or justice of the peace.

SEC. 43-211. *Violations.*—Any violation of the provisions of this chapter, or the making of any false statement or statements in any report, or the charging of illegal fees, or the acceptance of any private consideration for securing employment, shall constitute a misdemeanor which, upon conviction thereof before any court of competent jurisdiction, shall be punished by a fine of not less than fifty dollars nor more than $300, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

ACTS OF 1935 (FIRST SPECIAL SESSION)

CHAPTER 22

SECTION 1. *Federal act accepted.*—The State of Idaho hereby accepts the provisions of the Act of Congress approved June 6th, 1933, entitled "An act to provide for the establishment of a national employment system, and for cooperation with the States in the promotion of such system, and for other purposes."

SEC. 2. (As amended 1936, Third Special Session, ch. 12). *Cooperating agency.*—The Industrial Accident Board is hereby designated and constituted the State agency for the purpose of said act of Congress, with full power and authority to cooperate with all authorities of the United States having powers or duties under such act and to do and perform all things necessary to secure to the State of Idaho the benefits of such act in the promotion and maintenance of a system of public employment offices.

SEC. 3. (As amended 1936, 3rd spec. sess., ch. 12; 1937, ch. 187). *Employment service fund.*—All moneys appropriated by the Legislature for the purposes of the Act of Congress, approved June 16, 1933, entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation with the States in the Promotion of such System and for Other Purposes" and to be used to procure to the State of Idaho the benefits of such Act in the promotion and maintenance of a system of public employment offices, and also, all funds allotted by the United States under the provisions of said Act of Congress, shall be placed in a special fund in the State Treasury to be known as the "Employment Service Fund." All moneys appropriated for, accruing to or received by said fund are hereby appropriated for the purposes mentioned in this section, and shall be paid out by the State Treasurer only upon State vouchers prepared and approved and certified to by the Industrial Accident Board.

ACTS OF 1936 (THIRD SPECIAL SESSION)

CHAPTER 12.—*Unemployment compensation law*

SECTION 10.—*Administrative board.*—Until otherwise provided by law, this act shall be administered by the Industrial Accident Board of the State of Idaho.

SEC. 11. *Administration.*—

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(c) Subject to the provisions of this act, the board is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis.

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SEC. 12. *Employment service.*—The board may establish and maintain free public employment offices and in the establishment and maintenance thereof may cooperate with any free public employment offices now established or hereafter established by the State of Idaho or any political subdivision thereof or the Federal government.

ILLINOIS

REVISED STATUTES, 1935

CHAPTER 48.—*Free employment agencies*

Par. 60. *Number of offices.*—The Department of Labor is authorized to establish and maintain free employment offices, for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor, as follows: One in each city, village, or incorporated town of not less than 25,000 population; one in two or more contiguous cities, villages, or incorporated towns having an aggregate or combined population of not less than 25,000; and in each city containing a population of 1,000,000 or over, one central office with as many departments as would be practical to handle the various classes of labor, and such branch offices not to exceed 5 at any one time, the location of branch offices to be approved by the Governor. Such offices shall be designated and known as Illinois Free Employment Offices.

Par. 61. *General advisory board.*—There shall be established in connection with the Illinois Free Employment offices a General Advisory Board to consist of five members to be appointed by the Governor, by and with the advice and consent of the Senate, of whom two shall be representatives of employers, two shall be representatives of organized labor, and these four appointees shall be authorized to submit to the Governor a list of persons acceptable to them from among whom he may select the fifth member. Said members shall hold their offices for a term of five years, except that, of the members first appointed, one shall hold office for the term of one year, one for the term of two years, one for the term of three years, one for the term of four years, one for the term of five years, and all appointments thereafter shall be made for terms of five years. Said members of the board of managers shall serve without compensation, but each shall be allowed, for actual traveling expenses and other necessary expenses incident to their duties, not to exceed $200 per year, itemized accounts for which shall be submitted to and approved by the Auditor of Public Accounts before payment. A majority of their number shall constitute a quorum for the transaction of official business. They shall keep a record of their proceedings. Said General Advisory Board shall advise and cooperate with the secretary of the Bureau of Labor Statistics and with the general superintendent in Chicago in promoting the efficiency of the said Illinois Free Employment offices and in the investigation of the extent and causes of unemployment and the remedies therefor and devise and adopt the most effectual means within their power to provide employment and to prevent distress and involuntary idleness, and for that purpose they shall have power to cooperate with similar bureaus and commissions of other States, with the Federal employment office in the Department of Labor and with such municipal employment bureaus and exchanges as are now in operation or may hereafter be created.[2]

Par. 62. *Local advisory boards.*—The said General Advisory Board in cooperation with the said secretary of the Bureau of Labor Statistics, shall organize in connection with each office and branch office, a local advisory board of not more than five (5) members, one of whom shall represent the general public and the others in equal numbers shall represent employers and organized labor, these four to elect the fifth member of the board. The members of said local advisory boards shall serve without compensation and their functions shall be determined by rules of said General Advisory Board in cooperation with the said secretary of the Bureau of Labor Statistics.[3]

[2] Powers and duties of the general advisory board transferred to the Department of Labor. (Revised Statutes 1935, ch. 24a, par. 44.)

[3] Powers and duties of the local advisory board transferred to the Department of Labor. (Revised Statutes 1935, ch. 24a, par. 44.)

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Par. 63. *Duties of general board.*—The said General Advisory Board in cooperation with the secretary of the Bureau of Labor Statistics and the local advisory boards shall place themselves in communication with large employers of labor, including municipal and other public authorities, and attempt to bring about such cooperation and coordination between them by the dovetailing of industries, by long-time contracts, or otherwise, as will most effectually distribute and utilize the available supply of labor and keep it employed with the greatest possible constancy and regularity. They shall devise plans of operation with this object in view and shall seek to induce the organization of concerted movements in this direction. They shall also endeavor to enlist the aid of the Federal Government in extending these movements beyond the State.

Par. 64. *Employment of discharged convicts.*—It shall be the duty of the Department of Labor to obtain from the Department of Public Welfare 90 days before the discharge of any convict from either penitentiary or the discharge of a prisoner from the reformatory, the name, occupation, and such other information as may be of aid in obtaining employment for such discharged convict or prisoner.

The Department of Labor, through the several free employment offices, shall seek to provide proper employment for discharged convicts or prisoners, so that such employment may be available at the time of such discharge, and shall assist such discharged prisoners to retain suitable employment for such reasonable time as will afford such prisoners an opportunity to become self-reliant, to the end that every man shall be encouraged in his effort to go straight. In no instance shall there be any misrepresentation as to the records of persons for whom employment is sought, under the provisions of this section.

The Department of Labor through the several free employment offices shall also cooperate with the Department of Public Welfare to secure suitable employment for paroled convicts or prisoners and to help them retain such employment during the period of their parole and for such reasonable time thereafter as shall afford such convicts or prisoners an opportunity to become self-reliant.

Par. 65. [The offices created by this section were abolished and the powers and duties connected therewith were transferred to the Department of Labor. (Revised Statutes, 1935, ch. 24a, par. 35.)]

Par. 66. *Officers; register.*—The general superintendent of the central office in each city containing a population of 1,000,000 or over, and the superintendent of each free employment office in each city containing a population of less than 1,000,000, shall, within 60 days after appointment, open an office in such locality as shall have been agreed upon between such general superintendent or superintendent and the secretary of the Bureau of Labor Statistics as being most appropriate for the purpose intended; such office to be provided with a sufficient number of rooms and apartments to enable him to provide and he shall so provide, a separate room or apartment for the use of women registering for situations or help. Upon the outside of each such office, in position and manner to secure the fullest public attention, shall be placed a sign which shall read in the English language, Illinois Free Employment Office, and the same shall appear either upon the outside windows or upon signs in such other languages as the location of each such office shall render advisable. The general superintendent or superintendent of each such free employment office shall receive and register the names of all persons applying for employment or help, designating opposite the names and addresses of each applicant the character of employment or help desired upon blank forms furnished by the Bureau of Labor Statistics, together with such other facts as may be required by the Bureau of Labor Statistics to be used by said Bureau: *Provided*, That no record shall be open to public inspection at any time, and that such statistical and sociological data as the Bureau of Labor may require shall be held in confidence by said Bureau, and so published as not to reveal the identity of anyone; *And provided further*, That any applicant who shall decline to furnish answers as to the questions contained in application blanks shall not thereby forfeit any rights to any employment the office might secure.

Par. 67. *Reports.*—Each general superintendent or superintendent shall make to the secretary of the Bureau of Labor Statistics such reports of application for labor or employment and other details of the work of each office and the expenses of maintaining the same, and shall perform such other duties in the collection of statistics of labor as the secretary of the Bureau of Labor Statistics may require.

Par. 68. *Annual report.*—The secretary of the Bureau of Labor Statistics shall cause to be published an annual report concerning the work of the various offices for the year ending September 30 together with a statement of the expenses of same.

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Par. 69. *Methods; strikes, etc.*—It shall be the duty of each such superintendent and general superintendent of a free employment office to immediately put himself in communication with the principal manufacturers, merchants, and other employers of labor, and to use all diligence in securing the cooperation of said employers of labor, with the purposes and objects of said employment offices. To this end it shall be competent for such superintendents and general superintendents to advertise in the columns of newspapers, or other mediums, for such situations as he has applicants to fill, and he may advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Illinois or not.

Full information shall be given to applicants regarding the existence of any strike or lockout in the establishment of any employer seeking workers through the Illinois Free Employment offices.

Par. 70. *Fees forbidden.*—No fee or compensation shall be charged or received, directly or indirectly, from persons applying for employment or help through said free employment offices, and any superintendent, general superintendent, department superintendent, assistant department superintendent, assistant superintendent, or clerk who shall accept, directly or indirectly, any fee or compensation from any applicant or from his or her representative shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than $25 nor more than $50 and imprisoned in the county jail not more than 30 days.

Par. 71. *Definitions.*—The term "applicant for employment" as used in this act shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enterprise; and nothing in this act shall be construed to limit the meaning of the term work to manual occupation, but it shall include professional service and all other legitimate service.

Par. 72. *Disposition of fees, etc.*—All money or moneys received from fees and fines shall be held by the said commissioners of labor, and shall constitute a fund for the purpose of enforcing the provisions of this act; the secretary of the commissioners of labor shall act as custodian of the fee and fine fund and shall execute a bond to the people of the State of Illinois with good and sufficient securities, in a sum to be fixed by the commissioners of labor conditioned upon the faithful performance of his duties. The bond shall be approved by the Governor and then filed with the Secretary of State. All expenditures from the fee fund or any other fund under the control of the commissioners of labor shall be paid on itemized vouchers certified to by the president of the commissioners of labor and approved by the Governor of the State of Illinois, and the said commissioners shall, at the end of each fiscal year make an account of said fund and pay into the State treasury whatever balance shall remain after paying the necessary disbursements for the purpose of enforcing the provisions of this act.

Par. 73. [This section merely pertains to the furnishing and printing of blanks, etc., by State Board of Contracts.]

Chapter 52a

Par. 9. *United States Employment Service.*—Section 1.—All the privileges, benefits, obligations and conditions of an Act of Congress entitled "An Act to provide for the establishment of a National employment system and for cooperation with the states in the promotion of such system, and for other purposes," are hereby accepted by the State of Illinois and the Department of Labor is authorized and empowered and it shall be its duty to cooperate with the United States Employment Service and to coordinate the services and work of the public employment offices of the State with the services and work of such National employment system and to do all the things which are necessary to obtain the benefits which are available under the provisions of the aforementioned Federal Act.

Par. 10. *State Treasurer custodian of funds.*—Sec. 2.—The State Treasurer shall be *ex-officio* custodian of all moneys apportioned to this State under the provisions of the said Federal Act. Such moneys shall be expended by the Department of Labor for the purpose of establishing and maintaining public employment offices in accordance with the provisions of the aforesaid Federal Act, and may be paid out by the State Treasurer upon the order of the Department of Labor.

The State Treasurer shall deposit such moneys in banks which have been approved as State depositaries under the provisions of "An Act in relation to State moneys," approved June 28, 1919, as amended, and for the safe keeping of such moneys shall take securities as provided in said Act.

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ACTS OF 1937

PAGE 1127 (AMENDING CIVIL ADMINISTRATIVE CODE)

SECTION 6. *Boards of unemployment compensation and free employment office advisers.*—Advisory and non-executive boards, in the respective departments, are created as follows: * * *

In the Department of Labor: * * *

A Board of Local Illinois Free Employment Office Advisers, for each free employment office, composed of five persons on each local board.

A Board of Unemployment Compensation and Free Employment Office Advisers, composed of nine persons: * * *

SEC. 7. *Selection of members.*—* * * Of the nine members of the Board of Unemployment Compensation and Free Employment Office Advisers, three members shall be representative citizens chosen from the employee class, three members shall be representative citizens chosen from the employing class, and three members shall be representative citizens not identified with either the employing or employee classes.

Of the five local Illinois free employment office advisers, two shall be representative citizens of the employee class, two shall be representative citizens chosen from the employing class, and the other shall be a representative citizen not identified with either the employing or employee classes. * * *

PAGE 571.—*Unemployment Compensation*

SECTION 20. *Duties of director.*—(a) It shall be the duty of the Director to administer this Act. He shall appoint a commissioner of placement and unemployment compensation, subject to the provisions of the State Civil Service Law, who shall have direction of all administrative activities of the Director in the administration of this Act, and such other powers and duties as shall be prescribed by the Director. He shall act as coordinating officer between the State employment service and the administration of unemployment compensation.

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(c) Subject to other provisions of this Act, the Director is authorized to appoint, fix the compensation, and prescribe the duties and powers of such employees, accountants, experts, and other persons as may be necessary in the performance of his duties under this Act in accordance with the applicable provisions of the State Civil Service Law. The Commissioner of Placement and Unemployment Compensation may delegate to any such person such power and authority as he deems reasonable and proper for the effective administration of this Act, and the Director may in his discretion bond any person handling moneys or signing checks hereunder.

(d) * * * The Board of Unemployment Compensation and Free Employment Office Advisers created by Section 6 of "The Civil Administrative Code of Illinois," approved March 7, 1917, as amended, and the local councils appointed by the Director pursuant to this section shall aid the Director in formulating policies and discussing problems related to the administration of this Act and in assuring impartiality and freedom from political influence in the solution of such problems. Such local advisory councils shall serve without compensation, but shall be reimbursed for any necessary expenses.

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(f) The Director shall create as many employment districts and establish and maintain as many State employment offices as he deems necessary to carry out the provisions of this Act. In addition to such offices and branches, the Illinois State Free Employment offices now in existence and such as may hereafter be created pursuant to the provisions of "An Act relating to employment offices and agencies," approved May 11, 1903, as amended, shall also serve as employment offices within the purview of this Act. All such offices and agencies so created and established, together with said Illinois Free Employment Offices, shall constitute the State employment service within the meaning of this Act. The Department of Labor and the Director thereof may continue to be the state agency for cooperation with the United States Employment Service under An Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933, as amended.

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INDIANA

BURNS' ANNOTATED STATUTES, 1926

CHAPTER 72, ARTICLE 4.—*Employment commission*[4]

SECTION 9374. *Free employment offices.*—It shall be the duty of the employment commission, and it shall have power, jurisdiction, and authority:

(*a*) To establish and conduct free employment offices in the State where in the opinion of the commission such action may be deemed advisable and expedient to public welfare; to do all in its power within the limitations of this act to bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities for self-employment in the State; to devise and adopt the most efficient means within its power to avoid unemployment; to provide employment and to prevent distress from involuntary idleness, and to extend vocational guidance to minors seeking employment.

(*b*) To establish and maintain such sections of the employment service as will best serve the public welfare and which shall include—

1. Men's section.
2. Women's section.
3. Farm labor section.
4. Soldiers' and sailors' section, whose duties shall include complete cooperation with the Federal Board for Vocational Education, division for rehabilitation of crippled soldiers and sailors in endeavoring to secure suitable employment and fair treatment of the veterans of the World War.
5. Junior section, whose duties and authority shall include: Jurisdiction over all matters contemplated in this act pertaining to securing employment for all minors who avail themselves of the free employment service; so to conduct its affairs that at all times it shall be in harmony with laws relating to child labor and compulsory education; to aid in inducing minors over sixteen, who can not or do not for various reasons attend day school, to undertake promising skilled employment; to aid in influencing minors who do not come within the purview of compulsory education laws and who do not attend day school to avail themselves of continuation or special courses in existing night schools, vocational schools, part-time schools, trade schools, business schools, vestibule schools, library schools, university extension courses, etc., so as to become more skilled in such occupations or vocations to which they are respectively inclined or adapted; to aid in securing vocational employment on farms for town and city boys who are interested in agricultural work and particularly town and city high school boys who include agriculture as an elective study; to cooperate with various social agencies, schools, etc., in group organizations of employed minors, particularly those of foreign parentage, in order to promote the development of real, practical Americanism in a broader knowledge of the duties of citizenship; to investigate methods of vocational rehabilitation of boys and girls who are maimed or crippled, and to provide ways and means, subject to the approval of the commission, for minimizing such handicap.

(*c*) To advertise in the columns of the newspapers or other media, for such situations as it has applicants to fill, and to advertise in a general way for the cooperation of large contractors and employers in such trade journals or special publications as reach such employers, whether such trade or special journals are published within the State of Indiana or not; to collect, collate, and publish statistical and other information relating to the work under its jurisdiction; to investigate economic developments and the extent and causes of unemployment and remedies therefor within and without the State, with the view of preparing for the information of the general assembly such facts as in its opinion may make further legislation desirable.

(*d*) To enter an agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and for the extension of vocational guidance to minors.

(*e*) By and with the advice of the governor to enter into any such cooperative agreement as may be deemed desirable by the commission with the United States Employment Service or such bureau of the United States department of labor as the secretary thereof may hereafter designate, or other federal agency as congress may hereafter authorize, for the purpose of securing financial aid from the United States Government for the establishment and maintenance of free public employment service and the extension of vocational guidance to minors under and by virtue of any such agreement as aforesaid to pay from any funds appropriated by

[4] Since there is no record of sections 9374–80 having been repealed, they are included here.

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the State for the purpose of this act, any part or the whole of the salaries, expenses of rent, maintenance and equipment of offices, and other expenses necessary to the maintenance of the joint system provided for by such agreement.

(*f*) By and with the advice of the governor to enter into reciprocal and cooperative agreements with neighboring States in seeking a solution to such employment problems, which because of their peculiar nature are not local but extend beyond the borders of the State.

(*g*) To receive, accept, and use in the name of the people of the State or any community or municipal corporation, as the donor may designate by gift or devise, any moneys, buildings, or real estate for the purpose of extending vocational guidance to the minors of the State, and for the purpose of giving assistance to deserving maimed or crippled boys and girls through vocational rehabilitation.

SEC. 9375. *Local authorities.*—It shall be lawful for the governing authorities of any municipality, county, township or school corporation in the State to enter into cooperative agreement with the employment commission, and to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon, and for the extension of vocational guidance to minors.

SEC. 9376. *Fees forbidden.*—It shall be unlawful for any officer, employee, or agent of the aforesaid employment commission to charge or receive, directly or indirectly, from persons applying for employment or help through said free employment offices, or from any person who becomes the beneficiary of the services of any division of the employment commission, any fee, compensation, or anything of value, and any officer or employee who shall directly or indirectly accept any fee or compensation from any applicant or beneficiary, or from his or her representative, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars and not more than fifty dollars to which may be added imprisonment in the county jail for not more than thirty days.

SEC. 9377. [All duties formerly vested in the bureau of statistics under an act of March 5, 1909, are vested in the employment commission on effective date of new act.]

SEC. 9378. [This section merely repeals all conflicting laws in act approved March 6, 1911.]

SEC. 9379. [Act specified an annual appropriation of $38,000. Subsequent appropriation acts provide for other amounts, and to be in lieu of that provided by sec. 9, ch. 192, of the acts of 1917.]

SEC. 9380. *Definitions.*—The term "employer" shall mean and include every person, firm, corporation, agent, manager, representative, or other persons having control or custody of any employment, place of employment, or any employee.

The term "employee" shall mean and include every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment or to go or work or be at any time in any place of employment.

ACTS OF 1935

CHAPTER 40

SECTION 1. *State acceptance of act.*—The State of Indiana does hereby through its general assembly accept the provisions and benefits of the act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such systems and for other purposes," approved June 6, 1933, and will observe and comply with the several requirements of such act.

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 4.—*Unemployment compensation law*

SECTION 9. *Unemployment compensation division.*—(a) There is hereby created in the department of treasury a division which shall be known as the unemployment compensation division, which shall be administered by a board which shall be known as the state unemployment compensation board.

(b) The state unemployment compensation board shall consist of five members, who shall be appointed by the board of the department of treasury, as hereinafter provided. * * *

(c) The board, with the advice and approval of the board of the department of treasury, shall select and appoint a director, who shall serve as the executive and administrative officer of the division and who shall be the secretary of the

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board. * * * The State board shall have the power and it shall be its duty to classify and to fix the minimum standards for the personnel and to formulate salary schedules for the service so classified, and the board shall hold or provide for holding examinations to determine the technical and professional qualifications of applicants for positions in the division, and provide for annual merit ratings of employees in the division to ascertain whether such employees, or any of them, are maintaining the eligibility standards prescribed by the board.

(d) There are hereby established in the unemployment compensation division, two coordinate sections, which shall be known as the Indiana State Employment Service section, created pursuant to section 11 of this act, and the unemployment compensation section. Each section shall be responsible for the discharge of its distinctive functions. Each section shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the director may find that such separation in local offices is impracticable because of the small size of the territory served or of the volume of work performed.

SEC. 10 (as amended 1937, ch. 125). *Administration.*—

* * * * * * *

(d) Subject to other provisions of this act, the board is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed, as provided herein. The board may authorize any such person so appointed to do any act or acts which could lawfully be done by the board, and may, in its discretion, bond any person charged with the custody of any money or securities, or signing checks hereunder.

SEC. 11 (as amended 1937, ch. 125). *Employment service.*—(a) The Indiana State Employment Service is hereby transferred to the employment section of the division of unemployment compensation, and the board, through such section, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled, "an act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113, U. S. Code, title 29, section 49 (c)), as amended. Any existing free public employment offices maintained by the State but not heretofore under the jurisdiction of the board shall be transferred to the jurisdiction of the board upon the taking effect of this act, and upon such transfer all duties and powers conferred upon any other department, agency, or officer of this State relating to the establishment, maintenance and operation of free public employment offices shall be vested in the board. The said section shall be administered by a salaried assistant director. The board shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The board is hereby designated and constituted the agency of this State for the purpose of said act. The board is directed to appoint the assistant director, other officers and employees of the Indiana State Employment Service in accordance with regulations prescribed by the director of the United States Employment Service. If this act shall become inoperative, the Indiana State Employment Service shall not be affected thereby, but such service shall, upon the happening of such contingency, be deemed to be transferred to the Governor's Commission on Unemployment Relief, and shall be operated by the Governor's Commission on Unemployment Relief as it would have been if this act had not been passed.

(b) All monies received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said monies are hereby made available to the board for the Indiana State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said board is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the board may accept monies, services, or quarters as a contribution to the employment service account.

(c) A special "employment service account" shall be maintained for the purpose of maintaining the public employment offices established pursuant to section 11

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of this act and for the purpose of cooperating with the United States Employment Service. The funds appropriated and made available to the Indiana State Employment Service by the Act of the 79th General Assembly and such funds as have been received from the United States Employment Service are hereby made available to the board for the Indiana State Employment Service section of this division and said funds shall be maintained in the "employment service account" of the unemployment compensation administration fund. The General Assembly shall appropriate and make available to the board for the Indiana State Employment Service annually an amount sufficient to insure the State's receiving its full share of funds under the Wagner-Peyser Act. In addition, there shall be paid into such account the monies designated in subsection (b) of section 11 of this act, and such monies as are apportioned for the purposes of this account from any monies received by this State under Title III of the Social Security Act, or any amendments thereto.

IOWA

CODE, 1935

CHAPTER 75.—*Bureau of Labor*

SECTION 1525-f1. *Acceptance of Federal act.*—The state of Iowa hereby accepts the provisions of the act of congress approved June 6, 1933, (12 USCA, Sec. 1131 et seq.) entitled, "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes."

SEC. 1525-f2. *State agency.*—The state bureau of labor is hereby designated and constituted the agency of the state for the purposes of such act (12 USCA, 1131 et seq.) with full power to cooperate with all authorities of the United States having powers or duties under such act and to do and perform all things necessary to secure to the state the benefits of such act in the promotion and maintenance of a system of public employment offices.

CHAPTER 77.—*State employment bureau and employment agencies*

SECTION 1542. *Free employment bureau.*—The labor commissioner shall maintain in his office at the seat of government a department to be called the state free employment bureau, and he is hereby directed to adopt such rules and regulations as are necessary to carry out the purposes of this chapter. He shall, with the approval of the executive council, appoint a competent person who shall be placed in charge of such work and be known as the chief clerk of the bureau, whose term of office shall be the same as that of the commissioner.

SEC. 1543. *Duties.*—It shall be the duty of the commissioner through the free employment service to: 1. Adopt all means at his command to bring together those desiring to employ labor and those desiring employment. 2. Supply information as to opportunities for securing employment and the character and conditions of work to be performed in the various industries of the State including agricultural pursuits. 3. Adopt all available means for steadying employment and avoiding unemployment.

SEC. 1544. *Extension of service.*—With the approval of the executive council, the commissioner may establish within the State such branches of free employment agencies as shall afford the best distribution of labor, and for such purposes may cooperate with any Federal, State, municipal, or other free employment bureau or association.

SEC. 1545. *Service free.*—No fee or compensation shall be received, either directly or indirectly, from persons applying to the bureau for employment or help.

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 4.—*Unemployment compensation law*

SECTION 10 (as amended 1937, chs. 103, 102). *Unemployment compensation commission.*—(a) There is hereby created a Commission to be known as the Iowa Unemployment Compensation Commission.

* * * * * * *

(c) The commission shall establish two coordinate divisions: the Iowa State Employment Service division created pursuant to section 12 of this Act, and the Unemployment Compensation Division. Each division shall be responsible for

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the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget and duties, but shall coordinate one with the other in such manner as the commission may prescribe.

SEC. 11 (as amended 1937, ch. 102). *Personnel.*—

* * * * * * *

(d) Subject to other provisions of this Act, the Commission is authorized to appoint, fix the compensation, but not to exceed for any employee twenty-four hundred dollars ($2400.00) per year except the compensation for certified public accountants, actuaries which shall not exceed thirty-six hundred dollars ($3600.00) per year, and legal counsel which shall not exceed four thousand dollars ($4000.00) per year, provided, however, that the above scale of compensation shall not apply to the Iowa State Employment Service Division provided for in Sec. 12 (a) of this act, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The Commission shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified. All positions shall be filled by persons selected and appointed on the basis of competency and fitness for the position to be filled. The Commission shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. The Commission shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause. The Commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder. Not more than sixty per cent of the employees of the said commission shall be members of any one political party.

SEC. 12 (as amended 1937, ch. 102). *Employment service.*—(a) The Iowa State Employment Service, as provided in Chapters 75 and 77 of the Code of Iowa, is hereby transferred to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49, as amended). The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The Iowa State Employment Service division is hereby designated and constituted the agency of this State for the purposes of said Act. The commission is directed to appoint the director, other officers and employees of the Iowa State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service. If this Act shall become inoperative for the reason prescribed in Section 24 of this Act. the Iowa State Employment Division shall not be affected thereby, but such division shall, upon the happening of such contingency, be deemed to be a division of the bureau of labor of the State of Iowa, with the same force and effect as if this Act had not been passed, and that all funds and property made available to the Iowa State Employment Service division under this Act shall under such contingency become, and shall be declared to be, the funds and property of the Iowa State Employment Service of the bureau of labor of Iowa.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Iowa State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

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SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "Employment Service Account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby transferred to the Employment Service Account of the Unemployment Compensation Administration Fund, the unexpended balance of any money heretofore appropriated or received for the Iowa State Employment Service. In addition, there shall be paid into such account the moneys designated in Section 12 (b) of this Act, and such moneys as are apportioned for the purpose of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

KANSAS

GENERAL STATUTES, 1935

CHAPTER 44, ARTICLE 6.—*State free employment bureau and agencies*

SECTION 44–653. *Farm labor.*—It shall be the further duty of the court of industrial relations to secure and list, as far as practicable, from the farm agents of the various counties of the State, or county clerks or such other authority to be designated by the county commissioners, the number of extra laborers required from time to time in each community for the purpose of equally distributing labor to meet such demand and to direct idle labor to employment.

SEC. 44–654. *Expenses.*—That the court of industrial relations is authorized to employ such assistants, clerks and other persons; to rent suitable offices; to purchase supplies, material, equipment, office fixtures, and apparatus and to incur such travel and other expense as may be necessary to carry out the provisions of law relating to the free employment bureaus.

SEC. 44–655. *Act cumulative.*—This act shall be construed as cumulative of all other acts now in force.

SEC. 44–656. *Court regulations for agencies.*—It shall be the duty of the court of industrial relations to prepare, prescribe, print, and transmit to the city clerks of all cities of the first and second classes, directions, rules and regulations for the opening, conduct and reports of free employment agencies in said cities, which directions, rules and regulations said court of industrial relations may amend, add to or revise from time to time. Said court of industrial relations shall also prepare all needful or proper forms to be used by such agencies, and shall cause blanks and all blank books to be prepared by the State printer, and shall forward supplies thereof to all such city clerks for use of such agencies; all work authorized by this act to be done by the State printer, upon the requisition of the court of industrial relations, subject to the approval of the State printing commission.

SEC. 44–657. *Establishment, etc., city agencies.*—Within 30 days after such directions, rules and regulations shall have been received by any city clerk, the governing body shall comply with the directions of said court of industrial relations as to the opening and preparing to maintain a free employment agency and for the expense thereof; and if no such provision be made, the duties of free employment agents shall devolve upon the city clerk, who shall perform the same, and his office shall be the free employment agency of said city.

SEC. 44–658. *Register.*—It shall be the duty of the free employment agent of every city to register, as directed by the directions of the court of industrial relations, every person desiring to employ any person and every person desiring employment; and it shall be the strict legal right of every such person to so register and to enjoy all of the advantages of such employment agency free from any charge or expense whatever. Reports to the court of industrial relations shall be made by such agencies as often and as to such matters as he [it] may require. Every person shall be notified of employment open in the order of his or her registration for that employment by such agent where registered. All other details shall be fixed by the court of industrial relations.

SEC. 44–659. *Reports and notifications.*—The reports of such agencies shall be made to the court of industrial relations as it may require, and shall be tabulated and classified, and such persons as have not secured employment or notice of employment where registered shall be notified by the court of industrial relations where such employment may be had, as shown by the reports made. The court of industrial relations shall embody in its biennial report such tabulations of the

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work performed by such agencies in the State, with such recommendations as it may deem proper for the information of the legislature.

SEC. 44–660. *Removal of city clerk or agent.*—If any city clerk shall fail or refuse to carry out in good faith, in a reasonably fair and efficient manner, the duties devolved upon him by this act or by the direction, rules and regulations of the court of industrial relations, he shall forfeit his office as such free employment officer, and be removed therefrom: *Provided*, Such removal shall not affect the tenure of his office as to its other duties. Any agent provided for and appointed by any city to conduct a free employment agency under this act shall be removed by the mayor at any time when requested in writing by 10 or more electors of said city, upon a showing being made that such agent refused or failed to perform the duties as required by this act. In case of the removal or resignation for any cause of the free employment agent in any city, the mayor of such city shall immediately appoint a qualified person to fill such vacancy.

CHAPTER 74, ARTICLE 7.—*Commission of labor and industry*

SECTION 74–707. *Duties of commissioner, etc.*—One of said members shall be designated by the governor as chairman of said commission, who shall have active charge of the administration of the workmen's compensation act, with authority to call upon any one of the other members of said commission in such administration, or to act in the capacity of examiner, as provided for in said act. One of said members shall be designated as commissioner of labor and shall have been for at least five years immediately preceding such appointment actively identified with labor in this State and not be less than 30 years of age, who shall have active charge of factory inspection, State mine inspection, State bureau of free employment, supervision of laws pertaining to women and children in industry, and such commission is hereby given full jurisdiction over and control of factory, workshop, and mill inspection, mine inspection, and State free employment bureau.

ACTS OF 1937

CHAPTER 255.—*Unemployment compensation law*

SECTION 13. *Unemployment compensation division.*—(a) There is hereby created in the commission of labor and industry a division to be known as the unemployment compensation division, which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the commission. The commission is authorized to appoint, fix the compensation of, and prescribe the duties of such director: *Provided*, That such appointment shall be made on a nonpartisan, merit basis.

(b) There is hereby established in the unemployment compensation division two coordinate sections, the Kansas state employment service section, created pursuant to section 15 of this act, and the unemployment compensation section. Each section shall be responsible for the discharge of its distinctive functions. Each section shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impracticable.

SEC. 14. *Administration; personnel.*—

* * * * * * *

(d) Subject to other provisions of this act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, deputies, attorneys, experts, and other persons as may be necessary in carrying out the provisions of this act. The commission shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except for temporary appointments not to exceed six months in duration, shall appoint its personnel on the basis of efficiency and fitness as determined in such examinations. The commission shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. The commission shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions, based upon ratings of efficiency and fitness and for terminations for cause. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any persons handling moneys or signing checks hereunder. * * *

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SEC. 15. *Employment service.*—(a) The commission shall create a State employment service section in the division of unemployment compensation which section shall establish and maintain thereunder free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the act of congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Sec. 49 (c)), as amended. The said section shall be administered by a full-time salaried director, who shall be charged with the duty of cooperating with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 5 of said act, and this state will observe and comply with the requirements thereof. The Kansas state employment service section is hereby designated and constituted the agency of this state for the purpose of said act. The commission is directed to appoint the director, other officers, and employees of the Kansas State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States Employment Service.

(b) All moneys received by this state under the said act of congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Kansas state employment service to be expended as provided by this section and by said act of congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 16. *Employment service account.*—* * *

(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 15 of this act and for the purpose of cooperating with the United States employment service.

(c) There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any money in the State treasury not otherwise appropriated, the sum of $15,000 for the fiscal year ending June 30, 1937; $50,000 for the fiscal year ending June 30, 1938; and $60,000 for the fiscal year ending June 30, 1939, or so much thereof as may be necessary. Pursuant to an estimate by the commission of the amount of money required during the ensuing calendar quarter from the sums appropriated, such amount shall be credited to the employment service account of the administration fund at the beginning of each quarter, and additional amounts may be credited by special request of the commission. The auditor of state is hereby authorized and directed to draw his warrants upon the treasurer of the State for the amounts appropriated upon vouchers approved by the chairman of the commission. In addition, there shall be paid into such account the moneys designated in section 15 (b) of this act.

KENTUCKY

ACTS OF 1932

CHAPTER 31.—*Employment offices, public*

SECTION 1. *Establishment of employment service.*—In order to provide an employment service for men, women and minors seeking employment; for employers seeking employees; to stabilize employment; to cooperate with counties, municipalities, schools, and the United States Employment Service; for the extension of vocational guidance to minors and aid to the physically handicapped, there is hereby established in the Department of Labor a "Kentucky Employment Service," and

SEC. 2. *Duties.*—It shall be the duty of the chief officer of the Department of Labor and he is hereby empowered subject to the advice and consent of the commissioner of agriculture, labor and statistics:

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(*a*) To establish and conduct employment offices in the State where such offices are deemed advisable;

(*b*) To ascertain and make known the opportunities for employment;

(*c*) To create and maintain such divisions of the employment service as will best serve the public welfare;

(*d*) To cooperate with existing State and Federal agencies in extending vocational guidance to minors seeking employment;

(*e*) To render especial assistance to physically handicapped persons seeking employment, to help them become self supporting and aid in the support of their dependents;

(*f*) To cooperate with county agricultural agents and farmers' agencies to ascertain needs of labor and mobilization and distribution of labor among the agricultural classes;

(*g*) To devise and adopt the most efficient means to avoid unemployment;

(*h*) To establish relations with employers and organizations for the purpose of supplying demands for labor, for the stabilizing and prevention of unemployment;

(*i*) To make public through newspapers and other media information as to employment available;

(*j*) To investigate economic developments, the extent and causes of unemployment and remedial projects advanced by agencies, private or governmental, for the purpose of preparing for the General Assembly facts which may make further legislation desirable;

(*k*) To collect, collate and publish statistical and other information from all sources considered pertinent to the work within the employment service jurisdiction and shall use this data in the publication and dissemination of changing social and economic conditions that might adversely affect employers, employees and the general public;

(*l*) To correlate the functions of the employment service with private and public agencies such as the United States Employment Service, the United States Bureau of Labor Statistics, the Red Cross, the Rehabilitation Service, war veteran[s'] organizations, county and municipal welfare agencies and such other organizations of similar function and intent in order that the Kentucky Employment Service shall be utilized as a central base or focal point as a survey agency, alleviation and distribution point for the relief of distress among workers and the public in times of economic depression or an emergency;

(*m*) To enter into agreement with the governing authorities of any county or municipality in the State for such period of time as may be deemed advisable for the purpose of establishing and maintaining local employment offices;

(*n*) To enter into agreement with the governing authorities of any school or school district for the extension of vocational guidance to minors;

(*o*) To enter into agreement with the United States Employment Service, or such bureau of the United States Department of Labor designated or may hereafter be authorized by the United States Congress for the purpose of securing financial and other aid from the United States Government for the establishment and maintenance of a public employment service in Kentucky;

(*p*) To appoint advisory committees to assist in conducting an efficient employment service;

(*q*) To accept and solicit moneys for the Kentucky employment service from private sources not incompatible to the welfare and efficiency of the provisions of this act and the Kentucky employment service, and all such monies collected shall be accounted for to the State Auditor and credited to the account and use of said employment service.

SEC. 3. *Fees, etc.*—No fee, charge or other perquisite shall be accepted or exacted for any service rendered applicant-worker or employer, by said employment service.

ACTS OF 1936 (FOURTH SPECIAL SESSION)

CHAPTER 7. *Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created in the Department of Industrial Relations a Division to be known as the Division of Unemployment Compensation, which shall be administered by an Executive Director and two associate directors composing a board to be known as the Unemployment Compensation Commission.

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There is hereby established under the Commission, two coordinate sections, the Kentucky State Employment Service, created pursuant to Section 12 of this Act and the Unemployment Compensation Section.

Each section shall be responsible for the discharge of its distinctive functions. Each section shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Commission may find that such separation in the local offices is impracticable because of the small size of the territory served or of the volume of work performed. The Kentucky State Employment Service shall be administered by a full-time salaried Director who shall be appointed by the Governor and shall be subject to the supervision and direction of the Commission. The Commission is authorized to prescribe the duties of the Director of the Kentucky State Employment Service in accordance with the provisions of Section 12 of this Act. Neither the Director of the Kentucky State Employment Service nor the Executive Director, Division of Unemployment Compensation, shall, during his term of office, engage in any other business, vocation or employment and no Executive Director, or associate director shall, during his term of office serve as an officer or committee member of any political party organization.

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SEC. 11. *Administration.*—

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(d) Subject to other provisions of this Act, the Commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of duties. All positions shall be filled by persons selected and appointed on a non-partisan merit basis. The Commission shall not employ or pay any person who is an officer or committee member of any political party organization. The Commission may by written orders, delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling monies or signing checks hereunder.

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SEC. 12. *Employment Service.*—(a) The Commission shall create a section to be known as the Kentucky State Employment Service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled "An Act to provide for the establishment of a national employment service and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49 (c)), as amended. Any existing free public employment offices maintained by the State but not heretofore under the jurisdiction of the Commission shall be immediately transferred to the jurisdiction of such section, and upon such transfer all duties and powers conferred upon any other department, agency, or officer of this State relating to the establishment, maintenance and operation of free public employment offices shall be vested in said section. The said section shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Kentucky State Employment Service is hereby designated and constituted the agency of this State for the purpose of said Act. The Director of the employment service section shall be paid a fixed monthly salary at a rate to be fixed by the Governor and the Director of the United States Employment Service not to exceed Four Thousand Five Hundred Dollars per annum. The Governor is directed to appoint the Director and the Director is authorized to appoint the other officers and employees of the Kentucky State Employment Service, subject to the approval of the Governor. All such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

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(b) All monies received by this State under the said Act of Congress, as amonded, shall be paid into the special "employment service account" in the Unemployment Compensation Administration Fund, and said monies are hereby made available to the Kentucky State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or any of its municipalities or with any private, non-profit organization, and as a part of any such agreement the Director of the Kentucky State Employment Service may accept monies, services, or quarters as a contribution to the employment service account.

SEC. 13. *Special fund.*—

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(b) A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the Unemployment Compensation Administration Fund, from any money in the State Treasury not otherwise appropriated, for the fiscal year ending June 30, 1937, the sum of Sixteen Thousand Dollars and for the fiscal year ending June 30, 1938, the sum of Twenty Thousand Dollars. In addition, there shall be paid into such account the monies designated in Section 12 (b) of this Act, and such monies as are apportioned for the purposes of this account from any monies received by this State under title III of the Social Security Act, as amended.

LOUISIANA

DART'S GENERAL STATUTES, 1932

TITLE 34, CHAPTER 2.—*Free public employment offices*

SECTION 4287. *Bureaus to be established.*—From and after the passage of this act there shall be established, created, maintained, and operated by the state of Louisiana, under the supervision of the commissioner of labor and industrial statistics, free employment bureaus, the same to be located at such points as may be hereafter designated by the commissioner of labor and industrial statistics.

SEC. 4288. *Lists.*—It shall be the duty of the commissioner of labor and industrial statistics and his assistants to file and keep a correct list of all persons seeking employment, listing all such persons under their respective trades and occupations, and [they] shall use all reasonable means to secure employment for such applicants. It shall be the duty of the commissioner of labor and industrial statistics and his assistants to keep a correct file of all employers seeking help, and every reasonable means will be used to secure said employers such help as may be requested.

SEC. 4289. *Qualifications of applicants.*—For the purpose of conserving labor in the state and preventing a useless turnover of labor, and to prevent, as far as possible, the unnecessary expenditure of money to both employer and employee, the commissioner of labor and industrial statistics is hereby enjoined to ascertain as far as possible the fitness of the applicant seeking work and the reliability of employers seeking help.

SEC. 4290. *Blanks.*—The commissioner of labor and industrial statistics shall formulate and have printed such application blanks as may be necessary for use by both employer and employee, and the same shall be furnished free upon application being made for same.

SEC. 4291. *Fees.*—No fees of any kind whatsoever shall be collected or charges made for any service performed in the interest of the workers or employers, and that every employer and every person seeking employment in the state of Louisiana shall be permitted to enjoy the full benefits of said free employment bureaus without cost.

SEC. 4292. *Violations.*—Anyone violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than five ($5.00) dollars nor more than twenty-five ($25.00) dollars nor imprisoned less than five (5) days or more than twenty (20) days in the parish prison or both, at the discretion of the court.

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DART'S GENERAL STATUTES, 1932

CUMULATIVE ANNUAL POCKET SUPPLEMENT, 1935

TITLE 34, CHAPTER 1A.—*State employment services*

SECTION 4286.1. *Provisions of federal act accepted.*—[This section accepted the provisions of the act establishing a system of public employment agencies.]

SEC. 4286.2. *Fiscal year.*—The first fiscal year of the Louisiana state employment service shall end on the 30th day of June, 1935, and each succeeding fiscal year shall end on the 30th day of June of every year thereafter.

SEC. 4286.3. *Necessary expenses.*—The director is authorized to appoint and fix the compensation of such office employees and assistants, and to make such expenditures, (including expenditures for personal service, office rent, law books, books of reference and periodicals), as may be deemed necessary to carry out the provisions of this Act.

SEC. 4286.4. *Object and purposes.*—It shall be the province and duty of the Louisiana state employment service to promote and develop a system of employment offices throughout the State of Louisiana for men, women and minors who are legally qualified to engage in gainful occupations, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a farm placement service, and, generally, to fully cooperate with the United States Employment Service.

SEC. 4286.5. *Offices.*—The head or main office of the Louisiana state employment service shall be located in the city of New Orleans, and other offices may be established at such other points throughout the State of Louisiana as may be deemed advisable by the director and advisory council, hereinafter provided for. The personnel of each office shall conform with the regulations prescribed by the United States Employment Service.

SEC. 4286.6. *Advisory council; meetings; reports.*—The governor shall appoint a State advisory council to be composed of ten (10) members, representing the employers and employees, in equal numbers, and the public, for the purpose of formulating policies, discussing problems and generally advising in the conduct of the service.

The officers of the advisory council shall be a chairman, a vice-chairman, a secretary and such other officers as may be deemed necessary, to be selected by the council from among its own membership, excepting the secretary, which said office must be filled by the director of the Louisiana State employment service.

One-half of the members of the advisory council shall, in the first instance, be appointed for the period ending June 30, 1935; and the other one-half shall be appointed for the period ending June 30, 1937. The successors of members thus appointed shall be appointed to serve until the end of the fourth fiscal year following their appointment.

The director of the United States employment service, or his representative, shall be, ex-officio, a member of said advisory council. The first meeting of the advisory council shall be held at the time and place designated by the director. Regular meetings of the council shall be held thereafter quarterly or semiannually, and at the time and place designated by the council. Special meetings may be held on the call of the chairman, or at the request of one-third of the members of the council pursuant to adequate personal notice to each member. Notification of regular meetings of the council shall be mailed to members at least ten (10) days in advance. One-half of the members of the council shall constitute a quorum.

Minutes of all meetings of the advisory council and of each committee thereof shall be kept by the Secretary. The council, through its Secretary, shall make an annual report to the governor and a report to the legislature when convened in regular session, copies of which shall be sent to the director of the United States employment service.

Members of the advisory council shall serve without regular compensation, but shall be allowed necessary traveling expenses and $10 per day for subsistence expenses, while actually engaged in the business of the council.

SEC. 4286.7. *Appropriation.*—There is hereby appropriated the sum of $35,000 out of the general fund of the State for the fiscal year ending June 30th, 1935, and the sum of $35,000 out of the general fund of the State for the fiscal year ending June 30th, 1936, for the upkeep and maintenance of the Louisiana State employment service, which annual appropriation is to be matched by the donation of an equal sum by the United States Employment Service, in accordance with the terms of said act of Congress.

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ACTS OF 1936

Act No. 97.—*Unemployment compensation law*

Section 9. *Divisions.*—(a) The Commissioner [of Labor] shall establish two coordinate divisions: The Louisiana State Employment Service division created pursuant to section 11 of this act, and the Unemployment Compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commissioner may find that such separation in local offices is impracticable because of the small size of the territory served or the volume of work performed.

Sec. 10. *Administration.*—

* * * * * * *

(d) Subject to other provisions of this act, the commissioner is authorized to appoint, with the approval of the Governor, and fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of his duties. The commissioner may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling monies or signing checks hereunder.

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Sec. 11. *Employment service.*—(a) The Louisiana State Employment Service, which is created by law as a division of the Department of Labor shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113, U. S. Code, Title 29, Section 49 (c)) as amended. Public Employment offices existing by virtue of Act No. 234, of 1934, heretofore under the jurisdiction of the commissioner of Labor shall be transferred to the jurisdiction of such division when this act becomes effective and upon such transfer all duties and powers conferred upon any other department, agency, or officer of this state relating to the establishment, maintenance and operation of free public employment offices shall be vested in said division. The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof. The Louisiana State Employment Service division is hereby designated and constituted the agency of this state for the purposes of said Act. The Commissioner is directed to appoint the director, other officers, and employees of the Louisiana State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All monies received by this State under the said Act of Congress as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said monies are hereby made available to the Louisiana State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commissioner may accept monies, services, or quarters as a contribution to the employment service account.

Sec. 12. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 11 of this act and

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for the purpose of cooperating with the United States Employment Service. There is hereby directed to be appropriated to the employment service account of the unemployment compensation administration fund, from any money in the State Treasury not otherwise appropriated, such amounts as are necessary to secure to the State the maximum funds available under the Act of Congress described in Section 11 of this Act. In addition, there shall be paid into such account the monies designated in Section 11 (b) of this act, and such monies as are apportioned for the purposes of this account from any monies received by this State under Title III of the Social Security Act, as amended.

MAINE

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 1.—*Unemployment compensation law*

SECTION 10 (as amended 1937, ch. 228). *Unemployment compensation commission.*—(a) There is hereby created a commission to be known as the Maine unemployment compensation commission. The commission shall consist of three (3) members, one of whom shall be a representative of labor, one of whom shall be a representative of employers, and one of whom shall be impartial and shall represent the public generally, and shall be chairman. * * *

(d) The commission shall establish 2 coordinate divisions: the Maine state employment service division, created pursuant to section 12 of this act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impracticable.

SEC. 11 (as amended 1937, ch. 228). *Administration.*—

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(d) Subject to other provisions of this act, the commission is authorized to appoint, and fix the compensation, subject to the approval of the governor and council and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. On request of the commission the attorney general shall represent the commission and the state in any court action relating to this act or to its administration and enforcement; provided, however, that special counsel may be designated by the attorney general at the request of the commission whose services and expenses subject to approval by the governor and council shall be paid from the funds provided for the administration of this act. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling moneys or signing checks hereunder.

SEC. 12 (as amended 1937, ch. 228). *Employment service.*—(a) The commission shall establish and maintain, as a division thereof, free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the act of congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Sec. 49 (c)), as amended. The said division shall be administered by a full-time salaried director. It shall be the duty of the commission to cooperate with any official or agency of the United States having powers or duties under the provision of the said act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The commission is hereby designated and constituted the agency of this state for the purpose of said act. The commission is directed to appoint and fix the compensation of the director, other officers, and employees of the Maine state employment service, [division] subject to the approval of the governor and council.

(b) All moneys received by this state under the said act of congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made avail-

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able to the commission to be expended as provided by this section and by said act of congress. For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any money in the state treasury not otherwise appropriated, on the effective date of this act and annually thereafter on the 1st of July, the sum of $25,000. In addition, there shall be paid into such account the moneys designated in section 12 (b) of this act, and such moneys as are apportioned for the purposes of this account from any moneys received by this state under title III of the social security act, as amended.

MARYLAND

ANNOTATED CODE, 1924

ARTICLE 89.—*State employment agencies*

SECTION 3. *Offices to be established.*—It shall be the duty of the Commissioner of Labor and Statistics to organize, establish and conduct free employment agencies in such parts of the State as said Commissioner may deem advisable, for the free use of the citizens of the State of Maryland, for the purpose of securing employment for unemployed persons who may register in said agencies, and for the purpose of securing help or labor for persons registering as applicants for help or labor. The said Commissioner shall investigate the extent and the cause or causes of unemployment in this State, and the remedies therefor adopted and applied in the States of this country and in other countries, and report thereon to the governor, and shall do all in its power to bring together employers seeking employees and working and laboring people seeking employment.

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 1.—*Unemployment compensation law*

SECTION 10 (as amended 1937, ch. 314). *Administration.*—(a) The administration of this Act is hereby placed under the direction and supervision of the Unemployment Compensation Board which Board shall consist of a Chairman and two associate members, who shall each take the oath prescribed by the Constitution before entering upon the duties of his office. William Milnes Maloy shall be the first Chairman of the Board and shall hold office until June 1, 1943; Joseph P. McCurdy shall be an associate member of the Board, and shall hold office until June 1, 1939; and Russell S. Davis shall be the other member and shall hold office until June 1, 1941. Upon the expiration of each of said terms, the Governor, by and with the advice and consent of the Senate, shall appoint a successor who shall hold office for the term of six years, and until his successor is duly appointed and qualified. Any vacancy occurring during a term shall be filled by the Governor, by and with the advice and consent of the Senate, for the unexpired portion of the term. The Chairman of the Board shall receive an annual salary of $7,500.00, and the associate members shall each receive an annual salary of $5,000.00, and they shall devote their full time to the duties of their office. Any two members shall constitute a quorum. No vacancy shall impair the right of the remaining member to exercise the powers conferred upon the Board under the provisions of this Article.

(b) The Board shall establish two coordinate divisions: The State of Maryland Reemployment Service Division created pursuant to section 12 of this Act, and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Board may find that such separation is impracticable.

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SEC. 11 (as amended 1937, ch. 314). *Administration.*—

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(d) Subject to the other provisions of this Act the Board is authorized to appoint, fix the compensation and prescribe the duties and powers of such employees as may be necessary to carry out the provisions of this Act. The Board shall classify the positions and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations under the supervision of the Board to determine the classification of applicants for the positions so classified, and, except for temporary appointments, not to exceed one year in duration, shall appoint its personnel on the basis of efficiency and fitness as determined in such examinations. The Board shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. The Board shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause. Provided however that the appointments of experts and accountants may be made without reference to the aforegoing requirements as to examinations and classification of positions. The Board may delegate to any such person so appointed such power and authority as is deemed reasonable and proper for the effective administration of this article and may in its discretion bond any person handling monies or signing checks thereunder.

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SEC. 12 (as amended 1937, ch. 314). *Employment service.*—(a) The Board shall create and administer a division to be known as the Maryland State Reemployment Service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C. A. title 29, sec. 49 (c), as amended). The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof. The Maryland Reemployment Service Division is hereby designated and constituted the agency of this State for the purpose of said Act. The Board is directed to appoint the director and employees of the Maryland Reemployment Service, in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into a special "reemployment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Maryland Reemployment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said Division is authorized to enter into agreement with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the Board may accept moneys, services, or quarters as a contribution to the Reemployment Service account.

SEC. 13. *Special fund.*—

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(b) A special "reemployment service account" shall be maintained as a part of the unemployment compensation administration fund for the purposes of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There shall be paid into such account the moneys designated in section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

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MASSACHUSETTS

GENERAL LAWS, 1932

CHAPTER 23.

SECTION 9I (as added 1935, ch. 479). *Unemployment compensation commission.*—(a) There shall be in the department [of labor and industries], but not subject to its direction, a commission to be known as the Unemployment Compensation Commission, in this and the five following sections called the commission, which shall administer the provisions of chapter one hundred and fifty-one A. The commission shall be composed of three members appointed by the governor, with the advice and consent of the council, of whom one shall be a person who, on account of his previous vocation, employment, occupation or affiliation, can be classed as an employer, one shall be a person who, on account of his previous vocation, employment, occupation or affiliation, can be classed as an employee, and one shall be a person who shall represent the public and shall be chairman. Not more than two members of the commission shall be members of the same political party, and no commissioner, while in office, shall serve on any committee of any political party. Of the members first appointed one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years, and thereafter as the term of a member expires the governor, with the advice and consent of the council, shall appoint his successor for the term of six years. Vacancies shall be filled in like manner for the balance of the unexpired term. All members shall serve until the qualification of their respective successors.

SEC. 9K (as added 1935, ch. 479). *Appointment of officers.*—Subject to appropriation, the commission may appoint and employ all officers, accountants, clerks, secretaries, agents, investigators, auditors and other officers and employees, necessary for the proper administration of chapter one hundred and fifty-one A. All persons so appointed or employed shall be selected on a non-partisan merit basis, subject to chapter thirty-one and the rules and regulations made thereunder, and also subject to such rules and regulations consistent therewith as may be adopted by the commission. The commission shall not appoint or employ any person who is serving as an officer or committee member of any political party. The commission shall fix the duties and powers of all persons appointed and employed by it, and may authorize any such person to perform any of the functions of a commissioner under this chapter. The commission may, in its discretion, bond any person handling moneys or signing checks hereunder.

SEC. 9L (as added 1935, ch. 479). *Division of public employment offices.*—There shall be in the department, subject to the supervision and control of the commission, a division of public employment offices. The commission may, with the approval of the governor and council, appoint, and fix the salary of, the director of said division, and may, with like approval, remove him. The commission may appoint or employ, and remove, such inspectors, investigators, clerks and other assistants as the work of said division may require. Said division shall be the state agency for co-operation with the United States Employment Service under chapter forty-nine of the acts of the Seventy-third Congress, Session I, known as the Wagner-Peyser Act, and shall have all the powers of such an agency as specified in said act. It shall have exclusive control of the establishment, maintenance and operation of free public employment offices by the commonwealth.

SEC. 9M (as added 1935, ch. 479). *Employment districts.*—The commission shall divide the commonwealth into employment districts. Subject to appropriation, it may establish and maintain such additional free public employment offices as it may find necessary to provide at least one such office within the limits of each such employment district, and may further establish such branch or local offices within each district as it may find necessary or convenient for the proper administration of chapter one hundred and fifty-one A. Each district office shall be in charge of a district superintendent. Each branch or local office shall be in charge of a branch or local manager. Said district and branch or local offices shall be available for the payment of benefits, presentation of claims, registration of the unemployed, placement of the unemployed in available employment, and for the proper administration of chapter one hundred and fifty-one A.

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CHAPTER 149.—*Public employment offices*

SECTION 160. *Establishment.*—The department may establish and maintain in such cities as may be selected by it after investigation, with the approval of the governor and council, employment offices for the purpose of bringing together those seeking employment and those desiring to employ, and may maintain such offices now established. The commissioner shall make an annual report as to free employment offices.

SEC. 161. *Superintendent and clerks.*—The commissioner shall appoint for each of the offices provided for in the preceding section a superintendent who shall, under the direction of the commissioner, perform the duties hereinafter set forth or such as he may require. The commissioner may also appoint an assistant superintendent and such clerks as he may deem necessary for the proper conduct of the business of said employment offices. The location of each office established under the preceding section shall be plainly indicated by a proper sign.

SEC. 162. *Records; information regarding strikes.*—The superintendents of said employment offices shall receive applications from those seeking employment and from those desiring to employ, and shall register them in such manner as may be prescribed by the commissioner, and shall take such other action as the comissioner may deem best to promote the purposes of said offices. Said superintendents shall also receive applications from alien immigrants seeking employment in agricultural labor and from those desiring to employ immigrants in agricultural labor, and shall take such other action as the commissioner may deem best to promote a more general distribution of alien immigrants throughout the agricultural sections of the commonwealth. In directing applicants for employment to an employer in whose establishment a strike is in progress, the commissioner, superintendents or other departmental employees shall inform the applicant of the strike.

SEC. 163. *Fees prohibited.*—No fees shall in any case be taken from those seeking the benefits of said employment offices. Any superintendent or clerk who directly or indirectly charges or receives any fee in the performance of his duties shall be punished by a fine of not more than one hundred dollars or by imprisonment in jail for not more than one month, and shall be disqualified from holding further connection with said office.

SEC. 164. *Preference to residents.*—In registering applications for employment and for employees wanted, preference shall be given to residents of the commonwealth.

SEC. 165. *Reports.*—Each superintendent shall make to the commissioner such reports of applications for labor or employment and of other details of the work of his office as the commissioner may require. The commissioner shall cause reports showing the business of the several offices to be prepared at regular intervals and to be exchanged among the said offices, and shall supply them to the newspapers and to citizens upon request; and the several superintendents shall post such reports in a conspicuous place in their offices so that they may be open to public inspection.

SEC. 166. *Appropriation.*—There shall be allowed and paid, upon the approval of the commissioner, for salaries and for contingent expenses in connection with the establishment and maintenance of free employment offices, such sum as the general court may annually appropriate therefor.

SEC. 167. *Information regarding demands.*—The commissioner may furnish weekly to the clerks of all towns in the commonwealth printed bulletins showing the demand for employment, classified by occupations to such extent as may be practicable and indicating the town where the employees are wanted. Such information shall be based upon the applications for employees under this chapter.

SEC. 168. *Posting.*—Every town clerk shall post the lists received as aforesaid in one or more conspicuous places in the town. A town clerk who fails to comply with this section shall be punished by a fine of not more than ten dollars.

ACTS OF 1935

CHAPTER 479

SECTION 6. *Acceptance of Wagner-Peyser Act.*—Chapter forty-nine of the acts of the Seventy-third Congress of the United States, Session I, known as the Wagner-Peyser Act, is hereby accepted by the commonwealth. The existing division of public employment offices is hereby transferred to the jurisdiction of

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the unemployment compensation commission established by this act. So far as is consistent herewith, such transfer shall be accomplished without removing any officer or employee or displacing or disturbing any part, section or branch of said division.

GENERAL LAWS 1932

CHAPTER 151A

SECTION 44 (as amended 1937, ch 421). *Special employment service account.*—Special employment service accounts ahall be maintained as a part of the account, for the purpose of segregating such money as may be made available by the commonwealth for its state employment service, together with such money as may be allotted to the commonwealth under the Wagner-Peyser Act, so-called, and such money as may be apportioned for the purposes of such accounts from moneys received by the commonwealth under Title III of the Social Security Act, so-called, or under any other federal law.

For the purpose of establishing and maintaining free employment offices, the commission is authorized to enter into agreements with any city or town of the commonwealth and, as a part of any such agreement, the commission may accept moneys, services or quarters for the purposes of the employment service accounts.

MICHIGAN

COMPILED LAWS, 1929

CHAPTER 149.—*Department of labor and industry*

SECTION 8350 (as amended, 1931, Act. No. 208). *Establishment of employment bureaus; duties.*—The commission is hereby authorized to organize and establish in this State such free employment bureaus as it deems advisable for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. Such bureaus shall be designated and known as Michigan public employment bureaus. The commission shall control the public employment bureaus authorized by this act, and it shall be the duty of said commission to use all diligence in securing the cooperation of employers of labor with the purpose and objects of said employment bureau. To this end it shall be competent for said commission to advertise in the columns of newspapers or to use other mediums for such situations as it or its agents have applicants to fill, and for such help as may be called for by employers. Said commission may also advertise in a general way for the cooperation of large contractors and employers, in such trade journals or special publications as reach such employers, whether such trade journals are published in the State of Michigan or not, and it may pursue such other methods as in its judgment will best tend to accomplish the purpose of this act: *Provided*, That all managers or superintendents in charge of state public employment bureaus shall devote their entire time to the work of their office while receiving salary or wages from the state.

SEC. 8351. [Repealed by act No. 208, 1931, sec. 2.]

SEC. 8352. *Appointments.*—The commissioner of labor is authorized to appoint such assistants as may be necessary for the proper administration of such free employment bureaus. All such assistants shall be under the control and direction of the commissioner of labor, and shall receive such compensation as he shall determine. * * *

ACTS OF 1931

No. 306.—*Free employment bureaus*

SECTION 1. *Establishment of local bureaus.*—The legislative body of any city or village in this State is hereby authorized to create, acquire, control and operate free employment bureaus within the limits of said cities and villages, and may use for such purpose any property suitable therefor that is now or may at any time hereafter be owned, leased, or controlled by such city or village.

SEC. 2. *Fees, duties, etc.*—Such employment bureaus shall be established for the purpose of receiving applications of persons seeking employment and applications of persons seeking to employ labor. Such bureaus shall be designated and known as municipal or village public employment bureaus as the case may be. The cities and villages creating public employment bureaus authorized by this act may require the payment by all persons seeking employment [of] a registration fee of not more than $1 for the period of one year. For each fee there shall be issued a

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receipt which shall be in triplicate; one copy to be given to the applicant, one copy to be filed in the local office and one copy to be filed in the office of the department of labor and industry at Lansing. Every person paying such registration fee shall be entitled without further charge for the period of one year, to the service of any municipal or village public employment bureau within the city or village wherein the applicant registered. It shall be the duty of such bureaus to use all diligence in securing the cooperation of employers of labor with the purpose and objects of said employment bureau. To this end it shall be competent for the legislative bodies of such cities and villages to advertise in the columns of newspapers or to use other mediums for such situations as it or its employees and agents have applicants to fill, and for such help as may be called for by employers. Said legislative bodies of the cities and villages may also advertise in a general way for the cooperation of large contractors and employers, in such trade journals or special publications as reach such employers, whether such trade journals are published within the city or village or not, and it may pursue such other methods as in their judgment will best tend to accomplish the purpose of this act: *Provided*, That all persons in charge of such public employment bureaus shall devote their entire time to the work of their office while receiving salary or wages from the city or village.

SEC. 3. *Registrations.*—All moneys received by the cities or villages under the provisions of section 2 of this act shall be set aside and shall be known as the public employment bureau registration fund and shall be used and disbursed under the direction of the legislative body of such city or village for the purpose of conducting, maintaining and improving such employment bureaus.

SEC. 4. *Property.*—Any property acquired, owned, leased, controlled or occupied by such cities and villages for the purposes enumerated herein shall and is hereby declared to be acquired, owned, controlled or occupied for a public purpose and as a matter of public necessity, and such cities and villages shall have the right to acquire property for such purpose or purposes under the power of eminent domain as and for a public necessity and in accordance with the procedure as outlined in their charter or in the statutes of this state.

SEC. 5. *Powers.*—The powers herein enumerated may be delegated by the said legislative body of the city or village to any department, commission or agency of such city or village as may be designated or created by such legislative body.

ACTS OF 1936 (SPECIAL SESSION)

No. 1.—*Unemployment compensation law*

SECTION 3 (as amended 1937, H. B. 270). *Unemployment compensation commission.*—A commission to be known and designated as the "Michigan unemployment compensation commission", hereinafter referred to as the commission, to be composed of four members, is hereby created to administer the provisions of this act.

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SEC. 5 (as amended 1937, H. B. 270). *Personnel.*—The commission shall have the power to appoint such employees and assistants as shall be necessary for the proper exercise of the powers hereby granted, and may delegate to any such employees or assistants such authority as it deems reasonable and necessary. Employees and assistants shall receive their actual and necessary expenses incurred in the discharge of their official duties. Compensation and expenses of all assistants and employees shall be paid from the administration fund. The commission is authorized to incur such expenses as shall be required to carry out the provisions of this act.

The commission shall bond any person holding moneys or signing checks or vouchers under this act.

SEC. 6. *Director.*—The commission shall appoint an executive officer, hereinafter referred to as the director, who shall act as secretary of the commission. The director shall devote his entire time to the duties of his office, and shall perform such duties as shall be delegated by the commission. The director shall receive an annual salary not to exceed seven thousand five hundred dollars, and shall be entitled to his actual and necessary expenses incurred in the discharge of his official duties, to be paid from the administration fund.

SEC. 7 (as amended 1937, S. B. 270). *Divisions.*—The commission shall establish two coordinate divisions: the Michigan state employment service division, and the unemployment compensation division. Each of said divisions shall be responsible for the discharge of its distinctive functions, and each division shall be a separate administrative unit, with respect to personnel, budget, and duties,

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except insofar as the commission shall otherwise prescribe. The commission may also establish such other divisions as are deemed desirable for the proper administration of the provisions of this act.

SEC. 10 (as amended 1937, S. B. 270). *Administration fund.*—There is hereby created in the state treasury a special fund to be known and designated as the administration fund (Michigan unemployment compensation act). Any balances in this fund at the end of any fiscal year of the state shall be carried over as a part of said fund and shall at no time revert to the general fund of the state. All moneys deposited into said fund under the provisions of this act are hereby appropriated to the commission to pay the expenses of the administration of this act.

Said fund shall be credited with all moneys appropriated thereto by the legislature, and all moneys received from the United States of America or any agency thereof for such purpose, including the social security board and the United States employment service, and all moneys received by the state for said fund from any other source.

SEC. 12. *Employment service.*—This state hereby accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933, "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," in conformity with section four thereof.

The Michigan state employment service division shall be so administered as to cooperate with the United States employment service, and to conform with the requirements of the Wagner-Peyser act. Free public employment offices shall be established and maintained in such number and such places as may be necessary for the proper administration of this act. The said division is hereby designated and constituted the agency of this state for the purpose of the Wagner-Peyser Act.

All moneys made available by, or received by this state under said act of congress, shall be paid into a special "employment service account" in the administration fund created by this act, and said moneys are hereby appropriated and made available to the Michigan state employment service to be expended only for the uses and purposes for which same are received, as provided by this act and by said Wagner-Peyser act.

MINNESOTA

MASON'S STATUTES, 1927

CHAPTER 23.—*Department of labor and industries*

SECTION 4046. *Powers and duties.*—The commission shall have the following powers and duties: * * *

(3) *Employment agencies.*—To establish and conduct free employment agencies, and after the first day of June, 1921, to supervise the work of private employment offices all as now provided by law; to make known the opportunities for self-employment in this State, to aid in inducing minors to undertake promising skilled employments, to encourage wage earners to insure themselves against distress from unemployment, to investigate the extent and causes of unemployment in the State and remedy therefor, and to devise and adopt the most efficient means in its power to avoid unemployment.

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SEC. 4249. *Free employment bureaus.*—The department may establish State free employment bureaus in the cities of St. Paul, Minneapolis, Duluth, Winona, and one in the northwestern portion of the State, for the purpose of receiving applications from persons seeking employment, and applications from employers desiring to employ labor. There shall be no fee or compensation charged or received, directly or indirectly, from persons applying for employment, or from those desiring to employ labor through said bureaus. Every application made by an employer or an employe to the free employment bureau shall be void after 30 days from its receipt, unless the same be renewed by the applicant.

The managers of the State free employment offices shall cause to be received and recorded in books kept for that purpose, the names of all persons applying for employment, as well as the addresses of all persons, firms or corporations applying to employ labor, designating opposite the name and address of each applicant the character of employment desired or offered. Such managers shall also perform such other duties pertaining to the work of the State free employment bureau in

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the collection of labor statistics and in keeping the books and accounts of such bureau as the commissioner may require, and shall report monthly all business transacted by such offices to the commissioner of labor.

SEC. 4254. *Cooperation with Federal Government.*—The commissioner of labor is hereby authorized and empowered to cooperate with the Federal Government in the establishment, and maintenance within the state of Minnesota, of one or more employment bureaus for the purpose of bringing together the man and the job. Said commissioner is also authorized and empowered to cooperate in a similar way and for the same purpose with a municipality or municipalities, or with the federal government and any municipalities.

Such cooperative employment bureaus, when established, shall be under the joint management of the cooperating parties, and the cost and expense of establishing and of carrying on any such bureau shall be borne by the cooperating parties, upon an equitable basis to be agreed upon between them.

SUPPLEMENT (1936) TO MASON'S STATUTES, 1927

SECTION 4604. *Soldiers' welfare director.*—* * *.

The duties and powers of the soldiers' welfare agent, in addition to those otherwise provided, shall be to:

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(i) He may also establish and provide such employment placement and advisement service for disabled veterans as cannot be furnished by co-operation with other free public employment agencies.

ACTS OF 1935

RESOLUTION No. 23 (p. 788)

[This resolution accepts the terms of the national employment agency law and designates the Minnesota industrial commission to cooperate with the United States Employment Service in carrying out the law.]

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 2.—*Unemployment compensation law*

SECTION 10 (as amended 1937, ch. 306). *Administration.*—(a) The commission [Industrial Commission] shall administer this act and shall appoint such officers and employees as may be necessary for the administration thereof and shall establish a division of unemployment compensation and shall employ a full-time salaried director for the division of unemployment compensation herein established.

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(e) Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The Commission shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified. The commission shall appoint its personnel on the basis of efficiency and fitness without regard to party affiliation. The commission shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for an elective public office. The commission shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder. Employment by the commission shall be subject to the provisions of the Minnesota Soldiers Preference law as provided in sections 4368 and 4369, Mason's Minnesota Statutes for 1927, as amended by Chapter 357, Laws 1931. All salaries, compensation and wages paid shall be in conformity with the schedules for salaries, wages and compensation for other departments of State employes doing similar work.

SEC. 12 (as amended 1937, ch. 306). *Public employment offices.*—(a) The commission shall establish and maintain under the division of employment free public employment offices, in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such

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duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C. Title 29, Sec. 49 (c)), as amended. The provisions of said Act of Congress, as amended, are hereby accepted by the State, in conformity with Section 4 of said Act and this State will observe and comply with the requirements thereof.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commission for the Minnesota State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreements with any political subdivision of this State or with any private, nonprofit organization and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

MISSISSIPPI

ACTS OF 1936

CHAPTER 176.—*Unemployment compensation act*

SECTION 10. *Administrative Organization.*—(a) There is hereby created a Commission of three members to be known as the unemployment compensation commission of Mississippi. The members of the commission shall be appointed by the governor within ninety days after passage of this act, one from each supreme court district. The governor shall designate one member as chairman. The commissioners thus appointed shall serve, as designated by the governor at the time of appointment, one for a term of two years, one for a term of four years and one for a term of six years. At the expiration of such initial terms appointments shall be made for a term of four years in each case from the supreme court district from which the retiring commissioner was appointed. Any appointment to a vacancy shall be for the unexpired term in question, and from the supreme court district in which such vacancy occurred. No commissioner shall, during his term of office, serve as an officer or committee member of any political party organization.

(b) The commission shall establish two coordinate divisions: the Mississippi state employment service division created pursuant to section 12 of this act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commission may find that such separation in local offices is impracticable because of the small size of the territory served or the volume of work performed.

(c) The chairman of the commission shall be paid a fixed monthly salary, at the rate of $3,600.00 per year of service, from the unemployment compensation administration fund. The compensation of the associate members shall be ten dollars ($10.00) per day for days actually spent upon the business of the commission, and the necessary traveling expenses.

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SEC. 11. *Administration.*—

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(d) Subject to other provisions of this act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling monies or signing checks hereunder.

SEC. 12 (p. 296). *State employment service.*—(a) The commission shall create a division to be known as the Mississippi state employment service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for

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the purpose of performing such duties as are within the purview of the act of congress, entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933, (48 Stat. 113, U. S. Code, Title 29, Section 49 (c)) as amended. Any existing free public employment offices maintained by the state but not heretofore under the jurisdiction of the commission shall be transferred to the jurisdiction of such division by July 1, 1937, and upon such transfer all duties and powers conferred upon any other department, agency, or officer of this state relating to the establishment, maintenance and operation of free public employment offices shall be vested in said division. The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The Mississippi state employment service division is hereby designated and constituted the agency of this state for the purposes of said act. The commission is directed to appoint the director, other officers and employees of the Mississippi state employment service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States employment service.

(b) All monies received by this state under the said act of congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said monies are hereby made available to the Mississippi state employment service to be expended as provided by this section and by said act of congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept monies, services, or quarters as a contribution to the employment service account.

SEC. 13 (as amended 1936 (special session) ch. 3). *Employment Service Account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this act and for the purpose of cooperating with the United States employment service. There shall be paid into such accounts the monies designated in section 12 (b) of this act, and such monies as are apportioned for the purpose of this account from any monies received by this state under title III of the social security act, as amended.

MISSOURI

ACTS OF 1937

Page 574.—*Unemployment compensation law*

SECTION 4. *Unemployment compensation commission.*—(a) There is hereby created a commission to be known as the Unemployment Compensation Commission of Missouri. The commission shall consist of three members, who shall be appointed by the Governor, by and with the advice and consent of the Senate, within ninety days after the passage of this Act or after any vacancy occurs in its membership. The Governor in making such appointments shall designate one member thereof as chairman, and upon being so designated, shall be chairman of said commission.

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(b) The commission shall establish two coordinate divisions: The Missouri State Employment Service Division, created pursuant to Section 14 of this Act. and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions and each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impracticable.

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SEC. 5. *Administration.*—

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(d) Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this Act. The commission may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder. The commission shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. All positions shall be filled by persons selected and appointed on a strict non-partisan merit basis. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments, of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office shall be appointed or employed under this Act. The commission shall establish and enforce fair and reasonable regulation[s] for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

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SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 14 of this Act and for the purpose of cooperating with the United States Employment Service. There shall be appropriated to the employment service account of the unemployment compensation administration fund, from any money in the state treasury not otherwise appropriated, the sum of $220,000, and for each biennium thereafter, the sum of $220,000. In addition, there shall be paid into such account the moneys designated in section 14 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this state under Title III of the Social Security Act, as amended.

SEC. 14. *Employment Service.*—(a) The Missouri State Employment Service is hereby created and established as a division hereof. The commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress, entitled "An Act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933, (48 Stat. 113; U. S. C., title 29, sec. 49 (c)), as amended. The said division shall be administered by a full-time salaried director who shall be appointed by the commission. The commission shall cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this state, in conformity with section 4 of said Act, and this state will observe and comply with the requirements thereof. The commission is hereby designated and constituted the agency of this state for the purposes of said Act. The commission is directed to appoint, in addition to the director, all other officers and employees of the Missouri State Employment service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this state under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commission for the Missouri State employment service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreement with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

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MONTANA

ACTS OF 1937

CHAPTER 137.—*Unemployment compensation law*

SECTION 10.—*Unemployment compensation commission.*—(a) There is hereby created a commission to be known as the unemployment compensation commission of Montana. The commission shall consist of three members who shall be appointed by the governor on a non-partisan merit basis within sixty days after the passage of this act and after any vacancy occurs in its membership. Two of the members of the commission shall serve on a per diem basis and shall be paid at the rate of ten dollars ($10.00) per day of service plus actual and necessary expenses, provided, however, that the total per diem compensation in any one year for each of the said two members shall not exceed the sum of five hundred dollars ($500.00). * * *

(b) The commission shall establish two coordinate divisions: The Montana state employment service division created pursuant to Section 12 of this act, and the unemployment compensation division. Each division shall be responsible to the executive director for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget, and duties except insofar as the commission may find that such separation is impracticable.

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SEC. 11. *Administration.*—

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(d) Subject to other provisions of this act, the commission is authorized to appoint, fix the compensation and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this act. The commission may delegate to any such persons such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling money or signing checks hereunder. The commission shall classify positions under this act and shall establish salary schedules and minimum personnel standards for the positions so classified. The commission shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office shall be appointed or employed under this act. The commission shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

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SEC. 12. *Employment service.*—(a) The commission shall create a division to be known as the Montana state employment service which division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act, and for the purpose of performing such duties as are within the purview of the act of congress entitled: "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Sec. 49 (c)), as amended. The said division shall be administered by a full time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this State, in conformity with section 4 of said act, and this State will observe and comply with the requirements thereof. The Montana state employment service is hereby designated and constituted the agency of this State for the purpose of said act. The commission is directed to appoint the director, other officers, and employees of the Montana state employment service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States employment service.

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(b) All moneys received by this State under the said act of congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Montana state employment service to be expended as provided by this section and by said act of congress. For the purpose of establishing and maintaining free public employment offices, the Montana state employment service is authorized to enter into agreements with any political subdivisions of this State or with any private nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this act and for the purpose of cooperating with the United States employment service. There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any money in the state treasury not otherwise appropriated, for the period beginning July 1st, 1937, and ending June 30, 1938, the sum of $13,021.26 and, for the period beginning July 1st, 1938, and ending June 30, 1939, the sum of $13,021.26. In addition, there shall be paid into such account the moneys designated in Section 12 (b) of this act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

NEBRASKA

ACTS OF 1935

CHAPTER 107

SECTION 1. *State employment service.*—The Commissioner of Labor is hereby authorized and empowered to organize and establish in this State such free employment bureaus as he deems advisable for the purpose of receiving applications of persons seeking employment and application of persons seeking to employ labor. Such bureaus shall be included in a division to be known as the Nebraska State Employment Service, which divisions shall be under the supervision of the Commissioner of Labor. No compensation or fee shall be charged or received directly or indirectly from any person applying for employment or for help through any such bureaus. It shall be the duty of the Commissioner of Labor to undertake to secure the cooperation of employees and employers of labor with the purpose and objects of said Nebraska State Employment Service. All bureaus previously established by the Department of Labor pursuant to Section 48-202, Compiled Statutes of Nebraska, 1929, are hereby abolished and all records, files and property, including office equipment of existing bureaus shall thereupon be transferred to the State Employment Service.

SEC. 2 (as amended 1937, Bill 189, sec. 12). *Administration.*—The Governor, with the consent of the Legislature, is authorized and empowered to appoint a Director of such division, who shall devote his full time to such work. The Commissioner may appoint other officers and employees of the Nebraska State Employment Service: Provided, that no director or officer shall be appointed save and unless such person or persons so appointed have been a citizen and resident of the State of Nebraska five years next before the date of such appointment. All such appointees shall be under the supervision of the Commissioner of Labor and shall receive such compensation not to exceed Thirty-six Hundred Dollars ($3600.00) per annum, as the Governor shall determine, but, however, the expense to this state of operating and maintaining said free employment bureau or bureaus shall not exceed the state appropriation made therefor. Such bureau or bureaus may be designated as "office" or "offices". Such division shall be coordinate with the unemployment compensation division, but such division shall be responsible for the discharge of its distinctive functions, and such division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commissioner may find that such separation is impracticable in local offices because of the small size of the territory served or the volume of the work performed.

SEC. 3. *Acceptance of National employment law.*—The State of Nebraska accepts the provisions of the act of Congress approved June 6, 1933, entitled, "An Act to Provide for the Establishment of a National Employment System and for Co-

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operation with the States in the Promotion of Such System, and for Other Purposes" (48 Stat. 113 U. S. C. Title 29, Sec. 49).

The good faith of the State is hereby pledged to make available for the several purposes of said act, funds sufficient at least to equal the sums allotted from time to time to this State from the appropriations made by said act and to meet all conditions necessary to entitle the State of Nebraska to the benefits of said act. The Nebraska State Employment Service is hereby designated and constituted the agency of the State of Nebraska for the purpose of said Act. Said Service, its officers and employees are hereby given full power to cooperate with all officers of the United States having duties under such Act and to do and perform all things necessary to secure to the State of Nebraska the benefits of such Act in the promotion and maintenance of a system of public employment offices.

SEC. 4 (as amended 1937, Bill 189, sec. 12). *Public employment offices.*—It shall be the duty of the Labor Commissioner to set up and maintain in this state a system of public employment offices for the purpose of assisting employers to secure employees and workers to secure employment. Said Labor Commissioner is authorized and directed to established such offices in such parts of the state as after survey and investigation he shall deem necessary and to prescribe such rules and regulations as are necessary properly to carry out the provisions of the aforesaid act and the provisions of this Act. Upon its request the Employment Service Division shall be furnished with branch offices by the respective counties. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with any other political subdivision of this state or with any private nonprofit organization and as a part of any such agreement the commissioner may accept moneys, services or quarters as a contribution to the employment service account.

SEC. 5 (as amended 1937, Bill 189, sec. 12). *Funds.*—The State Treasurer is hereby designated custodian of all funds allotted to this state from the appropriation made by said act of Congress, and he shall receive and provide for the proper custody and disbursement of the same in accordance with said Act. Said funds shall be paid into a special employment service account in the unemployment compensation administration fund and shall be subject to the provisions of Section 13 of this Act.

SEC. 6. *Appropriation.*—[The sum of $33,690 is appropriated for maintaining public employment offices and for cooperating with the United States Employment Service.]

SEC. 7. *Duties of county board.*—[This section amends sec. 26–108, Compiled Statutes 1929, which details the duties of the county board of each county. Among other duties it shall erect county buildings, in which suitable rooms and offices shall be provided for the conduct and operation of the State free employment service.]

SEC. 8. *Repeal.*—[Section 48–202, Compiled Statutes of Nebraska, 1929 is repealed.]

ACTS OF 1937

CHAPTER 108—*Unemployment compensation law*

SECTION 12. *State employment service.*—

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(d) The Nebraska State employment service is hereby established coordinate with the unemployment compensation division as a division of the State Department of Labor which shall be administered by a full-time salaried director who shall be subject to the supervision and direction of the commissioner. Such division shall be responsible for the discharge of its distinctive functions and shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the commissioner may find that such separation is impracticable in local offices because of the small size of the territory served or the volume of the work performed. The commissioner, through such division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C. title 29, sec. 49 (c)). It shall be the duty of the commissioner to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, are hereby accepted by

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this state, in conformity with Section 4 of said Act, and this state will observe and comply with the requirements thereof. The Nebraska State Department of Labor is hereby designated and constituted the agency of this state for the purposes of said Act. The Governor is authorized, with the consent of the Legislature, to appoint the director at a salary of not to exceed Thirty-six Hundred Dollars ($3600.00) per annum, and the commissioner may appoint other officers and employees of the Nebraska State employment service.

(e) All moneys received by this state under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commissioner for the Nebraska State employment service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act, and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any money in the state treasury not otherwise appropriated, Seventy Thousand Dollars ($70,000.00) for the biennium ending June 30, 1939. In addition, there shall be paid into such account the moneys designated in Section 12 (e) of this Act, and all other moneys received from any source therefor, including such moneys as are apportioned for the purposes of this account from any moneys received by this state under title III of the Social Security Act.

NEVADA

COMPILED LAWS, 1929

Free employment agencies

SECTION 2851. *State employment service.*—SEC. 1. The state free employment service of the State of Nevada is hereby established. The commissioner of labor shall also be the executive officer of the state free employment service, and the management of such service shall be under his supervision. He shall have authority to appoint agents, who shall be under the direction of said commissioner of labor, as may be required in carrying out the provisions of this act, such agents being located at convenient points in the State for the handling of the movement of labor of all classes, with the view that labor will not be congested at any one point, and to use their best endeavors to keep the supply of labor filled at the places where it is desired and in seasonable time.

Such agents may be located at points in the State which will best serve to carry out the provisions and intent of this act, and the commissioner in charge has power to enter into agreements with the governing bodies of cities, towns, or counties which desire such service, to use a portion of the fund provided by the State to assist in the maintenence of any such service put into effect by such governing bodies, or he may establish offices at points where he deems it to be for the best interest of employment and maintain the same.

The commissioner of labor, in the capacity of head of the state free employment service, is hereby empowered to employ such clerical assistants as are necessary to carry out the provisions of this law and fix their compensation; to secure and distribute the necessary books and forms for keeping a record of the movement of labor, registration and placements and all reports required to be made to that end. The said commissioner is authorized to attend conferences outside the state in cooperation with government officers and other state employment officials, relative to labor and employment conditions, and he shall be entitled to his necessary expenses upon any such attendance, said amounts to be paid out of the State free employment service fund upon approval of the State board of examiners.

SEC. 2852. *Duties.*—SEC. 2. The agents in charge of any of the state free employment offices established under the provisions of this act, and under the direction of the commissioner of labor, shall receive applications from those seeking

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employment and from those seeking employees, and shall register every applicant on properly arranged cards or forms provided by the commissioner of labor.

SEC. 2853. *Reports.*—SEC. 3. Each such agent shall make the commissioner of labor such periodic reports of applications for labor or employment and all other details of the office work of each office and the expense of maintaining the same as the commissioner may require.

SEC. 2854. *Advertising.*—SEC. 4. The commissioner of labor shall have power to solicit business for the state free employment service, established under this act, by advertising in newspapers and in any other way he may deem expedient: *Provided,* that the expenditure under the provisions of this act shall not exceed ten per cent of the total expenditure.

SEC. 2855. *Fees.*—SEC. 5. No fees, direct or indirect, shall in any case be charged or received from those seeking the benefits of this act.

SEC. 2856. *Violations.*—SEC. 6. Any agent or clerk, subordinate or appointee appointed under the provisions of this act who shall accept, directly or indirectly, any fee, compensation, or gratuity from anyone seeking employment, or from anyone offering employment under this act, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than one hundred dollars ($100) or by imprisonment in jail not to exceed three months, or both, and shall thereafter be disqualified from holding any office or position in such department.

SEC. 2857. *Strike notice to be posted.*—SEC. 7. An employer, or a representative of employers or employees, may file at a state free employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected, if filed by employees, or to the employees affected, if filed by employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the state free employment service of a vacancy or vacancies, the agent in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

SEC. 2858. *Cooperation with Federal bureaus.*—SEC. 8. The commissioner of labor is hereby authorized and empowered to cooperate with the federal government in the establishment and maintenance within the State of Nevada of one or more employment bureaus for the purpose of bringing together the man and the job. Such cooperative employment bureaus, when established, shall be under the joint management of the cooperative parties, and the cost and expense of establishing and of carrying on any such bureau shall be borne by the cooperative parties upon an equitable basis to be agreed upon between them.

ACTS OF 1935

CHAPTER 96[5]

SECTION 1. [This section provides for the acceptance of the national employment agency law.]

SEC. 2. *Administration.*—The office of the labor commissioner is hereby designated and constituted the agency of the State of Nevada for the purposes of this act.

SEC. 3. *Duties of labor commissioner.*—The labor commissioner of the State of Nevada is hereby designated as the officer to carry out said act. The labor commissioner shall be executive officer in charge of the administration of this act in accordance with the rules prescribed by the director of the United States employment service. The labor commissioner shall receive reimbursement of necessary traveling and other expenses from funds appropriated or allotted to the support of the Nevada state employment service. Said labor commissioner shall appoint other personnel of the Nevada state employment service created under this act, and fix their compensation in accordance with rules and regulations prescribed by the United States employment service. The labor commissioner is hereby given full power to cooperate with all authorities of the United States having powers or duties under such act to do and perform all things necessary to securing to the State of Nevada the benefits of such act in the promotion and maintenance of a system of public employment offices. The labor commissioner is authorized and directed to establish such offices in such parts of the State as he deems necessary and to prescribe rules and regulations not inconsistent with any of the provisions of this act.

[5] Parts of this chapter are not specifically covered by the unemployment insurance law; it is therefore included here

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SEC. 4. *No fees to be charged.*—No fees, direct, or indirect, shall, in any case, be charged or received from those seeking the benefits of this act.

SEC. 5. *Violations.*—Any agent or clerk, subordinate or appointee appointed under the provisions of this act who shall accept, directly or indirectly, any fee, compensation or gratuity from anyone seeking employment or from anyone offering employment under this act shall be guilty of a misdemeanor and shall be immediately removed from service and punished by a fine not more than one hundred ($100) dollars or by imprisonment in the jail not exceeding three months, or both, and shall thereafter be disqualified from holding any office or position in this department.

SEC. 6. *Notice of strike.*—Any employer or a representative of employers or employees may file at a public employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employer affected if filed by the employees or to the employee affected if filed by the employers. In case a reply is received to such a statement, it should also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the public employment office of a vacancy or vacancies, the agent in charge shall advise any applicant of such vacancy or vacancies of the statement posted.

SEC. 7. *Agencies in cities, towns or counties.*—The labor commissioner of the State of Nevada has the power to enter into agreement with governing bodies of cities, towns or counties who desire such service, to use a portion of the funds provided by the state to assist in the maintenance of any such service put into effect by such governing bodies.

SEC. 8. *Use of Federal funds.*—All federal funds made available to this state under said act of Congress shall be paid into the state treasury and said funds are hereby appropriated and made available to the Nevada state employment service as provided by act of Congress and this act.

ACTS OF 1937

CHAPTER 129.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created under the labor commissioner a division to be known as the unemployment compensation division, which shall be coordinate with the Nevada state employment service. The unemployment compensation division shall be administered by a full-time salaried director, who shall be appointed and whose salary shall be fixed by the governor, but who shall be subject to the supervision and direction of the commissioner. Said unemployment compensation division and the Nevada state employment service division shall each be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commissioner may find that such separation is impracticable. The commissioner is authorized to prescribe the duties of the director of the unemployment compensation division, and to appoint, fix the compensation of, and prescribe the duties of the director of the Nevada state employment service division in accordance with the provisions of section 12 of this act.

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SEC. 11. *Administration.*—

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(d) (1) For the purpose of insuring the impartial selection of personnel on the basis of merit, the governor shall appoint a board of three members composed of one representative who because of his present vocation, employment or affiliations may fairly be regarded as a representative of labor, one representative who because of his present vocation, employment or affiliations may fairly be regarded as a representative of employers and one representative from the faculty of the university of Nevada who shall represent the public. The members of said board shall be paid at the rate of ten ($10) dollars per diem of actual service plus necessary expenses and shall serve at the pleasure of the governor.

(2) Subject to other provisions of this act, the board shall provide for the holding of examinations to determine the qualifications of applicants for the positions classified by the director as hereinafter set forth. Within six months of the effective date of this act, said board shall furnish the director with lists of eligible candidates for the positions so classified in the order of their ratings as determined by the examinations. All expenses of the board incident to the

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holding of such examinations shall be paid from the unemployment administration fund.

(3) Except for temporary appointments not to exceed six months in duration, the director shall select all personnel from eligible lists as provided above. Such selection shall be made either from the first three candidates on the eligible lists or from the highest rating candidate within a radius of sixty miles of the place in which the duties of this position will be performed. Personnel appointed on a temporary basis of not to exceed six months in duration who have passed the merit examinations as provided above, and whose names are certified on the eligible lists furnished to the director by the board, shall retain their positions, if in his opinion their duties have been satisfactorily performed. The director is authorized to fix the compensation and prescribe the duties and powers of such personnel, including such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of the duties under this act and may delegate to any such persons such power and authority as he deems reasonable and proper for its effective administration. He may, in his discretion, bond any person handling moneys or signing checks thereunder. The director shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. He shall devise and establish fair and reasonable regulations governing promotions, demotions and terminations for cause in accordance with such established personnel practices as will tend to promote the morale and welfare of the organization.

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SEC. 12. *Employment service.*—(a) The Nevada state employment service is hereby reestablished under the labor commissioner as a coordinate division with the division of unemployment compensation. The commissioner, through such employment service division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purposes of performing such duties as are within the purview of the act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49 (c), as amended). The provisions of the said act of Congress, as amended, are hereby accepted by this state in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. It shall be the duty of the commissioner to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of Congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said act of Congress, as amended in the promotion and maintenance of a system of public employment offices. The Nevada labor commissioner is hereby designated and constituted the agency of this state for the purposes of said act. The commissioner is directed to appoint the director, other officers, and employees of the Nevada state employment service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States employment service.

(b) All moneys received by this state under the said act of Congress, as amended shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the commissioner for the Nevada state employment service, to be expended as provided by this section and by said act of Congress. For the purpose of establishing and maintaining free public employment offices, the commissioner is authorized to enter into agreements with any political subdivision of this state, or with any private, nonprofit organization, and as part of any such agreement the commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this act and for the purpose of cooperating with the United States employment service. There shall be paid into such account the moneys designated in section 12(b) of this act, such moneys as are apportioned for the purposes of this account from any moneys received by this state under title III of the social security act, as amended, and any moneys which may hereafter be appropriated by the state for the Nevada state employment service.

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NEW HAMPSHIRE

PUBLIC LAWS 1926

CHAPTER 179-A.—*Unemployment compensation law* [6]

SECTION 9. *Unemployment compensation division.*—A. There is hereby created in the Bureau of Labor two co-ordinate divisions, the New Hampshire State employment service division and a division known as the unemployment compensation division, each of which shall be administered by a full-time salaried administrator who shall be subject to the supervision and direction of the commissioner. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties except so far as the commissioner may find such separation is impractical. The commissioner, with the approval of the Governor and Council, is directed to appoint the director, other officers and employees of the New Hampshire State Employment Service. Such appointment shall be made in accordance with regulations prescribed by the Director of the United States Employment Service. The commissioner, through the New Hampshire State Employment Service, shall establish and maintain free public employment offices in such numbers and in such places as may be necessary for the proper administration of this chapter.

B. It shall be the duty of the Commissioner to administer this chapter; and he shall have the power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end.

* * * * * * *

E. The commissioner [of labor] is authorized to employ all the necessary officers, accountants, clerks, agents, investigators, auditors and other persons necessary for the proper administration of this chapter, and to fix the amount of their compensation subject to the approval of the Governor and Council. They shall be selected and appointed on a nonpartisan basis of efficiency and fitness. The commissioner shall fix the duties and powers of all persons thus employed, and may authorize any such person to perform any of the functions of the commissioner under this chapter. The commissioner may in his discretion, bond any person handling moneys or signing checks hereunder.

SEC. 10. *Special fund.*—A. There is hereby created in the state treasury a special fund to be known as the unemployment compensation administration account. All moneys which are deposited or paid into this account are hereby appropriated and made available to the commissioner. All moneys in this account shall be expended solely for the purpose of defraying the cost of the administration of this chapter and for no other purpose whatsoever. The account shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board and the United States Employment Service, or from any other source, for such purpose. All moneys in this account shall be deposited, administered, and disbursed, in the same manner and under the same conditions and requirements as is provided by law for other special funds in the State treasury. Any balances in this account shall not lapse at any time, but shall be continuously available, to the commissioner for expenditures consistent with this chapter. The State treasurer shall give a separate and additional bond conditioned upon the faithful performance of his duties in connection with the unemployment compensation administration fund in an amount to be fixed by the commissioner and in a form approved by the attorney general. The premiums for such bond and the premiums for the bond given by the treasurer of the unemployment compensation fund under section 8 of this chapter shall be paid from the moneys in the unemployment compensation administration account.

B. A special "employment service account" shall be maintained as a part of the unemployment compensation administration account for the purpose of maintaining public employment offices established pursuant to chapter 146 of the Laws of 1935 and for the purpose of co-operating with the United States Employment Service. There shall be paid into such account the moneys apportioned for the purposes of this account from any moneys received by this State under title 3 of the Social Security Act, as amended.

[6] Added by ch. 99, Acts of 1935, reenacted by ch. 178, Acts of 1937.

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ACTS OF 1935

CHAPTER 146

SECTION 1. *Federal act accepted.*—The state of New Hampshire hereby accepts an act of Congress entitled "An act to provide for the establishment of a National Employment System and for co-operation with the State[s] in the promotion of such System, and for other purposes," approved June 6, 1933, in conformity with section 4 thereof.

SEC. 2. *State to co-operate.*—The commissioner of labor is hereby designated as the state agency for the purposes of said act and is hereby authorized and directed to co-operate with the United States Employment Service under said act and is given full power to co-operate with all authorities of the United States having powers and duties under such act, and to do and perform all things necessary to secure to the state of New Hampshire the benefit of such act in the promotion and and maintenance of a system of public employment offices.

SEC. 3. *State employment offices.*—The commissioner of labor shall establish and maintain a New Hampshire state employment office responsible for the administration of a system of public employment offices throughout the state. Such offices shall be located in such places as the commissioner may determine and shall be managed in accordance with rules and regulations adopted by the commissioner. The commissioner shall appoint such clerks and assistants as may be necessary for the conduct thereof and shall fix their compensation.

SEC. 4. *Preference to residents.*—In registering applications for employment and for employees wanted preference shall be given to residents of the state.

SEC. 5. *Duty of city and town clerks.*—It shall be the duty of the city and town clerks to co-operate with the New Hampshire state employment office in the reception and forwarding of applications from those seeking employment and those desiring employees. Such city or town clerks shall receive no compensation from the state for such services but may receive additional compensation therefor according to the direction of the respective cities and towns.

SEC. 6. *Reports.*—The commissioner of labor shall prepare and publish from time to time reports relating to the activities of the said New Hampshire state employment office.

NEW JERSEY

1911–1924 SUPPLEMENT TO COMPILED STATUTES

Free labor bureaus

SECTION 107–145A(1).[7] *Bureaus authorized.*—The Department of Labor is hereby authorized to establish such labor bureaus in the offices of the Department of Labor, or elsewhere in the State, as the Commissioner of Labor may deem advisable, for the following purposes: To bring together employers seeking employees and working people seeking employment; to supply information as to opportunities for securing employment in this State, and the character of the work to be performed; to supply such information as may enable persons to secure industrial and agricultural training and employment; to investigate the extent and causes of unemployment in the State of New Jersey, and as far as possible to suggest remedies therefor; to adopt the most efficient means within its power to avoid unemployment; to provide employment and to prevent distress from involuntary idleness; and to keep a record of all labor disturbances or strikes brought to its attention.

SEC. 107–145A(2). *Advisory committees.*—The Commissioner of Labor is authorized to appoint advisory committees or agents, who shall serve without pay, to aid in carrying on his work in the various parts of the State.

SEC. 107–145A(3). *Data as to unemployment.*—The Commissioner of Labor shall secure all data as to unemployment and also in regard to those who desire to secure employees, and shall take the most efficient method in disseminating such information throughout the State as may enable those unemployed to secure the position.

SEC. 107–145A(4). *Cooperation.*—The Commissioner of Labor is authorized to cooperate with any other public employment bureaus, whether operated by voluntary, charitable, or eleemosynary organizations or by municipalities in this or other States or by States or by the United States Government.

[7] Sections 107–145A (1), 107–145A (8), and 107–136A (13) have not been specifically repealed. They are therefore included here.

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SEC. 107–145A(5). *Fees.*—No fees or other compensation shall be charged or received, directly or indirectly, for any service performed pursuant to the provisions of this act, from any person applying for employment or from any person desiring an employee.

SEC. 107–145A(6). *Strikes, etc.*—The agents in charge of the labor bureaus organized pursuant to this act or cooperating with the Department of Labor in carrying out the provisions of this act shall keep a record of all labor disturbances or strikes that occur in the territory covered by each office. All such agents shall give notice of the existence of any labor disturbance or strike to all applicants for a position who may be affected thereby.

SEC. 107–145A(7). *Bulletins, etc.*—The Commissioner of Labor may, in his discretion, issue such bulletins, notices, circulars or other printed matter as may be necessary for carrying out the objects of this act.

SEC. 107–145A(8). *Facilities, etc.*—The Commissioner of Labor may, for the purposes of carrying out this act, use such offices, employees or funds at his command, or fees received by him, as may be available for that purpose.

Department of labor

SECTION 107–136A(13). *Bureau of employment.*—The bureau of employment shall be constituted as contemplated by an act * * * [ch. 47, acts of 1915], except that the Commissioner of Labor shall appoint a chief of the bureau and fix his compensation and appoint such additional clerks and employees as may be necessary, and fix their compensation. By the bureau thus organized the powers and duties devolved upon the Department of Labor in and by the said act shall be exercised and performed.

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 270.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created a commission to be known as the Unemployment Compensation Commission of New Jersey. It shall consist of seven members who shall be appointed by the Governor, with confirmation by the Senate, not more than four of whom shall be of the same political affiliation. * * *

(b) The commission shall appoint an executive director who shall be the chief executive and approval officer of the commission and its official agent for all purposes, and who shall hold office at its pleasure. He shall give his full time to the duties of this office, shall be paid a suitable salary to be fixed by the commission and shall have general charge and supervision of the work of all departments of the commission as well as any subdivisions thereof.

It shall be the duty of the executive director to administer this act with the advice of the commission; * * *

(c) The executive director shall establish such administrative divisions as may be necessary to carry out the purposes of this act, subject to approval of the commission. Among such divisions shall be New Jersey State Employment Service Division, established pursuant to section 12 of this act. The New Jersey State Employment Service shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find such separation to be impracticable.

* * * * * * *

SEC. 12. *Employment Service.*—(a) The employment bureau of the New Jersey Department of Labor and its present personnel, including those employed by the New Jersey National Re-employment Service, is hereby transferred to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the act of Congress entitled "An act to provide for the establishment of a national employment system and for co-operation with the States in the promotion of such system, and for other purposes," approved June sixth, one thousand nine hundred and thirty-three (48 Stat. 113; U. S. C., title 29, sec. 49 (c)), as amended. The said division shall be administered by a full-time salaried director, who shall be charged with the duty, subject to the supervision of the commission and the executive director, to co-operate with any official or agency of the United States having powers or duties under the provisions of the said act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said act of Congress, as amended, in the

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promotion and maintenance of a system of public employment offices. The provisions of the said act of Congress, as amended, are hereby accepted by this State, in conformity with section four of said act, and this State will observe and comply with the requirements thereof. The New Jersey State Employment Service division is hereby designated and constituted the agency of this State for the purpose of said act. The executive director, with the approval of the commission, is empowered to appoint, subject to the provisions of chapter 156, P. L. 1908, and the supplements and amendments thereto, the director, other officers, and employees, subject to the provisions aforesaid, of the New Jersey State Employment Service on a nonpartisan merit basis from lists of eligible persons prepared by the Civil Service Commission and in accordance with regulations prescribed by the director of the United States Employment Service; *provided, however*, that present employees having civil service status shall retain full rights as provided in the Civil Service Act of this State.

(b) All moneys received by this State under the said act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the New Jersey State Employment Service to be expended as provided by this section and by said act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13.—*Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section twelve of this act and for the purpose of co-operating with the United States Employment Service. There is hereby appropriated to this account the balance of any sum previously appropriated to the employment service, and such additional sum as to equal sixty-five thousand dollars ($65,000.00) for the remainder of the fiscal year ending June thirtieth, one thousand nine hundred and thirty-seven. The Governor shall fix and determine and state in his annual budget message a sum sufficient to pay the estimated amount of the State's net share of the cost of the employment service as provided in this act. The Legislature shall include the amount so determined and stated in the annual appropriation bill. In addition, there shall be paid into such account the moneys designated in section twelve (b) of this act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

NEW MEXICO

LAWS OF 1931

CHAPTER 9.—*Labor and industrial commission*

SECTION 12. *Establishment of employment agency.*—The Labor Commissioner may, if deemed necessary, maintain and operate a free employment agency for the purpose of supplying labor to all branches of industry.

ACTS OF 1934 (SPECIAL SESSION)

CHAPTER 15.—*Public employment agencies*

SECTION 1. *Federal act accepted.*—The State of New Mexico hereby accepts the provisions of the act of Congress approved June 6, 1933, entitled "an act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes."

SEC. 2. *Administration.*—The Labor Commissioner of the State of New Mexico is hereby designated and constituted the agency of the State of New Mexico for the purpose of such Act, with full power to establish such public employment offices throughout the State of New Mexico as he may deem necessary to fully carry out the purposes, to employ such agents, clerks and employees as are necessary therefor, with full power to cooperate with all authorities of the United States having powers or duties under said Act of Congress and to do and perform

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all things necessary to secure to this State the benefits of said Act in the promotion and maintenance of a system of public employment offices. All funds made available to this State under said Act of Congress shall, upon receipt thereof, be paid into the General Funds of the State Treasury and are hereby appropriated therefrom to be expended by the Labor Commissioner as provided by the Act of Congress and by this Act.

SEC. 3. *Appropriation.*—[For the purpose of maintaining public employment offices, the sum of $1,252 was appropriated for the fiscal year ending June 30, 1934, and the further sum of $5,000 for the fiscal year ending June 30, 1935.]

[Chapter 8, acts of 1935, appropriates for the purpose of carrying out the provisions of the above chapter during the twenty-third, twenty-fourth, and twenty-fifth fiscal years the additional sum of $33,000.]

ACTS OF 1936 (SPECIAL SESSION)

ACT NO. 1.—*Unemployment insurance law*

SECTION 10. *Administrative organization.*—(a) There is hereby created a commission to be known as the Unemployment Compensation Commission of New Mexico. The commission shall consist of three members, who shall be appointed by the Governor by and with the consent of the Senate as soon as possible after the passage and approval of this Act and thereafter when any vacancy occurs in its membership. Each member shall hold office for a term of six years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term; and (2) the term of office of the members first taking office after the date of enactment of this Act shall expire, one February 1, 1939, one February 1, 1941, and one February 1, 1943. The members of the commission shall be state officers and before entering upon the duties of their office shall take the oath of office prescribed for state officers.

(b) One of the members of the commission so appointed shall be the chairman of the commission and shall also serve as executive director of the commission and all divisions thereof. He shall devote his full time to the duties of such office and shall be paid a salary to be fixed by the Governor not to exceed Six Thousand Dollars per year. The other two members of the commission shall not receive any fixed salary but shall be paid at the rate of Ten Dollars per day plus necessary expenses while engaged in the actual performance of their duties but neither of said two commissioners shall in any event receive more than One Thousand Dollars salary in addition to expenses for any calendar year. The salaries of all commissioners shall be paid from the unemployment compensation administration fund. The chairman of the commission shall be designated by the Governor.

(c) The commission shall establish two coordinate divisions: the New Mexico State employment service division created pursuant to section 12 of this Act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impractical.

SEC. 11. *Administration.*—

* * * * * * *

(d) Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder.

* * * * * * *

SEC. 12. *Employment service.*—(a) The New Mexico State Employment Service created by Chapter 15, Special Session Laws of 1934, is hereby transferred to the commission as a division thereof, together with its existing personnel and all of its records, files and property, including office equipment and the unexpired balance of any appropriations, and any moneys available for such offices are hereby transferred and made available to the commission for the purpose of maintaining said State Employment Division. All moneys available and unexpended for the purposes of such employment offices and in the hands of the State Treasurer shall be

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transferred to the account of the commission and any or all thereof may be withdrawn from the State Treasury by the commission to be placed in the custody of its treasurer upon proper resolution presented to the State Treasurer. Such moneys when received by the commission shall be placed in the "Employment Service Account" hereinafter provided for. All the duties and powers of the Labor Commissioner of the State of New Mexico relating to the establishment, maintenance and operation of free public employment offices is hereby vested in the Employment Service Division of the commission. The commission shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49 (c)), as amended. The unemployment compensation commission is hereby designated and constituted the agency of this State for the purpose of said Act. The said division shall be administered by a full-time salaried director who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices.

The commission is directed to appoint the director, other officers, and employees of the New Mexico State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the New Mexico State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13 (as amended 1937, ch. 129). *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. In addition, there shall be paid into such account the moneys designated in section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

NEW YORK

CAHILL'S CONSOLIDATED LAWS, 1930

CHAPTER 32, ARTICLE 2.—*Department of labor*

SECTION 21. *General powers and duties of commissioner.*—The commissioner: * * *

7. May provide for the establishment and maintenance of public employment offices for the purpose of securing employment for men, women, and children. * * *

SEC. 21a. *Study of employment problems.*—For the purpose of improving the State public employment offices and cooperating with the federal authorities in an intelligent long-time-employment program, the industrial commissioner is hereby authorized to make a thorough-going, impartial, and objective study of the employment offices maintained by the state of New York and in this connection to operate a laboratory experiment or demonstration stations. In order to make such study and operate such laboratory the industrial commissioner shall appoint an advisory committee which shall include the director of the United States Employment Service. The industrial commissioner is hereby authorized to accept a contribution or contributions of funds to be used in his

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discretion to carry out the purposes of this section and to assist in the supervision and conduct of this study, and shall make an annual report on the progress of the same.

SEC. 21-b (as added 1933 (special session) ch. 812).[8] *Federal act accepted.*—1. The state of New York hereby accepts the provisions of an act of the congress of the United States effective June sixth, nineteen hundred thirty-three, entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes."

2. The industrial commissioner is hereby designated as the agent of the state as required by such act of congress hereinbefore specified in section one and as such agent is hereby authorized, empowered and directed to cooperate with the United States employment service under and pursuant to the terms, conditions, provisions and requirements of such act and he shall have and exercise all powers necessary therefor. Such commissioner is hereby further authorized, empowered and directed to take such steps and to formulate such plans and to execute such projects as may be necessary or appropriate to obtain for and on behalf of the state the full benefits, advantages and privileges derivable under and pursuant to such act of congress.

3. The department of taxation and finance is hereby authorized and empowered to receive from the federal government any and all funds allocated or apportioned to the state under such act of congress. Such moneys shall be placed in a special fund and shall be payable upon the audit and warrant of the comptroller upon vouchers approved by the industrial commissioner and shall be used by him for the purposes specified in such act or in any agreement or plan entered into or formulated by him with the United States employment service pursuant to such act.

CHAPTER 41, ARTICLE 120.—*Labor*

SECTION 1274. *Fees in public employment offices.*—A person connected with or employed in a free public employment bureau, who shall charge or receive directly or indirectly, any fee or compensation from any person applying to such bureau for help or employment, is guilty of a misdemeanor.

SEC. 1275. (as amended 1934, ch. 702).[9] *Violations, etc.*—Any person who violates or does not comply with any provision of the labor law, any provision of the industrial code, any rule, regulation or lawful order of the department of labor, industrial commissioner or industrial board, and any person who knowingly makes a false statement in or in relation to any application made for an employment certificate as to any matter required by the labor law to appear in any affidavit, record, transcript or certificate therein provided for, is guilty of a misdemeanor and upon conviction shall be punished, except as in this chapter otherwise provided, for a first offense by a fine of not more than fifty dollars; for a second offense by a fine of not less than fifty dollars nor more than two hundred and fifty dollars, or by imprisonment for not more than 30 days or by both such fine and imprisonment; for a third offense by a fine of not less than two hundred and fifty dollars, or by imprisonment for not more than sixty days, or by both such fine and imprisonment.

ACTS OF 1935

CHAPTER 468.—*Unemployment insurance law* [10]

SECTION 518 (as amended 1937, ch. 142). *Administration; employment office.*—1. This article shall be adminstered by the commissioner and for such purpose he shall have power to make all rules and regulations and, subject to the regulations of the civil service, to appoint such officers and employees as may be necessary in the administration of this article.

2. The commissioner may create as many employment districts and may establish and maintain as many state employment offices as he deems necessary to carry out the provisions of this article.

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5. The commissioner shall divide the state into such number of employment districts as he finds necessary and shall maintain a district office in each of said districts. Each district office shall be in charge of a district superintendent. In each district the commissioner shall establish such number of local employment

[8] See Supplement (1931-35) to Cahill's Consolidated Laws, 1930, ch. 32, sec. 21-b.
[9] See Supplement (1931-35) to Cahill's Consolidated Laws, 1930, ch. 41, art. 120.
[10] See Supplement (1931-35) to Cahill's Consolidated Laws, 1930, ch. 32, art. 18.

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offices as he finds necessary, which offices, in addition to the other duties prescribed herein and by the commissioner, shall act as free public employment exchanges. Each local employment office shall be in charge of a local manager.

SEC. 520. *Unemployment administration fund.*—There is hereby created the unemployment administration fund to consist of all moneys received by the state or the commissioner for the administration of this article. Such fund shall be handled by the commissioner of taxation and finance and state comptroller as other state moneys are handled; but it shall be expended solely for the purposes herein specified, and its balances shall not lapse at any time but shall remain continuously available to the commissioner for expenditure consistent herewith. All federal moneys allotted or apportioned to the state by the federal social security board, or other agency, for the administration of this article, shall be paid into the unemployment administration fund. A special "employment service account" of funds received by the state in accordance with the provisions of section twenty-one-b of the labor law, shall be maintained as a part of such fund.

NORTH CAROLINA

MICHIE'S CODE, 1935

SECTION 7312 (a). *Offices established.*—In order to promote the establishment and maintenance of free employment offices for men, women, and juniors who are legally qualified, seeking employment, and for employers desiring workers, there is hereby created in the department of labor and printing a free employment bureau, to be known as the State employment service. Such bureau shall be in charge of an officer to be known as the State employment director, appointed by the commissioner of labor in accordance with the regulations prescribed by the director of the United States employment service, said state director to receive an annual salary not to exceed three thousand dollars to be fixed by the Commissioner of Labor. There shall also be appointed in said bureau, by the commissioner of labor and printing, such assistants and other employees as are necessary to carry out the provisions of this article.

SEC. 7312 (a1). [This section provides for the acceptance of the national employment agency law and continues as follows:]

The State department of labor is hereby designated and constituted the agency of the State of North Carolina for the purposes of such act, and the commissioner of said department of labor is hereby given full power to cooperate with all authorities of the United States having powers or duties under such Act and do and perform all things necessary to secure to the State of North Carolina the benefits of such act in the promotion and maintenance of a system of public employment offices.

SEC. 7312 (b). *Places.*—It shall be the duty of the commissioner of labor and printing, and he shall have the power, jurisdiction, and authority:

To establish and conduct free employment offices in the State where, in the opinion of the commissioner, such action may be deemed advisable and expedient; to in all proper ways within the limitations of this article bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities of self-employment in the State; to devise and adopt the most efficient means to avoid unemployment, and to extend vocational guidance through the facilities of such service.

SEC. 7312 (c). *Veterans.*—The employment bureau shall cooperate with the federal board for vocational education, division for rehabilitation of crippled soldiers and sailors, in endeavoring to secure suitable employment and fair treatment of the veterans of the world war.

SEC. 7312 (d). *Minors.*—The employment bureau shall have jurisdiction over all matters contemplated in this article pertaining to securing employment for all minors who avail themselves of the free employment service; to so conduct its affairs that at all times it shall be in harmony with laws relating to child labor and compulsory education; to aid in inducing minors over sixteen, who can not or do not for various reasons attend day school, to undertake promising skilled employment; to aid in influencing minors who do not come within the purview of compulsory education laws, and who do not attend day school, to avail themselves of continuation or special courses in existing night schools, vocational schools, part-time schools, trade schools, business schools, library schools, university extension courses, etc., so as to become more skilled in such occupation or vocation to which they are respectively inclined or particularly adapted; to aid in securing

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vocational employment on farms for town and city boys who are interested in agricultural work, and particularly town and city high-school boys who include agriculture as an elective study; to cooperate with various social agencies, schools, etc., in group organization of employed minors, particularly those of foreign parentage, in order to promote the development of real, practical Americanism through a broader knowledge of the duties of citizenship; to investigate methods of vocational rehabilitation of boys and girls who are maimed or crippled, and ways and means for minimizing such handicap.

SEC. 7312 (e). *Information.*—The employment bureau shall make public, through the newspapers and other media, information as to situations it may have applicants to fill, and establish relations with employers for the purpose of supplying demands for labor. The bureau shall collect, collate, and publish statistical and other information relating to the work under its jurisdiction; investigate economic developments, and the extent and causes of unemployment and remedies therefor within and without the State, with the view of preparing for the information of the general assembly such facts as in its opinion may make further legislation desirable.

SEC. 7312 (f). *Cooperation.*—The commissioner of labor and printing is authorized to enter into agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and for the extension of vocational guidance in cooperation with the United States employment service, and under and by virtue of any such agreement as aforesaid to pay from any funds appropriated by the State for the purposes of this article, any part or the whole of the salaries, expenses or rent, maintenance, and equipment of offices and other expenses.

SEC. 7312 (g). *Gifts.*—It shall be lawful for the commissioner of labor and printing to receive, accept, and use, in the name of the people of the State, or any community or municipal corporation, as the donor may designate, by gift or devise, any moneys, buildings, or real estate for the purpose of extending the benefits of this article, and for the purpose of giving assistance to deserving maimed or crippled boys and girls through vocational rehabilitation.

SEC. 7312 (h). *Municipal action.*—It shall be lawful for the governing authorities of any municipality, county, township, or school corporation in the State to enter into cooperative agreement with the commissioner of labor and printing, and to appropriate and expend the necessary money upon such conditions as may be approved by the commissioner of labor, and to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon, and which will further the purpose of this article.

SEC. 7312 (i). *Appropriation.*—For the purpose of carrying out the provisions of this article there is hereby appropriated out of the general funds of the State not otherwise appropriated the sum of seventy-five thousand dollars ($75,000.00) per annum for the purpose of maintaining the public employment offices created under this article and for the purpose of cooperating with the United States employment service.

SEC. 7312 (ii). *Disbursing appropriation.*—The funds appropriated herein, together with all Federal funds made available to this State under said act of Congress, shall be paid into the general treasury of this State, and said funds are hereby appropriated and made available for carrying out the provisions of this article in accordance with the provisions of the said act of Congress. Upon the voucher of the commissioner of labor the auditor shall audit and the treasurer pay the expenses of the said free employment service not in excess of the funds available under the provisions of this article.

ACTS OF 1936 (FIRST SPECIAL SESSION)

CHAPTER 1.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created a commission to be known as the Unemployment Compensation Commission of North Carolina. The commission shall consist of three members, two of whom shall be appointed by the Governor within thirty days after the passage of this act. In case of any vacancy occurring in the membership of such commission as to the two members thereof appointed by the Governor, such vacancy shall be filled by appointment by the Governor. * * *

(b) The commission shall establish two coordinate divisions: The North Carolina State Employment Service Division, created pursuant to Section 12 of this act, and the Unemployment Compensation Division. Each division shall be

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responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except in so far as the commission may find that such separation is impracticable.

(c) Each commissioner appointed by the Governor shall be paid from the Unemployment Compensation Administration Fund a salary payable on a monthly basis, which salary shall be fixed by the Governor, with the approval of the Council of State. The compensation of the Commissioner of Labor as the third member of the said commission ex officio shall be the same as now fixed by law and paid as now prescribed by law.

SEC. 11. *Personnel.*—

* * * * * * *

(d) Subject to other provisions of this act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments not to exceed six months in duration, shall appoint its personnel on the basis of efficiency and fitness as determined in such examinations. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may, in its discretion, bond any person handling moneys or signing checks hereunder.

SEC. 12. *State Employment Service.*—(a) The State Employment Service created by Chapter 106, Public Laws of 1935, and acts amended thereby, is hereby transferred to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act, and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, sec. 49, (c)), as amended. The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said act of Congress as amended, are hereby accepted by this State, in conformity with Section 4 of said act, and this State will observe and comply with the requirements thereof. The State Employment Service Division is hereby designated and constituted the agency of this State for the purpose of said act. The commission is directed to appoint the director, other officers, and employees of the State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States Employment Service.

(b) All moneys received by this State under the said act of Congress, as amended, shall be paid into the special "employment service account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the State Employment Service to be expended as provided by this section and by said act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this State or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act, and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated out of the appropriation made by Chapter 106 of the Public Laws of 1935, after the provision for liquidation of all outstanding obligations of the State Employment Service, all of the unexpended

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portion of said appropriations for the fiscal year beginning July 1, 1936, and ending June 30, 1937, to the commission created by this act, for the purpose of paying the State's contribution towards the expenses of the administration of the State Employment Service created by the provisions of Chapter 106, Public Laws 1935, and transferred under the provisions of this act as a division to be set up by said commission. And for the said purpose, there is hereby appropriated annually to the said commission, the sum of $75,000.00. In addition, there shall be paid into such account the moneys designated in section 12 (b) of this Act, and such moneys as are apportioned for the purpose of this account from any moneys received, or which may be received, by this State under Title III of the Social Security Act, as amended.

NORTH DAKOTA

SUPPLEMENT (1913–25) TO COMPILED LAWS

CHAPTER 5, ARTICLE 22a.—*Free employment agencies*

SECTION 572a–1. *Service established.*—The state free employment service of the state of North Dakota is hereby established. The commissioner of agriculture and labor shall also be the executive officer of the state free employment service, and the management of such service shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of said commissioner of agriculture and labor as may be required in carrying out the provision of this act, such agents being located at convenient points in the state for the handling of the movement of labor of all classes, with the view that labor will not be congested at any one point and to use their best endeavors to keep the supply of labor filled at the places where it is desired, and in seasonable time.

Such agents may be located at points in the state which will best serve to carry out the provisions and intent of this act, and the commissioner in charge has power to enter into agreements with governing bodies of cities, towns, or counties which desire such service, to use a portion of the fund provided by the state to assist in the maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems to be of the best interest of employment and maintain the same.

The commissioner of agriculture and labor in the capacity of head of the state free employment service is hereby empowered to employ such clerical assistance as is necessary to carry out the provisions of this law and fix their compensation[,] to secure and distribute the necessary books and forms for keeping a record of the movement of labor, registration and placements, and all reports required to be made to that end.

SEC. 572a–2. *Applications.*—The agents in charge of any of the state free employment offices established under the provisions of this act, and under the direction of the commissioner of agriculture and labor, shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the commissioner of agriculture and labor.

SEC. 572a–3. *Reports.*—Each such agent shall make the commissioner of agriculture and labor such periodic reports of applications for labor or employment and all other details of the office work of each office, and the expense of maintaining the same as the commissioner may require.

SEC. 572a–4. *Advertising.*—The commissioner of agriculture and labor shall have power to solicit business for the state free employment service, established under this act, by advertising in the newspapers and in any other way he may deem expedient: *Provided,* That the expenditure under the provisions of this act shall not exceed 10 per cent of the total expenditure.

SEC. 572a–5. *Fees.*—No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this act.

SEC. 572a–6. *Violations.*—Any agent or clerk, subordinate or appointee appointed under the provisions of this act who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment, or from any one offering employment, under this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than $100 or by imprisonment in jail not to exceed three months, or both and shall thereafter be disqualified from holding any office or position in such department.

SEC. 572a–7. *Notice of strike, etc.*—An employer, or a representative of employers or employees, may file at a state free employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall

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be posted in the employment office, but not until it has been communicated to the employers affected if filed by employees, or to the employees affected if filed by employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the state free employment service of a vacancy or vacancies, the agent in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

SEC. 572a–8. *Cooperation.*—The commissioner of agriculture and labor is hereby authorized and empowered to cooperate with the Federal government in the establishment and maintenance within the state of North Dakota of one or more employment bureaus for the purpose of bringing together the man and the job. Such cooperative employment bureaus, when established, shall be under the joint management of the cooperative parties, and the cost and expense of establishing and carrying on any such bureau shall be borne by the cooperative parties upon an equitable basis to be agreed upon between them.

SEC. 572a–9. *Appropriation.*—There is hereby appropriated out of any monies in the State treasury not otherwise appropriated, the sum of $10,000, or so much thereof as may be necessary for the current and contingent expenses of the State free employment service for the biennial period according to the provisions of chapter 117 of the session laws of 1921.

ACTS OF 1937

CHAPTER 232.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—There is hereby created in the North Dakota Workmen's Compensation Bureau a division to be known as the Unemployment Compensation Division. The North Dakota State Employment Service, as created by Chapter 161 of the Session Laws of 1935, is hereby transferred together with all its records, contracts, agreements and funds, and established as a division of the Workmen's Compensation Bureau and shall with the Unemployment Compensation Division, constitute two coordinate divisions of such Bureau, each of which shall be administered by a full-time salaried director, who shall be subject to supervision and direction of the Bureau. Upon passage and approval of this Act the Workmen's Compensation Bureau shall have all of the powers and duties heretofore placed in the Commissioner of Agirculture and Labor in Subsection[s] 5, 6, 7, 8 and 9 of Chapter 161 for the 1935 Session Laws. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate and administrative unit with respect to personnel, budgets and duties, except insofar as the Bureau may find that such separation is impracticable because of the small size of the territory served or of the volume of work performed. The Bureau is authorized to appoint, fix the compensation of, and prescribe the duties of the Director of the Unemployment Compensation Division, provided that such appointment shall be made on a nonpartisan merit basis, and to appoint, fix the compensation of, and prescribe the duties of the Director of the North Dakota State Employment Service Division in accordance with the provisions of Section 13 of this Act.

SEC. 11. *Administration.*—

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(d) Subject to other provisions of this Act, the Bureau is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his [its] duties under this Act. The Bureau may delegate to any such person such power and authority as he [it] deems reasonable and proper for the effective administration of this Act, and may in his [its] discretion bond any person handling moneys or signing checks hereunder. The Bureau shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. He [it] shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examination. No person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office shall be appointed or employed under this Act. The Bureau shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

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SEC. 13. *Employment service.*—(a) The North Dakota State Employment Service is hereby established in the Workmen's Compensation Bureau as a division thereof. The Bureau, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act, and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to Provide for the Establishment of a National Employment System and for Co-operation with the States in the Promotion of Such System, and for Other Purposes," approved June 6, 1933 (48 Stat. 113: U. S. C. Title 29, Section 49 (c)), as amended. The said division shall be administerd by a full time salaried Director, who shall be charged with the duty to co-operate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The North Dakota State Employment Service is hereby designated and constituted the agency of this State for the purposes of said Act. The Bureau is directed to appoint the Director, other officers, and employees of the North Dakota State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the North Dakota State Employment Service to be expended as provided by this Section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Bureau is authorized to enter into agreements with any political sub-division of this State or with any private, non-profit organization and as a part of any such agreement the Bureau may accept moneys, services, or quarters as a contribution to the Employment Service account.

SEC. 14. *Employment service account.*—

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(b) A special Employment Service account shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the Public Employment Offices established pursuant to Section 13 of this Act and for the purpose of co-operating with the United States Employment Service. There is hereby appropriated to the Employment Service Account of the Unemployment Compensation Administration Fund, from any money in the State Treasury not otherwise appropriated, $33,000.00 for the biennium ending June 30, 1939. In addition, there shall be paid into such account the moneys designated in Section 13 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under Title III of the Social Security Act, as amended.

OHIO

PAGE'S GENERAL CODE, 1932

SECTION 871–22. *Duties of [industrial] commission.*—It shall also be the duty of the industrial commission, and it shall have full power, jurisdiction and authority.

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(9) *Free employment agencies.*—To establish and conduct free employment agencies, and on and after the first day of September, 1913, to license and supervise the work of private employment offices to do all in its power to bring together employers seeking employees and working people seeking employment, to make known the opportunities for self-employment in this state, to aid in inducing minors to undertake promising skilled employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the state of Ohio and the remedies therefor in this and other states and countries, and it shall devise and adopt the most efficient means in its power to avoid unemployment, to provide employment and to prevent distress from involuntary idleness.

SEC. 881. *Bond.*—Each special agent and district superintendent may be required by the commissioner of labor statistics to give a bond to the state in such

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an amount not exceeding $2,000 with such sureties as the commissioner approves. Said bond shall be deposited with the secretary of state and kept in his office.

SEC. 882. *No fee to be charged.*—No compensation or fee either directly or indirectly shall be charged or received from any person seeking employment or any person desiring to employ labor through a free public employment office. A superintendent of such office or the clerk therein who violates the provisions of this section shall be fined not exceeding fifty dollars and imprisoned in the county jail or workhouse not exceeding thirty days.

ACTS OF 1933

PAGE 522[11]

[This act amends section 154–45 General Code 1932 by adding supplementa sections 154–45a. through 154–45c as follows:]

SECTION 154–45a. *Federal act accepted.*—[The State accepts the provisions of the Federal act establishing a national employment system.]

SEC. 154–45b. *Cooperating agency.*—[The department of industrial relations is authorized to cooperate with the United States Employment Service under the terms of the said act.]

SEC. 154–45c. *Funds and disbursements.*—[The State treasurer is designated custodian of moneys received from appropriations by the United States Congress, and he may disburse the same according to law, upon the order of the director of the department of industrial relations.]

ACTS OF 1936

PAGE 286.—*Unemployment compensation law*

SECTION 3. *Employment service accounts.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 15 of this act and for the purpose of cooperating with the United States employment service.

SEC. 12 (as amended 1937, S. B. 169). *Administrative organization.*—(a) This act shall be administered by the unemployment compensation commission of Ohio.

There is hereby created an unemployment compensation commission of Ohio, to be composed of three members appointed by the governor with the advice and consent of the senate. Not more than one of the appointees to such commission shall be a person who, on account of his previous vocation, employment or affiliations can be classed as a representative of employers, and not more than one of such appointees shall be a person who, on account of his previous vocation, employment or affiliations, can be classed as a representative of employees; and not more than two of the members of said commission shall belong to the same political party. No commissioner shall hold any position of trust or profit, or engage in any occupation or business interfering or inconsistent with his duties as a member of said commission; and no commissioner shall serve on any committee of any political party.

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SEC. 15 (as amended 1937, H. B. 103). *Employment service.*—The Ohio state employment service is hereby transferred to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act for the purpose of performing such duties as are within the purview of the act of congress entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49 (c)), as amended. The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said act of congress, as amended, in the promotion and maintenance of a system of public employment offices. The pro-

[11] Repealed, effective Jan. 1, 1938.

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visions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 4 of this act, and this state will observe and comply with the requirements thereof. The Ohio state employment service is hereby designated and constituted the agency of this state for the purposes of said act. The commission is directed to appoint the director, other officers, and employees of the Ohio state employment service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States employment service.

All moneys received by this state under said act of congress as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Ohio state employment service to be expended as provided by this section and by said act of congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, non profit organization and as a part of any such agreement the commission may accept moneys, services or quarters as a contribution to the employment service account.

The provisions of this section and of section 1345–16 of the General Code shall take effect on January 1, 1938 and thereupon all records, files, office equipment, supplies, and property of employment offices maintained, operated and/or supervised by the department of industrial relations, which are the property of the state of Ohio, shall be transferred to the unemployment compensation commission and the powers and duties enumerated in paragraph (9) of section 871–22 and in sections 154–45b and 154–45c of the General Code shall be transferred to and vested in the commission on January 1, 1938.

The employees of such employment offices and employment service of the state shall be transferred at said time to the jurisdiction of the commission, and the status, classifications, grades, rates, and rights under the civil service laws of all such employees shall continue unchanged and unaffected by such transfer.

Sec. 16 (as amended 1937, S. B. 26). *Divisions.*—The commission shall establish two coordinate divisions: The Ohio state employment service division, created pursuant to section 1345–15, and the unemployment compensation division. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impracticable.

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Sec. 19 (as amended 1937, S. B. 26). *Cooperation.*—

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The commission is hereby authorized to enter into arrangements with the appropriate agencies of other states or the federal government whereby individuals performing services in this and other states for a single employer under circumstances not specifically provided for in paragraph c of section 1345–1 or in similar provisions in the unemployment compensation laws of such other states, shall be deemed to be engaged in employment performed entirely within this state or within one of such other states, and whereby potential rights to benefits accumulated under the unemployment compensation laws of several states or under such a law of the federal government, or both, may constitute the basis for the payment of benefits through a single appropriate agency under terms which the commission finds will be fair and reasonable as to all affected interests and will not result in any substantial loss to the fund.

OKLAHOMA

ACTS OF 1935

Chapter 52

Section 1. *Federal act accepted.*—The State of Oklahoma hereby accepts the provisions of the Act of Congress approved June 6, 1933, 48 Stat. 113, U. S. C., Ti. 29, Sec. 49, entitled, "An Act to provide for the Establishment of a National Employment System and for Cooperation with the States in the Promotion of such System and for other Purposes", in conformity with Section 4 thereof, and will observe and comply with the requirements of said Act.

Sec. 2. *State agency designated.*—The Commissioner of Labor and the Labor Department of Oklahoma are hereby designated and constituted the agency of the State of Oklahoma for the purposes of such Act with full power to cooperate with all authorities of the United States having powers or duties under such Act and

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to do and perform all things necessary to secure to the State of Oklahoma the benefits of such act in the promotion and maintenance of a system of public employment offices.

SEC. 3. *Creation of employment service.*—There is hereby created within the Labor Department of Oklahoma a division to be known as the Oklahoma State Employment Service, responsible for administering a system of public employment offices, for the purpose of assisting employers to secure employees, and applicants for work to secure employment. The employment offices now existing under the Commissioner of Labor known as the Oklahoma Free Employment Bureau is hereby abolished and all records, files and property (including office equipment) of said bureau and its branch offices are transferred to the Oklahoma State Employment Service. The commissioner of labor is authorized and directed to establish branch offices of said service in such cities and towns where a branch of the Free Employment Bureau now exists, and in such other parts of the State as he deems necessary, and to prescribe rules and regulations not inconsistent with any of the provisions of this act. Said rules and regulations shall contain a provision that no fee or compensation shall be charged or received directly or indirectly from persons applying for employment or help through said Oklahoma State Employment Service.

SEC. 4. *Administration.*—The Commissioner of Labor, without additional compensation for this service, shall be the Director of the Oklahoma State Employment Service, and in accordance with the regulations prescribed by the Director of the United States Employment Service, shall appoint all other officers and employees of the said Oklahoma State Employment Service.

SEC. 5. *Custody of funds.*—The State Treasurer is hereby designated and made the custodian of funds to be received by the State of Oklahoma from the United States under said Act of Congress, and said funds are hereby appropriated and made available to the Commissioner of Labor to be expended as provided by said Act of Congress and this Act.

SEC. 6. *Appropriation.*—There is hereby appropriated from any money in the State Treasury not otherwise appropriated, the sum of Twenty-five Thousand ($25,000.00) Dollars, for the fiscal year ending June 30, 1936, and the sum of Twenty-five Thousand ($25,000.00) Dollars, for the fiscal year ending June 30, 1937, for the purpose of maintaining the public employment offices created under this Act and for the purpose of cooperating with the United States Employment Service.

SEC. 7. *Repeal.*—Sections 10802 to 10812, inclusive, of Chapter 52, Article 1, Oklahoma Statutes, 1931, are hereby repealed together with all acts and parts of acts which conflict with or are inconsistent with any of the provisions of this act.

ACTS OF 1936 (FIRST SPECIAL SESSION)

H. B. No. 1.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created in the Department of Labor a division to be known as the Oklahoma Unemployment Compensation and Placement Division, which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the Commissioner of Labor.

(b) There is hereby established in the Unemployment Compensation and Placement Division, two coordinate sections, the Oklahoma State employment service section, created pursuant to section 12 of this Act, and the unemployment compensation section. Each section shall be responsible for the discharge of its distinctive functions, each section shall be a separate administrative unit with respect to personnel, budget, and duties except insofar as the Commissioner may find that such separation is impracticable.

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SEC. 11. *Personnel.*—

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(d) Subject to other provisions of this Act, the Commissioner is authorized to appoint, fix the compensation, and prescribe the duties and powers of the director and such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of the work of the division. The Commissioner shall classify the positions and shall establish salary schedules and minimum personnel standards for the positions so classified. He shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except for temporary appointments not to exceed six months in

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duration, shall appoint his personnel on the basis of efficiency and fitness as determined in such examinations. The Commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any public office. The Commissioner shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause. The Commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this Act, and may in his discretion bond any person handling moneys or signing checks hereunder.

SEC. 12. *Employment service.*—(a) The Oklahoma State Employment Service is hereby made a section of the Unemployment Compensation and Placement Division. The Commissioner shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Stat. 133 [113]; U. S. C., title 29, sec. 49 (c)), as amended. The said section shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The Commissioner is directed to appoint the director, other officers, and employees of the Oklahoma State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Oklahoma State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said section is authorized to enter into agreements with any political sub-division of this State, or any private, nonprofit organization, and as a part of any such agreement the Commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—(b) A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act, and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account Unemployment Compensation Administration Fund, from any money in the State Treasury not otherwise appropriated, the sum of $75,000.00 for the fiscal year ending July 1, 1938 and the sum of $75,000.00 for the fiscal year ending July 1, 1939. In addition, there shall be paid into such account the moneys designated in section 12 (b) of this Act and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

OREGON

SUPPLEMENT (1935) TO CODE, 1930

SECTION 49–814. *Federal act accepted.*—The state of Oregon hereby accepts the provisions of the Act of Congress approved June 6, 1933, entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes."

SEC. 49–815. *Cooperating agency.*—The governor is hereby designated and instructed to select an agency of the state of Oregon for the purpose of such act, with full power to cooperate with all authorities of the United States having powers or duties under such act and to do and perform all things necessary to secure to the state of Oregon the benefits of such act in the promotion and maintenance of a system of public employment offices.

SEC. 49–816. *Appropriation.*—[An annual appropriation of $12,000 is made for carrying out the provisions of this act.]

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ACTS OF 1935 (SPECIAL SESSION)

CHAPTER 70.—*Unemployment compensation law*

SECTION 18 (as amended 1937, ch. 398). *Administration.*—This Act shall be administered by the state unemployment compensation commission, which commission hereby is created. The members of the state industrial accident commission shall constitute the members of the state unemployment compensation commission and one-half of the annual salary of the members of the state industrial accident commission shall be paid out of the unemployment compensation administration fund.

There hereby is created, under the unemployment compensation commission, a division to be known as the "Oregon state employment service," which shall be affiliated with the United States employment service. The said division hereby is designated and constituted the agency of this state for the purpose of the Wagner-Peyser act. The said division shall be administered by a director, who hereby is given full power to cooperate with all authorities of the United States having powers or duties under the said act of congress and to do and perform all things necessary to secure to this state the benefits of the said act of congress in the promotion and maintenance of a system of public employment offices.

SEC. 19 (as amended 1937, ch. 398). *Duties and powers of commission.*—The state unemployment compensation commission in its name may sue and be sued, and shall have a seal which shall bear the name of the commission. The commission hereby is charged with the administration of the provisions of this act. The commission shall appoint, with the approval of the governor, an administrator who shall be the executive officer of the commission and under its supervision. The administrator must be a person of broad administrative experience and demonstrated executive ability. The administrator shall have direction of all administrative activities of the commission, shall serve as secretary to the commission, and if the original of any record, file, order, proceeding, decision, award or other document on file with the commission is competent and admissible in evidence, a certified copy thereof furnished by the secretary under the seal of the commission shall be received in evidence before the commission or any deputy or officer thereof and in all courts. The commission shall determine all questions of general policy, promulgate rules and regulations, hear appeals of contested claims, and be responsible for the administration of this act. In addition to all other duties imposed on the commission and powers granted by the provisions of this act, the commission shall have full power:

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(b) To appoint such officers and employes as may be required for the administration of the provisions of this act, selection to be on a merit basis, and to determine their salaries and duties and, in its discretion, to require a bond of any of its employes engaged in carrying out the provisions of this act. The commission shall not employ any person who is serving as an officer or committee member of any political party.

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(c) To divide the state into such number of employment districts as it finds necessary and maintain a district office in each of said districts.

(d) The commission hereby is authorized and directed to cooperate in all necessary respects with the appropriate agencies and departments of the federal government in the administration of this act and of free public employment offices; and to make all reports thereon requested by any directly interested federal agency or department, and to accept any sums allotted or apportioned to the state for such administration, and to comply with all reasonable federal regulations governing the expenditures of such sums.

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(f) The commission shall establish and maintain such free public employment offices, subject to provisions of any contract or agreements or obligations entered into or assumed under the provisions of sections 49–814 and 49–815, Oregon Code 1935 Supplement, and section 49–816, Oregon Code 1935 Supplement, as amended by Chapter 33, Oregon Laws, 1935, special session, including such branch offices as may be necessary for the proper administration of this act. The commission shall maintain a division for this purpose. The existing free public employment offices of the state shall be transferred to the jurisdiction of such division; and upon such transfer all duties and powers conferred by law upon any other department, agency or officer relating to the establishment, maintenance and operation of free public employment offices shall be vested in such division. All moneys thereafter made available by or received by the state for the state employment

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service shall be paid to and expended from the unemployment administration fund, and a special "employment service account" shall be maintained for this purpose as a part of said fund.

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SEC. 22 (as amended 1937, ch. 398). *Employment service account.*—

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All moneys made available by or received by this state under the Wagner-Peyser act entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933 (48 Statutes 113; United States Code, title 29, section 49 (c) as amended) shall be paid into a special "employment service account" in the unemployment administration fund and said moneys hereby are appropriated and made available to the "Oregon state employment service" to be expended as provided by this act and by said act of congress.

PENNSYLVANIA

PURDON'S STATUTES, 1936

TITLE 43.—*Free employment agencies*

SECTION 601. *Definitions.*—The term "bureau," as used in this act, shall mean bureau of employment.[12]

The term "commissioner" shall mean the commissioner of labor and industry.[13]

The term "board" shall mean the industrial board of the department of labor and industry.

The term "local offices" shall mean local, free, public employment offices.

SEC. 602. *Cooperation.*—The director may enter into an agreement with any county, city, borough, town, or township for the establishment and joint maintenance of local offices. All county, city, borough, town, or township executives shall report to the director, from time to time, the general conditions of employment, the demands of employers for employees, the demands of employees for employment, and the existence of industrial disputes, strikes, and lockouts, in their respective districts, and shall cause to be posted any bulletins or notices of the bureau pertaining to the purposes of this act. Any county, city, borough, town, or township may appoint the superintendent of the nearest district branch office to fill the office of superintendent of employment.

SEC. 603. *Duty of board.*—The board shall—

(*a*) Devise plans and take steps toward the regularization of employment in the industries and seasonal trades of the State.

(*b*) Investigate the feasibility of, and induce the State, counties, cities, boroughs, towns, and townships to undertake, public improvements during the periods of unemployment.

(*c*) Cooperate with any persons, employer, official, association, or organ of the press whatsoever, for the accomplishment of the aforesaid purposes; appoint subcommittees for juveniles, farm laborers, and for other purposes; and the membership of these subcommittees may be enlarged to include persons outside the board, but each subcommittee must be presided over by a member of the board.

SEC. 604. *Councils.*—Each district and local office shall have a representative council, appointed by the commissioner. The council shall consist of six members, one of whom shall be a woman, and all of whom are citizens of the United States and of the State and residents of the district where the council is to serve. One member shall be an employer, not a member of any employers' association; two members shall be representatives of employers' organizations; one member shall be a working person, not a member of any organization of working people, and two shall be representatives of organizations of working people. The commissioner [13] shall designate one from the employers and one from the employees, to serve for a period of two years; and one from each group, to serve for a period of four years; and one from each group, to serve for a period of six years. Upon the expiration of said terms, the term of office of each member thereafter appointed shall be for a term of six years, except that any member appointed to fill a vacancy shall serve for the unexpired term thereof.

The commissioner and the director shall be ex officio members of each council. The superintendent in charge of a district shall be chairman of the council for his district, and in case of his inability to be present at any meeting the director or the commissioner may act as chairman.

[12] Abolished by sec. 2, title 71, Purdon's Statutes, 1936.
[13] Now secretary of labor and industry.

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The actual and necessary traveling expenses incurred by members of district representative councils, while engaged in the performance of their duties, shall be paid by the State.

SEC. 605. *Duty of councils.*—The council in each district shall—

(*a*) Devise methods and take steps toward the regularization of employment in the various industries and seasonal trades of the district.

(*b*) Devise plans and take steps to promote public improvements by municipalities within the district during seasons of unemployment.

(*c*) Cooperate with any person, employer, association, or organ of the press in accomplishing the aforesaid purposes.

(*d*) Appoint subcommittees to deal specially with any subject which the council has power to investigate or act upon, but each subcommittee shall be presided over by a member of the council.

(*e*) Hold meetings at least once each month, or oftener if required, for the accomplishment of the aforesaid purposes; such meetings to be called by the chairman of the council or to be fixed at any regular meeting of the council.

(*f*) Keep minutes of all meetings; submit a copy of all minutes, records, and decisions, and report in full on all actions or proceedings to the director. No rule shall be prescribed or action taken by the council inconsistent with the action of the board.

SEC. 606. *Fees.*—The bureau [12] shall neither charge nor receive fees, directly or indirectly, for any service or benefit rendered to those availing themselves of advantages provided. No official, employee, or person associated with the bureau in the performance of its duties shall charge, demand, accept, or receive, directly or indirectly, any fee, compensation, contribution, or gratuity for any service or duty performed as an official or employee of the bureau.

SEC. 607. *Statements as to strikes, etc.*—Each person applying for employees at any public employment office shall file, in such form and manner as the director may require, a signed statement affirming or denying the existence of an industrial dispute, strike, or lockout at or in connection with the business or place of business for which such person is applying for help. Any citizen or employee may file at any public employment office a signed statement with regard to the existence of an industrial dispute, strike, or lockout affecting any business or trade. Each statement filed shall be exhibited in the public employment office, but not until it has been communicated to the employees affected if filed by employers, or to the employers affected if filed by citizen or employees. In case a reply to such a statement is received, it shall be exhibited, together with the original statement, in the public employment office; but no statement or reply thereto shall be so exhibited until it has been ascertained, upon investigation, that an industrial dispute, strike, or lockout does exist at or in connection with the business or place of business in question. No official of the bureau [12] shall assist, in any manner whatsoever, any person, firm, association, or corporation who is a party to an industrial dispute, strike, or lockout. Each person applying to any public employment office for help or employment shall give such information as the director may require.

SEC. 608. *Full information.*—It shall be the duty of the officer in charge of each public employment office, and of his assistants, to give full and complete information with regard to any position offered, and the terms and conditions relative thereto, to any person applying for such position; and to call the attention of such applicant to any statement, or reply thereto, with reference to the existence of any industrial dispute, strike, or lockout affecting the business or trade in which the position is offered.

SEC. 609. *Refusing offer.*—No applicant for employment shall suffer any disqualification, or be otherwise prejudiced, at any public employment office on account of refusing to accept employment offered. The reliability and fitness of an applicant for the particular position which he is to fill shall always be taken into consideration in referring him to an employer. No applicant procuring employment with any employer other than the State, through the medium of the bureau [12] or its officials, shall be regarded in any sense as an employee or official of the State.

SEC. 610. *Children.*—In case bureaus for vocational training and placement, or other similar bureaus, are established by local school authorities, the director shall cooperate with such bureaus in dealing with the employment of children between the ages of 14 and 18 years, in such manner as may be advisable. The director shall use all reasonable means to promote the establishment of bureaus for vocational training and placement, in connection with vocational education by public school authorities throughout the State. Until bureaus for vocational training and placement, or other similar bureaus, have been established by local public

[12] Abolished by sec. 2, title 71, Purdon's Statutes, 1936.

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school authorities, for the purposes of directing, advising, and assisting children in the selection of suitable vocations, the director shall provide school principals and all public employment offices with special blank forms for the registration of all children having employment certificates, as required by law, and leaving school lawfully in search of employment. Each child applying for employment may register at a public or other approved school with the principal of such school; and the principals of public or other approved schools are herepy authorized and required to register such applications for employment, to assist and advise each applicant in the selection of a vocation, in such manner as may be necessary, and to transmit immediately to the superintendent of the district branch office all applications for employment registered. The superintendent of each public employment office shall cooperate with the school principals in his district in endeavoring to secure suitable positions for children leaving school lawfully to enter a vocation, and shall guide and induce minors to enter promising vocations; and each principal shall acquaint the teachers and pupils of his school with the purpose and functions of the public employment office in placing juveniles.

SECS. 611–612. *Exemptions.*—No provision of any section of this act shall be construed as applying to agents procuring employment for school teachers exclusively; nor to registries of any incorporated association of nurses; nor to departments or bureaus maintained by persons, firms, or corporations or associations, for the purpose of obtaining help for themselves, where no fee is charged the applicant for employment.

SEC. 613. *Violations.*—Except as herein provided otherwise, any person who violates any of the provisions of this act shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than $100, or by imprisonment not exceeding one year, or both, at the discretion of the court.

SEC. 614. *Federal act accepted.*—The Commonwealth of Pennsylvania hereby accepts the provisions of the act of Congress of June sixth, one thousand nine hundred thirty-three, entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes."

SEC. 615. *Administration.*—The Department of Labor and Industry of this Commonwealth is hereby designated as the State agency to cooperate with the United States Employment Service under said act of Congress, and said department shall have full authority to do all things necessary to effect such cooperation.

SEC. 616. *Custodian of funds.*—All moneys granted to the Commonwealth by the Federal Government, under the said act of Congress, shall be received by the State Treasurer as custodian, and he shall disburse such funds, on requisition of the Department of Labor and Industry, for the purposes of the grant without further appropriation.

TITLE 71.—[*Reorganization of executive departments*]

DEPARTMENT OF LABOR AND INDUSTRY

SECTION 570. *Employment and unemployment.*—The department of labor and industry shall have the power:

(*a*) To endeavor to bring together employers seeking employes and applicants for employment;

(*b*) To supervise all public and private employment agencies;

(*c*) To report on the extent of unemployment, the remedy therefor, and the means for the prevention thereof;

(*d*) To establish employment offices or labor exchanges at convenient places throughout the Commonwealth;

(*e*) To promote the intelligent distribution of labor, and when necessary, to assist in securing transportation for employes desiring to go to places where work is available.

ACTS OF 1936 (SECOND SPECIAL SESSION)

ACT NO. 1.—*Unemployment compensation law*

SECTION 201. *Administration.*—It shall be the duty of the department to administer and enforce this act through such employment service and public employment offices as have been or may be constituted in accordance with the provisions of this act and existing laws. It shall have power and authority to adopt, amend, and rescind such rules and regulations, require such reports from employers, employes, the board, and from any other person deemed by the department to be affected by this act, make such investigations and take such other action as it deems necessary or suitable. Such rules and regulations shall

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not be inconsistent with the provisions of this act and shall be effective in the manner the department shall prescribe. The department shall submit to the Governor a biennial report covering the administration and operation of this act and shall make such recommendations for amendments to this act as it deems proper.

SEC. 202. *Personnel.*—The secretary shall have power to establish such offices and to appoint and fix the compensation of such employes in such offices and in the department as he may deem necessary to administer this act, subject to the provisions of section two hundred eight of this act.

SEC. 208 (as amended 1937, No. 175). *Selection of personnel.*—(a)–(d) [These subsections provide that all employes of the department shall be employed as provided in section 208, with the exception of the members and secretary of the board, referees and such attorneys and experts as the Attorney General or the secretary shall appoint and the Governor shall approve. The secretary shall establish classes of employment, composed of the various positions to be created. He shall divide the classes into grades, specifying the salary range for each grade. Appointments shall be made at the lowest salary for the grade in which made, but after the required probationary period has been served, the secretary may increase the salary of an employe to not more than the maximum provided for his grade of employment.]

(e) The secretary shall prescribe, by rules and regulations, the qualifications to be possessed by persons desiring employment in the various grades of employment in the administration of this act. The qualifications shall be such as will best promote the most efficient administration of this act and shall provide that persons applying for positions in the offices designated by the secretary as central administrative offices (which shall include all those having jurisdiction throughout the State) shall be citizens of the United States, and shall have been legal residents of Pennsylvania for a period of not less than one year before making application, and persons applying for positions in district offices (which shall include all those whose jurisdiction is limited to a particular district created under the provisions of this act) shall be citizens of the United States and shall have been legal residents of Pennsylvania for a period of not less than one year, and in the district in which such office is located for a period of not less than six months before making application.

(f)–(t) [These subsections provide for competitive examinations for employment under the provisions of the act and set out the examination procedure and the method of establishing a list of eligibles from which appointments shall be made. The first nine months under an appointment shall be a probationary period. If, after a fair trial during this period, the conduct or capacity of the probationer be not satisfactory, notification to this effect in writing with a full statement of reasons shall terminate his services, provided that within ten days he may appeal his case to the board. However, the retention of the employe beyond the probationary period automatically confirms such person as a permanent appointee.

The secretary may dismiss, suspend or furlough employes when the public interest or the efficiency of the service requires. All employes given notice of dismissal, suspension or furlough, shall be entitled to a hearing before the board by an appeal made within ten days after such notice of dismissal suspension or furlough.

The expenses of administering this section shall be paid from the Administration Fund.]

PHILIPPINE ISLANDS

ACTS OF 1911–12

ACT NO. 2129.—*Employment offices—Public registry of workmen*

SECTION 1. *Registry authorized.*—Municipal councils organized under act numbered eighty-two, and the townships of Mindoro, Palawan, and Batanes, are hereby authorized to establish a general register of mechanics or day laborers residing in their respective municipalities. Said register shall be in charge of the municipal secretary, who shall keep same in his office and at the disposal of the public for the purposes of this act.

SEC. 2. *Registration.*—The municipal treasurer shall, as soon as the municipal council shall have so ordered by resolution, carefully ascertain the trade of each person presenting himself in his office to pay for his registration certificate or personal cedula, for the purpose of separating and making a list of those persons who are mechanics or day laborers by occupation, and the list made in the manner

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hereinafter specified shall be turned over to the municipal secretary for the purpose of entering the names of such persons in the register provided for by this act: *Provided*, That said list shall contain the name, age, civil status, barrio or sitio of residence, and trade of the person registered, and whether such person is then employed or unemployed: *And provided further*, That in municipalities where there are free labor exchanges or employment agencies established as provided in section two (*e*) of act numbered eighteen hundred and sixty-eight, [*see* post, Acts of 1917, act No. 2711, sec. 2059 (*e*)] the duties hereby imposed on the municipal secretary shall be performed by the superintendent of said exchanges or agencies.

SEC. 3. *Register to be open.*—The register or registers provided for in the next preceding section shall be at the disposition of the public.

SEC. 4. *Dates of contracts to be entered.*—As soon as said mechanics or day laborers shall have accepted the conditions of a contract and both parties thereto shall have complied with all of the requirements of existing laws regulating the relations between employers and laborers, the municipal secretary shall note in the register in his office, by the side of each name, the date on which such mechanics or day laborers were contracted and the name of the person, contractor, company, or firm to whom they are to render their services.

SEC. 5. *Termination of contract.*—Upon the cancellation or termination of the contract the contractor or contractors or employers shall report the fact to the municipal secretary, who shall make a note of it under the proper date by the side of the respective name or names.

SEC. 6. *Employment not restricted.*—Nothing herein contained shall be understood to restrict the liberty of a mechanic or day laborer to seek employment or occupation elsewhere, subject to the provisions of Act Numbered Two thousand and ninety-eight, he being obliged only, when he does so, to report the fact to the municipal secretary for the purpose of noting his name in the register: *Provided*, That no fee shall be charged for the work of making the entries, notations, and registrations provided for in this act.

SEC. 7. *Reports.*—The municipal secretary shall send a report of current transactions or statistics regarding mechanics and day laborers registered in his office to the bureau of labor, monthly or quarterly, as may be ordered by the director of labor.

ACTS OF 1917

ACT NO. 2711.—*Revised administrative code of 1917*

SECTION 2059. (p. 968) *Powers and duties.*—The bureau of labor shall have the power, and it shall be its duty:

* * * * * * *

(*e*) To organize in such towns in the Philippine Islands as it may deem necessary or advisable one or more free employment agencies. A fee in an amount to be fixed by the director of labor, with the approval of the department head, may be collected by said director from employers for services performed by an employment agency in securing servants and employees. An employment agent shall not be subject to the provisions of the civil service law, unless his appointment shall so state.

PUERTO RICO

ACTS OF 1923

ACT NO. 51.—*Free employment agencies*

SECTION 1. *Office created.*[14]—There is hereby created a general employment agency in charge of an officer who shall be appointed by the Commissioner of Agriculture and Labor whose official denomination shall be the General Employment Agent, and who shall draw the salary assigned to him in the general budget of the Island. It shall be the duty of said officer to make investigations and to suggest remedies for the solution of such problems as relate to the ends and purposes hereinafter determined and every three months he shall render a report of the result of his work to the Commissioner of Agriculture and Labor.

SEC. 2. *Purposes, etc.*—The purposes and objects of this agency shall be as follows:

(*a*) To obtain full information as to the means of obtaining remunerative labor for all persons requesting such work without reference to sex;

[14] By Act No. 15, Acts of 1931, the department of labor was created, separate and distinct from the department of agriculture.

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(*b*) To study the best methods and plans of foreseeing, avoiding, and deciding the problem of lack of employment;

(*c*) To study the form whereby the people of Puerto Rico, the municipalities, or any of their dependencies, may offer opportunity of public labor during periods of great industrial crises or business depression;

(*d*) To open temporary offices in charge of labor inspectors to which the public shall have access. Bulletins giving information relative to available employment and work shall be posted in said offices;

(*e*) To compile, classify, and publish all applications for work made through the agency, and all offers of employment received thereby, communicating the same to interested parties;

(*f*) To acquire reports relative to the capacity and conduct of persons offering or applying for employment, preparing a classified list thereof, which shall be kept secret. The agency shall likewise preserve a statement of testimonials of its clients, certificates of good conduct, physical ability, time of service in the trade or specialty engaged in, and the hours of labor and wages or remuneration desired;

(*g*) To endeavor to obtain information from abroad where possibilities of employing laborers under adequate and remunerative conditions exist;

(*h*) To establish and develop relations with employment agencies and the Employment Service of the Department of Labor of the United States.

SEC. 3. *Reports.*—The general employment agent shall prepare annually and forward to the Commissioner of Agriculture and Labor for insertion in his report a detailed and complete statement of work done, and statistics relative thereto.

SEC. 4. *Same.*—Such statistics shall show the trades or professions of applicants, the number of days and months during which they have been unemployed or waiting for employment, salaries demanded by them, and the salaries offered or accepted by them; the changes of service to which they are subject, the place where laborers come from, the address of employers or enterprises, and any other information which may serve as a basis for the study of these matters so as to cover them in all their aspects.

SEC. 5. *Strikes and lockouts.*—An employer or any representative of an employer of a laborer, may register in the Employment Agency a signed declaration relative to the existence of a strike or lockout affecting his trade or profession. Said declaration shall not be exhibited in the office until the employers affected, if made by laborers, or the laborers affected, if made by employers, shall have been informed thereof. In case of receipt of an answer to the notification it shall be exhibited by the agency. If any employer affected by the declaration notifies the Employment Agency of a vacancy or vacancies, the officer in charge of filling the same shall inform any person applying for such position or positions of the declarations made.

SEC. 6. *Refusing employment.*—That no person shall be disqualified or in any manner prejudiced for refusing to accept any employment or work that may be offered him by the Employment Agency when such refusal is based on the existence of a strike or lockout affecting the work, or when the wages are lower than current wages in the trade or in the district or locality where such work or employment is offered.

SEC. 7. *Offices.*—The agent may organize a central office or branches with separate entrances for men, women, and children. He may likewise subdivide the same into sections for agricultural or other labor, as in his judgment may seem proper.

SEC. 8. *Children.*—Persons between the ages of fourteen and eighteen years shall be registered on special forms which the agent shall prepare in agreement with the Commissioner of Agriculture and Labor. Such application shall be accompanied by the certificates and other requirements of the law relative to the work of women and children. The general employment agent shall endeavor to obtain from the Department of Education of Puerto Rico the establishment of night schools for the purpose of furnishing primary education to such children as must abandon school to work for their subsistence. Employers employing such children or youths shall require of them, fortnightly, a certificate from the teacher of the night school which they attend. Special forms for this purpose and for use by children or youths under these conditions shall be prepared by the Agent in cooperation with the Commissioner of Agriculture and Labor.

SEC. 9. *Transfer of applications.*—The General Employment Agent may transfer applications for work or employment from places where an excess of hands exists to places in the United States where there is a demand for laborers. For this purpose he shall prepare lists of such demands for work or employment as there may exist in the country or out of the country, in accordance with the provisions of this Act,

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and shall forward the same for publication to the press and to the superintendents of all branches of the General Employment Agency. Said superintendents shall post such lists in conspicuous places and of free access to the public, for their inspection and information. Whenever proper and advisable the General Employment Agency may publish bulletins for the purpose of giving information of its purposes and objects and of general conditions of labor within as well as outside of the Island, and shall establish relations with the Department of Labor of the United States.

SEC. 10. *Fees, etc., forbidden.*—Any agent, employee or subordinate or any other person appointed under the provisions of this Act who directly or indirectly accepts any fee, compensation or donation, or who shall use improper means for giving information, employment or work to any person, shall be guilty of misdemeanor and punished by a fine not to exceed five hundred (500) dollars, or by imprisonment for a term not to exceed six months, or by both penalties, in the discretion of the court, and shall be disqualified for any other office in this bureau.

SEC. 11. *References.*—All testimonials, references or other documents confided by the interested party to the General Employment Agency shall be returned upon application, proper receipt being taken therefor.

SEC. 12. *Inspection.*—The General Employment Agency and its branches shall always be open to the inspection of the Commissioner of Agriculture and Labor.

SEC. 13. *Definitions.*—In this act, unless from the context thereof it is otherwise deduced, the following definitions of words and phrases shall be accepted:

"Employer" includes all natural or artificial persons and the administrator, superintendent, foreman, agent, overseer or representative of said natural or artificial person, having charge of the employment of persons for the carrying out of any work or labor of any enterprise.

"Employment and work" refers to lucrative occupation including all work or labor in factories, mills, centrals, machine shops or establishments or places of any kind where a factory or mechanic enterprise exists; in warehouses, stores, establishments or places of any kind where mercantile transactions are carried on; in estates, plantations, properties, or places of any kind where agricultural, horticultural or pasturing enterprises exist, and in all mining or fishing enterprises where persons are employed for wages in an intellectual or manual capacity.

"Establishments" includes buildings, factories, shops, stores or other establishments of like nature where persons are engaged in any lucrative occupation.

ACTS OF 1925

ACT No. 35

SECTION 51 (as amended 1930, No. 59). *Bureaus created.*—

* * * * * * *

The Employment and Industrial Development Bureau shall consist of the following personnel:

One Chief with such personnel as may be necessary to effectively operate the General Employment Agency created by Act No. 51, approved July 14, 1923, and to execute in like manner Joint Resolution No. 42, approved May 13, 1927, creating the Industrial Office; and with authority and means to extend the activities of this Bureau outside of Porto Rico through agents paid for their services; and to execute any other laws which in connection with this service the Legislature of Porto Rico may hereafter enact.

ACTS OF 1930

ACT No. 46.—*Buruea of commerce and industry*

SECTION 4. *Branch established in New York.*—The Governor of Puerto Rico is also hereby authorized to establish a branch or agency of the bureau of commerce and industry in New York City, * * *.

An employment service shall be organized and conducted in the New York agency, the object of which shall be to obtain employment for persons residing in Puerto Rico who desire to go to the United States, and for natives of Puerto Rico residing in the United States who are without work or employment, in cooperation with the personnel of the division of labor of the Department of Agriculture and Labor of Puerto Rico.

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ACTS OF 1931

ACT No. 15.—*Department of labor*

[Sec. 17 of this act reorganizing the department of labor, provides for an employment service as follows:]

SECTION 17. The employment service shall consist of a chief with such personnel as may be necessary to enforce all legislation now in force, or which may be enacted in future, in connection with the employment service, and to enforce such Federal legislation as may be assigned to the Department of Labor of Puerto Rico in cooperation with the Federal Department of Labor.

The commissioner of labor shall have power, and he is hereby authorized to extend the facilities of this service outside of Puerto Rico, by means of agents or representatives paid by the Department of Labor of Puerto Rico; and he shall also have authority to enforce all such laws in regard to this service as may be hereafter enacted by the Legislature of Puerto Rico.

RHODE ISLAND

GENERAL LAWS, 1923

CHAPTER 88.—*Free employment offices*

(1157) SECTION 1. *Offices to be established.*—There shall be established and maintained, under the care and direction of the commissioner of labor, in such towns or cities as may be selected after proper investigation by said commissioner, free employment offices for the purpose of bringing together those who seek employment and those who desire to employ.

(1158) SEC. 2. *Equipment and officers.*—The said commissioner is hereby authorized and directed to organize in each city or town so selected, a free public employment office which shall be provided with suitable rooms, furniture, and equipment required for the transaction of the business provided for in this chapter, and shall appoint such clerical asisstants as may be necessary for each of said offices, to discharge, under the direction of said commissioner, the duties hereinafter set forth, or which may be required by said commissioner in carrying out the purpose of this chapter.

(1159) SEC. 3. *Registers.*—It shall be the duty of said commissioner to receive and record, in books suitably arranged, all applications from those seeking employment and also from those seeking to employ, and to take such other action as may be deemed best to carry out the purposes of said offices. Such records shall show plainly in brief the qualifications of all applicants, and such other facts as may be deemed necessary by said commissioner, who shall furnish to each office all such record books, forms, blanks, or other stationery and postage as may be required in conducting the office. Each office shall be plainly indicated by a proper sign or signs.

(1160) SEC. 4. *Who may register.*—The privilege of registration shall be confined to residents of this State, and no fees, direct or indirect, shall in any case be taken from anyone applying at any office maintained under the provisions of this chapter.

(1161) SEC. 5. *Fees forbidden.*—Any clerk or employee who directly or indirectly charges or receives any fee in the performance of his duties shall be deemed guilty of a misdemeanor, and shall be subject to a fine of not more than $100, or be imprisoned not exceeding thirty days. Such fine or imprisonment shall disqualify him from ever having further connection with said offices.

(1162) SEC. 6. *Reports.*—There shall be made from each office to said commissioner a weekly report of such applications for labor or employment as may be registered in said office, with such details as may be required by the commissioner. Said commissioner may cause such reports to be printed at proper intervals, the same to be exchanged between said offices, and may supply to the newspapers and to the citizens, upon request, such reports, which shall be posted in a conspicuous place in the several offices, so that they may be open to public inspection.

(1163) SEC. 7. *Applications void, when.*—Every application for employment or help made to a free public employment office shall become void after thirty days from its receipt unless renewed by the applicant.

(1164) SEC. 8. *Definitions.*—The term "applicant for employment," as used in this chapter, shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate enteprise; and nothing in this chapter shall be construed

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to limit the term "work" to manual occupation, but shall include professional service, and all other legitimate service.

(1165) SEC. 9. *Report of employment.*—If any applicant for help has secured the same, he shall, within 10 days thereafter, notify the employment office to which applicantion therefor was made, and such notice shall contain the name and last preceding address of the employees received through such office. If any such applicant neglects to notify such office, he shall be barred from all future rights and privileges of such employment office, in the discretion of said commissioner, to whom a report of such neglect shall have been made.

(1166) SEC. 10 (as amended 1930, ch. 1556). *Appropriations.*—[The legislature must make an annual appropriation for carrying out the provisions of the act establishing free employment offices in certain cities and towns.]

ACTS OF 1935

CHAPTER 2266

SECTION 1. *Federal act accepted.*—The State of Rhode Island accepts the provisions of the Wagner-Peyser Act, approved June 6, 1933, entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," in conformity with section 4 thereof, and will observe and comply with the requirements of said act.

SECS. 2–4. *State employment service; administration.*—[The director of labor is authorized to establish such public employment offices and to appoint such officers and employees as he deems necessary.]

SECS. 5, 6. *Funds; appropriation.*—[All Federal funds made available to the State shall be paid into the general treasury for the use of the department of labor, to be expended as provided in the above-mentioned act of Congress. The general assembly shall appropriate the sums necessary to maintain public employment offices, and for cooperating with the United States Employment Service.]

ACTS OF 1936

CHAPTER 2333.—*Unemployment Compensation Law*

SECTION 10 (as amended 1937, ch. 2556). *Administrative organization.*—(1) There is hereby created in the department of labor the Division of Unemployment Compensation to be composed of three qualified electors of the state to be known as the unemployment compensation board of Rhode Island, which board shall be under the general supervision of the director of labor. One member of said board shall be a representative of labor, one member shall be a representative of industry and one member shall be a representative of the public generally. Not more than two members of said board shall be of the same political party. * * *

(2) Each member of the board shall be paid a fixed monthly salary from the unemployment compensation administration account, hereinafter provided for, at the rate of six thousand dollars per year of service for the chairman and five thousand dollars per year of service for each other member, by the general treasurer, from sums allotted to said board by the general assembly, or by the Federal Social Security Board, or other Federal agency.

* * * * * * *

(4) The board shall establish two co-ordinate sections: the unemployment compensation section and the Rhode Island State employment service section created pursuant to Section 11 of this Act. Each section shall be responsible for the discharge of its distinctive function. Each section shall be a separate administrative unit with respect to personnel, budget, and duties, except as the board may find that such separation in local offices is impracticable because of the small size of the territory served or the volume of work performed.

SEC. 11 (as amended 1937, ch. 2556). *Administration.*—

* * * * * * *

(4). The board is authorized, within its means, to appoint and fix the compensation of such officers, accountants and other persons as are necessary in the execution of its functions. All positions in the administration of this act shall be filled by persons selected and appointed on a non-partisan basis, under regulations of the board. The board shall not employ or pay any person who is serving as an officer or committee member of any political party organization or who is a member of the general assembly. The board shall fix the duties and powers of all persons thus employed and may authorize any such person to do any act or acts

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which could lawfully be done by a member of the board. The board may in its discretion bond any person handling moneys or signing checks hereunder.

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(9) The provisions of chapter 2266 of the public laws, passed at the May session, 1935, entitled "An act creating a state system of public employment offices," are hereby affirmed and all duties in connection with the Wagner-Peyser Act in relation to re-employment, including the establishment of employment offices, are hereby vested in the unemployment compensation board; which board, subject to other provisions of this Act, is hereby designated and constituted the agency of this state for the purposes of said Wagner-Peyser Act, and said Chapter 2266 of the public laws passed at the May session, 1935, is hereby construed to be amended insofar as it relates to the duties of the director of labor. All records and property of such employment offices and the records and property of the division of state employment service shall upon passage of this act as amended become the records and property of the unemployment compensation board. All persons employed in any capacity in such employment offices, or the division of state employment service, shall continue and remain in such capacities in said employment offices under direction of the unemployment compensation board; provided, however, that said board may in its judgment, modify or create new and additional duties for such employees, or for cause discharge such employees and employ others in their stead in accordance with regulations prescribed by the director of the United States employment service; and provided, further, that the state budget director and comptroller is hereby authorized and directed to transfer to the unemployment compensation administration account the unexpended balances of all moneys heretofore appropriated for the purpose of maintaining employment offices in the state of Rhode Island under authority of said chapter 2266 of the public laws.

SEC. 16 (as amended 1937, ch. 2556). *Special account.*—

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(3) A special "employment service account" shall be maintained as a part of said account, into which shall be paid such moneys as are made available by the general assembly for the state employment service, together with such moneys as may be allotted to the state for this purpose under the Wagner-Peyser Act, so-called, and such moneys as are apportioned for the purposes of this account from any moneys received by this state under title III of the federal social security act as amended.

SOUTH CAROLINA

ACTS OF 1936

ACT NO. 946.—*Unemployment Compensation Law*

SECTION 10. *Administration.*—(a) This Act shall be administered by the South Carolina Unemployment Compensation Commission. * * *

(b) There is hereby created under the South Carolina Unemployment Compensation Commission two coordinate divisions, the South Carolina state employment service division created pursuant to section 12 of this Act, and a division to be known as the unemployment compensation division, each of which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the commission. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation in the local offices is impracticable because of the small size of the territory served or of the volume of work performed. The commission is authorized to appoint, fix the compensation of, and prescribe the duties of the director of the unemployment compensation division, provided that such appointment shall be made on a nonpartisan merit basis, and to appoint, fix the compensation of and prescribe the duties of the director of the South Carolina state employment service division in accordance with the provisions of Section 12 of this Act. The salary of each director shall be not more than three thousand ($3,000.00) dollars a year, such salaries to be payable in monthly installments. The director of each division shall be responsible to the commission for the administration of his particular division and shall have such powers and authority as may be vested in him by the commission.

SEC. 11. *Personnel.*—

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(d) Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation (subject to the approval of the State Budget Com-

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mission unless otherwise fixed by the General Assembly), and prescribe the duties and powers of such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling monies or signing checks hereunder.

SEC. 12. *Employment service.*—(a) The commission shall create a division to be known as the South Carolina State Employment Service which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress, entitled "An Act to Provide for the Establishment of a National Employment System and for Cooperation With the States in the Promotion of such System and for Other Purposes," approved June 6, 1933, (48 Stat. 113, U. S. Code, Title 29 Section 49 (c)) as amended. Any existing free public employment offices maintained by the State but not heretofore under the jurisdiction of the commission shall be transferred to the jurisdiction of such division by July 1, 1936, and upon such transfer all duties and powers conferred upon any other department, agency, or officer of this State relating to the establishment, maintenance and operation of free public employment offices shall be vested in said division. The said division shall be administered by a full-time salaried director, who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The South Carolina State Employment Service division is hereby designated and constituted the agency of this State for the purposes of said Act. The commission is directed to appoint the director, other officers and employees of the South Carolina State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All monies received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said monies are hereby made available to the South Carolina State Employment Service to be expended as provided by this Section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept monies, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the unemployment compensation administration fund, from any money in the state treasury not otherwise appropriated, on July 1, 1936, the sum of Thirty Thousand ($30,000.00) Dollars. In addition, there shall be paid into such account the monies designated in Section 12 (b) of this Act, and such monies as are apportioned for the purposes of this account from any monies received by this State under Title III of the Social Security Act, as amended.

SOUTH DAKOTA

COMPILED LAWS, 1929

Free employment agencies

SECTION 10126–A. SECTION 1. *Employment service established.*—The State Employment Service Department of the State of South Dakota is hereby established. The State Immigration Commissioner shall also be the executive officer of the State Employment Service Department, and the management of such department

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shall be under his supervision. He shall have authority to appoint agents who shall be under the direction of the Commissioner of Immigration as may be required in carrying out the provisions of this act. Such agents being located at convenient points in the State for the handling of the movements of labor of all classes, with the view that labor will not be congested at any one point to an extent as to disturb the best interests of the State, and to use their endeavors to keep the supply of labor filled at the places where it is desired and in seasonable time: *Provided*, That the county commissioners of any county may appropriate money to aid in maintaining of free employment agents in connection with the State Free Employment Service not to exceed the sum of $500 in any one year.

Such agents may be located at points in the State which will best serve to carry out the provisions and intent of this act, and the commissioner in charge has power to enter into agreements with governing bodies of cities or counties which desire such service to use portion of the fund provided by the State to assist in maintenance of any such service put into effect by such governing bodies, or he may establish offices at points where he deems to be of the best interest of employment and maintain the same.

The Commissioner of Immigration in his capacity of head of the State Employment Service Department is empowered to employ such clerical assistance as is necessary to carry out the provisions of this law and fix their compensation; to secure and distribute the necessary books and forms for keeping a record of the movements of labor, and those placed in positions through such department, and all reports required to be made to that end.

SEC. 10126–B. SEC. 2. *Duties of agents.*—The agents in charge of any of the employment offices established under the provisions of this Act, and under the direction of the Commissioner of Immigration, shall receive applications from those seeking employment and from those seeking employees and shall register every applicant on properly arranged cards or forms provided by the Immigration Commissioner.

SEC. 10126–C. SEC. 3. *Reports.*—Each such agent shall make [to] the Commissioner of Immigration such periodic reports of applications for labor or employment and all other details of the office work of each office, and the expense of maintaining the same as the Commissioner may require.

SEC. 10126–D. SEC. 4. *Aid to employees.*—The Commissioner shall render all aid and assistance necessary for the enforcement of any claim by an employee against his employer which the commissioner finds reasonable and just and for the protection of the employee from frauds, extortions, exploitations or other improper practices on the part of persons public or private, and shall investigate such claims for the purpose of presenting the facts to the proper authorities and of inducing action thereon by the various agencies of the State possessing the requisite jurisdiction.

SEC. 10126–E. SEC. 5. *Notices of strikes or lockouts.*—An employer, or a representative of employers or employees, may file at a public employment office a signed statement with regard to a strike or lockout affecting their trade. Such statement shall be posted in the employment office, but not until it has been communicated to the employers affected if filed by employees, or to the employees affected if filed by the employers. In case a reply is received to such a statement, it shall also be posted in the employment office with the same publicity given the first statement. If an employer affected by a statement notifies the public employment office of a vacancy or vacancies the officer in charge shall advise any applicant for such vacancy or vacancies of the statements posted.

SEC. 10126–F. SEC. 6. *Advertising.*—The Commissioner of Immigration shall have power to solicit business for the public employment offices established under this act by advertising in newspapers and in any other way he may deem expedient, and take other steps that he may deem necessary to insure the success and efficiency of such offices: *Provided*, That the expenditure under the provisions shall not exceed 5 per cent of the total expenditure for the purpose of this act.

SEC. 10126–G. SEC. 7. *Fees.*—No fees direct or indirect shall in any case be charged or received from those seeking the benefits of this act.

SEC. 10126–H. SEC. 8. *Penalty for violations.*—Any agent or clerk, subordinate or appointee, appointed under the provisions of this act who shall accept directly or indirectly any fee, compensation or gratuity from any one seeking employment or labor under this act, shall be guilty of a misdemeanor and shall be punished by a fine of not more than one hundred ($100) dollars or by imprisonment in jail not to exceed three months, or both, and shall thereafter be disqualified from holding any office or position in such department.

SEC. 10126–I. SEC. 9. *Publications.*—The department shall publish a bulletin in which shall be made public all possible information with regard to the state of

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the labor market, including reports of the businesses of the various public employment offices.

SEC. 10126-J. SEC. 10. *Registration.*—For the purposes specified in the foregoing section every employment officer or agency established under this act, shall keep a register of applicants for work and applicants for help in such form as may be required by the Commissioner of Immigration in order to afford the same information as that supplied by State offices. Such register shall be open to inspection by the Commissioner of Immigration and information therefrom shall be furnished to him at such times and in such form as he may require.

ACTS OF 1936 (SPECIAL SESSION)[15]

CHAPTER 3.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created a commission to be known as the Unemployment Compensation Commission of South Dakota. The commission shall consist of three members, who shall be appointed by the Governor. * * *

(b) The commission shall establish two coordinate divisions; the South Dakota State employment service division created pursuant to section 12 of this Act, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the commission may find that such separation is impracticable.

SEC. 11. *Personnel.*—

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(d) Subject to other provisions of this Act, the commission is authorized to appoint, fix the compensation, and prescribe the duties, and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may in its discretion bond any person handling moneys or signing checks hereunder. The commission shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations to determine the qualifications of applications for the positions so classified, and, except for temporary appointments not to exceed six months in duration, shall appoint its personnel on the basis of efficiency and fitness as determined in such examinations. The commission shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office. The commission shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for termination for cause.

* * * * * * *

SEC. 12. *Employment service.*—(a) The South Dakota State Employment Service is hereby transferred to the commission, as a division thereof, which shall estab'ish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 133 [113]; U. S. C. title 29, sec. 49 (c)), as amended. The said division shall be administered by a full-time salaried director who shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof. The South Dakota State Employment Service division is hereby designated and constituted the agency of this State for the purpose of said Act. The commission is directed to appoint the director subject to the approval of the Director of the United States Employment Service. Appointments of employees of the South Dakota

[15] Chapter 223, Acts of 1937, is subject to approval by the people in November 1938 and therefore is not in effect.

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State Employment Service division shall be made by the director thereof in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the South Dakota State Employment Service to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political sub-division of this State or with any private, non-profit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby transferred to the employment service account of the unemployment compensation administration fund all unexpended funds remaining of the amount heretofore appropriated under the provisions of Chapter 40 of the 1935 Session Laws, and there is hereby appropriated from any money in the State treasury not otherwise appropriated, the sum of $26,000.00 for the fiscal year ending June 30, 1938, and annually thereafter the sum of $26,000.00. In addition, there shall be paid into such account the moneys designated in Section 12 (b) of this Act, and such moneys as are apportioned for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

TENNESSEE

ACTS OF 1936 (SECOND SPECIAL SESSION)

ACT NO. 1.—*Unemployment compensation law*

SECTION 10 (as amended 1937, ch. 128). *Administration.*—(a) There is hereby created in the Department of Labor a division to be known as the Unemployment Compensation division, which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the Commissioner of Labor. The Commissioner is authorized to appoint, fix the compensation of, and prescribe the duties of such director, provided that such appointment shall be made on a nonpartisan, merit basis.

(b) There is hereby established in the unemployment compensation division, two coordinate sections, the Tennessee State Employment Service Section, created pursuant to section 12 of this Act, and the Unemployment Compensation section. Each section shall be responsible for the discharge of its distinctive functions. Each section shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the Commissioner may find that such separation is impracticable.

SEC. 11 (as amended 1937, ch. 128). *Duties of commissioner.*—(a) It shall be the duty of the Commissioner to administer this Act; and he shall have power and authority to adopt, amend, or rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as he deems necessary or suitable to that end.

* * * * * * *

(d) Subject to other provisions of this Act, the Commissioner is authorized to appoint, fix the compensation and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of his duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. The Commissioner shall classify the positions and shall establish salary schedules and minimum personnel standards for the positions so classified. He shall provide for the holding of examinations to determine the qualifications of applicants for the positions so classified, and, except for temporary appointments not to exceed six months in duration, shall appoint the personnel on the basis of efficiency and fitness as determined in such examinations. The Commissioner shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds

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or is a candidate for any elective public office. The Commissioner shall establish and enforce fair and reasonable regulations for appointments, promotions and demotions based upon ratings of efficiency and fitness and for terminations for cause. The Commissioner may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this Act, and may in his discretion bond any person handling moneys or signing checks or warrants hereunder. These examination provisions shall be in effect until this State shall have adopted an acceptable merit rating system.

SEC. 12 (as amended 1937, ch. 128). (a) The Tennessee State Employment Service is hereby transferred to the Unemployment Compensation Division of the Department of Labor as a section thereof. The Commissioner of Labor shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113, U. S. C. title 29, Sec. 49 (c)), as amended. The said section shall be administered by a full-time salaried director. It shall be the duty of the Commissioner to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Tennessee State Department of Labor is hereby designated and constituted the agency of this State for the purpose of said Act. The Commissioner is directed to appoint the director, other officers, and employees of the Tennessee State Employment Service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the unemployment compensation administration fund, and said moneys are hereby made available to the Commissioner of Labor to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, said Commissioner is authorized to enter into agreements with any political subdivision of this State or with any private nonprofit organization, and as a part of any such agreement the Commissioner may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13 (as amended 1937, ch. 128). *Employment service account.*—

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(b) A special "employment service account" shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment Service. The remainder of the funds appropriated by the General Assembly of Tennessee at its First Extra Session of 1935, is hereby made available for the Employment Service account of the Unemployment Compensation Administration fund, and there is hereby appropriated biennially from and after July 1, 1937, and each two years thereafter, the sum of $50,000.00 for such service.

TEXAS

ACTS OF 1936 (THIRD SPECIAL SESSION)

CHAPTER 482.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created a Commission to be known as the Texas Unemployment Compensation Commission. The Commission shall consist of three (3) members, one of whom shall be a representative of labor, one of whom shall be a representative of employers, and one of whom shall be impartial and shall represent the public generally. Each of the three (3) members of the Commission shall be appointed by the Governor immediately after the effective date of this Act or after any vacancy occurs in the membership of the Commission. During his term of membership on the Commission, no member shall engage in any other business, vocation or employ-

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ment. Each member shall hold office for a term of six (6) years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed for the remainder of such term; and (2) the terms of office of the members first taking office after the date of enactment of this Act shall expire, as designated by the Governor at the time of appointment, one at the end of two (2) years, one at the end of four (4) years, and one at the end of six (6) years after the date of his appointment.

(b) The Chairman of the Texas Unemployment Compensation Commission shall be the impartial member of the Commission, and shall in addition serve as the executive director of all divisions of the Texas Unemployment Compensation Commission.

(c) The Commission shall establish two coordinate divisions; the Texas State Employment Service Division pursuant to Section 12 of this Act, and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except in so far as the Commission may find that such separation is impracticable.

(d) The Chairman of the Texas Unemployment Compensation Commission and executive director shall be paid from the Unemployment Compensation Administration Fund a fixed monthly salary at the rate of Seventy Five Hundred ($7,500.00) Dollars per year, and each of the other two (2) Commissioners shall from the same fund be paid a fixed monthly salary at the rate of Five Thousand ($5,000.00) Dollars per year. From and after September 1, 1937, any sums of money paid by the State out of State funds as salaries paid the Commission shall be fixed in the regular departmental appropriation bill of the State of Texas.

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(f) No person shall ever be employed by the Unemployment Compensation Commission who is not at the time of his employment a bona fide citizen of the State of Texas or who will not have been a bona fide citizen of the State of Texas for at least five (5) consecutive years immediately next preceding the date of employment.

SEC. 11. *Administration.*—

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(d) Subject to other provisions of this Act, the Commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The Commission shall not employ or pay any person who is an officer or committee member of any political party organization. The Commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this Act, and may, in its discretion, bond any person handling moneys or signing checks hereunder.

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SEC. 12 (as amended 1937, H. B. 586). *Employment service.*—(a) Texas State Employment Service, as provided for under Act of the Forty-fourth Legislature, Regular Session, Chapter 236, page 552, is hereby transferred to the Commission as a division thereof. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act, and for purposes of performing such duties, as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes," approved June 6, 1933 (48 Stat. 113; U. S. C., Title 29, Section 49 (c)) as amended. It shall be the duty of the Commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State in conformity with Section 4 of said Act, and this State will observe and comply with the requirements thereof. The Texas Unemployment Compensation Commission is hereby designated and constituted the agency of this State for the purposes of said Act. The Director, other officers and employees of the Texas State Employment Service shall be appointed by the Commission in accordance with regulations prescribed by the Director of the United States Employment Service.

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(b) All monies received by this State under the said Act of Congress, as amended, shall be paid into the special "Employment Service Account" in the Unemployment Compensation Administration Fund, and said monies are hereby made available to the Texas Unemployment Compensation Commission to be expended as provided by this Section and by said Act of Congress, and any unexpended balance of funds appropriated or allocated either by the State of Texas or the Federal Government to the Texas State Employment Service as a division of the Bureau of Labor Statistics, is hereby, upon the passage of this Act, transferred to the special "Employment Service Account" in the Unemployment Compensation Administration Fund. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized to enter into agreements with any political subdivision of this State or with any private, and/or nonprofit organization, and as a part of any such agreement the Commission may accept monies, services, or quarters as a contribution to the special "Employment Service Account."

(c) In the event that this Act, or any section thereof, in so far as the same shall affect the Texas State Employment Service, shall be held or declared unconstitutional or invalid, then in that event Chapter 236, page 552, Acts of the Regular Session of the Forty-fourth Legislature establishing the Texas State Employment Service shall be and remain in full force and effect as it was prior to the passage of this Act.

SEC. 13 (as amended 1937, H. B. 586). *Employment service account.*—

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(b) A special "Employment Service Account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to Section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There shall be paid into such account the monies designated in Section 12 (b) of this Act, and such monies as are apportioned for the purposes of this account from any monies received by this State under Title III of the Social Security Act, as amended.

UTAH

REVISED STATUTES 1933

Industrial commission

SECTION 42–1 –16. *Powers of commission.*—It shall be the duty of the commission and it shall have full power, jurisdiction and authority:

* * * * * * *

(6) To establish and conduct free employment agencies, and license, supervise and regulate private employment offices and to bring together employers seeking employees and working people seeking employment and to make known the opportunities for employment in this State;

(7) To collect, collate, and publish statistical and other information relating to employees, employers, employments, and places of employment and such other statistics as it may deem proper;

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ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 1.—*Unemployment compensation law*

SECTION 10. *Administrative division.*—(a) There is hereby created in the department of the industrial commission of Utah two coordinate divisions—the Utah state employment service division, created pursuant to section 12 of this act, and a division to be known as the unemployment compensation division, each of which shall be administered by a full-time salaried director, who shall be subject to the supervision and direction of the industrial commission of Utah. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget, and duties, except insofar as the industrial commission may find that such separation is impracticable. The industrial commission is authorized to appoint, fix the compensation of, and prescribe the duties of the director of the unemployment compensation division; *provided*, that such appointment shall be made on a nonpartisan merit basis, and to appoint, fix the compensation of, and

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prescribe the duties of the director of the Utah state employment service division in accordance with the provisions of section 12 of this act.

(b) Any two commissioners shall constitute a quorum. No vacancy shall impair the right of the remaining commissioners to exercise all the powers of the commission.

SEC. 11 (as amended 1937, ch. 43). *Administration.*—

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(d) Subject to other provisions of this act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties. The commission shall have the power and it shall be its duty to classify and to fix the minimum standards for the personnel and to formulate salary schedules for the service so classified, and the commission shall hold or provide for holding examinations to determine the technical and professional qualifications of applicants for positions in the commission, and provide for annual merit ratings of employees in the commission to ascertain whether such employees, or any of them, are maintaining the eligibility standards prescribed by the commission. The commission shall not employ or pay any person who is an officer or committee member of any political party organization. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling monies or signing checks hereunder.

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SEC. 12 (as amended 1937, ch. 43). *Employment service.*—(a) The commission shall create a division to be known as the Utah State Employment Service. The commission through such division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act and for the purpose of performing such duties as are within the purview of the act of congress, entitled "an act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," approved June 6, 1933. (48 Stat. 113, U. S. Code, title 29, section 49 (c)) as amended. It shall be the duty of the commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of congress, as amended, and to do and perform all things necessary to secure to this state the benefits of the said act of congress, as amended, in the promotion and maintenance of public employment offices. The provisions of the said act of congress, as amended, are hereby accepted by this state, in conformity with section 4 of said act, and this state will observe and comply with the requirements thereof. The Utah state employment service division is hereby designated and constituted the agency of this state for the purposes of said act. The commission is directed to appoint the director and other officers and employees of the Utah state employment service. Such appointments shall be made in accordance with regulations prescribed by the director of the United States employment service.

(b) All monies received by this state under the said act of congress, as amended, shall be paid into the special employment service account in the unemployment compensation administration fund, and said monies are hereby made available to the Utah state employment service to be expended as provided by this section and by section 13 of this act, and by said act of congress. For the purpose of establishing and maintaining free public employment offices, said division is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept monies, services, or quarters as a contribution to the employment service account.

SEC. 13 (as amended 1937, ch. 43). *Employment service account.*—

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(b) A special employment service account shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this act and for the purpose of cooperating with the United States employment service.

There is hereby appropriated to the employment service account of the unemployment compensation administration fund from any money in the State treasury not otherwise appropriated, the sum of $24,601.92 for the period from July 1, 1937, to June 30, 1939, inclusive, and thereafter such sums biannually [biennially] as may be necessary to the proper administration of the employment service. In addition, there shall be paid into such account the monies designated in section

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12 (b) of this act and such monies as are apportioned for the purpose of this account from any monies received by this State under Title III of the social security act, as amended.

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VERMONT

ACTS OF 1935, No. 164

SECTION 1. *Federal act accepted.*—The state of Vermont hereby accepts the provisions of the act of Congress approved June 6, 1933, entitled "An act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes."

SEC. 2 (as amended 1936, Act No. 1, sec. 11). *Cooperating Agency.*—The office of the Vermont unemployment compensation commission is hereby designated and constituted the agency of the state of Vermont for the purpose of such act, with full power to cooperate with all authorities of the United States having powers or duties under such act and to do and perform all things necessary to secure to the state of Vermont the benefits of such act in the promotion and maintenance of a system of public employment offices.

SEC. 3 (as amended 1936, Act No. 1, sec. 11). *Regulations.*—There is hereby created under the direction of the Vermont unemployment compensation commission, a division to be known as the Vermont State Employment Service, responsible for administering a system of public employment offices for the purpose of assisting employers to secure employees and workers to secure employment. Said commission is authorized and directed to establish such offices in such parts of the state as he deems necessary, and to prescribe rules and regulations not inconsistent with any of the provisions of this act. He shall appoint the director, assistants and other employees of the Vermont State Employment Service in accordance with the regulations prescribed by the Director of the United States Employment Service.

SEC. 4. *Duty of State treasurer.*—The state treasurer is hereby authorized to receive, on behalf of the state of Vermont, all funds granted to the state of Vermont under authority of said act.

SEC. 5 (as amended 1936, Act No. 1, sec. 11). *Appropriation.*—There is hereby annually appropriated a sum equal to such sum as may be apportioned to the state of Vermont by the federal government under the terms of the act of Congress referred to in section 1 of this act, but the sum so appropriated shall not exceed ten thousand dollars in any fiscal year. The moneys so appropriated, together with the moneys received from the federal government, shall be expended by the Vermont unemployment compensation commission in the establishment and maintenance in the state of a system of public employment offices and in cooperating with the United States employment service in conformity with the provisions of said act of Congress.

SEC. 6. *Termination.*—This act may be terminated by the Governor at any time, upon notice to the United States Department of Labor, when in his judgment the need for the same no longer exists. Provided, however, that such notice of termination shall not be effective until the close of the United States fiscal year in which the notice is given.

SEC. 7. *Repeal.*—Sections 6599, 6600, 6601 and 6602 of the Public Laws are hereby repealed.

ACTS OF 1936 (SECOND SPECIAL SESSION)

ACT No. 1.—*Unemployment compensation law*

SECTION 9. *Administrative organization.*—(a) There is hereby created a commission of three members, to be known as the Vermont unemployment compensation commission. The members of the commission shall be appointed by the governor, with the advice and consent of the senate.

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(d) The commission shall establish two division: The Vermont state employment service division created by No. 164 of the Acts of 1935, and the unemployment compensation division. Each division shall be responsible for the discharge of its distinctive function. Each division shall be so far as practicable a separate administrative unit with respect to personnel, budget, and duties.

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SEC. 10 (as amended 1937, No. 171). *Personnel.*—

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(c) Subject to other provisions of this act, the commission is authorized to appoint, fix the salary or wages, and prescribe the duties and powers of such officers, accountants, attorneys and employees as may be necessary in the performance of its duties. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion bond any person handling moneys or signing checks hereunder. The commission shall classify its positions and shall establish salary schedules and minimum personnel standards for the positions so classified.

SEC. 11. *Employment service.*—The Vermont employment service created by No. 164 of the Acts of 1935 shall be under the direction and control of the Vermont unemployment compensation commission. Sections 2, 3 and 5 of said act are hereby amended so that wherever the words "commissioner of finance" appear the words "Vermont unemployment compensation commission" shall be substituted therefor, and whenever the word "commissioner" appears the word "commission" shall be substituted therefor.

SEC. 12. *Employment service account.*—

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(b) All moneys heretofore or hereafter made available by or received by the state for the state employment service as provided in No. 164 of the Acts of 1935, except as heretofore expended, shall be paid to and expended from the unemployment compensation administration fund, and a special employment service account shall be maintained for that purpose as a part of said fund. For the purpose of establishing and maintaining free public employment offices, the commission is authorized to enter into agreements with any political subdivision of this state or with any private, nonprofit organization, and as a part of any such agreement the commission may accept moneys, services, or quarters as a contribution to the employment service account.

VIRGINIA

CODE, 1930

CHAPTER 76C.—*Free public employment offices*

SECTION 1887 (86). *Bureau created.*—In order to promote the establishment and maintenance of free employment offices for men, women, and minors who are legally qualified, seeking employment, and for employers desiring workers, there is hereby created in the department of labor a free employment bureau. It shall be in charge of the commissioner of labor, who shall appoint an assistant, whose duties shall be to supervise the work of the said bureau and its branch offices, under the direction of the commissioner, and who shall receive an annual salary to be fixed by the commissioner of labor. There shall also be appointed in said bureau by the commissioner of labor such assistants and other employees as are necessary to carry out the provisions of this act.

SEC. 1887 (87). *Duty of commissioner of labor.*—It shall be the duty of the commissioner of labor, and he shall have the power, jurisdiction, and authority:

(*a*) To establish and conduct free employment offices in the State, where, in the opinion of the commissioner, such action may be deemed advisable and expedient; to in all proper ways, within the limitations of this act, bring together employers seeking employees and applicants for employment seeking employers; to make known the opportunities for self-employment in the State; to devise and adopt the most efficient means to avoid unemployment; to cooperate with existing State and Federal agencies in extending vocational guidance to minors seeking employment.

(*b*) To establish and maintain such sections of the employment service as will best serve the public welfare.

SEC. 1887 (88). *Information to be public.*—Said employment bureau shall make public through the newspapers and other media, information as to situations it may have applicants to fill, and establish relations with employers for the purpose of supplying demands for labor. Said bureau shall collect, collate, and publish statistical and other information relating to the work under its jurisdiction; investigate economical developments and the extent and cause of unemployment, and remedies therefor, within and without the State, with the view of preparing for the information of the general assembly such facts as in its opinion may make further legislation desirable.

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SEC. 1887 (89). *Federal cooperation.*—The commissioner of labor is hereby authorized to enter into agreement with the governing authorities of any municipality, county, township, or school corporation in the State for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices and for the extension of vocational guidance to minors. The commissioner is likewise authorized, with the advice of the governor, to enter into such cooperative agreement as may be deemed desirable with the United States employment service, or such bureau of the United States department of labor as the Secretary thereof may hereafter designate, or other Federal agency as Congress may hereafter authorize for the purpose of securing financial aid from the United States government for the establishment and maintenance of free employment service and the extension of vocational guidance to minors.

SEC. 1887 (90). *Local cooperation.*—It shall be lawful for the governing authorities of any municipality, county, township, or school corporation in the State to enter into cooperative agreement with the commissioner of labor, and to appropriate and expend the necessary money to permit the use of public property for the joint establishment and maintenance of such offices as may be mutually agreed upon and which will further the purposes of this act.

SEC. 1887 (91). *Appropriations.*—For the purpose of carrying out the provisions of this act there is hereby appropriated out of the general funds of the State, not otherwise appropriated, the sum of twenty-five hundred dollars per annum. Upon the certificate of the commissioner of labor, the auditor is hereby directed to audit and the treasurer to pay expenses of said free employment service, not exceeding the sum of two thousand five hundred dollars per annum.

SEC. 1887 (92). *Farm labor.*—Provided that the established agency [shall] be directed to cooperate with the local county agricultural farmer agents and farmers' organizations in ascertaining needs of labor and distribution among farming classes.

ACTS OF 1933 (SPECIAL SESSION)

CHAPTER 13

SECTION 1. *Federal act accepted.*—The provisions of an act, passed by the Congress of the United States and approved by the President on June sixth, nineteen hundred and thirty-three, entitled "an act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes," are hereby accepted by and on behalf of the Commonwealth of Virginia.

SEC. 2. *Co-operating agency.*—The Department of Labor and Industry, through the free employment bureau of the said department, is hereby designated as the State agency, and vested with all powers necessary, to co-operate with the United States Employment Service in accordance with the terms and conditions expressed in the act referred to in the preceding section.

SECS. 3, 4. *Federal funds; appropriation.*—[The Treasurer of the State is authorized to receive all grants of money apportioned to the Commonwealth under the above-mentioned act, and all funds so received are specifically appropriated for the purposes for which they are granted. The State appropriated the sum of $1,000 for carrying out the act between Sept. 1, 1933, and June 30, 1934.]

ACTS OF 1936 (SPECIAL SESSION)

CHAPTER 1.—*Unemployment compensation law*

SECTION 10. *Administration.*—(a) There is hereby created a commission, to be known as the Unemployment Compensation Commission of Virginia. The commission shall consist of the Commissioner of Labor and two members who shall be appointed by the Governor, subject to confirmation by the General Assembly, if in session when such appointment is made, and if not in session, then at its next succeeding session.

* * * * * * *

(c) The commission shall establish two coordinate divisions: the Virginia State Employment Service, created pursuant to section twelve of this act, and the Unemployment Compensation Division. Each division shall be responsible for the discharge of its distinctive functions. Each division shall be a separate administrative unit, with respect to personnel, budget, and duties, except in so far as the commission may find that such separation is impracticable.

SEC. 11. *Administration.*—(a) It shall be the duty of the commission to administer this act; and it shall have power and authority to adopt, amend, or

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rescind such rules and regulations, to employ such persons, make such expenditures, require such reports, make such investigations, and take such other action as it deems necessary or suitable to that end. Such rules and regulations shall be effective upon publication in the manner, not inconsistent with the provisions of this act, which the commission shall prescribe.

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(d) Subject to other provisions of this act, the commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, experts, and other persons as may be necessary in the performance of its duties. All positions shall be filled by persons selected and appointed on a nonpartisan merit basis. All salaries or remunerations in excess of one thousand dollars per annum shall first be approved by the Governor. The commission may delegate to any such person so appointed such power and authority as it deems reasonable and proper for the effective administration of this act, and may in its discretion require bond, payable to the State, from any person handling moneys or signing checks hereunder.

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(1) In the administration of this act, the commission shall cooperate to the fullest extent consistent with the provisions of this act, with the Social Security Board, created by the Social Security Act; shall make such reports, in such form and containing such information as the Social Security Board may from time to time require, and shall comply with such provisions as the Social Security Board may from time to time find necessary to assure the correctness and verification of such reports, and shall comply with the regulations prescribed by the Social Security Board governing the expenditures of such sums as may be allotted and paid to this State under Title III of the Social Security Act for the purpose of assisting in the administration of this act.

Upon request therefor, the commission shall furnish to any agency of the United States charged with the administration of public works or assistance through public employment, the name, address, ordinary occupation, and employment status of each recipient of benefits and such recipient's rights to further benefits under this act.

SEC. 12. *Employment service.*—(a) All rights, powers and duties heretofore vested in the Department of Labor and Industry, the free employment bureau of the said department, and in the Commissioner of Labor, with respect to the establishment, maintenance and operation of free employment offices in this State, are hereby transferred to and vested in the commission, which shall possess, exercise and perform the same through a division known as the Virginia State Employment Service. The Commissioner of Labor, as a member of the commission, shall be the chief executive officer of the Virginia State Employment Service and shall have such supervision and control over the same as the commission shall prescribe. The commission through the division shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act. The provisions of an act passed by the Congress of the United States and approved on June sixth, nineteen hundred and thirty-three, entitled "An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes," having heretofore been accepted by and on behalf of this State, the commission, through the Virginia State Employment Service, is hereby designated, in lieu of the Department of Labor and Industry through the free employment bureau thereof, as the State agency and vested with all powers necessary, to cooperate with the United States Employment Service in accordance with the terms and conditions expressed in said act of the Congress of the United States herein referred to.

(b) The Treasurer of Virginia is hereby authorized and empowered to receive all grants of money apportioned to this State under the act of the Congress of the United States referred to in the next preceding paragraph of this act. All such funds so received shall be paid into the separate employment service account in the unemployment compensation administration fund, and are hereby specifically appropriated to the commission for the purpose or purposes for which they are granted unto this State. The disposition and control of all unexpended appropriations standing to the credit of the Department of Labor and Industry for the maintenance of public employment service is hereby transferred to and vested in the commission, to be credited by the Comptroller to the said employment service account in the unemployment compensation administration fund.

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SEC. 13. *Funds.*—(a) There is hereby created in the State treasury, a special fund to be known as the unemployment compensation administration fund. All moneys which are deposited or paid into this fund are hereby appropriated and made available to the commission. All moneys in this fund shall be expended solely for the purpose of defraying the cost of the administration of this act and for no other purpose whatsoever. The fund shall consist of all moneys appropriated by this State, and all moneys received from the United States of America, or any agency thereof, including the Social Security Board and the United States Employment Service, or from any other source, for such purpose.

(b) A special employment service account shall be maintained as a part of the unemployment compensation administration fund for the purpose of maintaining the public employment offices established pursuant to section twelve of this act, and for the purpose of cooperating with the United States Employment Service.

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WASHINGTON

ACTS OF 1937

CHAPTER 162.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—There is hereby created in the Department of Social Security two co-ordinate divisions to be known as (a) the unemployment compensation division, which shall be administered by a full time salaried supervisor, and (b) the Washington State Employment Service Division; each of which shall be under a supervisor who shall be an assistant to the director of the department and shall be appointed by him. Each division shall be responsible to the director for the dispatch of its distinctive functions. Each division shall be a separate administrative unit with respect to personnel, budget and duties, except insofar as the director may find that such separation is impracticable. The director is authorized to appoint, fix the compensation of, and prescribe the duties of the staff of the Washington State Unemployment Compensation Division: Provided, That such appointments shall be made on a non-partisan merit basis, and to appoint, fix the compensation of and prescribe the duties of the staff of the Washington State Employment Service Division in accordance with the provisions of Section 12 of this Act.

SEC. 11. *Administration.*—

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(e) Subject to other provisions of this Act, the director is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, experts, and other persons as may be necessary to carry out this Act. The director may delegate to any such person so appointed such power and authority as he deems reasonable and proper for the effective administration of this Act, and may in his discretion bond any person handling moneys or signing checks hereunder.

The director shall classify positions and shall establish salary schedules and minimum personnel standards for the positions so classified. The director shall not appoint or employ any person who is an officer or committee member of any political party organization or who holds or is a candidate for any elective public office.

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SEC. 12. *Employment service.*—(a) The Washington State Employment Service Division is hereby set up in State Department of Social Security as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purpose of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system and for other purposes", approved June 6, 1933, (48 Stat. 113; U. S. C., Title 29, Sec. 49 (c)), as amended. The director shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof.

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The State Department of Social Security through the Washington State Employment Service Division is hereby designated and constituted the agency of this State for the purpose of said Act. The director or the State Department of Social Security shall appoint the officers and employees of the Washington State Employment Service Division. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the State Treasury, and said moneys are hereby made available to the Washington State Employment Service Division to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the director is authorized to enter into agreements with any political subdivision of this State or with any private, non-profit organization, and as a part of any such agreement the director may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

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(b) A special "employment service account" shall be maintained in the State Treasury for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purposes of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account from any money in the State Treasury not otherwise appropriated the sum of $400,000.00. In addition there shall be paid into such account the moneys designated in section 12 (b) of this Act, and such moneys as are appropriated for the purposes of this account from any moneys received by this State under title III of the Social Security Act, as amended.

WEST VIRGINIA

ACTS OF 1936 (SECOND SPECIAL SESSION)

CHAPTER 1.—*Unemployment compensation law*

ARTICLE 1

SECTION 4. *Administration.*—There is created a Department of Unemployment Compensation, composed of a division of unemployment compensation and a division of employment service, and such other division or units as the director determines to be necessary.

SEC. 5. *Federal-State cooperation.*—The department shall cooperate with the Social Security Board of the federal government, similar agencies of the several states, and such other agencies as are concerned with the problem of employment security and public assistance and relief.

SEC. 7. *Division of State employment service.*—The "State Public Employment Agency" now maintained in the department of labor shall be transferred on January one, one thousand nine hundred thirty-seven, and shall be made the State Employment Service Division of the department of unemployment compensation.

ARTICLE 2

SECTION 1. *Director of unemployment compensation.*—The department shall be in charge of a director of unemployment compensation. The director shall be appointed by the Governor, by and with the advice and consent of the Senate, for a term of six years and shall hold his office subject to the will and pleasure of the Governor.

SEC. 2. *Qualifications.*—The director shall be selected with special reference to his training, experience, and capacity.

He shall not be a candidate for or hold any other public office or trust, nor shall he be a member of a political committee. If he becomes a candidate for a public office or becomes a member of a political committee, his office as director shall be immediately vacated. He shall devote his entire time to the duties of his office.

SEC. 6 (as amended 1937, ch. 100). *Powers of the director.*—The director shall be the executive and administrative head of the department and shall have the power and duty to:

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(4) Prescribe the qualifications of, appoint, remove, and fix the compensation of the officers and employees of the department.

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(10) Prescribe a salary scale to govern compensation of appointees and employees of the department.

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SEC. 7 (as amended 1937, ch. 100). *Divisions within the Department.*—The director shall establish within the department the division of unemployment compensation, and the division of employment service and such other divisions as will promote efficiency and economy in administration. Each division shall be a separate administrative division with respect to personnel, budget and duties, except insofar as the director may find that such separation is impracticable.

SEC. 8 . *Exceptions.*—The provisions of sections nine to twelve of this article shall not apply to assistants and employees in the Employment Service division so as to reduce in any way the standards and requirements of the act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with states in the promotion of such system, and for other purposes" approved June six, one thousand nine hundred thirty-three, as amended; but wherever the provisions of this article impose a higher standard, compliance of employment service employees shall be required.

SEC. 15. *State Employment Service.*—The director shall appoint upon a nonpartisan merit basis the head of the division of the employment service and shall fix his salary and prescribe his duties, in accordance with the requirements of section eight of this article.

SEC. 16. *Employment Offices.*—The director shall establish and maintain free public employment offices in such places as necessary for the proper administration of this chapter and for the purpose of performing the duties within the purview of the act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with states in the promotion of such system, and for other purposes," approved June six, one thousand nine hundred thirty-three, as amended.

SEC. 17 (as amended 1937, ch. 100). *Federal-State Cooperation.*—The head of the employment service division shall have all powers and duties necessary to secure to the state the benefits of congressional action for the promotion and maintenance of a system of public employment offices. To this end the provisions of the act referred to in the preceding section and such additional congressional action consistent with the above act are accepted by the state and the state pledges its observance and compliance therewith.

The state employment service division is designated the agent of this state for the purpose of compliance with the act of Congress entitled "An act to provide for the establishment of a national employment system and for cooperation with states in the promotion of such system, and for other purposes," approved June six, one thousand nine hundred thirty-three, as amended. The director shall appoint the head of the service and all appointees and employees in accordance with the regulations prescribed by the director of the United States employment service.

SEC. 18 (as amended 1937, ch. 100). *Acceptance of Aid.*—All moneys received by this state under the said act of Congress, as amended, shall be paid into the employment service account, to be expended as provided by this act and by said act of Congress. For the purpose of establishing and maintaining free public employment offices, the director may enter into agreements with any political subdivision of the state or with any private nonprofit organization, and as part of such an agreement the director may accept money, service, or quarters as a contribution to the employment service account.

ARTICLE 9

SECTION 7. *Employment Service Account.*—For the purpose of maintaining the employment offices established by this chapter and for the purpose of cooperating with the United States Employment Service, a special employment service account shall be maintained as a part of the administration fund.

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WISCONSIN

STATUTES, 1935

Free employment offices

SECTION 101.10. *Powers of industrial commission.*—It shall also be the duty of the industrial commission and it shall have power, jurisdiction, and authority:

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(9) To establish and conduct free employment agencies, to license and supervise the work of private employment offices, to do all in its power to bring together employers seeking employees and working people seeking employment, to make known the opportunities for self-employment in this state, to aid in procuring employment for the blind adults of the state, to aid in inducing minors to undertake promising skilled employments, to provide industrial or agricultural training for vagrants and other persons unsuited for ordinary employments, and to encourage wage earners to insure themselves against distress from unemployment. It shall investigate the extent and causes of unemployment in the State of Wisconsin and the remedies therefor in this and other countries, and it shall devise and adopt the most efficient means within its power to avoid unemployment, to provide employment, and to prevent distress from involuntary idleness.

(9a) Any county, city, town or village may enter into an agreement with the Wisconsin industrial commission for such period of time as may be deemed desirable for the purpose of establishing and maintaining local free employment offices, and it shall be lawful for any county, city, town or village to appropriate and expend the necessary money and to permit the use of public property for the joint establishment and maintenance of such offices as may be agreed upon, or in counties containing two hundred fifty thousand inhabitants or more in any city, town or village therein to purchase a site and construct necessary buildings: *Provided*, That in any county, city, village or town therein (wherein there is a citizens' committee on unemployment, such committee shall have the power to rent, lease, purchase or construct necessary buildings for the joint establishment and maintenance of such free employment office, subject to the approval of such plans by the industrial commission. The industrial commission may establish such free employment offices as it may deem necessary to carry out the purposes of chapter 108. All expenses of such offices or all expenses not defrayed by the county city town or village in which an office is located, shall be charged to the appropriation to the industrial commission provided in section 20.573.

SEC. 101.37. *Federal act accepted.*—(1) The legislature hereby accepts the provisions of an act of congress, approved June 6, 1933, entitled "An act to provide for the establishment of a national employment system and for co-operation with the states in the promotion of such system, and for other purposes."

(2) The industrial commission of Wisconsin is hereby authorized and directed to co-operate with the United States employment service in the administration of said act and in carrying out all agreements made thereunder.

(3) All funds made available to this state under said act shall, upon receipt thereof, be paid into the general fund and are appropriated therefrom to the industrial commission to be expended as provided in subsection (6) of section 20.57.

Unemployment reserves and compensation

SEC. 108.14 (as amended 1935, chs. 192, 446). *Administration.*—(1) This chapter shall be administered by the industrial commission.

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(3) The commission may appoint, employ and pay as many persons as it deems necessary to administer and to carry out the purposes of this chapter, and may make all other expenditures of any kind and take any other action consistent herewith which it deems necessary or suitable to this end.

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(4) The commission may create as many employment districts and district appeal boards and may establish and maintain as many free public employment offices as it deems necessary to carry out the provisions of this chapter. The commission shall have power to finance either partly or completely such public

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employment offices as it deems necessary under this chapter, from the funds appropriated to the commission for its expenses under this chapter, whether or not the political subidivision in which such office is located agrees to pay or does pay any part of the expenses of such office.

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Other statutory provisions

(Supplementing section above)

SEC. 20.573 (as amended 1937, ch. 95). *Unemployment administration fund.*—All federal moneys paid to the industrial commission or the state for the Wisconsin state employment service pursuant to section 101.37 or for the administration of unemployment compensation under chapter 108, and any moneys paid to the industrial commission and deposited by it with the state treasurer pursuant to section 108.20, and all moneys duly transferred to the unemployment administration fund pursuant to section 20.57, are appropriated to the industrial commission for the performance of the functions of the commission under chapter 108, and for its conduct of public employment offices consistently with section 101.37, and for its other efforts to regularize employment; to pay the compensation and expenses of appeal boards and of advisory committees; and to pay allowances stimulating education during unemployment. Any balance remaining in this fund at the close of any fiscal year shall not lapse but shall remain available for the purposes herein specified.

WYOMING

REVISED STATUTES, 1931

CHAPTER 65, ARTICLE 4.—*Employment agencies*

SECTION 65–411. *Exceptions.*—Free employment bureaus now organized or established, or which may hereafter be organized or established, in this State, shall not be subject to the provisions of this article. [Secs. 65–401 to 65–411 are under Private Employment Agencies (see p. 226).]

ACTS OF 1937

CHAPTER 113.—*Unemployment compensation law*

SECTION 10. *Administrative organization.*—(a) There is hereby created a Commission to be known as the Unemployment Compensation Commission of Wyoming. The said Commission shall consist of three (3) members, one of whom shall be the Commissioner of Labor. The other two shall be appointed by the Governor. * * *

(b) There shall be established under the Commission and under a single full time executive director, who shall be appointed on non-partisan merit basis and whose salary shall be fixed by the Governor, two coordinate divisions; the Wyoming State Employment Service Division referred to in Section 12 of this Act, and the Unemployment Compensation Division, both of which shall be subject to the supervision, direction and control of the Unemployment Compensation Commission of Wyoming. Each division shall be responsible for the discharge of its distinctive function. Each Division shall be a separate administrative unit with respect to personnel, budget and duties except insofar as the Commission may find that such separation is impracticable.

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SEC. 11. *Administration.*—

* * * * * * *

(d) Subject to other provisions of this Act, the Commission is authorized to appoint, fix the compensation, and prescribe the duties and powers of such officers, accountants, attorneys, experts, and other persons as may be necessary in the performance of its duties under this Act. The Commission may delegate to any such person such power and authority as it deems reasonable and proper for the effective administration of this Act and may in its discretion bond any person handling moneys or signing checks hereunder. The Commission shall classify positions under this Act and shall establish salary schedules and minimum personnel standards for the positions so classified. It shall provide for the holding of examinations to determine the qualifications of applicants for the positions

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so classified, and except for temporary appointments of not to exceed six months in duration, such personnel shall be appointed on the basis of efficiency and fitness as determined in such examinations. No person who is an officer or committee member of any political party organization or who holds or is candidate for any public office shall be appointed or employed under this Act. The Commission shall establish and enforce fair and reasonable regulations for appointments, promotions, and demotions based upon ratings of efficiency and fitness and for terminations for cause.

* * * * * * *

SEC. 12. *Employment service.*—(a) The Wyoming State employment service is hereby transferred to the Commission as a division thereof. The Commission, through such division, shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this Act and for the purposes of performing such duties as are within the purview of the Act of Congress entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (48 Stat. 113; U. S. C. title 29, Sec. 49 (c)), as amended. It shall be the duty of the Commission to cooperate with any official or agency of the United States having powers or duties under the provisions of the said Act of Congress, as amended, and to do and perform all things necessary to secure to this State the benefits of the said Act of Congress, as amended, in the promotion and maintenance of a system of public employment offices. The provisions of the said Act of Congress, as amended, are hereby accepted by this State, in conformity with section 4 of said Act, and this State will observe and comply with the requirements thereof. The Commission is hereby designated and constituted the agency of this State for the purposes of said Act. The Commission is directed to appoint the director, other officers, and employees of the Wyoming State employment service. Such appointments shall be made in accordance with regulations prescribed by the Director of the United States Employment Service and the laws of this State.

(b) All moneys received by this State under the said Act of Congress, as amended, shall be paid into the special "employment service account" in the Unemployment Compensation Administration Fund, and said moneys are hereby made available to the Commission for the Wyoming State employment service, to be expended as provided by this section and by said Act of Congress. For the purpose of establishing and maintaining free public employment offices, the Commission is authorized to enter into agreements with any political subdivisions of this State or with any private, nonprofit organization, and as a part of any such agreement the Commission may accept moneys, services, or quarters as a contribution to the employment service account.

SEC. 13. *Employment service account.*—

* * * * * * *

(b) A special "employment service account" shall be maintained as a part of the Unemployment Compensation Administration Fund for the purpose of maintaining the public employment offices established pursuant to section 12 of this Act and for the purpose of cooperating with the United States Employment Service. There is hereby appropriated to the employment service account of the Unemployment Compensation Administration Fund, from moneys in the State treasury not otherwise appropriated the sum of Twenty thousand ($20,000.00) Dollars, for use during the biennial period ending March 31, 1939. Any funds heretofore appropriated and now available for use by the State employment service are hereby made available for use pursuant to this Act when same becomes effective.

UNITED STATES

UNITED STATES CODE, 1934

TITLE 29.—*National Employment System Law*

SECTION 49. *Employment service created.*—(*a*) In order to promote the establishment and maintenance of a national system of public employment offices there is hereby created in the Department of Labor a bureau to be known as the United States Employment Service, at the head of which shall be a director. The director shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of $8,500 per annum.

(*b*) On September 6, 1933, the employment service existing on June 6, 1933 in the Department of Labor shall be abolished; and all records, files, and property

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(including office equipment) of the existing employment service shall thereupon be transferred to the United States Employment Service; and all the officers and employees of such service shall thereupon be transferred to the United States Employment Service created by this chapter without change in classification or compensation.

SEC. 49a. *Appointment of officers, employees.*—The Secretary of Labor is authorized, without regard to the civil service laws, to appoint and, without regard to Chapter 13 of Title 5, to fix the compensation of one or more assistant directors and such other officers, employees, and assistants, and to make such expenditures (including expenditures for personal services and rent at the seat of government and elsewhere and for law books, books of reference, and periodicals) as may be necessary to carry out the provisions of this chapter. In case of appointments for service in the veterans' employment service provided for in section 49b of this chapter, the Secretary shall appoint only veterans of wars of the United States.

SEC. 49b. *Duties.*—(*a*) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations, to maintain a veterans' service to be devoted to securing employment for veterans, to maintain a farm placement service, to maintain a public employment service for the District of Columbia and, in the manner hereinafter provided, to assist in establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in which there shall be located a veterans' employment service. The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system and maintaining a system for clearing labor between the several States.

(*b*) Whenever in this chapter the word "State" or "States" is used it shall be understood to include the Territories of Hawaii and Alaska.

SEC. 49c. *State cooperation.*—In order to obtain the benefits of appropriations apportioned under section 49d of this chapter, a State shall, through its legislature, accept the provisions of this chapter and designate or authorize the creation of a State agency vested with all powers necessary to cooperate with the United States Employment Service under this chapter.

SEC. 49d (as amended,[16] 49 Stat. L. 217). *Appropriations, apportionment of.*—(*a*) For the purpose of carrying out the provisions of this chapter there is hereby authorized to be appropriated $4,000,000 for each fiscal year up to and including the fiscal year ending June 30, 1938, and thereafter such sums annually as the Congress may deem necessary. Seventy-five per centum of the amounts appropriated under this chapter shall be apportioned by the Director among the several States in the proportion which their population bears to the total population of the States of the United States according to the next preceding United States census, to be available for the purpose of establishing and maintaining systems of public employment offices in the several States and the political subdivisions thereof in accordance with the provisions of this chapter. *Provided, however,* That in apportioning said 75 per centum of amounts appropriated after January 1, 1935, under this chapter, the director shall apportion not less than $10,000 to each State. No payment shall be made in any year out of the amount of such appropriations apportioned to any State until an equal sum has been appropriated or otherwise made available for that year by the State, or by any agency thereof, including appropriations made by local subdivisions, for the purpose of maintaining public employment offices as a part of a State-controlled system of public employment offices; except that the amounts so appropriated by the State shall not be less than 25 per centum of the apportionment according to population made by the Director for each State for the current year, and in no event less than $5,000. The balance of the amounts appropriated under this chapter shall be available for all the purposes of this chapter other than for apportionment among the several States as herein provided.

(*b*) The amounts apportioned to any State for any fiscal year shall be available for payment to and expenditure by such State, for the purposes of this chapter, until the close of the next succeeding fiscal year; except that amounts apportioned to any State for any fiscal year preceding the fiscal year during which is commenced the first regular session of the legislature of such State held after the enactment of this chapter shall remain available for payment to and expenditure by such

[16] See Supplement I (1935) to Code 1934, title 29, sec. 49d.

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State until the close of the fiscal year next succeeding that in which such session is commenced. Subject to the foregoing limitations, any amount so apportioned unexpended at the end of the period during which it is available for expenditure under this chapter shall, within sixty days thereafter, be reapportioned for the current fiscal year among all the States in the same manner and on the same basis, and certified to the Secretary of the Treasury and treasurers of the States in the same manner, as if it were being apportioned under this chapter for the first time.

SEC. 49e. *Amount certified.*—Within 60 days after any appropriation has been made under authority of this chapter the director shall make the apportionment thereof as provided in section 49d and shall certify to the Secretary of the Treasury and to the treasurers of the several States the amount apportioned to each State for the fiscal year for which the appropriation has been made.

SEC. 49f. *Acceptance of act by State.*—Within 60 days after any appropriation has been made under the authority of this chapter, and as often thereafter while such appropriation remains available as he deems advisable, the director shall ascertain as to each of the several States (1) whether the State has, through its legislature or its governor, as the case may be, accepted the provisions of this chapter and designated or authorized the creation of an agency to cooperate with the United States Employment Service in the administration of this chapter in compliance with the provisions of section 49c of this chapter; and (2) the amounts, if any, which have been appropriated or otherwise made available by such State and by any agency thereof, including appropriations made by local subdivisions, in compliance with the provisions of section 49d of this chapter. If the director finds that a State has complied with the requirements of such sections, and if plans have been submitted and approved in compliance with the provisions of section 49g of this chapter, the director shall determine the amount of the payments, if any, to which the State is entitled under the provisions of section 49d, and certify such amount to the Secretary of the Treasury. Such certificate shall be sufficient authority to the Secretary of the Treasury to make payments to the State in accordance therewith.

SEC. 49g. *Submission of State plans.*—Any State desiring to receive the benefits of this chapter shall, by the agency designated to cooperate with the United States Employment Service, submit to the director detailed plans for carrying out the provisions of this chapter within such State. In those States where a State board, department, or agency exists which is charged with the administration of State laws for vocational rehabilitation of physically handicapped persons, such plans shall include provision for cooperation between such board, department, or agency and the agency designated to cooperate with the United States Employment Service under this chapter. If such plans are in conformity with the provisions of this chapter and reasonably appropriate and adequate to carry out its purposes, they shall be approved by the director and due notice of such approval shall be given to the State agency.

SEC. 49h. *Reports of operation.*—Each State agency cooperating with the United States Employment Service under this chapter shall make such reports concerning its operations and expenditures as shall be prescribed by the director. It shall be the duty of the director to ascertain whether the system of public employment offices maintained in each State is conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the director in accordance with the provisions of this chapter. The director may revoke any existing certificates or withhold any further certificate provided for in section 49f, whenever he shall determine, as to any State, that the cooperating State agency has not properly expended the moneys paid to it or the moneys herein required to be appropriated by such State, in accordance with plans approved under this chapter. Before any such certificate shall be revoked or withheld from any State, the director shall give notice in writing to the State agency stating specifically wherein the State has failed to comply with such plans. The State agency may appeal to the Secretary of Labor from the action of the director in any such case, and the Secretary of Labor may either affirm or reverse the action of the director with such directions as he shall consider proper.

SEC. 49i. *Establishment of temporary service, when, etc.*—During the current fiscal year and the two succeeding fiscal years the director is authorized to expend in any State so much of the sum apportioned to such State according to population, and so much of the unapportioned balance of the appropriation made under the provisions of section 49d as he may deem necessary, as follows:

(*a*) In States where there is no State system of public employment offices, in establishing and maintaining a system of public employment offices under the control of the director.

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(*b*) In States where there is a State system of public employment offices, but where the State has not complied with the provisions of section 49c, in establishing a cooperative Federal and State system of public employment offices to be maintained by such officer or board and in such manner as may be agreed upon by and between the governor of the State and the director.

The authority contained in this section shall terminate at the expiration of the period specified in the first paragraph of this section, and thereafter no assistance shall be rendered such States until the legislatures thereof provide for cooperation with the United States Employment Service as provided in section 49c of this chapter.

SEC. 49j. *Establishment of advisory board.*—(*a*) The director shall establish a Federal Advisory Council composed of men and women representing employers and employees in equal numbers and the public for the purpose of formulating policies and discussing problems relating to employment and insuring impartiality, neutrality, and freedom from political influence in the solution of such problems. Members of such council shall be selected from time to time in such manner as the director shall prescribe and shall serve without compensation, but when attending meetings of the council they shall be allowed necessary traveling and subsistence expenses, or per diem allowance in lieu thereof, within the limitations prescribed by law for civilian employees in the executive branch of the Government. The council shall have access to all files and records of the United States Employment Service. The director shall also require the organization of similar State advisory councils composed of men and women representing employers and employees in equal numbers and the public.

(*b*) In carrying out the provisions of this chapter the director is authorized and directed to provide for the giving of notice of strikes or lockouts to applicants before they are referred to employment.

SEC. 49k. *Promulgation of regulations.*—The director, with the approval of the Secretary of Labor, is hereby authorized to make such rules and regulations as may be necessary to carry out the provisions of this chapter.

SEC. 49l. *Franking privilege.*—The Postmaster General is hereby authorized and directed to extend to the United States Employment Service and to the system of employment offices operated by it in conformity with the provisions of this chapter, and to all State employment systems which receive funds appropriated under authority of this chapter, the privilege of free transmission of official mail matter.

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Private Employment Agencies

ALASKA

COMPILED LAWS, 1933

CHAPTER 61, ARTICLE 4.—*License taxes*

SECTION 3138. *Amount of tax.*—Any person, firm or corporation prosecuting, or attempting to prosecute, any of the following lines of business, or who shall employ any of the following appliances, in the Territory of Alaska, shall apply for and obtain a license and pay for such license, for the respective lines of business and appliances, as follows—

* * * * * * *

Par. 6. Employment agencies, operating for hire and collecting a fee for service, five hundred dollars per annum.

ARIZONA

SUPPLEMENT (1936) TO REVISED CODE, 1928

CHAPTER 24. ARTICLE 6.—*Private employment offices*

SECTION 1457a. *Definitions.*—The term "employment agent" shall mean and include all persons, firms, corporations, or associations which, for a fee, commission or charge, furnish to persons seeking employment information enabling or tending to enable such persons to secure the same, or which furnish employers seeking laborers or other help of any kind, information enabling or tending to enable such employers to secure such help, or which keep a register of persons seeking employment or help as aforesaid, whether such agents conduct their operations at a fixed place of business, on the streets or as transients, and also whether such operations constitute the principal business of such agents or only a side line or an incident to another business; but this term shall not include any employer who procures help for himself only, or an employee of such an employer who procures help for him and does not act in a similar capacity for any other employer.

SEC. 1457b. *Misrepresentations.*—No person, firm, association, or corporation, or any employee or agent thereof, shall make any false statement to any person furnishing or seeking employment, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages or salary attached thereto, or the circumstances surrounding the said employment, work or situation. No employment agent shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor from an employer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or hold himself out in a position to secure.

SEC. 1457c. *Inquiry as to truth.*—Every employment agent shall assure himself beyond a reasonable doubt that any representations whatsoever, whether spoken, written or advertised in printed form, which he makes with regard to any employment, work or situation, and which leads or may lead persons to seek such employment, work or situation, are true and cover all the material facts affecting the employment in question.

SEC. 1457d. *Fee splitting.*—No employment agent nor any employee or agent thereof, shall divide or offer to divide, or share directly or indirectly, any fee, charge, or compensation received from any applicant for employment, with any employer, superintendent, manager, foreman, or any other person who hires help or to whom help is furnished by an employment agent; and it shall be unlawful for any employer, superintendent, manager, foreman, or any other person who hires help to receive any compensation or any valuable consideration from any applicant for employment or from any employment agent for giving employment to said applicant or to any employees furnished by said employment agent.

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SEC. 1457e (as amended 1937, ch. 33). *License.*—No person, firm, association, or corporation shall engage in the business of employment agent for profit, or receive any fee, charge, commission or other compensation, directly or indirectly, for services as an employment agent without first obtaining from the industrial commission a license therefor, as hereinafter provided.

SEC. 1457f (as amended 1937, ch. 33). *Application; deposit.*—Any person, firm, corporation, or association desiring a license as employment agent shall make application therefor to the industrial commission, and accompany the same with a cash deposit in the sum of five hundred dollars, conditioned that the agent will conform in all particulars to the requirements of law relating to the business of employment agent. Said cash deposit shall at all times be maintained at five hundred dollars.

SEC. 1457g. *Annual fees.*—Each such license shall expire on June thirtieth, next following the date of issue and may be renewed annually. The fee for such license or renewal shall be as follows: One per cent on the first five thousand dollars of the fees, charges, commissions, or other compensation actually received during the life of the license or renewal by an employment agent for service as such; three-fourths of one per cent on the second five thousand dollars of such receipts; and one-half of one per cent of all such receipts in excess of ten thousand dollars: *Provided*, that in no event shall such fee be less than twenty-five dollars nor more than one hundred and fifty dollars. The minimum fee shall be paid before a license or renewal thereof is issued. Each employment agent to whom a license has been issued as required herein shall file with the industrial commission within the first ten days of July in each year, a verified statement showing the actual fees, charges, commission, or other compensation received by him for services as such agent during the preceding year and with such statement shall pay the balance, if any, of such license fee due the state. Such fees shall be paid to the industrial commission, and shall be paid by it into the general fund of the State treasury within one week of receipt.

SEC. 1457h. *Authority of the industrial commission.*—The industrial commission is vested with the power and jurisdiction to have such supervision of every employment agent as may be necessary adequately to enforce and administer all laws and lawful orders designated to prevent fraud, misrepresentation, false statements, or other unauthorized acts of such employment agent.

SEC. 1457i. *Visitorial power of commission.*—Any commissioner or deputy of the commission may enter any employment office or the place of business of any employment agent for the purpose of collecting facts and statistics, examining the records or registers kept by such employment agent, and bringing to the attention of such agent any law or any order of the commission, or any failure on the part of such employment agent to comply therewith. No employment agent shall refuse to admit any commissioner or deputy of the commission to his place of business.

SEC. 1457j. *Inquisition.*—Any employment agent receiving from the commission any blanks calling for information required by it to carry out the provisions of this act, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question he shall give a good and sufficient reason for such failure, and said answer shall be verified by two witnesses, and returned to the commission at its offices within the period fixed by the commission.

SEC. 1457k. *Schedule of fees or charges.*—Every applicant for a license to engage in the business of an employment agent shall file with the commission, within a time fixed by the commission, a schedule of the fees or charges made by such employment agent both to applicants for employment and for help for any services rendered to such applicants, together with all rules or regulations that may in any manner, affect the fees charged or to be charged for any service. No license shall be issued to such applicant unless such fees and such rules or regulations are reasonable. Such fees and such rules or regulations may be changed only with the approval of the industrial commission and when changed shall be filed with said commission. It shall be unlawful for any employment agent to charge, demand, collect or receive a greater compensation for any service performed by him than is specified in the schedule filed with the commission and no employment agent shall charge a registration fee without permission from the industrial commission.

SEC. 1457l. *Receipt given applicant.*—It shall be the duty of every licensed person conducting an employment agency to give every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name and address of such employment agency, the name and address of the person to whom the applicant is sent for employment, the name of the applicant, the date,

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the amount of fee, the kind of work or service to be performed, the general conditions of employment, including among other things the rate of wages or compensation, whether or not board and lodging is to be furnished, the hours of employment, the cost of transportation and whether or not it is to be paid by the employer, the time of such service, if definite and if indefinite to be so stated, and the name of the person authorizing the hiring of such applicant. There shall be printed on the face of the receipt in prominent type the following: "This agency is licensed by the industrial commission of the state of Arizona." All receipts shall be made and numbered in original and duplicate. The original shall be given to the applicant paying the fee and the duplicate shall be kept on file at the employment agency. The receipts used by such licensed agents shall be approved by the industrial commission.

SEC. 1457m (as amended 1937, ch. 33). *Return of fee.*—(a) No employment agent, or agent thereof, shall send out any applicant for employment without having a bona fide order from the prospective employer to do so.

(b) In case an applicant is sent out and fails to obtain employment as represented the employment agent shall, upon demand, refund any fee the applicant may have paid.

(c) If the applicant is sent beyond the limits of the city in which the employment agency is located, and fails to receive employment, the employment agent shall refund, in addition to said fee, necessary expenses incurred by the applicant in going to and returning from the place of prospective employment, except when applicant has been informed in writing that he is being sent for interview only.

(d) If the applicant receives employment, and said employment, by reason of discharge, lasts less than seven days, or the total amount of wages paid to said applicant is less than twenty-five dollars, the employment agent shall refund only the amount of the fee paid by said applicant.

(e) Should the employment agent refuse or fail to make prompt refund, upon demand, as provided in this section, the applicant may apply to the commission for a hearing, and if the commission, upon investigation, finds that the applicant is entitled to a refund it shall issue an order to that effect, and shall pay such refund to the applicant out of the cash deposited by the employment agent. Either party to any such controversy may appeal, within five days from the issuance of any such order, to the superior court of the county in which the business of the employment agent is located.

SEC. 1457n. *Revocation of license.*—It shall be the duty of the industrial commission and it shall have power, jurisdiction and authority to issue licenses to employment agents, and to refuse to issue such license, whenever, after due investigation, the commission or a majority of the members thereof finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an employment agent is found upon investigation to be unfit for such use, or whenever, upon investigation by the commission it is found and determined that the number of licensed employment agents, or that the employment agency operated by the United States, by the state or by the municipality, or by two or more thereof jointly, in the community in which the applicant for a permit proposes to operate is sufficient to supply the needs of employers and employees. Any such license granted by the commission may also be revoked by it upon due notice to the holder of said license, and upon due cause shown. Failure to comply with the duties, terms, conditions, or provisions of this act, or with any lawful orders of the commission, shall be deemed due cause to revoke such license.

SEC. 1457o. *Regulations, records, reports.*—The commission shall have the power, jurisdiction and authority to fix and order such reasonable rules for the conduct of the business of any employment agent as may be necessary adequately to carry out the provisions of this act, and to ascertain and fix reasonable classifications of employments or positions. It may prescribe the form of books, registers or records to be kept by the employment agent, the receipts or copies of contracts to be handed to persons referred to employment, the reports to be made to the commission, the refunds to be made to applicants who failed to secure employment; and it may order any other measures reasonably necessary to protect the public, or persons seeking employment, or employees seeking help, against fraud, misrepresentation, or any other unauthorized act of any employment agent.

SEC. 1457p. *Local city clerks to aid.*—The clerk of every city and town in which there is no licensed or public employment agency as provided in section 5 [sec. 1457e] of this act, may solicit, receive and record applications of persons seeking employment for any period of time, and of persons desiring to employ labor, and every employer shall pay to any such clerk twenty-five cents for each time he assists in furnishing such labor. The clerk of every city and town, serving under

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the terms of this act, shall, on or before the first day of each month, report all placements made by him to the industrial commission, to be by them compiled as part of the general employment statistics of the state.

SEC. 1457q (as amended 1937, ch. 33). *Penalties.*—Any person, firm, association or corporation who violates any provision of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than fifty nor more than three hundred dollars, confinement for not more than six months, or both.

ARKANSAS

SUPPLEMENT (1927) CRAWFORD & MOSES' DIGEST, 1921

SECTION 6548a. *License fees.*—No person, firm, or corporation shall open, operate, or maintain a private employment agency for hire, nor shall any person, firm, or corporation engage in hiring labor, or soliciting emigrants or laborers in this State to go beyond the limits of this State, without first obtaining a license from the commissioner of labor, and payment of license fee therefor, and such license fee shall be two hundred dollars per year. Such license shall be of force for one year unless sooner revoked, or from date of issue until the end of the State's fiscal year, and may be renewed from year to year upon payment of license fee. Each license shall contain the name of the person, firm, or corporation to whom issued, together with the designation of the city, street and number of building in which the licensed party conducts such agency or proposes to conduct such employment agency, or solicit emigrants or laborers, in this State. The license, together with a copy of this act, shall be posted in a conspicuous place in each place of business of each such licensee. The commissioner of labor shall require of each application for license a good and sufficient bond in the penal sum of one thousand dollars to be approved by the attorney general, and conditioned that the obligator [obligor] will not violate any of the duties, terms, conditions, provisions or requirements of this act; the commissioner of labor or any prosecuting attorney of any district of this State, is authorized to bring or cause action to be brought in the name of the State for any violation of its provisions. The commissioner of labor may, after a hearing, revoke any license whenever the party licensed shall have violated any of the provisions of this act.

SEC. 6548b. *Licenses.*—No person, firm or corporation shall conduct an employment bureau or agency, or offer to secure labor or employment for any person, or solicit or procure laborers on the streets of any city or municipality or on any highway in this State without such person, firm, or corporation shall have first secured a permit or license from the commissioner of labor. Application for such permit or license shall be made, either in person or by writing, by the person, firm or corporation, and shall state fully the condition, nature, terms and place of employment, for which labor is solicited: provided, that where labor is solicited to be employed by any firm, person or corporation within this State, and where no fee is charged, or where such labor is to be employed by such firm, person or corporation soliciting or offering to hire labor within this State, the commissioner of labor may grant a license or permit without charge. But where such employment or labor is to be performed without the borders of this State, then the provisions of section 6548a shall apply.

SEC. 6548c. *Registers; offenses.*—Every licensed agency shall keep a register in substantial book in the form approved by the commissioner of labor, in which shall be registered the age, sex, nativity, trade or occupation, name and address of every applicant. Such licensed agency shall also enter into a register the name and address of every person who shall make application for help or servants and the name and nature of the employment for which such help or servants shall be wanted. Such register shall, at all reasonable hours, be open to the inspection and examination of the commissioner of labor or his agent. No such licensed agency shall accept a fee from any applicant for employment, or send any applicant to a place for employment without having obtained either orally or in writing, a bona fide order therefor. No licensed person conducting an employment agency shall publish or cause to be published any false or fraudulent or misleading information, representation, notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name and address of such employment agent and the word "agency" and no licensed person shall give any false information or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for an engagement or employment or help. No

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licensed person shall send an applicant to any place where a strike, lockout or other labor trouble exists without notifying the applicant of such conditions and shall in addition thereto enter a statement of such facts upon the receipt given to such applicant. No licensed person shall divide fees with an employer, or an agent of an employer, or with any superintendent, manager, foreman, or other employee or any person, firm, or corporation to which help is furnished.

No licensed agency shall send or caused to be sent any female help or servants to any place of bad repute, house of ill fame or assignation house, or any house or place of amusement kept for immoral purposes. No licensed agency shall make any false entries in the register to be kept as herein provided. Where a fee is charged for filing or receiving applications or securing employment or help, said total fee or remuneration shall in no sense exceed the sum of $2, for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date, the name of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month after registration with said agency, then said agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency: Provided, that in cases where the applicant paying such fee is sent beyond the limits of the city in which the employment agency is located, and through no fault of applicant fails to secure employment, such licensed agency shall repay in addition to the said fee any actual expenses incurred in going to and returning from any place where such applicant had been sent; Provided, further, where the applicant is employed and the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency, or such portion of said fee as in the judgment of the commissioner of labor may be adequate.

Sec. 6548e. *Definitions.*—A private employment agency for hire is defined and interpreted to mean any person, firm, corporation, association, society, or organization engaging 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. The term "applicant for employment" as used in this act shall be construed to mean any person seeking work of any lawful character, and "applicant for help" shall mean any person or persons seeking help in any legitimate [service] and nothing in this article shall be construed to limit the meaning of the term "work" to manual occupation, but it shall include professional services, and all other legitimate service.

Sec. 6548f. *Disposition of money.*—The commissioner of labor shall make an itemized account of all moneys received by him under the provisions of this act, and pay the same into the State treasury as provided by law.

Sec. 6548g. *Violations.*—Any person convicted of a violation of any of the provisions of this act shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than two hundred and fifty dollars for each offense, or be imprisoned in the county jail for a period not to exceed thirty days, or both, at the discretion of the court.

Sec. 6548h. *Construction.*—Should any section or sections of this act be held invalid by the courts, it shall not thereby be understood as affecting, and shall not affect the other provisions of this act.

CALIFORNIA

DEERING'S GENERAL LAWS, 1931

Act 2349.—*Private employment offices*

Section 1. *Definitions.*—When used in this act the following terms are defined as herein specified:

The term "person" means and includes any individual, company, society, firm, partnership, association, corporation, manager, contractor, or subcontractor, or their agents or employees.

The term "employment agency" or "agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor, or in any other capacity an intelligence office, domestic or commercial employment agency, theatrical employment agency, motion picture employment agency, teachers' employment agency, general employment bureau, shipping agency, nurses' registry, farm labor agency or any other agency or office for the purpose of procuring

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or attempting to procure employment or engagements for persons seeking employment or engagements, or for the registration of persons seeking to procure or retain such employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured or for providing such work or engagements where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, whether such business is conducted in a building or on the street or elsewhere. The term further means and includes any person, firm, partnership, corporation, service bureau, or organization, or club, or school, or any agent or attorney thereof, that shall, by advertisement or otherwise offer as one of its main objects or purposes, to procure employment for any person who shall pay for its services, or that collects dues, tuition, or membership or registration fees of any sort whatsoever where the main object of the person paying the same is to secure employment: *Provided*, that nothing in this act shall be construed to include a nonprofit organization or corporation, organized for the purpose of economic adjustment, civic betterment and the giving of vocational guidance and placement to its members; and in which none of the directors, officers or employees thereof receive any profit other than a nominal salary for services performed for the organization or corporation; and in which no fee is charged for employment services other than a membership fee or dues entitling the person paying the same to full participation and benefits of the organization or corporation; and in which such membership fees or dues charged are used solely for maintenance of the organization or corporation; *Provided, further*, That all organizations and corporations charging membership fees or dues and engaged in furnishing employment to their members must, in order to be exempt from the provisions of this act under this section, file, on or before the first day of April of each year, with the commissioner of the bureau of labor statistics, a copy of their by-laws and constitutions, together with a sworn statement setting forth their place of business, the names and addresses of their officers, directors and employees and the salaries they receive, and showing also the various benefits furnished to members of such organization or corporation and the membership fees and dues charged or collected by such organization or corporation from its members.

The term "theatrical employment agency" means and includes the business of conducting an agency, bureau, office, or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for circus, vaudeville, theatrical or other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, or on the street or elsewhere.

The term "motion picture employment agency" means and includes the business of conducting an agency, bureau, office or any other place for the purpose of procuring or offering, promising or attempting to provide engagements for or employment in motion pictures, or in connection with the motion picture industry, or of giving information as to where such engagements or employment may be procured or provided, whether such business is conducted in a building or on the street or elsewhere.

The term "theatrical engagement" means and includes any engagement or employment of a person as an actor, performer or entertainer in a circus, vaudeville, theatrical or other entertainment, exhibition or performance.

The term "motion picture engagement" means and includes any engagement or employment of a person as an actor, actress, director, scenario or continuity writer, camera man or in any other capacity in which employment concerned with the making of motion pictures may be offered or secured for the employee.

The term "emergency engagement" means and includes an engagement which has to be performed within 24 hours from the time when the contract for such engagement is made.

The term "fee" means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this act. Such term includes any excess of money received by any such person over what has been paid out by him for the transportation, transfer of baggage, or board and lodging for any applicant for employment. Such term also includes the difference between the amount of money received by any such person who furnished employees, performers or entertainers for circus, vaudeville, theatrical or other entertainments, exhibitions or performances, and the amount paid by him to the said employees, performers or entertainers whom he hires or provides for such entertainments, exhibitions or performances. It also includes the difference between the amount of money received or to be received, by such

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person who furnishes farm laborers to others for a valuable consideration and the amount paid by him to the said farm laborers he hires or provides.

The term "privilege" means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

The term "registration fee" means and includes any charge made, or attempted to be made, for registering or listing an applicant for employment, or for letter writing, cost of photograph, or film showing of applicant, charge for costume, or any other charge of like nature, made, or attempted to be made, without having a bona fide order for the placement of said applicant in a position.

The term "commissioner of labor" or "commissioner" means the commissioner of the bureau of labor statistics.

Terms used in the masculine gender include the feminine and neuter and the singular number includes the plural and the plural the singular.

SEC. 2. *License.*—A person shall not open, keep, maintain or carry on any employment agency, as defined in the preceding section, unless he shall have first procured a license therefor, as provided in this act from the commissioner of labor. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license or who shall fail to list, in his application to the commissioner for a license or renewal of license, all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the operation of the employment agency in question shall be guilty of a misdemeanor and shall be punished as in section 18 of this act provided. If any person who has been granted a license to operate an employment agency under this act sells, transfers or gives away any interest in, or the right to participate in the profits of, the said agency without the written consent of the commissioner of labor, the said license issued to him immediately becomes void and must thereupon be surrendered by him to the said commissioner.

SEC. 3. *Applications.*—An application for such a license shall be made to the commissioner of labor. Such application shall be written and in the form prescribed by the commissioner of labor and shall state the name and address of the applicant; the street and number of the building or place where the business is to be conducted; whether the applicant proposes to conduct a lodging house for the unemployed separate from the agency which he proposes to conduct; the business or occupation engaged in by the applicant for at least two years immediately preceding the date of application. Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character. The application must further contain the names and addresses of all persons, except bona fide employees on stated salaries, financially interested, either as partners, associates or profit sharers, in the operation of the agency in question, together with the amount of their respective interests.

SEC. 4. *Duties of commissioner.*—Upon receipt of an application for a license the commissioner of labor may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct such agency. The commissioner of labor or his deputies may administer oaths, subpoena witnesses and take testimony in respect to matters contained in such application and in respect to complaints of any character against the applicant for such license, and upon proper hearing may refuse to grant a license. Each application shall be granted or refused within 30 days from date of filing. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are sold or consumed or in connection with pool halls or soft drink parlors. No license shall be granted to a person whose license has been revoked within three years from the date of application. Each license shall run to and including the 31st day of March next following the date thereof and no longer, unless sooner revoked by the commissioner of labor, and may be renewed each year upon the filing of an application for renewal, renewed bond, and the payment of the annual license fee, but the commissioner may, if he chooses, demand that a new application and bond be submitted.

The commissioner of labor shall have the power and authority to revoke or suspend any license when it is shown that the licensee or his agent has violated or failed to comply with any of the provisions of this act, or when such licensee has ceased to be of good moral character, or when the conditions under which the license was issued have changed or no longer exist or when the licensee or his agent

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has violated or has willfully and knowingly aided or abetted any person, firm, company or corporation in the violation of any provision or in the failure to comply with any requirement of section 3664aa of the Political Code or of section 50¼ of the public utilities act; nothing in this act contained, however, shall interfere with the right of employers to arrange with such licensees for the transportation of laborers to their prospective places of employment. Before revoking or suspending any license the commissioner shall notify, in writing, the holder of such license of the charges against him and afford an opportunity to be heard in person or by counsel in reference thereto. The commissioner or his deputies may administer oaths, subpoena witnesses and take testimony at the hearing and shall not be bound by the technical rules of evidence in conducting such a hearing. Obedience to the subpoenas issued by the commissioner of labor or his deputies shall be enforced by the courts in any county or city and county. The rulings of the commissioner shall be presumed to be prima facie reasonable, and his findings of fact shall, in the absence of fraud, be conclusive and shall be set aside by the courts only on the following grounds:

1. That the commissioner of labor acted without or in excess of his powers.
2. That the determination was procured by fraud.

The decision of the commissioner of labor either refusing, suspending, or revoking a license under this act shall be subject to review in accordance with the provisions of chapter 1 of title 1 of part 3 of the Code of Civil Procedure, pertaining to writs of review or certiorari, at any time within thirty days after notice of same is given to the party affected thereby.

Sec. 5. *Contents of license.*—Every license shall contain the name of the person licensed, a designation of the city, street and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license and shall not be transferred or assigned to any other person unless consent is obtained from the commissioner of labor, as hereinafter provided. If such licensed person shall conduct a lodging house for the unemployed separate and apart from such agency, it shall be so designated in the license.

Sec. 6. *Transfer of license.*—A license granted as provided in this article shall not be assigned or transferred without the written consent of the commissioner of labor. No license fee shall be required upon such assignment or transfer. The location of an employment agency shall not be changed without the written consent of the commissioner of labor.

Sec. 7. *License fee.*—Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay to the commissioner of labor, annually, at the time the license is issued or renewed, a license fee of one hundred dollars in cities, or cities and counties, having a population of over one hundred thousand, a license fee of fifty dollars in cities having a population of over twenty-five thousand and not exceeding one hundred thousand; and a license fee of ten dollars in all cities or towns having a population of less than twenty-five thousand, all figures as to population to be based on the latest United States government census. Such persons shall also deposit before such license is issued, or renewed, with the commissioner of labor, a surety bond in the penal sum of two thousand dollars in cities, or cities and counties, having a population of over one hundred thousand; a surety bond in the penal sum of one thousand dollars in cities having a population of over twenty-five thousand and not exceeding one hundred thousand; and a surety bond in the penal sum of five hundred dollars in cities and towns having a population of less than twenty-five thousand, all figures as to population to be based on the latest United States government census. Such surety bonds to be approved by the commissioner of labor and such bonds shall be payable to the people of the state of California, and shall be conditioned that the person applying for the license will comply with the provisions of this act and will pay all damages occasioned to any person by reason of misstatement, misrepresentation, fraud or deceit or any unlawful acts or ommissions of any licensed person, his agents or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license or caused by any other violation of this act in carrying on the business for which such license is granted. All moneys collected for licenses as provided herein and all fines collected for violations of the provisions hereof shall be paid into the State treasury and credited to the general fund.

Sec. 8. *Suits.*—All claims or suits brought in any court against any licensed person may be brought in the name of the person damaged upon the bond deposited with the people of the State of California by such licensed person as provided in section 7, and may be transferred and assigned as other claims for damages in

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civil suits. The amount of damages claimed by plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought. Where such licensed person has departed from the State with intent to defraud his creditors or to avoid the service of a summons in an action brought under this section, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of such summons shall be mailed to the last-known post office address of the residence of the licensed person and the place where he conducted such employment agency, as shown by the records of the commissioner of labor. Such service thereof shall be deemed to be made when not less than the number of days shall have intervened between the dates of service and the return of the same as provided by the Code of Civil Procedure for the particular court in which such suit has been brought.

SEC. 9. *Registers.*—It shall be the duty of every licensed person to keep a register, approved by the commissioner of labor, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, or to whom information or assistance is given in respect to such employment; the amount of fee received, and such other information as the commissioner of labor shall require. Such licensed person shall also enter in the same or in a separate register, approved by the commissioner of labor, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received and the rate of wages agreed upon, and such other information as the commissioner of labor may require. No such licensed person, his agent or employees, shall make any false entry in such registers.

SEC. 10. *Inspection.*—All registers, books, records and other papers kept pursuant to this act in any employment agency shall be open at all reasonable hours to the inspection of the commissioner of labor and to any of his duly authorized agents or inspectors and every licensed person shall furnish to the commissioner upon request a true copy of such registers, books, records and papers or any portion thereof, and shall make such reports as the commissioner may prescribe.

SEC. 11. *Receipts.*—It shall be the duty of every licensed person conducting an employment agency to give to every applicant for employment from whom a fee is to be received a contract or receipt, in which shall be stated the following particulars: The name and address, and telephone number, if any, of the employment agency; the name and address of the person giving the order for help, the date and consecutive number of the receipt of such order by the agency, and its manner of transmission; the date and consecutive number of issuing the contract; the name of the applicant; the name and address of the person to whom the applicant is sent for employment; the address where the applicant is to report for position; the amount of fee charged and collected from the applicant; the amount of fee, if any, paid or advanced by the prospective employer; the cost of transportation and by whom paid or advanced; the kind of work or employment; the general conditions of employment, with particular regard to sanitary conditions and compliance with labor laws affecting the employment as shown by the statement of the prospective employer; the daily hours of work; the wages or salary, including any other consideration or privilege; whether or not board or lodging, or both, is to be furnished; the employment, to be stated if definite or indefinite, or if temporary or permanent (to be deemed permanent only if lasting beyond 90 days); any other term, condition, or understanding agreed upon between the agency and the applicant must be stated in the contract. If any labor trouble exists at the place of employment the facts thereof must be stated in the contract. There shall be printed on the face of the contract in prominent type the following: "This agency is licensed by the commissioner of labor of the State of California." At the bottom of the contract there shall appear a notice to the effect that the contract is the property of the applicant and must not be taken from him or her, and also a notice directing the employer to state on the reverse side of the contract, in the space to be provided therefor, the fact that he discharged the applicant after employing him or her less than seven days and the number of days of such employment, as the case may be. The licensed person must in such contract undertake to repay the applicant the fee and expenses in the event of failure to procure employment pursuant to the provisions of section 12 of this act, and to refer any controversy between the applicant and the employment agency regarding the terms of the contract to the commissioner of labor for adjustment. Every such contract, or receipt, shall be made and numbered consecutively, in original and duplicate, both to be signed by the applicant and the person acting for the employment agency; the original shall be given to the applicant and the duplicate shall be kept on file at the agency.

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The blank forms of contracts and receipts used by such licensed employment agencies shall be uniform and be approved by the commissioner of labor.

Each employer to whom an applicant is sent in response to an application for an employee or employees must state on the reverse side of the contract, in the space provided therefor, the fact that he refused to employ the applicant or discharged him or her after employing him or her less than seven days, as the case may be.

It shall be unlawful for any such licensed employment agency knowingly to issue a contract for employment containing any term or condition which if complied with, would be in violation of law, or to attempt to fill an order for help to be employed in violation of law.

SEC. 11a. *Schedule of fees.*—It shall be the duty of every licensed person conducting an employment agency to file with the commissioner of labor a schedule of fees to be charged and collected in the conduct of the business of such agency. In such schedule, the various employments shall be classified, and in each class the maximum fee shall be fixed at a uniform rate and shall include the charges of every kind rendered or to be rendered by the agency in each case or transaction on behalf of the prospective employer and a prospective employee leading to employment. Changes in the said schedule may be made from time to time, but no such change shall become effective until seven days after the date of filing same with the commissioner of labor, and until posted for not less than seven days in a conspicuous place in the agency. A copy of the schedule with the changes noted thereon, if any, as in effect shall be kept posted in each room of the agency frequented by applicants for help or employment, and the said posted schedule and the changes therein shall be in lettering or printing of not less than 12-point Cheltenham roman type. The date of the taking effect of the schedule and of each change therein shall appear on the posted copies and a certificate thereof shall be procured from the commissioner of labor and kept posted in a conspicuous place in the agency. No fee charged or collected shall be in excess of the fee as scheduled and in force at the time of the issuing of the contract for employment.

SEC. 11½. *Limitations on fees charged.*—No applicant for employment classed as manual shall in any case be charged a fee in excess of seven per centum of the wages or salary earned for the first month, or earned for the first twenty-six working days, if the wages or salary is fixed by the day; or, if such employment is for a period less than a month or twenty-six working days, the fee charged shall in no case exceed seven per centum of the wages or salary earned. In all other employment, which classification shall include also semi-manual employments such as those of clerks, bookkeepers, typists, stenographers, domestics, and mercantile, office, professional and semi-professional employments, the fee charged shall in no case exceed ten per centum of the wages or salary earned for the first month, the twenty-six working days, or shorter period, to be determined in the same manner as in the case of manual employments. In determining any such per centum proper allowance may be made for items of board, lodging, or other consideration or privilege, or for differences arising by reason of rating the compensation otherwise than according to the time of work or service.

This section shall not apply to an association of teachers conducting an employment agency exclusively for the purpose of securing employment for its own members, nor to bona fide schools, having been established for at least three years, securing employment for its own pupils without compensation.

SEC. 12. *Orders; return of fees.*—No such licensed person shall accept a fee from any applicant for employment, or send out any applicant for employment without having obtained, either orally or in wirting a bona fide order therefor, and in no case shall such licensed person accept, directly or indirectly, a registration fee of any kind.

In case the applicant paying a cash fee fails to obtain employment such licensed agency shall repay the amount of said fee to such applicant upon demand being made therefor, and unless the same is returned within 48 hours after demand, then the applicant shall be compensated for the time waited by the said licensed person paying to the applicant an additional sum equal to the amount of the fee paid. A notice to this effect must be inserted in the employment receipt given the applicant and included in the schedule of fees required to be posted in a conspicuous place in the office of the agency. Nothing in this provision, however, shall be construed to apply to controversies arising on account of other provisions of this act.

In cases where the applicant paying or agreeing to pay a fee is sent beyond the limits of the city in which the employment agency is located, such licensed agency shall, in addition to repaying any fee paid, reimburse the said applicant for any actual expenses incurred in going to and returning from any place where such applicant has been sent: Provided, however, where the applicant is employed and

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the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency, or such portion of said fee as in the judgment of the commissioner of labor may be adequate.

SEC. 13. *False information, etc.*—No licensed person conducting an employment agency shall publish or cause to be published any false or fraudulent or misleading information, representation, notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name and address of such employment agent and the word agency, and no licensed person shall give any false information, or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for an engagement or employment or help.

SEC. 14. *Sending to certain places; notice of strikes.*—No licensed person conducting an employment agency shall send or cause to be sent, any woman or minor under the age of 21 years, as an employee to any house of ill fame or to any house or place of amusement for immoral purposes or to places resorted to for the purpose of prostitution, or gambling houses, the character of which such licensed person could have ascertained upon reasonable inquiry. No licensed person shall send any minor under the age of 18 years to any saloon or place where intoxicating liquors are sold to be consumed on the premises. No licensed person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons or procurers to frequent such agencies. No licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of the child labor law. No licensed person shall send an applicant to any place where a strike, lockout or other labor trouble exists without notifying the applicant of such conditions and shall in addition thereto enter a statement of such facts upon the receipt given to such applicant. No licensed person shall divide fees with an employer, or an agent of an employer, or with any superintendent, manager, foreman, or other employee of any person, firm, or corporation to which help is furnished.

SEC. 15. *Theatrical agencies.*—Every licensed person conducting a theatrical employment agency, before making a theatrical engagement, except an emergency engagement, for any person with any applicant for services in any such engagement shall prepare and file in such agency a written statement signed and verified by such licensed person setting forth how long the applicant has been engaged in the theatrical business. Such statement shall be set forth whether or not such applicant has failed to pay salaries or left stranded any companies, in which such applicant and, if a corporation, any of its officers or directors, have been financially interested during the five years preceding the date of application and, further, shall set forth the names of at least two persons as references. If such applicant is a corporation, such statement shall set forth the names of the officers and directors thereof and the length of time such corporation or any of its officers have been engaged in the theatrical business and the amount of its paid-up capital stock. If any allegation in such written, verified statement is made upon information and belief, the person verifying the statement shall set forth the sources of his information and the grounds of his belief. Such statement so on file shall be kept for the benefit of any person whose services are sought by any such applicant as employer.

SEC. 16. *Same.*—Every licensed person who shall procure for or offer to an applicant a theatrical engagement shall have executed in duplicate a contract containing the name and address of the applicant; the name and address of the employer of the applicant and of the person acting for such employer in employing such applicant; the time and duration of such engagement; the amount to be paid to such applicant; the character of entertainment to be given or services to be rendered; the number of performances per day or per week that are to be given by said applicant; if a vaudeville engagement, the name of the person by whom the transportation is to be paid, and if by the applicant, either the cost of the transportation between the places where said entertainment or services are to be given or rendered, or the average cost of transportation between the places where such services are to be given or rendered; and if a dramatic engagement the cost of transportation to the place where the services begin if paid by the applicant; and the gross commission or fees to be paid by said applicant and to whom. Such contracts shall contain no other conditions and provisions except such as are equitable between the parties thereto and do not constitute an unreasonable restriction of business. The form of such contract shall be first approved by the commissioner of labor and his determination shall be reviewable by certiorari.

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One of such duplicate contracts shall be delivered to the person engaging the applicant and the other shall be retained by the applicant. The licensed person procuring such engagement for such applicant shall keep on file or enter in a book provided for that purpose a copy of such contract.

SEC. 17. *Act to be posted.*—Every licensed person shall post in a conspicuous place in each room of such agency a copy of this act. Such printed law to also contain the name and address of the officer charged with the enforcement of this act. The commissioner of labor shall furnish printed copies of this act to the employment agencies.

SEC. 18. *Violations.*—Any person, firm or corporation, or any agent or officer thereof, violating or omitting to comply with any of the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars or more than two hundred and fifty dollars or by imprisonment for a period of not more than sixty days, or by both such fine and imprisonment.

SEC. 19. *Enforcement.*—To carry out the purpose of this act, the commissioner of labor is vested with full power, authority and jurisdiction to prescribe rules and regulations, not inconsistent with any provision of this act, for the purpose of facilitating and making certain, uniform and effective the enforcement of the provisions of this act; and in all cases of controversy arising under this act the parties involved therein shall refer the matters in dispute to the commissioner of labor, who shall hear and determine the same, subject to appeal within ten days to the superior court where the same shall be heard de novo, and to stay any award for money, the party aggrieved shall execute a bond to be approved by said superior court in a sum not exceeding twice the amount of said judgment. In all other cases said bond shall be in a sum of not less than one thousand dollars to be approved by the said superior court. The commissioner of labor, his deputies and agents, shall have the power and authority of sheriffs and other peace officers to make arrests for violations of the provisions of this act and to serve any process or notice throughout the state.

ACT 7495.—*Regulation of trade schools*

SECTION 1. *Trade schools, classed as agencies.*—Any person, firm, association, or corporation who conducts for gain any trade school or classes of instruction for the teaching in whole or in part of any trade, art, science, or occupation requiring special skill, and who, for gain or hire furnishes or agrees to furnish in connection therewith facilities or information to pupils and employers of labor whereby the labor or services of any such pupils are engaged to be employed in the trade, art, science or occupation thus taught at stipulated wages or other valuable consideration, shall be held to conduct a private employment agency and be subject to all the laws and regulations governing such agencies.

SEC. 2. *Application of act.*—Nothing contained in this act shall apply to trade schools or classes of instruction conducted by or in connection with any public school, public institution, parochial school, charitable school or institution, private business schools, teaching shorthand, typewriting, bookkeeping, mechanical and other usual business subjects or trades schools connected therewith or any school employing teachers having certificates issued by the public-school authorities to teach any particular trade, art, science or occupation.

COLORADO

STATUTES ANNOTATED, 1935

CHAPTER 97, ARTICLE 4.—*Employment agencies*

SUBDIVISION 2.—*Private employment agencies*

SECTION 147. *Licenses, register.*—No person, firm or corporation in this State shall open, operate or maintain a private employment agency for hire, or where a fee is charged to either applicant for employment or for help without first obtaining a license for the same from the Deputy State Labor Commissioner. Such license fee in cities of twenty-five thousand (25,000) or more population shall be fifty dollars ($50.00) per annum; in all cities and towns containing less than twenty-five thousand (25,000) and more than five thousand (5,000) population, a fee of twenty-five dollars ($25) per annum, and in all cities and towns under five thousand (5,000) population a fee of ten dollars ($10.00) per annum will be required. Every license shall contain a designation of the city, street and number of the building in

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which the licensed party conducts such employment agencies. The license, together with a copy of sections 147 to 151 of this chapter shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication a name similar to that of the Colorado Free Employment Office.

The Deputy State Labor Commissioner shall require with each application for a license a bond in the penal sum of one thousand dollars ($1,000.00) with two or more sureties to be approved by the said Deputy State Labor Commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of sections 147 to 151 of this chapter. The said Deputy State Labor Commissioner is authorized to cause an action or actions to be brought on said bond in the name of the people of the State of Colorado for any violation of any of its conditions; he may also revoke, upon a full hearing, any license where the party licensed shall have violated any of the provisions of sections 147 to 151 of this chapter. The Deputy State Labor Commissioner shall have power to refuse to issue a license whenever, after due investigation, he finds that the character or business methods of the applicant unfits him to conduct a private employment office, or when the premises for conducting the business of a private employment office is found upon investigation to be unfit for such use. It shall be the duty of every licensed agency to keep a register in which shall be entered the name and address of every applicant. Such licensed agencies shall also enter upon a register the name and address of every person who shall make application for help or servants and the name and nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours, be open to the inspection and examination of the Deputy State Labor Commissioner or his agents. Such licensed agency shall report monthly to the office of the Deputy State Labor Commissioner the number of applicants registered and the number of positions filled by the agency during the preceding month.

SEC. 148. *Acts forbidden; fees.*—No agency shall send or cause to be sent any female help or servant to any place of bad repute, house of ill fame, or assignation house, any place of questionable character, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any notice or advertisement soliciting persons to register with such agency and demanding a fee or remuneration therefor, for positions or jobs unless such agency actually has on its books a definite and reliable order from a responsible source to fill such places. No such licensed agency shall publish or cause to be published any false or fraudulent notices or advertisements or give any false information, or make any false promises concerning or relating to work or employment to anyone who shall register for employment and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm or corporation shall conduct the business of any employment office in, or in connection with, any place where gambling of any character is carried on or indulged in. In all cases a receipt shall be given in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation procured, and the name of the party from whom the position is to be secured. In case the said applicant shall not obtain a situation or employment through such licensed agency within five (5) days after registration, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by such applicant to said licensed agency, provided said fee is demanded within thirty (30) days after the date of registration.

SEC. 149. *Definition.*—A private employment agency is defined to be any person, firm, copartnership or corporation furnishing employment or help, or giving information as to where employment or help may be secured, or who shall display any employment sign or bulletin, or through the medium of any card, circular, pamphlet or newspaper offer employment or help; and all such persons are subject to the provisions of sections 147 to 151 of this chapter, whether a fee or commission is charged or not: *Provided,* That charitable organizations are not included within the meaning of sections 147 to 151 of this chapter.

SEC. 150. [Special fund abolished. See ch. 153 sec. 85.]

SEC. 151. *Enforcement.*—It shall be the duty of the deputy labor commissioner when informed of any violation of sections 147 to 151 of this chapter, to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any violation of the provisions of said sections shall be a misdemeanor and shall be punished by a fine of not less than one hundred ($100.00) dollars nor more than two hundred ($200.00) dollars for each offense, or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment at the discretion of the court.

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SEC. 152. *Unlawful to open agency without license.*[1]—It shall be unlawful for any person or persons to open or establish in any city or town, whether incorporated under special charter or general law, or elsewhere within the limits of the state of Colorado, any intelligence or employment office, for the purpose of procuring or obtaining, for money or other valuable consideration, either directly or indirectly, any work, employment, or occupation for persons seeking the same, or to otherwise engage in the business, or in any way to act as a broker between employers and persons seeking work, without first having obtained a license so to do from the city or town where such intelligence or employment office is to be opened or such business is to be carried on. Any person violating any of the provisions of this section shall, upon conviction thereof, for each and every offense, be subject to a fine not exceeding one hundred ($100) dollars.

SEC. 153. *Cities and towns to issue licenses.*—Every city or town in this state shall, by ordinance, provide for the issuing of licenses as contemplated by sections 152 to 164 of this chapter, and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued.

SEC. 154. *Application for license.*—Any person or persons applying for a license under the provisions of sections 152 to 164 of this chapter, shall make application to the city council, or board of trustees, through the city or town clerk, for the same, and shall deposit with the city or town treasurer, in advance, the annual fee for such a license, to be evidenced by the receipt of the city or town treasurer endorsed on the said application. If the city council, or board of trustees, refuses to order the issuance of such license to the party or parties applying for the same, the sum so deposited with the city or town treasurer shall be refunded to him, her or them, without any further action of the city council or board of trustees.

SEC. 155. *License fee; bond.*—Any person or persons licensed under the provisions of sections 152 to 164 of this chapter shall pay an annual license fee of not more than one hundred (100) dollars in advance, and before such license shall be issued, shall deposit with the city or town treasurer a bond in the penal sum of two thousand (2,000) dollars, with two or more sureties, to be approved by the officers designated by ordinance; such bond shall be made payable to the city or town where such business is to be carried on, and shall be conditioned that the person or persons, company or corporation applying for the license will comply with sections 152 to 164 of this chapter, and shall pay all damages occasioned to any person by reason of any mis-statement or mis-representation or fraud or deceit of any person or persons, their agents or employees, in carrying on the business for which they were licensed. If at any time, in the opinion of the mayor and city or town treasurer, the sureties, or any of them, should become irresponsible, the person or persons holding such license shall, upon notice from the city or town treasurer, give a new bond, to be approved as hereinbefore provided. Failure to give a new bond within ten days after such notice shall operate as a revocation of such license, and the license shall be immediately returned to the city or town treasurer, who shall destroy the same. Licenses granted under sections 152 to 164 of this chapter may be transferred by order of the city council or board of trustees, but before such transfer shall be authorized, the applicant for the same shall deposit with the city or town treasurer the sum of five (5) dollars, which shall be endorsed upon the application, and the person to whom such license is transferred shall also deposit such a bond as is required of an applicant for an original license, as hereinbefore described, and to be approved in the same manner.

SEC. 156. *Certificate of license.*—Upon the granting of a license by the city council or board of trustees, under sections 152 to 164 of this chapter, the city or town treasurer shall, within one week after payment of the license fee, issue to the party or parties entitled to the same, a certificate setting forth the fact that such a license has been granted, and it shall be the duty of all persons, who may obtain such certificate, to keep the same publicly exposed to view in a conspicuous place in their office or place of business. Every person paying a fee for employment shall receive a receipt for the same, which receipt shall state in plain terms the agreement between the intelligence or employment agent or broker, and the person paying such fee, and if the terms of the said agreement are not fulfilled the said fee shall be forthwith returned to the person who paid the same.

SEC. 157. *Fees.*—It shall be lawful for any person or persons or his or their agents, runner or employee, whether acting with or without compensation, engaged in the business of an employment or intelligence agent or broker to charge

[1] It seems that private employment agencies are now required to obtain two licenses. Sections 152-164 require a license from the city or town in which the agency operates. See editor's note, Statutes Annotated, 1935.

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any person applying for work as a day laborer, mechanic, artisan or household or domestic servant, a fee for his services equal in the case of males to five (5) per cent and no more on one month's wages and board, and in the case of females three (3) per cent, and no more on one month's wages and board. The limitations imposed by this section shall not apply in any manner to persons or corporations engaged in the business of procuring employment for any other class or classes of persons than those specifically enumerated above.

SEC. 158. *Acts forbidden.*—Any person or persons, as aforesaid, keeping an intelligence or employment office, who shall send out any female help to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be liable to arrest, and to pay a fine of not less than one hundred (100) dollars, and to imprisonment until such fine is paid; and on conviction thereof, in any court, shall have his or their license rescinded.

SEC. 159. *Sending out help without order.*—Any person or persons, who shall send out any help, male or female, without having previously obtained a written bona fide order, with proper references of two responsible persons, shall be subject to the same penalties as are provided in the last preceding section.

SEC. 160. *Dividing fees.*—Any person or persons, as aforesaid, keeping an intelligence or employment office, sending out help to contractors or other employers of help, and dividing the office fees with subcontractor, and employers of help, or their foreman or any one in their employ, shall, on conviction thereof in any court, have their license at once forfeited, and be fined in a sum of not less than one hundred (100) dollars.

SEC. 161. *Register open for inspection.*—Every person, company or corporation duly licensed under sections 152 to 164 of this chapter, shall enter upon a register to be kept for that purpose, every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual, from whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city, street and number, if any, where such work or employment is to be furnished, the wages to be paid, and a correct record of the names of all persons who have been sent and the time of sending such persons to procure work or employment on such order. No order for help shall be considered a bona fide order unless the same be entered upon the register, as herein provided. There shall also be entered on said register the names of all applicants depositing a fee for the purpose of registering their names with the view of obtaining work or employment, and the nature of the work or employment wanted. The said register shall be open at all reasonable hours to the inspection of any peace official of any municipality in this state.

SEC. 162. *False information or entries; failure to keep register.*—If any person or persons, or his or their agent or employees engaged in the business of employment or intelligence agent or broker, duly licensed, as provided in sections 152 to 164 of this chapter, shall give any false information or shall make any mis-statement or shall make any false promises concerning any work or employment or occupation, or shall fail to keep such a register as is described in the preceding section, or shall wilfully make any false entries in such register, or shall violate any other provisions of sections 152 to 164 of this chapter, for which violation penalties are not hereinbefore provided, shall, upon conviction thereof, for each and every offense, be fined in any sum not exceeding two hundred (200) dollars, and the license under which such person or persons have been permitted to conduct the business of any employment or intelligence office, shall forthwith be forfeited.

SEC. 163. *Actions against agencies.*—All claims or suits brought in any court against any employment or intelligence agent, may be brought in the name of the party injured upon the bond deposited with the city or town treasurer by said employment or intelligence agent, as provided in section 155 of this chapter, and may be transferred, as other claims, for damage in civil suits; the amount of damages claimed by the plaintiff, not the penalty named in the bond, shall be the test of the jurisdiction of the court in which the action is brought.

SEC. 164. *Charitable associations excepted.*—Nothing herein shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same, to obtain a license so to do under the provisions of sections 152 to 164 of this chapter, provided it receives no payment whatever for its services in the way of fees.

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SUBDIVISION 3.—*Theatrical employment agencies*

SECTION 165. *Title.*—This subdivision shall be known, and may be cited, as the Theatrical Employment Agencies Law of 1935.

SEC. 166. *Definitions.*—The term "theatrical employment agency" as used in this subdivision means the business of conducting an agency, bureau or office for the purpose of procuring or offering, promising, or attempting to provide engagements for circus, vaudeville, theatrical or other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided.

The term "theatrical engagement" as used in this subdivision means any engagement or employment of a person as an actor, entertainer or performer in a circus, vaudeville, theatrical or other entertainment, exhibition or performance.

The term "emergency engagement" as used in this subdivision means an engagement which has to be performed within 48 hours from the time when the contract for such engagement is made.

The word "employer" as used in this subdivision means any person employing or seeking to employ any person for hire.

The word "employee" as used in this subdivision means any person performing or seeking to perform work or service of any kind or character whatsoever for hire.

The word "person" as used in this subdivision means any person, firm, association or corporation.

The term "Commission" as used in this subdivision means the Industrial Commission of Colorado.

The term "licensee" as used in this subdivision shall mean any theatrical employment agency or employee or agent of said theatrical employment agency according to context.

The term "license" as used in this subdivision means a license to operate a theatrical employment agency, or to operate as an agent or employee of any theatrical employment agency.

SEC. 167. *Licenses.*—(a) No person shall open, operate, or maintain a theatrical employment agency in the State of Colorado without first (1st) procuring a license from the Commission; *Provided,* That regularly established educational institutions, religious, labor, charitable, benevolent organization and departments or bureaus maintained for the purpose of obtaining employment for which no fee, compensation, or other valuable consideration is charged or received, directly or indirectly, but shall not open, operate, or maintain such theatrical employment bureau or department until a permit has been secured from the Commission.

(b) No person shall as an agent or employee of any theatrical employment agency in the State of Colorado act for, aid or assist such theatrical employment agencies in the procuring, or offering, promising, or attempting to provide engagements for circus, vaudeville, theatrical or other entertainments or exhibitions or performances, or in the giving of information as to where such engagements may be procured or provided without first (1st) procuring a license from the Commission.

SEC. 168. *Same; application.*—Every applicant for a license shall file with the Commission a written application, stating the name and home address of the applicant, the kind of license desired, the street and number of the building in which the theatrical employment agency shall be maintained, if an office building, the number of the office, the name of the person who is to have the general management of the office, the names of those financially interested therein, the name under which the business of the office is to be carried on, and whether or not the license is desired for the operation of a theatrical employment agency or for an agent or employee of such agency. Such application shall be signed by the applicant and sworn to before any one qualified to administer oaths.

SEC. 169. *Investigation of applicant.*—Upon the filing of an application for a license as provided in the last preceding section, the Commission shall cause an investigation to be made as to the character and financial standing of the applicant; also of the person who is to have the general management of the office, and as to the location of the office. The applicant shall be rejected if the Commission shall find that any of the persons named as applicants in the application or the general manager of the office are not of good moral character, business integrity or financial responsibility, and if there is any good sufficient reason within the meaning and purpose of this subdivision for rejecting such application. Unless the applicant shall be rejected for one (1) or more causes specified above, it shall be granted. A detailed record of such investigation shall be made in writing and become a part of the official records of the Commission.

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SEC. 170. *Bond.*—Every application for a license shall be accompanied by a bond in the sum of one thousand dollars ($1000) by a duly authorized surety company to be approved by the Commission, and filed by the Commission in the office of the Secretary of State, and shall be conditioned that the person or persons applying for the license shall comply with the terms of each and every contract entered into between the person or persons, and any employee or employer, and said bond shall further be conditioned to guarantee to the employer or employee the return of any moneys paid out by him as set forth in this subdivision. Such bond shall further be conditioned so that the revocation of any license shall not affect the coverage provided by the bond as to any acts that occurred prior to the date of such revocation. If at any time in the opinion of the Commission the surety shall become irresponsible, the person holding such license shall upon notice given by the said Commission give a bond subject to the provisions of this subdivision. The failure to give a new bond within ten (10) days after such notice shall operate as a revocation of a license.

SEC. 171. *License fees.*—The license fees shall be as follows: (a) For the operation of such theatrical employment agency, one hundred dollars ($100) and,

(b) For each employee of said licensed theatrical employment agency who shall represent such theatrical employment agency for the purpose of procuring or offering, promising, or attempting to provide engagements for circus, vaudeville, theatrical or other entertainments or exhibitions or performances, or the giving of information as to where such engagements may be procured or provided, fifty dollars ($50).

SEC. 172. *Contents of license.*—The license shall state the name of the licensee, the location of the office, where the business is to be conducted, the name of the person who is to be charged with the general management of the office, the name under which the business is to be carried on, and whether or not issued for the operation of a theatrical employment agency or to an agent or employee of such agency. The license shall be numbered and dated. Every application for a license sha'l be granted or refused within thirty (30) days from the filing, and application forms for the renewal of license shall be furnished by the Commission to each applicant on or before November 15th of each year.

SEC. 173. *Expiration.*—Every license unless previously revoked shall remain in force until December 31st next after its issue.

SEC. 174. *Revocation.*—(a) Should the Commission find that any licensee has violated any of the general provisions of this subdivision, or has acted dishonestly in connection with his business, or has improperly conducted his business, or that any other good sufficient reason exists within the meaning and purposes of this subdivision, said Commission shall suspend or revoke said license or refuse to grant a new license upon the termination thereof, but in any case no such action shall be taken until a written notice has been served on said licensee specifying the charges against said licensee and the said licensee has been given a fair hearing with respect thereto.

(b) The decision of the Commission, either refusing, suspending, or revoking a license under this subdivision shall be subject to review according to the laws of the State of Colorado by the District Court of the County where the licensee conducts or intends to conduct his business.

(c) Whensoever for any cause a license is revoked said Commission shall not within three (3) years from the date of such revocation issue another license to the person or persons whose license has been revoked or to his or their representatives, or to any person with whom he or they may be associated. This provision shall not apply to any case where an appeal has been taken as provided under subdivision (*b*) of this section and the court has found for the person or party taking the appeal.

SEC. 175. *License nontransferable.*—No license granted under the terms of this subdivision shall be transferable.

SEC. 176. *Place of business.*—No theatrical employment agency shall be opened, conducted or maintained in any other place than that specified in the license without the written consent of the Commission. So long as a theatrical employment agency shall continue to act as such under its license it shall maintain and keep open an office or place of business at the place specified in the license.

SEC. 177. *False advertising.*—No theatrical employment agency or the agent or employee thereof shall wilfully cause to be printed, published or circulated false or fraudulent notice or advertisement for employees or for obtaining employment.

SEC. 178. *Violations.*—Any person found guilty of the violation of any section of this subdivision shall be guilty of a felony and shall be subject to a fine of not less than three hundred dollars ($300) or more than one thousand dollars

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($1000) or by imprisonment not to exceed four (4) years or both at the discretion of the court.

SEC. 179. *Constitutionality.*—[This section provides that unconstitutional sections shall not affect other parts of the law.]

CONNECTICUT

CONNECTICUT STATUTES, 1930

CHAPTER 130.—*Employment bureaus*

SECTION 2343. *Definitions.*—The term "person" as used in this chapter, shall include persons or a company, society, association or corporation, and the term "employment agency" shall include the business of keeping an intelligence office, employment bureau or other agency for procuring work or employment for persons seeking employment or for acting as agent for procuring such work or employment where a fee or other valuable thing is exacted, charged or received for registration or for procuring or assisting to procure employment, work or a situation of any kind or for procuring or providing help for any person.

SEC. 2344. *License.*—No person shall open, keep or carry on any employment agency unless he shall procure a license from the commissioner authorizing the licensee to open, keep or carry on such agency at a designated place, which license shall be issued by the commissioner on payment of a fee of twenty-five dollars for each year, which money shall be paid by him to the State treasurer. Each license shall contain a designation of the city, the street and the number of the house in which the person licensed intends to carry on such employment agency and the number and date of such license. Such agencies shall be conducted in offices suitable for such purpose which shall be approved by said commissioner.

SEC. 2345. *Bond.*—Each person shall file with his application for a license a bond to the State in the sum of five hundred dollars, with surety approved by the commissioner, conditioned that the obligor shall not violate any provision of this chapter. The commissioner may cause an action to be brought on such bond in the name of the State for any violation of its conditions; and he may revoke any license whenever, in his judgment, the person licensed shall violate any provision of this chapter.

SEC. 2346. *Registers.*—Each person so licensed shall keep a register in which shall be entered, in the English language, the name and address of each applicant and of each person who shall make application for help or servants and the nature of the employment for which such help shall be wanted. Such register shall, at all reasonable hours, be open to the examination of the commissioner and his agents.

SEC. 2347. *Fees, receipts, etc.*—Each such licensed person shall give to each applicant for employment from whom a fee or other valuable thing shall be received for procuring such employment, a receipt in which shall be stated the name of the applicant, the amount of such fee or other valuable thing, the date and the name or nature of the employment or situation to be procured and a separate receipt in which shall be stated the name and address of the person or persons to whom the applicant shall be referred or sent for employment or work. In case the applicant shall not obtain or accept a situation or employment through the agency of such licensed person, such licensed person shall forthwith return to such applicant upon demand the amount of the fee or the valuable thing paid or delivered to such licensed person. In case the applicant shall accept the situation with the person to whom he has been referred, such applicant shall forfeit the fee or valuable thing paid as aforesaid. Each such receipt shall have printed on its back, in the English language, a copy of this section, and each licensed person shall cause a plain and legibly printed copy of this section to be posted in a conspicuous place in such agency or place of business. No person shall display, on any sign or window or in any publication, the name, "The Connecticut Free Public Employment Bureau," or a name similar thereto.

SEC. 2348. *Acts forbidden—violations.*—No such licensed person shall send or cause to be sent any female help or servants to a place of bad repute, house of ill fame or assignation house or to a house or place of amusement kept for immoral purposes. No such licensed person shall publish or cause to be published any false or fraudulent notice or advertisement or give any false information or make any false promise relating to work or employment to any one who shall register for employment; and no such licensed person shall make false entries in the register kept by him. Any person violating any provision of this chapter shall be fined not more than one hundred dollars.

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SEC. 2349. *Exceptions.*—The provisions of this chapter shall not apply to any person supplying positions in connection with educational institutions provided such person is not engaged in supplying positions for other employees.

DELAWARE

REVISED CODE, 1935

CHAPTER 6.—*State revenue*

ARTICLE 16

SECTIONS 193, 194. *Licensing of service occupations.*—[These sections provide that employment agents hiring or securing positions for persons for profit shall pay a license fee of $10.00.]

CHAPTER 71.—*Private employment agencies*

SECTION 2620. *License.*—The said Bureau [appointed to administer the Delaware State Employment Service] shall have the power to cause employment agencies being operated for profit within the State to take out an annual State license costing Ten Dollars, to be deposited in the General Fund of the State Treasury. The said Bureau shall make and enforce rules and regulations for the conduct of the said employment agencies, and said rules and regulations shall have the force of law and any violation thereof shall be punishable as a misdemeanor. A certified copy of the said rules and regulations shall be filed in the office of the Secretary of State. Every infraction shall be punishable by fine not to exceed Fifty ($50.00) Dollars and no less than Five ($5.00) Dollars. The Bureau may inspect and audit the books and records of the said employment agencies, subpoena said books and records and such persons employed in the conduct of said agencies and such persons placed or seeking placement at employment through said agencies. Said bureau may take the sworn testimony of said person insofar as it does not interfere with their constitutional rights.

DISTRICT OF COLUMBIA

SUPPLEMENT II (1935) TO CODE, 1929

TITLE 20

SECTION 1742. *Employment agencies; license required.*—It shall be unlawful for any person to open, keep, operate, maintain or carry on any private employment agency without first having obtained a license from the District of Columbia so to do. The fee for such license shall be $100 per annum. Any license may be denied, revoked, or suspended for cause by the said commissioners: *Provided,* That any person whose license shall be denied, revoked, or suspended by the commissioners may, within thirty days after such denial, revocation, or suspension, apply to any justice of the Court of Appeals of the District of Columbia for a writ of error to review such action. Such application shall not operate as a stay of any order issued in connection with such denial, revocation, or suspension.

(a) The term "private employment agency" means any business, enterprise, or undertaking that procures, offers to procure, promises to procure, attempts to procure, or aids in procuring, either directly or indirectly, help or employment for another for any fee, remuneration, profit, or any consideration whatsoever, promises, paid, or received therefor, either directly or indirectly. It shall also include domestic, commercial, clerical, executive, professional, and general employment bureaus, and shall apply to theatrical employment agencies and nurses' registry conducted for profit or gain.

(a–1) The term "nurses' registry" means and includes the business of conducting an agency, bureau, office, or other place for the purpose of procuring, offering to procure, promising to procure, attempting to procure, or aiding in procuring employment or engagements for nurses of any kind.

(a–2) The term "theatrical employment agency" includes the business of conducting any agency, bureau, office, or other place providing engagements for circus, vaudeville, theatrical, and other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, but does not include the business of managing the artists or the attraction constituting such performances, where such business only incidentally involves the seeking of employment therefor.

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(a–3) The term "applicant for employment" means any person seeking work, employment, or engagement of any character.

(a–4) The term "applicant for help" means any person seeking help, employees, or performers.

The singular shall include the plural and the masculine the feminine.

SEC. 1743. *Bond.*—No license shall become effective under section 1742 of this title until bond in due form in the penal sum of $1,000, or such lesser amount as the commissioners may determine, with two or more sureties or a duly authorized surety company to be approved by the commissioners, shall have been deposited with the commissioners. The bond shall be payable to the District of Columbia and shall be conditioned that the person applying for the license will comply with this chapter and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud, or deceit, or any unlawful act or omission of any licensed person, made, committed, or omitted in the business conducted under such license, or caused by any other violation of this chapter in carrying on the business for which such license is granted. One or more recoveries upon such bond shall not vitiate the same, but it shall remain in full force and effect: *Provided, however,* That the aggregate amount of all such recoveries shall not exceed the full amount of the bond. Upon the commencement of any action or actions against the surety upon any such bond for a sum or sums aggregating or exceeding the amount of such bond the commissioners may require a new and additional bond in like amount as the original one, which shall be filed with the commissioners within thirty days of the demand therefor. Failure to file such bond within the prescribed time shall constitute cause for the revocation of the license therefor issued. Any suit or action against the surety on any bond required by the provisions of this section shall be commenced within one year from the accruing of the cause of action thereon.

If at any time, in the opinion of the commissioners, the sureties, or any of them, shall become irresponsible, the person holding such license shall, upon notice from the commissioners, give a new bond, and the failure to give a new bond within ten days after such notice, in the discretion of the commissioners, shall operate as a revocation of such license.

The commissioners shall furnish to anyone applying therefor a certified copy of any such bond filed in their office upon the payment of a fee of $1, and such certified copy shall be prima facie evidence in any court that such bond was duly executed and delivered by the person or corporation whose name appears therein.

SEC. 1744. *Registers.*—It shall be the duty of every licensee to keep a register approved by the commissioners, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, the amount of the fee received, and, whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensee shall also enter in a separate register, approved by the commissioners, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, and the amount of the fee received. The aforesaid registers of applicants for employment and help shall be open during office hours to inspection by the said commissioners. No such licensee shall make any false entry in such registers. It shall be the duty of every licensee, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for every applicant for work in private families or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided,* That if the applicant for help voluntarily waives in writing such investigation of references by the licensee, failure on the part of the licensee to make such investigation shall not be deemed a violation of this section.

SEC. 1745. *Receipts.*—It shall be the duty of such licensee to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every receipt given by such licensee shall bear the name and address of such licensee printed in large type thereon. Every receipt shall have printed on the back thereof a copy of section 1749 of this title in the English language.

SEC. 1746. *Restrictions.*—No private employment agency licensed under section 1742 of this title shall be located in rooms used for living purposes, or in rooms where boarders or lodgers are kept, or where meals are served or persons sleep, or in any building or on premises wherein rooms are located and used for living pur-

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poses, or wherein boarders or lodgers are kept, or where meals are served, or persons sleep, or in any building wherein such rooms are located; nor shall any such private employment agency be located in any such building where the entrance thereto is not separate and apart from the entrance to the building proper, or where there is any entrance into the building proper from said private employment agency: *Provided*, That no one shall be precluded from keeping an employment agency in an office building by reason of there being a cafe or restaurant in another part of said building.

SEC. 1747. *Application of minor.*—No licensee shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of any compulsory education or child labor laws.

SEC. 1748. *Inspection.*—All registers, books, records, and other papers required to be kept pursuant to this chapter in any private employment agency shall be open at all reasonable hours to the inspection of the commissioners, and every licensee shall post in a conspicuous place in such agency the license certificate.

SEC. 1749. *False information.*—No licensee conducting any private employment agency shall publish or cause to be published any false or fraudulent or misleading information, representation, notice, or advertisement, nor shall he give any false information, or make any false promise, or false representation concerning an engagement or employment to any applicant who shall register or apply for an engagement or employment or help.

SEC. 1750. *Exceptions.*—This chapter shall not apply to employment bureaus conducted by registered medical institutions, duly incorporated hospitals, or duly incorporated alumni associations of registered nurses, or to any bureau maintained by persons for the purpose of securing help or employees where no fee is charged.

FLORIDA

COMPILED GENERAL LAWS, 1927

TITLE 6, CHAPTER 3.—*Licenses and other taxes*

SECTION 1146. *Private employment agencies, tax.*—Owners or managers of employment agencies and intelligence offices in cities and towns of ten thousand inhabitants or more, shall pay a license tax of ten dollars.

GEORGIA

CODE 1933

TITLE 54.—*Industrial relations*

SECTION 54–110. *Duty of commissioner.*— * * * The Department of Industrial Relations is also charged with the following duties:

* * * * * * *

2. The commissioner shall exercise jurisdiction over each person, firm or corporation acting as a private employment agency or intelligence bureau hereafter referred to as agency; shall as frequently as may be necessary, examine into the condition of each agency; shall require each agent to make application for license to do business, which application must be indorsed by two taxpayers in the county where such agency proposes to conduct business, said license to be granted by the commissioner upon the payment to the State of such tax as may be charged, and the filing of a bond in the sum of $500 for the faithful performance of duty, said license to be renewed annually. The commissioner shall require each agency to report to him once a month in writing, showing the names, addresses, and number of persons for whom positions were secured, where secured, the kind of position, the pay of same, the amount of fee collected and the amount still to be collected. Nothing in this paragraph shall authorize any employment agency or persons with such agency, or any employee thereof, to act as an emigrant agent. If any agent shall be found to be violating the law it shall be the duty of the commissioner to immediately proceed to have such person presented to the proper authorities for prosecution and to cancel the license of such agency to do business.

TITLE 92.—*Public revenues*

SECTION 92–507. *Employment agencies.*—All employment agencies or bureaus doing business in this State, shall pay $50 for each county in which they have an office.

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HAWAII

REVISED LAWS, 1935

Private employment offices

SECTION 2456. *Fee.*—Every person conducting an employment or intelligence office or advertising as an employment or intelligence agent shall pay an annual license fee of ten dollars.

IDAHO

CODE 1932

TITLE 43, CHAPTER 3.—*Private employment agencies*

[By the provisions of section 43–201, private employment agencies for profit are abolished.]

SECTION 43–301. *License.*—No person or persons shall carry on, hold, or keep any labor agency, or bureau of employment, without first having obtained written permission of the county commissioners of the county wherein said agency or bureau is to be located.

SEC. 43–302. *Bond.*—Before any person or persons shall be permitted to open, keep or conduct any labor agency or bureau of employment within the jurisdiction of said county, he shall furnish a bond with good and solvent security in favor of the chairman of said county commissioners in the full sum and amount of $5,000, conditioned that he shall well and truly carry out the purposes for which said agency shall have been established, and that he shall pay all such damages which may result from his or their actions as such agent or agents, keeper or keepers of said bureau of employment, and that any one who may have been injured or damaged by said agent or agents by any act done in furtherance of said business or by fraud or misrepresentations of said agents or keepers, shall have a right to sue for the recovery of such damages before any court of competent jurisdiction.

SEC. 43–303. *Penalty.*—Anyone violating the provisions of this chapter shall be subject to a fine of not more than $300 nor less than $100 and imprisonment in the county jail for not more than ninety days, nor less than thirty days.

ILLINOIS

REVISED STATUTES, 1935

CHAPTER 48.—*Private employment agencies*

Par. 87 (1). *Duties, etc., of the Department of Labor.*—It shall be the duty of the Department of Labor and it shall have power, jurisdiction and authority to issue licenses to employment agencies or agents, and to refuse to issue licenses whenever, after due investigation, the Department of Labor finds that the character of the applicant makes him unfit to be an employment agent, or when the premises proposed to be used for conducting the business of an employment agency, is found, upon investigation, to be unfit for such use. Any such license granted by the Department of Labor may also be revoked by it upon due notice to the holder of said license and upon due cause shown and hearing thereon. Failure to comply with the duties, terms, rules, conditions or provisions required by any law of this State governing employment agencies, or with any lawful order of the Department of Labor, shall be deemed cause to revoke such license. The Department of Labor shall have power, jurisdiction and authority to fix and order such reasonable rules and regulations for the conduct of the business of employment agencies, as may be necessary to carry out the laws relating to employment agencies.

No person shall open, keep or carry on any employment agency in the State of Illinois, unless every such person shall procure a license therefor from the Department of Labor. Any person who shall open up, or conduct any such agency without first procuring such license or without paying any fees required by this act, shall be guilty of a misdemeanor, and shall be punishable by a fine of not less than $50.00, and not exceeding $200.00; or on failure to pay such fine by imprisonment for a period not exceeding six (6) months, or both such fine and imprisonment, at the discretion of the court.

The fee for said license, in cities having a population of fifty thousand or more shall be fifty dollars ($50.00) annually for persons operating an agency with less than three employment brokers and placement clerks, and one hundred dollars

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($100.00) annually for persons operating an agency with three or more employment brokers and placement clerks.

The fee for said license in cities having a population of less than fifty thousand, shall be twenty-five dollars ($25.00) annually, notwithstanding the number of employment brokers and placement clerks employed.

Every license shall contain the name of the person licensed, or if a corporation, the name of the chief officer, a designation of the city, street number of the building in which the person licensed is authorized to carry on the said employment agency, and the style or trade name under which such licensed person is to conduct said employment agency. Such license shall not be valid to protect any person who operated any employment agency under any other name than as mentioned in said license. No license shall be valid to protect any place other than that designated in the license, unless consent is first obtained from the Department of Labor, and until the written consent of the surety or sureties on the bond required to be filed by section 2 of this Act, to such transfer, be filed with the original bond. No such agency shall be located adjacent to or in connection with any place where intoxicating liquors are sold.

The application for such license shall be filed with the Department of Labor, not less than one week prior to the granting of said license; and the Department of Labor shall act upon such application within thirty (30) days from the time of filing such application. The license shall run for one year from date of issue, and no longer, unless sooner revoked by the Department of Labor. Such application shall be posted in the office of the Department of Labor from date of filing thereof and until such time as such application is acted upon.

Such application shall state whether or not the applicant is pecuniarily interested in any other business of like nature and if so, where. Such application shall also state whether the applicant is the only person pecuniarily interested in the business to be carried on under the license. If the applicant is a corporation, the applicant shall state the names and addresses of the officers of said corporation. If the applicant is a partnership, the applicant shall also state the names of all partners therein. Such application shall be accompanied by the affidavits of two persons of business or professional integrity, residing within the city or town wherein such applicant intends to conduct his business, and such affiants shall state that they have known the applicant for a period of two years, that the applicant is a person of good moral character and is a citizen of the United States.

No licensed employment agent shall permit any person not mentioned in the original application for a license to become a partner if such agency is a partnership, or an officer of the corporation if such agency is a corporation, unless the written consent of the Department of Labor shall first be obtained. Such consent may be withheld for any reason for which an original applicaton might have been rejected, if the person in question had been mentioned therein.

Each applicant for a license shall file with the application a schedule of fees, charges and commissions, which he intends to charge and collect for his services, together with a copy of all forms and contracts to be used in the operation of the agency. Such schedule of fees, charges and commissions may thereafter be changed by filing with the Department of Labor an amended or supplemental schedule, showing such changes, at least fifteen (15) days before the change is to become effective. Any change in forms or contracts must be filed with the Department of Labor at least fifteen (15) days before such change is to become effective. Such schedule of fees to be charged shall be posted in a conspicuous place in each room of such agency, and such schedule of fees shall be printed in not less than thirty point bold-face type.

It shall be unlawful for any employment agency to charge, collect or receive a greater compensation for any service performed by it than is specified in such schedule filed with the Department of Labor.

Par. 87 (2). *Bond required.*—The Department of Labor shall require such person to file with his application for a license a bond in due form to the People of the State of Illinois, for the penal sum of three thousand dollars ($3,000) where the fee for such license is one hundred dollars ($100); and one thousand dollars ($1,000) where the fee for such license is less than one hundred dollars ($100), with one or more sureties, to be approved by the said Department of Labor, and conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions or requirements of this Act. If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agency, in any court having jurisdiction of the amount claimed. All such claims shall be assignable, and the assignee thereof shall be entitled to the same remedies upon the

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bond of such licensed person or otherwise, as the person aggrieved would have been entitled to if such claim had not been assigned. Any claim or claims so assigned may be enforced in the name of such assignee. Any remedies given by this section shall not be exclusive of any other remedy which would otherwise exist.

Par. 87 (3). *Register.*—It shall be the duty of every such licensed person to keep a register, in which shall be entered in the English language, the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, name and address of the person to whom the applicant is sent for employment, the amount of the fee received, and the number of the receipt. Such licensed person shall also enter in the English language, in a separate register, the name and address of every accepted application for help, the date of such application, the kind of help requested, the name of the persons sent with the designation of the one employed, the amount of fee received and the rate of wages agreed upon. Each such application for help shall be numbered, which number shall be entered in said register. The aforesaid registers of applicants for employment and help shall be open during office hours to inspection by the Department of Labor and its duly qualified agents. No such licensed person, or his employees, shall knowingly make any false entry in such registers.

Par. 87 (4). *License.*—It shall be unlawful for any person to act as an employment broker and placement clerk, or to advertise, or assume to act as an employment broker and placement clerk, without first obtaining a license as such employment broker and placement clerk, from the Department of Labor. After December 31, 1935, it shall be unlawful for any person to engage in, operate or carry on the business of an employment agency unless each employee of such agency, who furnishes information to any person as to where help or employment may be obtained or found, is a licensed employment broker and placement clerk.

The term "placement clerk and employment broker" as used in this Act shall be defined to mean employes who interview, counsel, or advise applicants or employer clients or both, on employment and allied problems and who make or arrange contracts between employer and employee clients.

Every person who desires to obtain a license, as employment broker and placement clerk shall apply therefor to the Department of Labor, in writing, upon application blanks prepared and furnished by the Department of Labor. Each applicant shall set out in said application blanks such information as the department may require, and said applications shall be accompanied by the affidavits of two persons of business or professional integrity, residing in the city or town wherein such applicant resides. Such affiants shall state that they have known the applicant for a period of two years and that the applicant is a person of good moral character.

The Department of Labor may require such other proof as to the honesty, truthfulness and integrity of the applicant, as may be deemed necessary and desirable. If the applicant is shown to be honest, truthful and of known integrity, the Department of Labor shall issue a license, which license shall set out the true name and address of the applicant, the name of the employment agency by whom he is employed, and such additional information as the department may prescribe. The license issued shall authorize the person named therein to act as an employment broker and placement clerk.

The Department of Labor shall charge a fee of $3.00 for issuing each such license, which fee shall be paid at the time application is made. Each such license issued shall remain in force until revoked by the Department of Labor.

The license of the employment broker and placement clerk shall be mailed to the employment agency by which he is employed, and shall be kept in the office of such agency and produced for inspection by any agent of the Department of Labor, at any time during business hours.

The Department of Labor, upon its own motion, or upon the filing of a verified complaint with the department, by any person, accompanied by such evidence, documentary or otherwise, as makes out a prima facie case that the licensee is unworthy to hold a license, shall notify the employment broker and placement clerk in writing that the question of his honesty, truthfulness and integrity is to be reopened and determined, de novo. This notice shall be served by delivering a copy to the licensed person, or by mailing a copy to him, by registered mail, at his last known business address. Thereupon, the Department of Labor shall require further proof of the licensee's honesty, truthfulness and integrity, and if the proof is not satisfactory to the Department of Labor, it shall revoke his license.

If any employment broker and placement clerk is discharged or terminates his employment with the agency by which he is employed, such agency shall

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immediately deliver, or forward by registered mail, the employment broker and placement clerk's license, to the Department of Labor, together with the reasons for his discharge, if he was discharged.

Thereafter, it shall be unlawful for the employment broker and placement clerk to exercise any rights or privileges under such license, unless the Department of Labor transfers his license to another employment agency.

Each employment broker and placement clerk shall notify the Department of Labor of any change in his residence address. Failure to give such notice shall automatically work a revocation of his license.

Any person who violates any provisions of this section, or who testifies falsely as to any matter required by the provisions of this section or of this Act, is guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than $50.00 nor more than $200.00, or imprisoned in the county jail for not less than one month nor more than six months, or both, at the discretion of the court.

Par. 87 (5). *Registration fee.*—No such licensed person shall charge a registration fee without having first obtained a permit to charge such registration fee from the Department of Labor. Any such licensed person desiring to charge said registration fee shall make application in writing to the Department of Labor, and shall set out in the application the type of applicants from whom they intend to accept a registration fee, the amount of the fee to be charged, and shall furnish any other information on the subject that the Department of Labor may deem necessary to enable it to determine whether the applicant's business methods and past record with reference to the charging of registration fees, entitles said applicant to a permit.

It shall be the duty of the Department of Labor to make an investigation, upon receipt of the application, as to the truthfulness of said application and the necessity of the charge of a registration fee; and if it is shown that the applicant's method of doing business is of such a nature, that a permit to charge a registration fee is necessary, and that the record of the applicant's past method of charging a registration fee has been reasonable and fair, then the Department of Labor shall grant a permit to such applicant; said permit shall remain in force until revoked for cause. No permit shall be granted until after ten (10) days from the date of filing of the application.

When a permit is granted, such licensed person may charge a registration fee not to exceed two dollars ($2.00). In all such cases a complete record of all such registration fees and references of applicants shall be kept on file, which record shall, during all business hours, be open for the inspection of the Department of Labor. It shall be the duty of such licensed person to communicate in writing with at least two of the persons mentioned as reference by every applicant from whom a registration fee is accepted. Failure on the part of a licensed person to make such investigation shall be deemed cause to revoke said permit to charge a registration fee. For such registration fee a receipt shall be given to said applicant for help or employment, and shall state therein the name of such applicant, date and amount of payment, the character of position or help applied for, and the name and address of such agency. If no position has been furnished by such licensed agency to the said applicant, then said registration fee shall be returned to the said applicant on demand after thirty (30) days and within six (6) months from the date of receipt thereof, less the amount that has been actually expended by said licensed person in checking the references of said applicant, and on [sic] an itemized account of such expenditures shall be presented to said applicant on request at the time of returning the unused portion of such registration fee.

Any such permit granted by the Department of Labor may be revoked by it upon due notice to the holder of said permit and due cause shown and hearing thereon.

No such licensed person or persons shall, as a condition to registering or obtaining employment for such applicant, require such applicant to subscribe to any publication or to any postal card service, or advertisement, or exact any other fees, compensation or reward, (except that in the case of applicants for positions paying salaries of three thousand six hundred dollars or more per annum, a fee not to exceed twenty dollars may be charged for such service) other than the aforesaid registration fee and a further fee, the amount of which shall be agreed upon between such applicant and such licensed person, to be payable at such time as may be agreed upon in writing; but the further fee aforesaid shall not be received by such licensed person before the applicant has been tendered a position by such licensed person. In the event the position so tendered is not accepted by or given to such applicant, said licensed person shall refund all fees paid other than the registration fee aforesaid, within three (3) days of receipt thereof.

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No such licensed person shall send out any applicant for employment without having obtained a bona fide order therefor, and if it shall appear that no position of the kind applied for was open at the place where said applicant was directed or no other employment is accepted in lieu thereof with the person to whom the applicant was directed, then said licensed person shall refund to such applicant on demand any sum paid or expended by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant: *Provided, however*, that in the event a substitute position is taken, the fee to be charged shall be computed on the salary agreed upon for such position.

In addition to the receipt herein provided to be given for a registration fee, it shall be the duty of such licensed person to give to every applicant for employment or help from whom other fee, or fees shall be received, an additional receipt in which shall be stated the name of the applicant, the amount of the fee, date of payment and the character of position or help applied for. All such receipts shall be in duplicate, numbered consecutively, shall contain the name and address of such agency, and such other information as the Department of Labor may deem proper. The duplicate receipt shall be kept on file in the agency for at least one year. No such licensed person shall use the term "Placed" on any receipt.

Every such licensed person shall give to every applicant from whom they receive a fee a card or printed paper containing the name of the applicant, the name and address of the employer to whom the applicant is sent for employment, the name and address of the agency, and the probable duration of the work, whether temporary or permanent. A duplicate of all such cards or printed paper shall be kept on file in the agency.

If an employee furnished by such licensed person fails to remain three (3) weeks in a situation through no fault of the employer, such licensed person shall refund to the applicant for help all fees paid less an amount equal to twenty-five percent of the total salary paid such employee during the period of such employment, within three (3) days after said licensed person has been notified of employee's failure to remain in the situation or the employee's discharge for cause.

If the employee is discharged within three (3) weeks, through no fault of his own, the said licensed person shall refund all fees paid by such applicant less an amount equal to twenty-five per cent (25%) of the total salary received by said applicant during the period of such employment, within three (3) days after demand by said applicant, *provided* said twenty-five percent (25%) does not exceed the amount charged for a permanent position of like nature. All refunds shall be paid in cash and not in credit on the books for another position.

No such licensed person shall require any person who has applied for and obtained a position through such licensed person to sign any note authorizing a confession of judgment for the payment of any fees or require any applicant for a position to sell, transfer or assign any salary or wages due the applicant or to become due from his employer.

Every such licensed person shall post in a conspicuous place in each room of such agency sections of this Act, as required by the Department of Labor, to be supplied by the Department of Labor, and shall also post their license in the main room of the agency.

Every such licensed person shall furnish the Department of Labor, under rules to be prescribed by such department, monthly statements showing the number and character of placements made.

Par. 87 (6). *Employment contract.*—No such licensed person shall by himself or by his agent, or agents, solicit, persuade or induce any employee to leave any employment in which said licensed person or his agents has placed said employee; nor shall any such licensed person, or any of his agents, solicit, persuade or induce any employer to discharge any employee; nor shall any such licensed person or his agents divide, or offer to divide, or share, directly or indirectly, any fee, charge or compensation received, or to be received, from any employee with any employer or person in any way connected with the business thereof.

Par. 87 (7). *Employment outside city.*—Whenever such licensed person, or anyone acting for him, agrees to send one or more persons to work as contract or railroad laborers, outside the city in which such agency is located, the said licensed person shall give to each of such laborers, in a language with which such laborers are familiar, a statement containing the following items: "Name and nature of the work to be performed," "wages offered", "destination of the person employed," "terms of transportation and probable duration of employment", and a duplicate of such statement shall be kept on file in the office of such licensed person sending out such laborers.

No such licensed person or his agents shall send any applicant to any place where a strike, a lock-out or other labor trouble exists, without first notifying the

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applicant of such conditions, and shall, in addition thereto, enter a complete statement of such facts upon the receipt given to such applicant.

Par. 87 (8). *Theatrical employment agency.*—Any such licensed person conducting a theatrical employment agency, before making a theatrical engagement, except an emergency engagement, for an employee with any employer, for services in any such engagement, shall prepare and file in such agency a written statement signed and verified by the employment agent of such licensed person, setting forth how long said employer has been engaged in the theatrical business. Every such statement shall be kept for the period of one (1) year and shall set forth whether or not such employer, while financially interested in a theatrical business, has failed to pay salaries, or "left stranded" any company, group or employee during the two (2) years preceding the date of application; and further, shall set forth the names of at least two persons as references. If such employer is a corporation, such statement shall set forth the names of the officers and directors thereof, the length of time such corporation, or any of its officers have been engaged in the theatrical business, and the amount of the paid up capital stock. If the employer conducts a cabaret or nightclub, the agent shall include in such statement the name and address of the owner or owners, and whether thay have failed to pay salaries to employees within the past two years. If any allegation in such written verified statement is made upon information or belief, the person verifying this statement shall set forth the sources of his information or belief. Such statement so on file shall be kept for the benefit of any employees whose services are sought by any such employers.

Every such licensed person conducting a theatrical employment agency who shall procure for or offer to an applicant a theatrical engagement, or any kind of employment as an entertainer, shall have executed in triplicate a contract containing the name and address of the applicant, the name and address of the employer and that of the employment agency acting for such employer, in employing or furnishing such applicant for employment, the character of the entertainment to be given, or services to be rendered, the number of performances to be given per day or per week, by whom the transportation, if any, is to be paid, and if it is to be paid by the applicant, either the cost of the transportation between the places where said entertainment or services are to be given or rendered, or the average cost of such transportation. Said contract shall state from whom said applicant is to receive his or her salary, the amount of salary promised, and the gross commissions or fees to be paid by said applicant and to whom such gross commissions or fees are to be paid. The original contract shall be given to the applicant for employment, the duplicate contract shall be given to the employer, and the triplicate contract shall be kept on file in the office of the agency for a period of one year.

Par. 87 (9). *Nurses registry.*—Every such licensed person conducting a Nurses' Registry shall cause every applicant for employment to fill out an application form giving the following information: The name and address and qualifications of such applicant, the names and places of the hospitals wherein the applicant has studied or has been employed, the length of time of service therein, or other experiences in nursing, if not in a hospital, and whether such applicant is a graduate, trained, certified, registered, undergraduate or practical nurse or trained attendant. There shall be stated on such form the number and date of the certificate issued to such nurse or trained attendant, by the Department of Registration and Education of the State of Illinois. Such application form shall be kept on file in the office of the Registry and shall be open to the inspection of the Department of Labor and the Department of Registration and Education.

Every such licensed person conducting a Nurses' Registry shall give to every applicant, to whom a position is offered, a card or printed paper in which shall be stated the amount of the fee, or commissions to be charged by such licensed person for services in obtaining the position for said applicant for employment.

Par. 87 (10). *Character of employment; fraud.*—No such licensed person shall send or cause to be sent any female help or servants, inmate, or performer, to enter any questionable place, or place of bad repute, house of ill-fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution or gambling house, the character of which such licensed person knows either actually or by reputation.

No such licensed person shall permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency.

No such licensed person shall accept any application for employment made by or on behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the Child Labor Law, approved May 15,

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1903, as amended, and An Act to regulate the employment of children, approved June 9, 1897, as amended.[2] For the violation of any of the provisions of this section, the penalty shall be a fine of not less than fifty dollars ($50.00) and not more than two hundred dollars ($200.00), or imprisonment in the county jail, or house of correction for a period of not more than one year, or both, at the discretion of the court, in addition to the revocation of such person's license.

No such licensed person shall publish or cause to be published any fraudulent notice or advertisement of such employment agencies, by means of cards, circulars or signs, or in newspapers or other publications; and all its letterheads, receipts and blanks shall contain the full name and address of such employment agency and such licensed person shall state in such notices and advertisements the fact that such licensed person is, or conducts, a private employment agency.

No such licensed person shall print, publish or paint on any sign, window, or insert in any newspaper or publication, a name similar to that of the Illinois Free Employment Office.

No such licensed person shall print or stamp on any receipt or on any contract used by said agency, any part of this Act, unless the entire section from which such part is taken, is printed or stamped thereon.

All written communications sent out by such licensed person, directly or indirectly, to any person or firm with regard to help or employment, shall contain therein definite information that such person is a private employment agency.

No such licensed person, or his employees shall knowingly give any false information, or make any false promise to any applicant who shall apply for employment or help.

Par. 87 (11). *Definitions.*—Any person, firm or corporation, who for hire or with a view to profit, shall undertake to secure employment or help, or through the medium of a card, circular, pamphlet or any other medium whatsoever, or through the display of a sign or a bulletin, offers to secure employment or help, or give information as to where employment or help may be secured, shall be deemed a private employment agent, and be subject to the provisions of this Act, provided that charitable institutions are not included.

The term "fee" as used in this Act means money or a promise to pay money. The term "fee" also means and includes the excess of money received by any such licensed person over what he has paid for transportation, transfer of baggage, or lodging, for any applicant for employment. The term "fee" as used in this Act also means and includes the difference between the amount of money received by any person, who furnishes employees or performers for any entertainment, exhibition or performance, and the amount paid by the said person receiving said amount of money to the employees or performers whom he hires to give such entertainment, exhibition or performance.

The term "privilege" as used in this Act, means and includes the furnishing of food, supplies, tools or shelter to contract laborers, commonly known as commissary privileges.

The term "theatrical employment agency" means and includes the business of conducting an agency, bureau, office or any other place, for the purpose of procuring or offering, promising or attempting to provide engagements for persons who want employment in the following occupations: Circus, vaudeville, theatrical and other entertainment, or exhibitions, or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, on the street, or elsewhere.

The term "theatrical engagement" means and includes any engagement or employment of a person as an actor, performer, or entertainer, in a circus, vaudeville, theatrical or any other entertainment, exhibition or performance.

The term "emergency engagement" means and includes an engagement that is to be performed within twenty-four (24) hours of the time such application was made by an employer.

The term "Nurses' Registry" means and includes the business of conducting any agency, bureau, office or any other place for the purpose of procuring, offering, promising or attempting to provide employment or engagements for nurses of any kind, or any place used as a lodging house for nurses, the keeper of which receives telephone calls or messages of any kind relative to the employment of such nurses and transmits such messages or calls to a nurse lodging in his or her house.

[2] The act of 1897 was repealed by acts of 1931, p. 1, approved July 8

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Par. 87 (12). *Enforcement.*—The enforcement of this Act shall be entrusted to the Department of Labor, which shall appoint such inspectors and officers as it may deem necessary to carry out the provisions of this Act. Complaints against any such licensed person may be made orally or in writing, to the Department of Labor. A hearing shall be held on such complaint by the Department of Labor, within one week of the filing thereof. Reasonable notice of such hearing not less than one (1) day, shall be given in writing to said licensed person by serving upon him a concise statement of the facts constituting the complaint and shall state where such hearing shall be held. No adjournment of such hearing shall be for a period longer than one (1) week. The Director of Labor or his duly qualified assistants shall have the power to issue subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to such hearing, and to administer oaths to such witnesses. If any witness refuses to obey a subpoena issued hereunder, the Department of Labor may petition the circuit court of the county in which the hearing is held for an order requiring the witness to attend and testify or produce documentary evidence. The circuit court shall hear the petition and if it appears that the witness should testify or should produce documentary evidence, it may enter an order requiring the witness to obey the subpoena. The court may compel obedience by attachment proceedings as for contempt of court. A calendar of all such hearings shall be kept by the Department of Labor, and shall be posted in a conspicuous place in its public office for at least one (1) day before the date of such hearing. The result of such hearing shall be rendered within eight (8) days from the time the matter is finally submitted. The Department of Labor may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this Act, and when it is shown to the satisfaction of the said Department of Labor that any person is guilty of any immoral, fraudulent or illegal conduct in connection with the conduct of said business, it shall be the duty of the said Department of Labor to revoke the license of such person, but notice of such charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself in the manner and form heretofore provided in this section of the Act. Whenever said Department of Labor shall refuse to issue, or shall revoke the license of any such employment agency, said determination shall be subject to review on writ of certiorari. Whenever, for any cause such license is revoked, said revocation shall not take effect until seven (7) days after such revocation is officially announced; and such revocation shall be considered good cause for refusing to issue another license to said person or his representative, or to any person with whom he is to be associated in the business of furnishing employment or help. The violation of any provisions of this Act, except as provided in sections 1, 4 and 10, shall be punishable by a fine not to exceed twenty-five dollars ($25.00) and any city magistrate, judge of a municipal court, police justice, justice of the peace, or any inferior magistrate having original jurisdic tion in criminal cases, shall have power to impose said fine and in default of payment thereof, to commit to the county jail, or house of correction, the person so offending, for a period not exceeding thirty (30) days. The said Department of Labor or its duly authorized agents may institute criminal proceedings for its enforcement before any court of competent jurisdiction. The Department of Labor shall employ legal advice, or services, whenever in its opinion such advice or services are necessary in or to the enforcement of this Act.

Par. 87 (13). *Powers of officers.*—Every officer and employee of the Department of Labor shall have full power to execute and serve all warrants and processes of law issued by any justice of the peace or police magistrate, or by any court having jurisdiction under the law relating to employment agencies in the same manner as any constable or police officer, may serve and execute such processes, or may arrest on view and without warrant any unlicensed person detected by them actually violating any of the provisions of this Act, and may take such person so offending before any court, having jurisdiction of the offense and make proper complaint before such court, which court shall proceed with the case in the manner and form provided by law.

Par. 87 (14). *Severability.*—Should one or more of the provisions of this Act be held invalid, such invalidity shall not affect any of the valid provisions hereof.

Par. 87 (15). *Repeal.*—An Act relating to private employment agencies and to repeal parts of a certain Act relating thereto approved June 15, 1909, as amended, is repealed.

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INDIANA

SUPPLEMENT (1929), BURNS' ANNOTATED STATUTES, 1926

CHAPTER 72, ARTICLE 5.—*Employment agencies*

SECTION 9381. *License.*—1. No person, firm or corporation shall open, operate, or maintain an employment agency in this State without first obtaining a license for that purpose from the Industrial Board of Indiana. Each license so issued shall contain a designation of the city or town, together with the name of the street and the number of the building where the licensed person, firm or corporation conducts or is to conduct said employment agency. The license together with a copy of this law, shall be posted in a conspicuous place in each and every place or office where said agency does business. No agency shall write, print, publish, paint or display, in any way, any sign, card or advertisement, in any way similar to the name, "Indiana Free Employment Service." All advertisements and statements, window signs, door signs, and all literature used, displayed or circulated by any such agency shall contain the words, "licensed employment agency," together with the regularly licensed name of the agency. The location of an agency shall not be changed without the written consent of the industrial board. No license issued under the provisions of this act shall be transferable.

SEC. 9382. *Bond.*—2. The Industrial Board of Indiana shall require each and every applicant for a license to execute to the State of Indiana a bond in the penal sum of $1,000, with a surety company, or with two solvent resident freeholders, conditioned that the obligor will not violate any of the duties, terms, conditions, or provisions of this act, and the bond so executed, shall be approved by the Industrial Board of Indiana. The Industrial Board of Indiana is hereby authorized to cause an action to be brought on such bond, in the name of the State of Indiana, for any violation of any of the conditions of such bond, and may, after a hearing revoke such license, whenever, in its judgment, the licensee has violated any of the provisions of this act, or has been convicted of the violation of any criminal law of this or any other State, subject to an appeal by the person, firm or corporation whose license is so revoked within ten days from the date of such revocation, to the circuit or superior court of the county in which the business of said person, firm or corporation is located. It is hereby made the duty of the attorney general to prosecute any action brought by the Industrial Board of Indiana in such cases.

SEC. 9383. *License fee.*—3. A fee of fifty dollars shall be paid annually for each license granted under the provisions of this act.

SEC. 9384. *Renewal.*—4. Every license, unless previously revoked, shall remain in force until one year next after its issue, and every employment agent shall, upon payment of the amount of the license fee required, and the filing of a new bond, have issued to it a license for the ensuing year, unless the industrial board shall refuse to do so for any of the reasons herein stated.

SEC. 9385. *Application.*—5. Every applicant for a license shall file with the Industrial Board of Indiana a written application, stating the name and address of the applicant, the name of the street and the number of the building in which the employment agency is to be maintained, the name of the person who is to have the general management of the office, the name under which the business of the office is to be carried on, and the business or occupation engaged in by the applicant for at least five years immediately preceding the date of the application. Such applicant shall give as reference the names and addresses of at least three persons of reputed business or professional integrity, located in the city or town where such applicant intends to conduct his business. The applicant shall be rejected if the Industrial Board of Indiana finds that the applicant is not of good moral or business integrity, or when the premises for conducting the business of an employment agent are found upon investigation to be unfit for such use, or if there is any good and sufficient reason within the meaning and purpose of this act for rejecting such application. No license will be granted to any person whose license has been revoked within a period of three years next preceding the date of such application. Each application shall be granted or refused within 30 days from date of filing.

SEC. 9386. *Schedule of fees.*—6. Each applicant for a license shall file with his application, a schedule of fees, charges and commissions which he expects to charge and collect for his service, together with a copy of all forms and contracts to be used in the operation of the agency. Such schedule of fees, charges and commissions may thereafter be changed by filing an amended or supplemental schedule showing such fees, charges and commissions, with the Industrial Board

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of Indiana, at least thirty days before the date provided for same to become effective. Any change in forms and contracts must also be filed with the Industrial Board of Indiana at least thirty days before the date provided for same to become effective. Schedule of fees, charges and commissions to be charged shall be posted in a conspicuous place in the office of such agency. It shall be unlawful for any employment agent to charge, demand, collect or receive a greater compensation for any service performed by him than is specified in such schedule filed with the Industrial Board of Indiana.

SEC. 9387. *Return of fees.*—7. No agency shall send out any applicant, or collect any fee from any applicant without first having obtained a bona fide order for such employment. No charge nor advance fee of any kind shall be accepted until a position has been secured for the applicant by the agency or through the efforts of the agency. If any person fails, through no fault of his own, to obtain employment from the employer to whom he has been referred by an employment agent, or if, after having been engaged by an employer, such person is not permitted by said employer to enter upon the employment he was sent to perform, the whole amount paid by such person to the employment agent as a fee shall be refunded to him on demand. If such applicant shall have obtained a position or employment through such licensed agency, and shall voluntarily leave or abandon such position or employment, and without reasonable cause, he shall be entitled to receive no part of the fee paid by the applicant to the agency.

SEC. 9388. *Receipts.*—8. For all payments made by any applicant for employment to any employment agency, there shall be given a receipt, on the back of which shall be printed in readable form in the English language: "No charge nor advance fee of any kind shall be accepted until a position has been secured for the applicant by the agency or through the efforts of the agency. In case any employer fails to accept an applicant or person obtained by any agency acting as the agent of such employer, then the licensed agency shall repay and return to said applicant all of any payments made by said applicant to said agency." On the front of such receipt there shall be printed the words, "Read the law on the back of the receipt." All receipts shall also have printed on the back thereof: "This agency is licensed by the Industrial Board of Indiana, State Capitol, Indianapolis, Indiana."

SEC. 9389. *Registers, etc.*—9. It shall be the duty of every licensed agency to keep a permanent record of every person referred or placed for employment, including date such person was referred or placed in employment, name, address, age, nativity, sex, color and trade, occupation or profession, of each person; also the amount of the fee received and rate of wages agreed upon, and the name and address of the person, firm or corporation with whom any of such applicants have been placed. A copy of such record, duly attested under oath of the person, firm or corporation conducting such agency, shall be furnished the Industrial Board of Indiana on the first of each month.

SEC. 9389.1. *Accounting of fees.*—10. All fees received by the Industrial Board of Indiana under this act, shall be paid into the State treasury by the industrial board. The Industrial Board of Indiana shall, at the end of each fiscal year, make an account of said funds in its annual report.

SEC 9389.2. *Definition.*—11. The term "employment agency" as used in this act, is defined and interpreted to mean any person, firm or corporation, who for hire or with a view to profit, shall undertake or offer to secure employment or help through the medium of card, circular, pamphlet or any medium whatsoever, or through the display or [of] a sign or bulletin, offer to secure employment or help, or give information as to where employment or help may be secured. Nothing in this act shall apply to charitable and benevolent organizations and associations approved by the board of State charities. All charitable and benevolent organizations and associations approved by the board of State charities, shall, before being authorized to conduct such employment agency or department, secure a permit from the industrial board by filing an application giving such information as may be required. No charge shall be made for the issuance of such permit, which may be revoked on the same terms as a license is revocable.

SEC. 9389.3 *Notice of strikes.*—12. No employment agency shall refer any applicant to any place for a position where a strike or lockout is known to exist without notifying the applicant of such condition.

SEC. 9389.4. *Splitting fees.*—13. No person conducting or connected with or acting as agent for an employment agency shall make any arrangements with any employer or his agents or employees to secure the discharge of any employee; nor shall any employment agent or any one in his employ or representing him divide or offer to divide or share, directly or indirectly, any fee, charge or compensation

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received from any employee with any employer or person in any way connected with the business thereof.

SEC. 9389.5. *Immoral, etc., resorts.*—14. It shall be unlawful for any employment agency to send any person to any place of bad repute, house of ill fame or assignation, or place of amusement kept for immoral purposes, or any other place [known] to be of questionable character or ill repute, or for the purpose of securing a position for any applicants therein. It shall be unlawful for any employment agency to circulate, publish, record or issue any report or information to cause the discharge of any person employed in any legitimate service.

SEC. 9389.6. *Return of fee and expenses.*—15. If it shall appear that no employment of the kind applied for existed at the place where any applicant was directed, said licensed agency shall refund to such applicant, within five days after demand, any sum paid by said applicant for transportation and other expense in going to and returning from said place and all fees paid by said applicant to such agency.

SEC. 9389.7. *False statements.*—16. No agency shall publish, or cause to be published, or circulate any false or fraudulent or misleading notice, advertisement, or statements; or give any false information or make any false representation or promise concerning work or employment or help, to anyone who shall register for help or employment, and no such agency shall make any false entry in any book, record or register kept by it in connection with its business.

SEC. 9389.8. *Inspection.*—17. For the purpose of enforcing this act and the rules and regulations issued thereunder, the Industrial Board of Indiana, or any of its members or duly authorized agents, may enter any employment agency or place of business of any employment agent and inspect the register, books, cards or other records of such employment agent. The Industrial Board of Indiana or any of its members and duly authorized agents, shall have the power and authority of sheriffs, and other peace officers, to make arrests for violations of the provisions of this act and to serve any process or notice throughout the State.

SEC. 9389.9. *Violations.*—18. Any person, firm or corporation who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not less than fifty dollars, nor more than one hundred dollars, to which may be added imprisonment at the penal farm for a term not exceeding six months. It shall be the duty of the Industrial Board of Indiana to enforce this act and institute criminal or civil proceedings whenever informed of any violation of its provision. Upon instituting proceedings, the name of the said industrial board shall be entered upon the docket, and upon conviction a fee of ten dollars shall be allowed in favor of said Industrial Board of Indiana, which fee, when collected, shall be accounted for as other money received by said industrial board under this act. For the purpose of enforcing and administering the provisions of this act, the industrial board is hereby authorized to adopt and promulgate such rules and regulations as may be deemed necessary for the supervision of employment agencies.

IOWA

CODE, 1935

CHAPTER 77.—*Private employment agencies*

SECTION 1546. *Failure to secure employment; return of fees.*—Every person, firm, or corporation who shall agree or promise, or who shall advertise through the public press, or by letter, to furnish employment or situations to any person or persons, and in pursuance of such advertisement, agreement, or promise, shall receive any money, personal property, or other valuable thing whatsoever, and who shall fail to procure for such person or persons acceptable situations or employment as agreed upon, within the time stated or agreed upon, or if no time be specified then within a reasonable time, shall upon demand return all such money, personal property, or valuable consideration of whatever character.

SEC. 1546-a1. *Limitation of fees.*—No such person, firm, or corporation shall charge or exact a fee for the furnishing or procurement of any situation or employment, including registration and all other incidentals, which shall exceed 5 per cent of the wages offered for the first month of any such employment or situation furnished or procured.

The provisions of this section shall not apply to the furnishing or procurement of employment in any profession for which a license or certificate to engage therein is required by the laws of this State nor to the furnishing or procurement of vaudeville acts, circus acts, theatrical, stage or platform attractions or amusement enterprises.

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SEC. 1546–a2. *Unlawful practices.*—No person, firm, or corporation shall send an application [sic] for employment to an employer who has not applied to such person, firm, or corporation for help or labor. Nor shall any person, firm, or corporation engaged in the business of operating an employment agency or bureau, fraudulently promise or deceive either through a false notice or advertisement or other means, any applicant for help or employment with regard to the service to be rendered by such person, firm, corporation, agency, or bureau. Any person who violates any of the provisions of this section shall be liable in a civil suit for damages to any person who is damaged or injured thereby and shall also be guilty of a misdemeanor, and upon conviction, shall be punished as provided in section 1551.

SEC. 1547. *Applications, copy of.*—It shall be unlawful for any person, firm, or corporation to receive any application for employment from, or enter into any agreement with, any person to furnish or procure for said person any employment unless there is delivered to such person making such application or contract, at the time of the making thereof, a true and full copy of such application or agreement, which application or agreement shall specify the fee or consideration to be paid by the applicant.

SEC. 1548. *Dividing fees.*—It shall be unlawful for any person, firm, or corporation, or any person employed or authorized by such person, firm, or corporation, to receive any part of any fee or any percentage of wages or any compensation of any kind whatever, that is agreed upon to be paid by any such employee to any employment bureau or agency for services rendered to any such employee in procuring for him employment with such person, firm, or corporation.

SEC. 1549. *Records.*—Every person, firm, or corporation operating an employment agency or engaged in the business of finding employment for others, for which any fee is charged, shall keep a record of the applications received and what, if any, employment was found or furnished to the applicant, giving the name of each applicant and the name and address of his employer, if employment is found, and the fee charged each applicant.

SEC. 1550. *Investigations.*—The labor commissioner, his deputy or inspectors, and the chief clerk of the bureau shall have authority to examine at any time the records, books, and any papers relating in any way to the conduct of any employment agency or bureau within the state, and must investigate any complaint made against any such employment agency or bureau, and if any violations of law are found he shall at once file or cause to be filed, an information against any person, firm, or corporation guilty of such violation of law.

SEC. 1551. *Violations.*—Any person, firm, or corporation violating any of the provisions of this chapter, or who shall refuse access to records, books, or other papers relative to the conduct of such agency or bureau, to any person having authority to examine same, shall be punished by a fine not exceeding one hundred dollars or imprisonment in the county jail not to exceed thirty days.

CHAPTER 77–C1.—*License for employment agencies*

SECTION 1551–C1. *Securing license.*—Every person, firm, or corporation who shall keep or carry on an employment agency for the purpose of procuring or offering to procure help or employment, or the giving of information as to where help or employment may be procured either directly or through some other person or agency, and where a fee, privilege, or other thing of value is exacted, charged, or received either directly or indirectly for procuring, or assisting or promising to procure employment, work, engagement, or situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee, privilege, or other thing of value is collected from the applicant for employment or the applicant for help, shall before transacting any such business whatsoever procure a license from a commission, consisting of the secretary of state, the industrial commissioner, and the labor commissioner, all of whom shall serve without compensation.

SEC. 1551–C2. *Application.*—Application for such license shall be made in writing to the commission provided in section 1551–C1. It shall contain the name of the applicant, and if applicant be a firm, the names of the members, and if it be a corporation, the names of the officers thereof; and the name, number, and address of the building and place where the employment agency is to be conducted. It shall be accompanied by the affidavits of at least two reputable citizens of the State in no way connected with applicant certifying to the good moral character and reliability of the applicant, or, if a firm or corporation, of each of the members or officers thereof, and that the applicant is a citizen of the United States, if a natural person; also a surety company bond in the sum of two thousand

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dollars to be approved by the labor commissioner and conditioned to pay any damages that may accrue to any person or persons because of any wrongful act, or violation of law, on the part of applicant in the conduct of said business. There shall also be filed with the application a schedule of fees to be charged for services rendered to patrons, which schedule shall not be changed during the term of license without consent being first given by the commission. Any person firm or corporation applying for a license, as provided in this chapter to operate an employment agency for furnishing or procuring of employment shall furnish the commission with its contract form, which form shall distinctly provide that no fee or other thing of value in excess of one dollar shall be collected in advance of the procuring of employment and no license shall be issued unless such contract form contains such provision. Thereafter, any person firm or corporation to whom a license has been issued that violates this provision of its contract shall have his license cancelled.

SEC. 1551–C3. *Investigation of applicants.*—The commission shall fully investigate all applicants for the license required by section 1551–C1, and shall not issue any license earlier than one week after the application therefor is filed: *Provided, however,* That the commission shall either grant or refuse such license within 30 days from the date of the filing of the application. All licenses issued under the provisions of this chapter shall expire on June thirtieth next succeeding their issuance.

SEC. 1551–C4. *Fees.*—The annual license fee shall be fifty dollars.

SEC. 1551–C5. *Revocation of license.*—The commission may revoke at any time any such a license issued by it upon good cause shown and when there has been a substantial violation of any of the provisions of law regulatory of such business.

SEC. 1551–C6. *Violations.*—Any person in any manner undertaking to do any of the things described in section 1551–C1, without first securing a license as herein provided, shall be guilty of a misdemeanor.

KANSAS

GENERAL STATUTES, 1935

CHAPTER 44, ARTICLE 4.—*Employment offices and agencies*

SECTION 44–401. *License.*—That no person, firm, or corporation of this state shall open, operate and maintain an employment agency or office to furnish to employers persons seeking to be engaged in manual labor, clerical, industrial, commercial or business pursuits, and to secure employment for such described persons or where a fee, commission or other consideration is charged to or exacted or received from either applicants for employment or for help, without first obtaining a license for the same from the court of industrial relations. The uniform fee for such license in cities of 20,000 inhabitants and over shall be twenty-five dollars per annum, and, in cities containing less than 20,000 inhabitants, ten dollars per annum. Every license shall contain a designation of the city, street, and number of the building in which the licensed party conducts such employment agency. The license together with a copy of this act shall be posted in a conspicuous place in each and every employment agency.

SEC. 44–402. *Duration of license.*—All licenses issued after this act takes effect shall terminate on the 31st day of December of each year, and shall be paid for at the rate established in this act: *Provided, however,* That no license for any fractional part of the year shall be issued for any sum less than one-third of the full annual rate, and that fractional months shall be counted as full months in every case.

SEC. 44–403. *Bond.*—That the court of industrial relations shall require with each application for a license a bond in the penal sum of five hundred dollars with one or more sureties to be approved by said court, and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions, or requirements of this act.

SEC. 44–404. *Action on bond.*—That the said court is authorized to commence action or actions on said bond or bonds in the name of the state of Kansas, by filing complaint with the attorney general or other proper prosecuting officer of any violations of its conditions.

SEC. 44–405. *Revocation.*—That the said court is also authorized to revoke any license, whenever in its judgment, the party licensed shall have violated any of the provisions of this act: *Provided,* Written complaint shall have been filed with it and he shall have given the case full and fair hearing.

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SEC. 44-406. *Register.*—That it shall be the duty of every licensed agency to keep a register in which shall be entered the name and address of every person who shall make application for help or servants and the name and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours be kept open to the inspection and examination of the court of industrial relations and its agents, deputies or assistants.

SEC. 44-407. *Fees.*—That where a registration fee is charged for receiving or filing applications for employment or help, said fee shall in no case exceed the sum of $1, unless the salary or wages shall be more than $3 per day, in which case a fee of not more than $2 may be charged, for which a duplicate receipt shall be given (one copy to be kept by the employee and the other for the employer), in which shall be stated the name and address of the applicant, the date of such application, the amount of the fee, and the nature of the work to be done or the situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within three days after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to such licensed agency: *Provided,* That said employment agency shall make no additional charge for their service rendered other than the fees set out above.

SEC. 44-408. *False statements.*—That any licensed agency shall not publish or cause to be published any false or fraudulent notice or advertisement, or give any false information or make any false promise concerning or relating to work or employment to any one who shall apply for employment, and no licensed agency shall make false entries in the register to be kept as herein provided.

SEC. 44-409. *Prosecutions, etc.*—That it shall be the duty of the court of industrial relations or its deputies, agents or assistants, when informed of any violation of this act, to file a complaint of such violation with the attorney general or with the county attorney of the county in which such violation is alleged to have occurred and it shall be the duty of the official informed to institute criminal proceedings for the enforcement of the penalties.

SEC. 44-410. *Violations.*—That any person convicted of a violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period of not exceeding six months, or both such fine and imprisonment as the court may direct.

SEC. 44-411. *Accounting of fees.*—That all money or moneys received from fees under this act, shall be accounted for by the court of industrial relations, and by it turned over to the state treasurer to become a part of the state general fund, said court to take the state treasurer's receipt for same.

SEC. 44-412. *Act not applicable to.*—That free employment bureaus now organized or established, or which may hereafter be organized or established in this state by the court of industrial relations or by charitable organizations shall not be subject to the provisions of this act.

KENTUCKY

CARROLL'S KENTUCKY STATUTES, 1930

SECTION 3011. *Licenses.*—The general council shall, by ordinance, provide for the following licenses, * * * intelligence office, * * * employment agency or information bureau, * * * not less than twenty-five dollars ($25) nor more than five hundred dollars ($500) per annum.

[This provision relates only to municipal corporations of the first class.]

ACTS OF 1930

CHAPTER 169.—*Employment offices, private*

SECTION 1. *Scope.*—(*a*) The term "employment agency" as used in this act shall be deemed to mean and include any person, firm, corporation or association of persons, who, by any form of representation or means of signs, bulletins, circulars, cards, writings or newspaper and periodical advertisements, offers or agrees to assist in or to furnish employment, engagements for help, or information, or service of any character concerning or purporting to promote, lead to or consummate employment: *Providing, however,* That bona fide educational, religious, charitable, fraternal and benevolent organizations in which no fee, commission or other charge

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or cost is made for service rendered, other than the ordinary membership dues and assessments for their members; bona fide labor organizations undertaking to secure or securing employment for their members; bona fide employers' organizations undertaking to secure labor for their own members without charge or cost to the applicant employee shall not be subject to the provisions of this act.

Further provided, that the provisions of this act shall not apply to teachers' agencies finding positions for school teachers only, nor to nurses' registries, nor to agencies operated in conjunction with a bona fide educational institution.

(*b*) The term "hire" as used in this act shall be deemed to mean and include any charge, fee, compensation, service or benefit exacted, demanded, or accepted, or any gratuity received, for or in connection with any act, service or transaction comprehended by the term employment agency or for, or in connection with, any transaction or agreement which includes matters comprehended by the term employment agency.

(*c*) The term "employment" as used in this act shall be deemed to mean and include every character of service rendered, or to be rendered, and every engagement undertaken for wages, salary, commission or any other form of remuneration whatsoever.

(*d*) The term "department of labor" as used in this act shall be deemed to mean the department of labor of the bureau of agriculture, labor and statistics.

SEC. 2. *Permits.*—(*a*) It is hereby made unlawful to operate an employment agency for hire within this Commonwealth without first obtaining a permit so to do from the Department of Labor. Upon approval of the application for permit, a permit which shall be effective for one year from date thereof, unless canceled for cause as hereinafter stated, shall be issued by the Department of Labor.

(*b*) Permits are non-transferable except upon the approval of the Department of Labor. If and when the ownership, or management, of any employment agency is sold, leased or transferred, such action shall revoke the permit of the said employment agency sold, leased or transferred and it shall be necessary, in order to continue the business, to secure a transfer or new permit from the Department of Labor as required in section 2, paragraph (*a*): Provided, the permit if transferred shall operate for its new owners or managers until expiration of said original permit, and no charge shall be made for the unexpired time.

(*c*) Said permit shall contain the name or names of the applicant owner or owners, or in case of a corporation the names of the individual majority stockholders and the president; the location of office and/or place of business, name of person who is to have management of the business, name under which the business is to be carried on and the number of the permit.

SEC. 3. *Fee, etc.*—(*a*) An employment agency permit shall be granted only upon written application forms prescribed and furnished by the Department of Labor. The application shall be accompanied by a permit fee of twenty-five dollars payable to the Department of Labor. This permit fee shall, upon issuance of the permit, become an annual license fee.

(*b*) The Department of Labor may refuse to issue a permit to an applicant, or cancel an existing permit, if, in the judgment of the chief officer of the Department of Labor, such applicant, or holder of a permit, or its officials or members are not of good moral character or have violated any of the laws of the Commonwealth of Kentucky, which in the judgment of the aforesaid officer, renders such persons improper persons for such permit.

(*c*) If the Department of Labor refuses to grant a permit, the permit fee shall be returned to the applicant by the said Department of Labor, and it shall not be the duty of the Department of Labor to cite the various reasons for refusal.

SEC. 4. *Location, register, etc.*—(*a*) No employment agency shall change the location of its office or place of business to any place other than specified in the permit without first obtaining the written consent of the Department of Labor and no permit shall be effective for any place of business other than that designated therein.

(*b*) Every employment agency shall keep a true and correct record, in the English language, of the business transactions of its office upon such forms as prescribed or approved by the Department of Labor. On or before the fifth day of each month, every employment agency shall mail to the Department of Labor a report showing the total number of applicants registering for positions, registration fees collected, registration fees refunded, and the total number of placements of employees with employers of the preceding calendar month.

(*c*) Every employment agency shall post its permit and a copy of this act in a conspicuous place in the reception room used by said employment agency, so that persons doing business with the agency and inspectors for the Department of Labor mav determine upon a superficial examination the legality of their operation.

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SEC. 5. *Acts forbidden.*—The following restrictions are placed on the operations of employment agencies:

(*a*) No employment agency shall send or direct an applicant for employment to any fictitious job or position and no employment agency shall make any false representation concerning any matter within the scope of the business of the employment agency, and the non-existence of such job or position or the falsity of any such representation shall consitute prima facie evidence of the violation of this section.

(*b*) No employment agency shall send an applicant for employment to any place where a strike or any labor trouble exists or is pending without first notifying the applicant of such condition in writing and if sent uninformed to such a locality it shall constitute prima facie evidence of the violation of this section.

(*c*) No employment agency shall circulate any false or misleading information by advertisement in newspapers or periodicals, signs, letters, posters, cards, or in any other way; or make any false statement or misrepresentation to any person seeking employment or to any employer seeking an employee.

(*d*) No employment agency shall enter into any agreement whatsoever with any employer or his agent or employee to secure the discharge of an employee; nor shall an employer or any one in his employ or representing it, give or receive any gratuity, divide, or offer to divide, or share directly or indirectly, any fee, charge or compensation received from an applicant for employment.

(*e*) No employment agency shall make any false entry or statement in any record or in any receipt of [or] other document used in the business or in any report to the Department of Labor.

(*f*) After this act becomes a law, a sample copy of the contract forms then in use by and between the employment agency and applicant-employee shall be filed with the Department of Labor; and, each time a change is made in the aforesaid contract forms or new contract forms drawn, the changed or the new contract form shall be filed with the Department. Such changed or new contract forms drawn, the changed or the new contract form shall be filed with the Department. Such changed or new contract forms shall be filed with the Department of Labor before any copies are issued to applicant employees.

(*g*) Every employment agency's office or place of business shall be maintained and conducted in an orderly, clean and sanitary manner.

SEC. 6. *Return of fees, etc.*—Every employment agency that purports to obtain, or to assist, directly or indirectly, persons in securing employment and who shall receive from such person any money, personal property, or any other valuable consideration whatsoever, and who shall fail to procure for such person employment within 30 days after payment of such money, personal property or any other valuable consideration, shall forthwith repay or return to such person such money, personal property or other valuable consideration received.

SEC. 7. *Inspection.*—It shall be the duty of the department of labor to inspect the offices and places of business of employment agencies and to enforce the provisions of this act. To carry out this provision the Department of Labor shall have access to all files and records of the said employment agencies.

SEC. 8. *Accounting of funds.*—Money received from the sale of employment agency permits shall be paid by the Department of Labor into the State Treasury, and shall be credited to the general funds of this Commonwealth: Provided, the cost of printing employment agency permit form blanks and other necessary printing and inspection service, necessary to carry out the objects of this act, shall be first deducted from the sale of such employment agency permits.

SEC. 9. *Violations.*—Any person, firm, corporation or association of persons violating any of the provisions of this act, or who shall interfere in any manner with the performance of the official duties of any inspector or employee of the Department of Labor, shall be guilty of a misdemeanor and upon conviction thereof, for the first offense, shall be fined not less than one dollar ($1.00) nor more than one hundred dollars ($100.00) and for a second and all subsequent offenses the fine shall be from twenty-five dollars ($25.00) to one hundred dollars ($100.00) or one (1) to thirty (30) days in jail, or both so fined and imprisoned.

LOUISIANA

GENERAL STATUTES, 1932

TITLE 34, CHAPTER 3.—*Private employment offices*

SECTION 4295. *Definitions.*—Any person, firm, company, corporation, or association, or his or its agent, who shall solicit, hire, employ, or who contracts with laborers of any kind, whether domestic help, common, semiskilled, or skilled

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workmen, or who contracts for the employment or placement of salesmen, clerks, or other kind of clerical workers or help, shall be deemed a labor agent or employment bureau, except as hereinafter provided.

SEC. 4296. *Same.*—Any person, firm, company, corporation, or association, or his or its agent, who charges a fee to register applicants seeking employment of any kind or who directly or indirectly charges, solicits, collects, or accepts, if tendered, by either the applicant seeking employment or from the employer giving employment, any sum, fee, or percentage of wages earned or to be earned, as a remuneration for placement or assignment of the worker, is hereby deemed a labor agent or employment bureau, except as hereinafter provided.

SEC. 4297. *Exemptions.*—The provisions of this act shall not apply to any person, firm, company, corporation, or association, or his or its agent, who may operate a labor bureau or employment office in conjunction with his or its own business and for the sole and exclusive purpose of employing help for his or its own use: *Provided*, that no fee or other charge or deduction is exacted from the wages of the worker for employment given. If a fee or charge of any kind is exacted of the worker, then said employer is deemed a labor agent or employment bureau and is subject to the provisions of this act.

SEC. 4298. *Same.*—The provisions of this act shall not apply to men or women who may be engaged by any employer as a labor hustler, agent, or recruiter: Provided, such hustler, agent, or recruiter furnishes help only to his respective employer and is solely compensated by his employer and does not directly or indirectly charge, collect, or accept any fee or other remuneration from help secured or placed.

SEC. 4299. *License fee.*—Every person, firm, company, corporation, or association, or his or its agent, who engages in the business of a labor agent or employment bureau, except as herein provided, shall pay unto the State of Louisiana an annual license tax of $500: Provided, that labor agents or employment bureaus in cities and towns of this state who have and keep a regular office in such city or town and who transact all of their business in such office, and who do not in person or by agent solicit, or hire, or attempt to do so, except by written, telegraphic, or telephonic communication, shall be required to pay annually the sum of twenty-five ($25.00) dollars license tax unto the state of Louisiana for such privileges, and the license so paid for and obtained shall permit all of the employees of such labor agents or employment bureaus who assist in the prosecution of such work in such office only as aforesaid, to aid therein.

SEC. 4300. *Bond.*—In addition to paying the license tax provided for in this act, every person, firm, company, corporation, or association who may engage in the business of a labor agent or employment bureau shall furnish to the commissioner of labor and industrial statistics a bond with good and solvent security in the sum of five thousand ($5,000.00) dollars, conditioned that such person shall pay all such damages which may result from his action as such labor agent or employment bureau; and that anyone who may have been injured or damaged by said labor agent, by fraud or misrepresentation of said agent, shall have a right to sue on said bond to recover such damages before any court of competent jurisdiction. The bond furnished to said commissioner of labor and industrial statistics shall be filed in his office and become a part of departmental records.

SEC. 4301. *Supervision by commissioner of labor.*—The operation of the business of labor agents or employment bureaus, shall be under the supervision of the commissioner of labor and industrial statistics of the state of Louisiana.

SEC. 4302. *Violations.*—Any person, firm, company, corporation, or association, who shall violate the provisions of the act shall be guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not less than one hundred ($100.00) dollars nor more than five hundred ($500.00) dollars, or imprisoned in the parish jail for a period of not less than ten nor more than ninety days, or both fined and imprisoned at the discretion of the court.

SEC. 4303. *Repeal.*—This act shall in no way interfere with or repeal the provisions of Act No. 54, of 1906, or acts amendatory thereof.

SEC. 4304. *Constitutionality.*—If for any reason any section or part of this act shall be held to be unconstitutional or invalid, then that part so held shall not invalidate any other part of this act, but the same shall be enforced without reference to the parts held to be invalid.

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MAINE

REVISED STATUTES, 1930

CHAPTER 47.—*Intelligence offices*

SECTION 6. *License.*—No person shall open, keep, or carry on any employment agency in the State, unless such person shall first procure a license therefor from the municipal officers of the city or town where such employment agency is to be located. Any person who shall open or conduct any such agency without first procuring such license shall be guilty of a misdemeanor and shall be punished by a fine of not less than fifty dollars, nor more than three hundred dollars, or by imprisonment for not less than one month nor more than six months, or by both fine and imprisonment. Such license shall be granted upon the payment to the city or town treasurer, annually, of a fee of twenty-five dollars for the use of said city or town; the license shall be signed by a majority of the municipal officers, and shall continue in force from May 1 to May 1 of the succeeding year. Every license so granted shall contain the name of the person licensed, a designation of the city, street, and number of the house or building in which the licensee is authorized to carry on the employment agency, and the number and date of such license, and shall be exhibited in a public and conspicuous place in the office or place of business of the licensee. Such license shall not be valid to protect any other place than that designated therein, unless consent is first obtained from the municipal officers, nor until the written consent to such transfer, of the surety or sureties on the bond required by the following section is filed with the original bond. No such agency shall be located in a buiding or upon premises where intoxicating liquors are sold or dispensed contrary to law, or which or part of which is used as an inn, lodging house, or boarding house; nor shall any license be issued to any person directly or indirectly interested in the sale of intoxicating liquors. The application for such license shall be filed with the municipal officers at least one week prior to the date of hearing thereon, and the municipal officers shall act upon any application within 30 days after the filing thereof. Each application shall be accompanied by the affidavits of two persons who have known the applicant, or the chief officers thereof, if a corporation, for two years at least, stating that the applicant is, or said officers are, of good moral character, and a resident or residents, of the State and has, or have, been such for at least five years prior to the date of such application.

SEC. 7. *Bond.*—The municipal officers shall require such person to file with his application a bond to the inhabitants of the city or town wherein such application is made, in the penal sum of $1,000, with one or more sureties, to be approved by said municipal officers, conditioned that the obligor will conform to and not violate any of the duties, terms, conditions, provisions, or requirements of sections 6 to 13, inclusive. Whoever is aggrieved by the misconduct of any such licensed person, may maintain an action in the name of the inhabitants of the city or town, to whom the bond was given, but for his own benefit, upon the bond of such person, in any court having jurisdiction, and shall be liable for costs in such action, and the inhabitants of such city or town shall not be liable.

SEC. 8. *Register.*—Every such licensee shall keep a register in which shall be entered in the English language the date of every accepted application for employment, name and address of the applicant to whom employment is offered or promised, written name and address of the person to whom applicant is sent for employment, and of the fee received. The aforesaid register of applicants for employment shall be open during office hours to inspection by any one or more of the municipal officers, their authorized agents, or any police officer when on duty. No licensee, or his employees, shall knowingly make any false entry in such register.

SEC. 9. *Receipts, return of fees.*—Every licensee shall give to each applicant for employment from whom a fee or other valuable thing shall be received for procuring such employment, or to whom a charge is made therefor, which fee or other valuable thing shall in no case exceed the sum of one dollar if paid in advance, or one dollar and twenty-five cents if charged to the applicant, a receipt, if said fee is paid in advance, or a statement if it is charged, in which shall be stated the name of the applicant, the amount of the fee or other valuable thing, the date, the name or nature of the employment or situation to be procured, and the name and address of the person, firm, or corporation to whom the applicant is referred or sent for work or employment. Such fee shall be in full compensation for all service of said licensee. If the applicant does not obtain a situation, or

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employment through the agency of such licensee within six days after the application as aforesaid, said licensee shall return to said applicant on demand the amount of the fee or other valuable thing so paid and delivered by said applicant to said licensee, or if a charge was made, said licensee shall cancel the same, provided that said person seeking employment through such agency does not break any agreement he may make with said licensee, relative to time of entering into the employment sought for. The man to be employed must be furnished with a duplicate card showing name, last residence, and name and residence of nearest relative or friend. No licensee shall by himself, agent, or otherwise, induce or attempt to induce any employee to leave his employment with a view to obtaining other employment through such agency.

SEC. 10. *Acts forbidden.*—No licensee shall send, or cause any female help or servant, or inmate, or performer, to be sent to any questionable place or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purpose of prostitution, vice, or gambling the character of which such licensee knows, either actually or by reputation. No licensee shall knowingly permit questionable characters, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No licensee shall accept any application made by or on behalf of any child for, or shall place or assist in placing any child in, any employment in violation of law.

SEC. 11. *Enforcement.*—The enforcement of sections 6 to 13, both inclusive, shall be entrusted to the municipal officers during their term of office and until the qualification of their successor or successors. Complaints of the violation of any provision of said sections shall be made orally or in writing to said municipal officers, and reasonable notice thereof, and of the time and place of hearing, not less than 24 hours, shall be given in writing to such licensee by serving upon him a concise statement of the facts constituting the complaint; the hearing shall be had before said municipal officers at such time and place as they may designate, within one week from the date of such service, and no adjournment shall be taken for a period longer than one week. The result of such hearing shall be announced within one week from the date thereof. The municipal officers may refuse to issue and may revoke any license for good cause shown within the meaning and purpose of said sections; and when it is shown to the satisfaction of a majority of said municipal officers that any person is guilty of any immoral, fraudulent, or illegal act or conduct in connection with said business, said municipal officers shall revoke the license of such person; but notice of such charges shall be presented in writing signed by the party making the same and reasonable opportunity shall be given such licensee to defend himself in the manner heretofore provided in this section. Whenever said municipal officers shall refuse to issue or shall revoke any license of an employment agency, their decision shall be final. Whenever for any cause such license shall be revoked, such revocation shall take effect upon announcement of the decision, and such revocation shall be considered good cause for refusing to issue another license to said person or his representative, or to any person with whom he is to be associated in the business of furnishing employment or help.

SEC. 12. *Violations.*—Whoever violates any provision of sections 6 to 13, both inclusive, of this chapter, except as is otherwise provided, shall be punished by a fine of not more than twenty-five dollars with costs of prosecution. Judges of municipal and police courts, and trial justices shall have jurisdiction of such offenses, and in default of payment may commit the respondent to the county jail or house of correction for a period of not more than thirty days. Any municipal officer may institute criminal proceedings to enforce the provisions of said sections.

SEC. 13. *Definitions.*—The term "person" in the six preceding sections shall include a person, company, society, association, firm, or corporation; and the term "employment agency" shall include the business of keeping an intelligence office, employment bureau, or other agency for procuring work or employment for persons seeking employment, or for acting as agent for procuring such work or employment, where a fee or other valuable thing is exacted, charged or received, or for procuring or assisting to procure employment, work, or situation of any kind or for procuring or providing hereby for any person; but said sections shall not apply to the employment of seamen nor to teachers' agencies or charitable institutions.

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MARYLAND

SUPPLEMENT (1935) TO ANNOTATED CODE

ARTICLE 56

SECTION 232. *License required.*—No person shall engage in business as an employment agent in this State without having a license to engage in such business, in accordance with the provisions of Sections 232B and 232C.

SEC. 232A. *Definition.*—The term "Employment Agent" as used in this subtitle shall include any and all persons, firms and corporations engaged in the business of furnishing information to persons seeking employment for the purpose of enabling any such person to secure the same, or engaged in the business of soliciting employment for such persons by means of advertising, personal solicitation, circulars, or otherwise, in consideration of any fee or charge, paid or to be paid, for such information or solicitation by persons seeking employment; provided, however, that the term employment agent shall not include any person employed in any employment agency maintained by the State or by any city, county, or other political sub-division thereof or by the Federal Government or any agency thereof; and provided, further, that the term employment agent shall not include persons, firms or corporations engaged in conducting registries by or for associations of registered nurses, or employment bureaus of registered medical institutions or hospitals, nor shall it apply to persons, firms or corporations maintaining departments for the purpose of securing help for themselves and charging no fee therefor nor to charitable agencies maintaining employment offices.

SEC. 232B. *Licenses.*—All licenses to engage in business as an employment agent in this State shall be annual licenses, except as hereinafter in this section provided, and shall be granted by the Commissioner of State Employment and Registration. No person shall engage in business as an employment agent in this State until (1) he shall pay to the said Commissioner a license fee of $25.00 for a full year or pro rata for less than a full year, provided, however, that the fee shall not be less than $10.00, (2) and shall also deposit with the said Commissioner a bond in the penal sum of $1,000 signed by the applicant for the license as principal and by a Surety Company authorized to do business in this State as surety, payable to the State of Maryland as obligee and conditioned on the compliance of such applicant with the provisions of Sections 232 and 232–I, inclusive, and the payment by such applicant of all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit forbidden by said sections of such applicant or his agents or employees. All licenses granted by the said Commissioner shall, irrespective of the date of issue, expire on the first day of May next thereafter. No license shall be issued by the said Commissioner unless the applicant for such license shall have an office within the State at which such applicant carries on, or proposes to carry on, business as an employment agent. The said Commissioner is hereby authorized to refuse to issue a license to any applicant whose license has been suspended or revoked as hereinafter provided, unless and until it shall be shown to the satisfaction of said Commissioner that the applicant will not be guilty of the offense for which such prior license was suspended or revoked.

SEC. 232C. *Rules, hearings.*—The Commissioner of State Employment and Registration is hereby authorized, at any time and from time to time, after a public hearing (notice of which shall be given as hereinafter in this section provided), to make and publish rules and regulations for the regulation of employment agents not inconsistent with the provisions of Sections 232 to 232–I, inclusive, of this Article, and in like manner to repeal or amend such regulations from time to time. The Commissioner shall give notice of any such public hearing at least ten days in advance thereof by mailing a notice thereof to all licensed employment agencies in the State and in addition by publishing such notice in two daily newspapers of general circulation published in Baltimore City. The said Commissioner is hereby authorized to revoke or to suspend for such period as he shall think proper the license of any employment agent violating any of the provisions of Sections 232A to 232–I, inclusive, or of any rule or regulation made and published pursuant to the provisions of this section.

SEC. 232D. *Posting of license, etc.*—Each and every employment agent shall display in a conspicuous place in any office used for the transaction of business as an employment agent a license therefor signed by the said Commissioner. Each and every employment agent shall keep in such office books or records showing separately as to each person referred by such employment agent to any employer

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or prospective employer (whether within or without the State) and as to each person for whom such employment agent has solicited employment in any manner:

(a) The name and address of the person seeking employment.

(b) The date or dates on which such person made application to such employment agent.

(c) The name and address of each employer or prospective employer to whom such applicant was referred by such employment agent.

(d) A brief description of any circular or advertisement soliciting employment on behalf of any applicant.

(e) The date or dates of each such reference, circular, or advertisement.

SEC. 232E. *Receipts.*—Each and every employment agent doing business in this State at the time of receiving any payment whatsoever or however described for any service as such employment agent shall give to the person making such payment a written receipt therefor, signed by such employment agent or his duly authorized agent or employee, and stating the date and amount of such payment and the service for which payment is made.

SEC. 232F (as amended 1937, ch. 58). *False statements.*—No employment agent doing business in the State, or any person employed by or acting as agent for any such employment agent, shall (1) in any manner or by any means whatsoever make any false statement or false representation to any person seeking employment, knowing the same to be false, in regard to any employment, work or situation, its nature, location, or duration, the wages or salary attached thereto or the circumstances surrounding the said employment, work or situation, or,

(2) Give to any employer or prospective employer any sum of money or thing of value for the purpose of inducing the employment of any applicant and for the creation of any vacancy, or,

(3) Collect in advance from any applicant for employment any payment for service to be rendered to such applicant in obtaining employment except that an employment agent engaged in the business of securing positions for teachers may charge each applicant a registration fee of not more than two ($2.00) dollars.

SEC. 232G. *Part-time inspectors.*—The Commissioner of State Employment and Registration is hereby empowered by co-operative arrangement with heads of other departments of the State government to use on a part-time basis inspectors, investigators, or field workers of such departments and/or to employ in accordance with Article 64A of the Annotated Code of Maryland an inspector or inspectors to carry out the provisions of Sections 232 to 232–I. The compensation of such part time inspectors, investigators, or field workers shall be determined by co-operative arrangement with the department head concerned, provided the total compensation of any such part time inspector shall not be greater than that allowed in the budget of the department in which such part time employee is regularly employed; and the compensation of any full time inspector shall be that provided for the Department of State Employment and Registration in the biennial budget Act. All salaries and other legitimate expenses shall be paid by the State Comptroller on proper requisition signed by the said Commissioner out of the license taxes provided by Section 232 and shall be paid only from such license taxes. The said Commissioner is hereby authorized and empowered to investigate, through the inspectors appointed by him pursuant to the provisions of this section, the manner in which all employment agents doing business within the State conduct such business, and to examine at any time during business hours any and all of the books and records of such employment agents, to the end that all such employment agents shall comply with the provisions of Sections 232 to 232–I, inclusive, and with the rules and regulations made and published by the said Commissioner.

SEC. 232H. *Violations.*—The violation of any of the provisions of Sections 232 to 232–I, inclusive, or of any rule or regulation issued and published by the Commissioner of State Employment and Registration, shall be a misdemeanor punishable by a fine of not less than $25.00 for the first offense and not less than $100.00 for each subsequent offense. It shall be the duty of said Commissioner to institute proceedings through the State's Attorney of Baltimore City and the State's Attorneys of the respective counties for the prosecution of any employment agent violating any of the provisions of Sections 232 to 232–I, inclusive, or of any regulations made and published by him pursuant to the provisions of Section 232C.

SEC. 232–I. *Provisions severable.*—The provisions of Sections 232 to 232–I, inclusive, are severable, and, in the event that any provision thereof should be declared unconstitutional, it is hereby declared to be the legislative intent that the remaining portions would have been enacted notwithstanding such judicial determination of the invalidity of any particular provision or provisions in any respect.

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MASSACHUSETTS

GENERAL LAWS, 1932

CHAPTER 140.—*Licenses*

SECTION 41. *License required.*—Whoever without a license therefor, establishes or keeps an intelligence office for the purpose of obtaining or giving information concerning places of employment for domestics, servants or other laborers, or for procuring or giving information concerning such persons for or to employers, or for procuring or giving information concerning employment in business, shall be punished by a fine of ten dollars for each day such office is so kept.

SEC. 42. *Local licenses.*—The licensing board in Boston, the license commission in Lowell, the aldermen in other cities and the selectmen in towns, may, for the purposes mentioned in the preceding section, grant licenses to suitable persons, subject to sections two hundred and two to two hundred and five, inclusive, and may revoke them at pleasure.

SEC. 43. *Fees, acceptance of.*—The keeper of an intelligence office shall not receive or accept any money from a person seeking employment through the agency of such office, unless employment of the kind demanded is furnished.

SEC. 44. *Return of fee.*—If a person who receives employment through the agency of an intelligence office is discharged by his employer within ten days after the time of entering upon such employment, and such discharge is not caused by his inability, incompetence, refusal to perform the work required or other fault, the keeper of such intelligence office shall on demand refund to him five-sixths of the amount paid to such keeper by the employer [employee] on account of such employment.

SEC. 45. *Law to be printed.*—City and town officers who are charged with the duty of granting licenses to keepers of intelligence offices shall cause sections 43 to 46, inclusive, to be printed on every such license. They shall also cause to be prepared and shall furnish to each keeper of a licensed intelligence office copies of said sections, printed upon cardboard in type of a size not smaller than pica, and each licensee shall conspicuously post three of said printed copies in each room occupied by him for the purpose of such intelligence office.

SEC. 46. *Violations.*—If a keeper of an intelligence office violates any provision of the three preceding sections, his license may be suspended or revoked by the licensing authorities mentioned in section forty-two and he shall be punished by a fine of not less than twenty-five nor more than fifty dollars.

MICHIGAN

COMPILED LAWS, 1929

CHAPTER 153.—*Private employment agencies*

SECTION 8584 (as amended 1933, No. 20). *Administrator.*—The Governor shall on or before November 1, 1929, appoint an administrator of this act. The administrator shall be known as the State superintendent of private employment bureaus, and shall operate under the direction of the department of labor and industry. His term of office shall be coincidental with the term of office of the Governor. It shall be the duty of said State superintendent of private employment bureaus to administer this act and he or his deputies shall have the power and authority of sheriffs and other peace officers to make arrests for the violation of the provisions of this act. It shall also be his duty to investigate all complaints against employment bureaus and to take such action as he may deem necessary to prevent fraud, to inspect during business hours all private employment agencies, to keep a book of registration in which shall be entered the names and places of business of all persons to whom a license or permit is issued under this act, to examine all applications for licenses and permits and pass judgment upon them, to issue the classes of licenses and permits as hereinafter provided for. The State superintendent of private employment bureaus shall receive such salary as the legislature shall appropriate. He may employ an assistant at such salary as the legislature may appropriate. Said superintendent of private employment bureaus at the time of his appointment or during the tenancy of his office as such shall not be in the employ of the State or any other municipalities thereof in any other capacity. He shall establish an office in the city of Detroit and before entering upon the duties of his office, he shall give a bond to the people of the State of Michigan for the faithful receipt and accounting of all moneys

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received by him in the performance of his duties, the amount to be fixed by the secretary of state undersigned by a surety company at the expense of the State treasury and to be approved by the auditor general and attorney general, said bond shall be filed in the office of the secretary of state.

SEC. 8585. *Definition.*—The term "employment agent" or "employment agency" as used in this act means any person engaged for gain or profit in the business or profession of serving, assisting, or counseling employees seeking employment or employers seeking to procure employees. The term "theatrical employment agency" as used in this act means the business of conducting an agency, bureau, or office for the purpose of procuring or offering, promising, or attempting to provide engagements for circus, vaudeville, theatrical, or other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided.

The term "theatrical engagement" as used in this act means any engagement or employment of a person as an actor, entertainer, or performer, in a circus, vaudeville, theatrical, or other entertainment, exhibition, or performance.

The term "emergency engagement" as used in this act means an engagement which has to be performed within forty-eight (48) hours from the time when the contract for such engagement is made.

The word "employer" as used in this act, means any person employing or seeking to employ any person for hire.

The word "employee" as used in this act, means any person performing or seeking to perform work or service of any kind or character whatsoever for hire.

The word "person" as used in this act means any person, firm, association, or corporation.

SEC. 8586. *License.*—No person shall open, operate, or maintain an employment agency in the State of Michigan without first procuring a license from the State superintendent of private employment bureaus: *Provided*, That regularly established educational institutions, religious, labor, charitable, benevolent organizations and departments or bureaus maintained for the purpose of obtaining employment for which no fee, compensation, or other valuable consideration is charged or received, directly or indirectly shall be exempt from the requirement of a license, but shall not open, operate, or maintain such employment bureau or department until a permit has been secured from the State superintendent of private employment bureaus.

SEC. 8587. *Application.*—Every applicant for a license shall file with the State superintendent of private employment bureaus a written application stating the name and home address of the applicant, the kind of license desired, the street and number of the building in which the employment agency is to be maintained, if an office building the number of the office, the name of the person who is to have the general management of the office, the names of those financially interested therein, the name under which the business of the office is to be carried on, whether or not the applicant is financially interested in any other business and if so, the nature of such business and at what address and city it is carried on. Such application shall be signed by the applicant and sworn to before anyone qualified by law to administer oaths. If the applicant is a corporation the application shall state the names and home addresses of all the officers and directors of such corporation and shall be signed and sworn to by the president, treasurer and secretary thereof. If the applicant is a partnership the application shall state the names and home addresses of all partners therein and shall be signed and sworn to by all of them. Such application shall also state whether or not said applicant or applicants is at the time of making application or has at any previous time been engaged or interested in or employed by anyone engaged in the business of conducting an employment agency either in this State or any other, and if so, where and when. Said application shall also give as references the names and addresses of at least three (3) persons of reputed business or professional integrity located in the city or town where such applicant intends to conduct his business.

SEC. 8588. *Investigation.*—Upon filing of an application for a license as provided in section 4 [8587] hereof, the State superintendent of private employment bureaus shall cause an investigation to be made as to the character and financial standing of the applicant, if the applicant is a corporation, of all the officers thereof, if a partnership, of all partners, also of the person who is to have the general management of the office and as to the location of the office. The application shall be rejected if the State superintendent of private employment bureaus shall find that any of the persons named as applicants in the application or the general manager of the office are not of good moral character, business integrity, or financial responsibility and if there is any good sufficient reason within the meaning and purpose of this act for rejecting such application. Unless the

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applicant shall be rejected for one or more of the causes specified above it shall be granted. A detailed record of such investigation shall be made in writing and become a part of the official records of the State superintendent of private employment bureaus.

SEC. 8589. (as amended 1931, No. 206; 1933, No. 20). *Application for permit; investigation.*—Every applicant for a permit shall file with the state superintendent of private employment bureaus a written application in the form required by him. Upon filing of an application for a permit, provided for in section 3, the state superintendent of private employment bureaus shall cause an investigation to be made. He shall refuse to grant a permit for any good and sufficient reason within the meaning of this act. If an application for a permit is issued to the applicant it shall state the name and address of the institution, organization, firm, person, corporation, or association to which such permit [is] issued, the name of the person who is to have immediate charge, the name under which the bureau or department is to be carried on, and the address and the date and number of the permit. Every such permit unless previously revoked shall remain in force until December thirty-first next after its issue. Every application for a permit shall be granted or refused within thirty days from date of filing. Application forms for renewal of permits shall be furnished by the state superintendent of private employment bureaus to each applicant on or before November fifteenth of each year.

(*a*) A charge of $5 shall be made for the issuance of such a permit. Such permit fees shall be turned over by the state superintendent of private employment bureaus to the state treasury and credited to the general fund. Every permit shall be hung in a conspicuous place in the main office where the bureau or department conducted under such permit is carried on;

(*b*) Every holder of a permit shall keep or cause to be kept a record of the name and address of every employe directed to or placed in employment together with the kind of employment to which the employe was directed or which he accepted, a record of the names and addresses of all employers to whom an employe is directed or with whom employment is accepted. Such records shall also contain the date of every transaction. All such records shall be kept for at least 1 year and shall be open at all reasonable times to the inspection of the state superintendent of private employment bureaus at the place where said bureau or department is conducted for the purpose only of satisfying said state superintendent of private employment bureaus that the records are being kept in conformity with this act;

(*c*) *Provided,* That this act and all sections thereof shall not apply to any person who maintains an employment office for his own intra-organization purposes exclusively, nor to associations of employers or labor organizations whether voluntarily associated or incorporated, which are furnishing help or employment for their own members exclusively.

SEC. 8590. *Bond.*—Every application for a license shall be accompanied by a bond in the sum of one thousand (1,000) dollars by a duly authorized surety company to be approved by the state superintendent of private employment bureaus and filed by the state superintendent of private employment bureaus in the office of the secretary of state, and shall be conditioned that the person or persons applying for the license shall comply with the terms of each and every contract entered into between the person or persons and any employe or employer, and said bond shall further be conditioned to guarantee to the employer or employe the return of any and all moneys paid out by him as set forth in section 17 [8600] (*d*) of this act. Such bond shall further be conditioned so that the revocation of any license shall not affect the coverage provided by the bond as to any acts that occurred prior to the date of such revocation. If at any time in the opinion of the state superintendent of private employment bureaus the surety shall become irresponsible, the person holding such license shall upon notice given by the said state superintendent of private employment bureaus give a new bond, subject to the provisions of this section. The failure to give a new bond within ten (10) days after such notice shall operate as a revocation of a license.

SEC. 8591 (as amended 1933, No. 20). *Fees, schedules, etc.*—The license fee shall be as follows: In all cities or towns having a population of less than one hundred thousand, the license fee shall be fifty dollars. In all cities having a population between one hundred thousand and two hundred and fifty thousand the license fee shall be seventy-five dollars. In all cities having a population between two hundred and fifty thousand and five hundred thousand, the license fee shall be one hundred dollars. In all cities having a population of more than five hundred thousand the license fee shall be two hundred dollars. Such population to be based on and determined by the last preceding Federal census of such cities. Such

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license fees shall be turned over by the state superintendent of private employment bureaus to the state treasury and credited to the general fund.

SEC. 8592. *Form of license.*—The license shall state the name of the employment agent, and if a corporation the names of all the officers, if a partnership the names of all the partners, the location of the office where the business is to be conducted, the name of the person who is to be charged with the general management of the office, and the name under which the business is to be carried on. The license shall also be numbered and dated and state whether it is class one (1), class two (2), or a class three (3) license as hereinafter provided. Every application for a license shall be granted or refused within thirty (30) days from the date of filing and application forms for renewal of licenses shall be furnished by the state superintendent of private employment bureaus to each applicant on or before November fifteenth (15) of each year.

SEC. 8593. *Posting.*—The State superintendent of private employment bureaus shall cause to be prepared and shall furnish to each employment agent holding a class one (1) license, copies of sections seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21) [8600, 8601, 8602, 8603, and 8604] of this act, and in addition thereto all sections of the act applicable to a class one (1) license, all to be printed in a type of a size not smaller than brevier and to be hung in a conspicuous place in each room occupied by the employment agency.

SEC. 8594. *Duration of license.*—Every license unless previously revoked shall remain in force until December thirty-first (31), next after its issue.

SEC. 8595. *Suspension and revocation.*—(*a*) Should the State superintendent of private employment bureaus find that the employment agent has violated any of the general provisions of this act or those governing his class of license or has acted dishonestly in connection with his business or has improperly conducted his business or that any other good and sufficient reason exists within the meanings and purpose of this act, said State superintendent of private employment bureaus shall suspend or revoke said license or refuse to grant a new license upon the termination thereof, but in any case no such action shall be taken until a written notice has been served on said employment agent, specifying the charges against him and he has been given a fair trial with respect thereto;

(*b*) The decision of the state superintendent of private employment bureaus either reviewing, suspending or revoking a license under this act shall be subject to review by writ of certiorari to the circuit court of the county where the applicant conducts his business or intends to establish it;

(*c*) Whensoever for any cause a license is revoked, said State superintendent of private employment bureaus shall not within three (3) years from date of such revocation issue another license to the person or persons whose license has been revoked or to his or their representatives or to any person with whom he or they are to be associated. This provision shall not apply to any case where an appeal has been taken as provided for under subdivision (*b*) of this section and the court has found for the employment agent.

SEC. 8596. *Transfer of licenses.*—No licenses granted under the terms of this act shall be transferable, except that the employment agent may at any time admit a partner to the business as herein provided. However, no employment agent shall permit any person not mentioned in the license to become connected with the business as a partner, or as general manager or as an active officer of a corporation, unless the written consent of the State superintendent of private employment bureaus shall first be obtained. Such consent may be withheld for any reason for which an original application for a license might have been rejected, if the person in question has been mentioned therein. If the consent is given, the name or names of the person or persons so becoming connected with the employment agency shall be endorsed upon the license.

SEC. 8597. *Place of business.*—No employment agent shall open, conduct, or maintain an employment agency at any other place than that specified in the license without first obtaining the written consent of the state superintendent. So long as the employment agency shall continue to act as such under its license it shall maintain and keep open an office or place of business at the place specified in the license.

SEC. 8598. *Classification of licenses.*—(*a*) Licenses granted under the provisions of this act shall be of three (3) sorts, designated as a class one (1) license, a class two (2) license, and a class three (3) license. A class one (1) license shall entitle the holder thereof to serve those in all occupations not enumerated in classes two (2) and three (3), except teachers' employment agencies.

(*b*) A class two (2) license shall entitle the holder thereof to engage in the business or profession of serving those seeking employment and those seeking employes in technical, clerical, accounting, executive, professional nursing, sales, engineering in all its branches, and like pursuits;

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(*c*) A class three (3) license shall entitle the holder thereof to engage in the business or profession of serving those seeking employment or those seeking employees in circus, vaudeville, theatrical or entertainments, exhibitions, or performances and allied pursuits;

(*d*) Nothing in this act shall be construed to prohibit an employment agent holding a class one (1) license from serving those who fall within the classification set forth in subdivision (*b*) of section fifteen (15) [8598] governing a class two (2) license, provided the agency is conducted under the rules governing a class two (2) license; but under no condition shall a licensee be allowed to conduct a theatrical agency under any but a class three (3) license. Any question of classification shall be determined by the State superintendent of private employment bureaus. An appeal may be taken by an employment agent as provided for in section twelve (12) [8595] covering revocation of licenses.

SEC. 8599. *Rules for various classifications.*—The following rules shall govern the classes of licenses so designated:

Class 1 license

(*a*) Every employment agent licensed under a class one (1) license shall post in a conspicuous place in every room used for business purposes in the employment office conducted by him and shall have printed on the back of every receipt issued by him or his employers a schedule showing the employment agent's service charges to be made to either employes or employers or both, and said schedule so posted and printed on the back of each receipt shall contain the definition of "accept," "method of payment," "permanent employment," "temporary employment," "charge for supposed to be permanent employment that proves to be temporary," "charge for accepting address of proposed employer and failing to interview him," "charge for accepting employment and failing to report for duty," and also section seventeen (*g*) [17 (*g*)] [8600 (*g*)];

(*b*) Every employment agent licensed under a class one (1) license shall post in a conspicuous place in every room used for business purposes in the employment office conducted by him, section sixteen (16) [8599] (rules A, B, C, under class one (1) license) and sections seventeen (17), eighteen (18), nineteen (19), twenty (20) and twenty-one (21) [8600, 8601, 8602, 8603, and 8604] of this act;

(*c*) No employment agent holding a class one (1) license shall direct any employe to employment at any place outside of the office of such employment agent without giving to such employe in written form the name and address of the employment agency, the name of the licensee, the name of the employe so directed, the name of the employment agent's representative so directing, the name and address of the employer to whom the employe is directed, the kind of employment to be obtainable at such a place, and the wage or salary that such proposed employment is to pay: *Provided*, That nothing herein shall be construed to prohibit an employment agent from directing an employe by telephone to apply for employment, but such telephone message shall be confirmed on the regular above prescribed form in writing by the employment agent within twenty-four (24) hours after the telephone conversation and a carbon copy of each confirmation shall be kept on file at the place of business of said employment agent for a period of at least one (1) year.

Class 2 license

Every employment agent licensed under class two (2) license shall enter into a written agreement with every employe, employer, or both, for service to be rendered for which a charge is made or to be made to said employe or employer by the employment agent, which agreement shall contain the date, the name, and address of the employment agency, the name of the licensee, and shall clearly set forth the agency's service charges and the time and methods of payment; and on either the face or the back of such contract shall appear the definition of "accept," "permanent employment," "temporary employment," "charge for supposed to be permanent employment that proves to be temporary," "charge for accepting address of proposed employer and failing to interview him," "charge for accepting employment and failing to report for duty": *Provided*, That nothing herein shall be construed to prohibit an employment agency for good and sufficient reason from rendering service to an employe or an employer without these parties having first entered into a written agreement, in which event an agreement form shall immediately be dispatched to the employer or employe by said employment agent within 24 hours after an employe has been directed to an employer or an employer has been directed to an employe.

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Class 3 license

(*a*) Every employment agent conducting a theatrical employment agency, before making a theatrical engagement, except an emergency engagement, for an employe with any employer for services in any such engagement shall prepare and file in such agency a written statement signed and verified by such employment agent setting forth how long employe has been engaged in the theatrical business. Every such statement shall be kept for the period of one (1) year. Such statement shall set forth whether or not such employer while financially interested in a theatrical business has failed to pay salaries or left stranded any company, group or employe during the five (5) years preceding the date of application and further shall set forth the names of at least two (2) persons as references. If such employer is a corporation, such statement shall set forth the names of the officers and directors thereof and the length of the time such corporation or any of its officers have been engaged in the theatrical business and the amount of the paid-up capital stock. It shall further state whether any such officers or directors while previously engaged in the theatrical business have failed to pay salaries or left stranded any company, group or employe. If any allegation in such written verified statement is made upon information or belief, the person verifying the statement shall set forth the sources of his information and the grounds of his belief. Such statement so on file shall be kept for the benefit of any employes whose services are sought by any such employer;

(*b*) Every employment agency conducting a theatrical employment agency who shall procure for or offer to an employe a theatrical engagement shall have executed in duplicate a contract containing the name and address of the employe, the name and address of the employer, and that of the employment agent acting for such employer in employing such employe; the character of the entertainment to be given or services to be rendered; the number of performances per day or per week that are to be given; by whom the transportation is to be paid, and if by the employe, either the cost of the transportation between the places where said entertainment or services are to be given or rendered, or the average cost of transportation between the places where such services are to be given or rendered; and if a dramatic engagement the cost of transportation to the place where the services begin if paid by the employe; and the gross commissions or fees to be paid by said employe and to whom.

SEC. 8600. *Rules for all classifications.*—In addition to the foregoing rules governing specific classifications the following rules shall govern each and every employment agent:

(*a*) Every license of whatever classification shall be hung in a conspicuous place in the main office of the employment agency;

(*b*) Every employment agent shall give to every person from whom a payment is received for services rendered or to be rendered or assistance given or to be given, a receipt bearing the name and address of the employment agency, the name of the licensee, the name of the person receiving the money, the amount of the payment, the date of payment, and for what it is paid. Every such receipt shall be numbered and bound in duplicate form. The duplicate shall be kept at least one (1) year at the office of the licensed agent;

(*c*) Every employment agent shall keep for the period of at least one (1) year a complete record of all orders for employes received from employers and the full name of the person placing the order, the date on which the order is placed, the name and address of every employe directed to an employer, the nature of the employment and the name and address of the employer to whom the employe is directed. A record shall also be kept of the name and address of every employe accepting employment, the name and address of the employer with whom employment is accepted, the nature of the employment, the probable duration of the employment, the rate of wages or salary to be paid to the employe, the amount of the employment agent's service charges, the dates and amounts of payments, the date and amount of refund, if any, a space for remarks, under which shall be recorded anything of an individual nature to amplify the foregoing record as information in the event of any question arising concerning the transaction. Such records shall during business hours be open to the inspection of the state superintendent of private employment bureaus at the address where said employment agency is conducted for the sole purpose of satisfying said state superintendent of private employment bureaus that they are being kept in conformity with this act. Should the state superintendent of private employment bureaus be in possession of facts which justify the believing that the agent is guilty of practices enumerated in section twenty-one (21) [8604] of this act, he shall request the employment agent for the privilege of examining the agency records, and such

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request shall be granted by the agency unless the employment agent has reasons to believe that the request of the said state superintendent of private employment bureaus is for the purpose of securing confidential information concerning the business of the agency or the employer. Then the employment agent may refuse the request of the state superintendent of private employment bureaus, in which case the state superintendent of private employment bureaus may take action as provided under section twelve (12) [8595] of this act. Upon written complaint of an employe or employer, the state superintendent of private employment bureaus may require of the employment agent against whom the complaint is made a detailed account in writing and under oath of the transaction referred to in the complaint, but in no other case shall the employment agent be required to file any form or report as to the business conducted by said employment agent. In the event that the state superintendent of private employment bureaus has reason to question the detailed report so submitted to him by the employment agent, the said state superintendent of private employment bureaus shall have authority to demand of the employment agent the production of said records for examination by him;

(*d*) No employment agent shall direct an employe to employment without having obtained either orally or in writing a bona fide order therefor, and if no employment of the kind specified by the employment agent existed at the place to which such employe was directed or if no other employment in substitution thereof is accepted by the employe, the said employment agent shall within twenty-four (24) hours of demand refund to said employe any sums paid by said employe for transportation in going to and returning from such place and all fees paid by said employe: *Provided*, That nothing in this act shall be construed to prevent an employment agent from directing an employe to an employer where said employer has previously requested that he be accorded interviews with employes of certain types and qualifications, even though no actual vacancy existed in said employer's organization at the time the employe was so directed, nor shall it prevent an employment agent from attempting to sell the services of an employe to an employer, even though no order has been placed with said employment agent: *Provided, however*, That the employe is acquainted with the facts when directed to said employer, in which event no employment agent shall be liable to an employe for the expenses the employee has had as provided herein;

(*e*) No employment agent shall by himself or by his agent or agents solicit or persuade any employe to leave any employment which was secured for said employe through the negotiations of said employment agent, or his agent or agents;

(*f*) Nor shall any employment agent by himself or through any of his agents persuade or induce or solicit any employer to discharge any employe;

(*g*) Where an applicant has not been accepted by a proposed employer or has refused to accept the place of proposed employment, and no other employment has been accepted in substitution thereof, all fees collected shall be returned by the employment agent to the applicant on demand unless otherwise contracted for in writing: *Provided*, That the applicant returns to the agent within twenty-four (24) hours presenting proof of not accepting or obtaining the position: *Provided further*, That if the place of employment to which the applicant has been referred is more than fifty (50) miles from the office of said employment agent, the applicant shall have an additional twenty-four (24) hours for each fifty (50) miles that the place is distant from the office of said employment agent for presenting said proof.

SEC. 8601. *False advertising.*—No employment agent shall willfully cause to be printed, published, or circulated a false or faudulent notice or advertisement for employes or for obtaining employment.

SEC. 8602. *Immoral resorts.*—No employment agent shall knowingly procure, entice, send, or aid or abet in procuring, enticing, or sending a woman or girl to practice prostitution, or to enter as an inmate or a servant a house of ill fame, or other place resorted to for prostitution, or for the purpose of taking part or performing in unclean, nude, licentious, lewd, or vicious shows.

SEC. 8603. *Fraud, etc.*—No employment agent or his agent shall give, offer, or promise to an agent, employe, or servant any gift or gratuity whatever with intent to influence his action in relation to the business of his principal, employer or master, and no agent, employe, or servant shall request or accept a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding with an employment agent or his agent that he shall act in any particular manner, in relation to the business of his principal, employer, or master. No employment agent or his agent shall give, offer, or

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promise to an employer or his agent any gift or gratuity whatever with intent to influence his action in employing or discharging employes and no employer or his agents shall accept a gift or gratuity or a promise to make a gift or to do an act beneficial to himself, under an agreement or with an understanding with an employment agent or his agent, that he shall employ or discharge employes. No person shall be excused from attending, testifying, or producing books, papers, contracts, agreements, and documents before any courts or in obedience to the subpœna of any court having jurisdiction of the offense described herein, on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him, may tend to criminate him or subject him to a penalty or forfeiture, but no person shall be liable to any suit or procedure, civil or criminal, for or on account of any transaction, matter or thing concerning which he may testify or produce evidence, documentary or otherwise, before said court or in obedience to its subpœna or in any such case or proceeding.

SEC. 8604. *Violations.*—Any person found guilty of the violation of any section of this act shall be guilty of a felony and shall be subject to a fine of not less than three hundred (300) dollars or more than one thousand (1,000) dollars, or by imprisonment not to exceed four (4) years or both, at the discretion of the court.

MINNESOTA

MASON'S STATUTES, 1927

Private employment agency

SECTION 4254–1. *Definitions.*—The term "Employment Agent" or "Employment Agency" as used in this act means any person, firm, corporation, or association in this State engaged for hire or compensation in the business of furnishing persons seeking employment or changing employment, with information or other service enabling or tending to enable such persons to procure employment, by or with employers, other than such employment agent; or furnishing any other person, firm, corporation, or association who may be seeking to employ or may be in the market for help of any kind, with information enabling or tending to enable such other person, firm, corporation, or association to procure such help.

The term "Employer" as used in this act means any person, firm, corporation, or association employing or seeking to enter into an arrangement to employ any person through the medium or service of an employment agent.

The term "Employee" as used in this act means any person, whether employed or unemployed, seeking or entering into any arrangement for employment or change of employment through the medium or service of an employment agent.

The term "Commission" as used in this act means Industrial Commission of the State of Minnesota.

SEC. 4254–2. *License.*—No person, firm, corporation, or association shall open or carry on an employment agency in the State, unless such person, firm, corporation, or association shall first procure a license from the commission. Any person, firm, corporation, or association who shall open or conduct any such agency without first procuring a license, shall be guilty of a misdemeanor and shall be punished by a fine of not less than $25, and not more than $100, or on failure to pay such fine, by imprisonment for a period not to exceed 90 days, or both, at the discretion of the court.

SEC. 4254–3 (as amended 1929, ch. 293)[3]. *Application.*—Every applicant for a license shall file with the commission a written application stating the name and address of the applicant, the kind of license desired, the street and number of the building in which the employment agency is to be maintained, the name of the person who is to have the general management of the office, the name under which the business of the office is to be carried on, whether or not the applicant is pecuniarily interested in any other business of a like nature, and if so, where. Such application shall also state whether the applicant is the only person pecuniarily interested in the business to be carried on under the license and shall be signed by the applicant and sworn to before a notary public. If the applicant is a corporation, the application shall state the names and addresses of the officers and directors of said corporation and shall be signed and sworn to by the president and treasurer thereof. If the applicant is a partnership, the application shall also state the names and addresses of all partners therein, and shall be signed and sworn to by all of them. Said application shall also state whether or not said applicant is at the time of making application, or has at any previous time, been engaged or interested in, or employed by any one engaged in the business of conducting an

[3] As given in Supplement (1936) to Mason's Statutes, 1927.

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employment agency, either in this State or any other, and if so, when and where. Said application shall also give as reference the names and addresses of at least three persons of reputed business or professional integrity located in the city or town where such applicant intends to conduct his business. Every applicant for a license to engage in the business of an employment agent shall, at the time of making application for said license, file with the commission a schedule of the fees or charges to be collected by such employment agent for any services rendered together with all rules or regulations that may in any way affect the fees charged or to be charged for any service. Such fees and such rules or regulations may thereafter be changed by filing an amended or supplemental schedule showing such charges, with the commission. It shall be unlawful for any employment agent to charge, demand, collect, or receive a greater compensation for any service performed by him than is specified in such schedule filed with the commission.

It shall be the duty of the industrial commission, and it shall have power, jurisdiction, and authority to issue licenses to employment agents, and to refuse to issue such license whenever, after due investigation, the commission or a majority of the members thereof finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an employment agent is found upon investigation to be unfit for such use, or whenever, upon investigation by the commission, it is found and determined, that the number of licensed employment agents or that the employment agency operated by the United States, the state or by the municipality or by two or more thereof jointly in the community in which the applicant for a permit proposes to operate is sufficient to supply the needs of employers and employees. Any such license granted by the commission may also be revoked by it upon due notice to the holder of said license, and upon due cause shown. Failure to comply with the duties, terms, conditions, or provisions of sections 1 to 18, (Mason's Minn. Stat., 1927, secs. 4254–1 to 4254–18), inclusive, of this act, or with any lawful orders of the commission, shall be deemed due cause to revoke such license: *Provided, however,* that no employment agency duly licensed to do business at the time of the passage of this act shall be denied a renewal of his, her, or its license or have his, her, or its license revoked on the ground that public necessity does not require such an agency.

Sec. 4254–4. *Fees.*—All such licenses shall endure for a period of one year only, and annual fees therefor shall be paid as follows: Every employment agent engaged in placing female persons only in employment shall pay a license fee of $75. Every employment agent engaged in placing male persons only in employment shall pay a license fee of $100. Every employment agent placing both male and female persons shall pay a license fee of $150. Such fees shall be paid into the revenue fund of the state treasury, and at the end of each fiscal year, the state auditor shall cause to be paid out of said revenue fund to the city, village, or other political subdivision, fifty per cent of the fees so paid and collected from the employment agents or agencies for offices located in such city, village, or other political subdivision.

Sec. 4254–5. *Bond.*—Every application for a license shall be accompanied by a bond in the penal sum of $2,000 with one or more sureties or a duly authorized surety company, to be approved by the commission and filed in the office of the secretary of state, and shall be conditioned that the agent will conform to and not violate any of the terms or requirements of this act or violate the covenants of any contract made by such agent in the conduct of said business. Action on this bond may be brought by and prosecuted in the name of any person damaged by any breach or any condition thereof and successive actions may be maintained thereon.

Sec. 4254–6. *Class of license.*—After an application for a license has been granted said license shall be issued to the applicant and shall state the name of the employment agent and if a corporation the names of the officers, if a partnership the names of the partners, the location of the office where the business is to be conducted, and the name of the person who is to be charged with the general management of the business. The license shall also be numbered and dated and state whether it is a Class One, Class Two, or Class Three license as hereinafter provided.

Sec. 4254–7. *Period of license.*—Every license unless previously revoked shall remain in force until one year next after its issue, and every employment agent shall upon payment of the amount of the license fee required and the filing of a new bond, have issued to it a license for the ensuing year, unless the commission shall refuse to do so for any of the reasons hereinbefore or hereinafter stated.

Sec. 4254–8 *Revocation of license.*—If the commission shall find that the employment agent has violated any of the provisions of this act, or has acted dishonestly

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in connection with his business, or has improperly conducted his business, or that any other good and sufficient reason exists within the meaning and purpose of this act, said commission may suspend or revoke said license, or refuse to grant a new license to the employment agent upon the termination thereof; but in any case no such action shall be taken until a written notice has been sent to said employment agent specifying the charges against him and he has been given a hearing if he requests, and a reasonable opportunity to disprove or explain said charges.

SEC. 4254–9. *License not transferable.*—No license granted under the terms of this act shall be transferable, except with the consent of the commission. No employment agent shall permit any person not mentioned in the license to become connected with the business as a partner or as an active officer of a licensed corporation unless the consent of the commission shall first be obtained. Such consent may be withheld for any reason for which an original application for a license might have been rejected, if the person in question had been mentioned therein. If such consent is given, the name or names of the person or persons so becoming connected with the employment agency shall be endorsed upon the license, and if such license is renewed shall be substituted for or added to the name or names of the person or person originally mentioned therein.

SEC. 4254–10. *Place of agency specified.*—No employment agent shall open, conduct or maintain an employment agency at any other place than that specified in the license without first obtaining the consent of the commission. Such consent may be withheld for any reason for which an original application might have been rejected, if such place had been mentioned therein. If such consent is given, it shall be endorsed upon the license, and if such license is renewed such other place shall be substituted for the place originally named in said license. So long as any employment agent shall continue to act as such under his license, he shall maintain and keep open an office or place of business at the place specified in the license.

SEC. 4254–11. *Classification.*—Licenses granted under the provisions of this act shall be designated as Class One, Class Two, or Class Three.

A Class One license shall entitle the holder thereof to engage in a business of serving those seeking employment and those seeking employees as woodsmen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrubwomen, laundresses, maids, nurses, except professionals, and all domestics and servants, unskilled workers and general laborers.

A Class Two license shall entitle the holder thereof to engage in the business of serving those seeking employment and those seeking employees in technical (engineering or otherwise) educational, clerical, executive and like pursuits not provided for under either a Class One or a Class Three license.

A Class Three license shall entitle the holder thereof to engage in the business of serving those seeking employment and those seeking employees in circus, vaudeville, theatrical or other entertainments, exhibitions or performances, or allied pursuits.

Nothing in this act shall be construed to prohibit an employment agent holding a Class One license from serving those included under a Class Two license, provided the business is conducted in accordance with the rules and regulations applicable to a Class One license; but under no circumstances shall a licensee be allowed to conduct a theatrical agency under any but a Class Three license.

Any question of classification arising under the provisions of this act shall be determined by the commission.

SEC. 4254–12. *Posting of license.*—(*a*) Every employment agent licensed under a Class One license shall post in a conspicuous place in every room used for business purposes in the employment office conducted by him and shall have printed on the back of every receipt given, a schedule showing the amount of the service charges to be made to either employees, employers or both. In no case shall the amount collected exceed the schedule of charges so indicated.

(*b*) Every employment agent licensed under a Class One license shall post in a conspicuous place in every room used for business purposes in the employment office conducted by him a copy of sections 12 and 15 of this act to be furnished said employment agent by the commission.

(*c*) No employment agent holding a Class One license shall direct any applicant to apply for employment at any place outside of the office of such employment agent without first giving to such applicant in written form the name and address of the employment agent, the name of the applicant, the name and address of the person to whom the applicant is referred, and the kind of employment supposed to be obtainable at such place, provided, that nothing herein shall be construed to prohibit an employment agent from directing an applicant by telephone, to apply for employment but such telephone message must be confirmed in writing by the

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employment agent within 24 hours after the telephone conversation, and a carbon copy of such confirmation shall be kept on file at the place of business of said employment agent for a period of one year.

SEC. 4254–13. *Contract for employment in writing.*—Every employment agent licensed under a Class Two license shall contract in writing with every applicant for employment for services to be rendered to said applicant by said employment agent, which contract shall contain the date, the name and address of the employment agency, the name of the employment agent, the service charge to be made to the applicant, and the time and method of payments, and, on either the face or back of said contract shall appear the definition of "accept," "method of payment," "temporary position," and "charge for permanent position which proves to be temporary."

SEC. 4254–14. *Theatrical agencies.*—Every employment agent conducting a theatrical agency who shall procure for or offer to an applicant a theatrical engagement shall have executed in duplicate a contract containing the name and address of the applicant, the name and address of the employer, and of the employment agent acting for such employer; the time and duration of such engagement; the amount to be paid to such applicant; character of entertainment to be given or services to be rendered and the name of the person by whom the transportation is to be paid. One of such duplicate contracts shall be delivered to the person engaging the applicant and the other shall be delivered to the applicant. The employment agency procuring the engagement for such applicant shall keep on file or enter in a book provided for that purpose, a copy of such contract.

SEC. 4254–15. *Additional rules.*—In addition to the foregoing rules governing specific classifications the following rules shall govern each and every employment agent:

(*a*) Every license, of whatever classification, shall be hung in a conspicuous place in the main office of the employment agency.

(*b*) No fee shall be solicited or accepted as an application or registration fee by any employment agent for the purpose of being registered as an applicant for employment.

(*c*) Every employment agent shall give to every person from whom the payment of a service charge is received for services rendered or to be rendered, or assistance given or to be given, a receipt bearing the name and address of the employment agency, the name of the employment agent, the amount of the payment, the date of the payment and for what it is paid. Every receipt to an applicant by an employment agent shall be numbered and bound in duplicate form. Duplicate copy of each receipt shall be kept at least one year.

(*d*) Every employment agent shall keep a record of all services rendered employers and employees. Said record shall contain the name and address of the employer by whom the services were solicited, the name and address of the employee, kind of position offered by the employer, kind of position accepted by the employee, probable duration of employment, rate of wage or salary to be paid the employee, amount of the employment agent's service charge, dates and amounts of payments, date and amount of refund if any, and for what, and a space for remarks under which shall be recorded anything of an individual nature to amplify the foregoing report and as information in the event of any question arising concerning the transaction. Such records shall during business hours be open to the inspection of the commission at the address where said employment agency is conducted, for the purpose of satisfying said commission that they are being kept in conformity with this rule. Upon written complaint being made the commission may require of the employment agent against whom the complaint is made, a detailed account under oath in writing of the transaction referred to in the complaint. In the event the commission has reason to question the detailed report so submitted by the employment agent, the commission shall have authority to demand of the employment agent the production of said records for examination by it or its agent at such place as the commission may designate.

(*e*) No employment agent shall send out any applicant for employment without having obtained either orally or in writing a bona fide order, and if no employment of the kind applied for existed at the place to which said applicant was directed, the said employment agent shall refund to said applicant within 48 hours of demand any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant. Provided that nothing in this act shall be construed to prevent an employment agent from directing an applicant to an employer where said employer has previously requested that he be accorded interviews with applicants of certain types and qualifications, even though no actual vacancy existed in said employer's organi-

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zation at the time the applicant was so directed; nor shall it prevent an employment agent from attempting to sell the services of an applicant to the employer even though no order has been placed with said employment agent, provided, however, that in any case the applicant is acquainted with the facts when directed to said employer, in which event no employment agent shall be liable to any applicant as provided in this rule.

(*f*) No employment agent shall, by himself, or by his agent or agents, solicit, persuade, or induce any employee to leave any employment in which employment agent or his agents has placed said employee. Nor shall any agent by himself or through any of his agents, persuade, or induce or solicit any employer to discharge any employee.

(*g*) 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.

(*h*) Any employment agent who knowingly procures, entices, aids, or abets in procuring, enticing, or sending a woman or girl to practice prostitution or to enter as an inmate or a servant, a house of ill fame, or other place resorted to for prostitution, the character of which, upon reasonable inquiry could have been ascertained by said employment agent, shall be deemed guilty of gross misdemeanor and punishable by a fine of not less than $100, and not more than $1,000 or on failure to pay such fine by imprisonment for a period not to exceed one year, or both, at the discretion of the court.

(*i*) No employment agent shall place or assist in placing any person in unlawful employment.

(*j*) 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 he has knowledge that such condition exists.

(*k*) Any person, firm, or corporation who shall split, divide, or share, directly or indirectly, any fee, charge, or compensation received from any employee with any employer, or person in any way connected with the businesss thereof, shall be guilty of a gross misdemeanor and shall be punished by a fine of not less than $100, and not more than $1,000 or on failure to pay such fine, by imprisonment for a period not to exceed one year, or both at the discretion of the Court.

MISSOURI

REVISED STATUTES, 1929

CHAPTER 95, ARTICLE 2.—*Employment bureaus and employment agents*

SECTION 13190. *Licenses; fees.*—No person, firm, or corporation in this state shall open, operate, or maintain an employment office or agency for hire, or where a fee is charged to either applicants for employment or for help, without first obtaining a license for the same from the state commissioner of labor and industrial inspection. Such license fee in cities of fifty thousand population and over shall be fifty dollars per annum, and in all cities containing less than fifty thousand population, a uniform fee of twenty-five dollars per annum. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of sections 13190 to 13193, inclusive, shall be posted in a conspicuous place in each and every employment agency. The commissioner of labor and industrial inspection shall require with each application for a license a bond in the penal sum of five hundred dollars, with one or more sureties, to be approved by said commissioner and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions, or requirements of said sections. The said commissioner is authorized to commence action or actions on said bond or bonds in the name of the state of Missouri for any violation of any of its conditions, and he may also revoke, upon a full hearing, any license, whenever, in his judgment, the party licensed shall have violated any of the provisions of said sections. It shall be the duty of every licensed agency to keep a register in which shall be entered the names and addresses of every person who shall make application for help or servants, and the names and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours be open to the inspection and examination of the commissioner of labor and industrial inspection and his agent or agents, deputies, or assistants. Where a registration fee is charged for receiving or filing applications for employment or help, said fee shall, in no case, exceed the sum of one dollar for which a receipt shall be given, in which

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shall be stated the name of the applicant, the amount of the fee, the date, and the name or nature of the work to be done or the situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month, after registration, as aforesaid, then said licensed agency shall forthwith repay and return to said applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency. Any licensed agency shall not publish or cause to be published any false or fraudulent notice or advertisement, or give any false information or make any false promise concerning or relating to work or employment to any one who shall apply for employment, and no licensed agency shall make any false entries in the register to be kept as herein provided. No person, firm, or corporation shall conduct the business of any employment office or agency in, or in connection with, any place where intoxicating liquors are sold.

SEC. 13191. *Enforcement.*—It shall be the duty of the commissioner, or his deputies, agents, or assistants, to enforce sections 13190 to 13193, inclusive. When informed of any violation, it shall be their duty to institute criminal proceedings for the enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of said sections shall be deemed guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period not exceeding six months, or both.

SEC. 13192. *Fees and fines.*—All money or moneys received from fees and fines under sections 13190 to 13193, inclusive, shall be turned into the state treasury on or before the last day of each month and placed to the credit of the general revenue funds.

SEC. 13193. *Exemptions.*—The free public employment bureaus organized and established, or to be organized and established in this state by the commissioner of labor and industrial inspection, or charitable organizations, shall not be subject to the provisions of the three preceding sections.

SEC. 13194. *Prohibited acts.*—Every person who shall agree or promise or who shall advertise through the public press, or by letter, to furnish employment or situations to any person or persons, and in pursuance of such advertisement, agreement or promise, shall receive any money, personal property, or other valuable thing whatsoever, and who shall be guilty of any deception to any person applying for employment or who shall direct any female applying for employment to any house of prostitution, assignation house, or other immoral resort, or who shall fail within three days to procure acceptable employment for an applicant, and upon demand refuse to return the money paid by the applicant for employment, shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine of not exceeding one thousand dollars nor less than one hundred dollars, or confined in the county jail workhouse no longer than one year nor less than sixty days, or shall be punished by both such fine and imprisonment.

MONTANA

REVISED CODES, 1935

CHAPTER 191.—*Miscellaneous licenses*

SECTION 2434. *License fee.*—License must be obtained for the purposes hereinafter named, for which the county treasurer must require payment as follows:

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4. For each keeper of an intelligence office, $10 per quarter.

CHAPTER 321.—*Private employment agencies*

SECTION 4157. *Definitions.*—The term "person," when used in this act, means and includes any individual, company, association, or corporation, or their agents, and the term "employment agency" means and includes the business of keeping an intelligence office, employment bureau, or other agency or office for procuring work or employment for persons seeking employment, where a fee or privilege is exacted, charged, or received, directly or indirectly, for procuring or assisting to procure employment, work, or a situation of any kind, or for procuring or providing help for any person, whether such fee is collected from the applicant for employment or the applicant for help, excepting agencies for procuring employment for school teachers exclusively. The term "fee" as used in this act means money or other thing of value, or a promise to pay money or thing of value.

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SEC. 4158. *License.*—No person shall open, keep, or carry on any such employment agency in the state of Montana, unless every such person shall procure a license therefor from the county treasurer of the county in which such person intends to conduct such agency. Such license shall be granted upon the payment to said county treasurer of a fee of five dollars annually for such employment agencies.

SEC. 4159. *Same.*—Every license shall contain the name of the person licensed, a designation of the city, street, and number of the house in which the person licensed is authorized to carry on said employment agency, and the number and date of such license.

SEC. 4160. *Application.*—The application for such license shall be filed not less than one month prior to the granting of said license, and shall be accompanied by the affidavits of two or more persons who have known the applicant or the chief officer thereof, if the applicant is a corporation, for five years, stating that the said applicant or officer thereof is a person of good moral character.

SEC. 4161. *Bond.*—The county treasurer of each county shall require such person to file with his application for a license a bond in due form to the state of Montana, in the penal sum of three thousand dollars, with two or more sufficient securities, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this act.

SEC. 4162. *Action upon bond.*—If any person shall be aggrieved by the misconduct of any such licensed person, such person may maintain an action in his own name upon the bond of said employment agent in any court having jurisdiction of the amount claimed.

SEC. 4163. *Registers.*—It shall be the duty of every such licensed person to keep a register, approved by the county treasurer, in which shall be entered the date of every application for employment; the name and address of the applicant; the amount of the fee received. Such licensed person shall also enter in a separate register approved by the county treasurer the name and address of every applicant for help, the date of such application, the kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received, and the rate of wages agreed upon. The aforesaid registers of applicants for employment and for help shall be open during office hours to inspection by the county treasurer.

SEC. 4164. *Fees.*—The fees charged applicants for any employment shall not exceed the sum of three dollars. In case the applicant, through no fault, neglect, or refusal of his own, shall not obtain help or employment through such agency, then such licensed person shall, on demand, repay the full amount of the said fee, allowing five days' time to determine the fact of the applicant's failure to obtain help or employment.

SEC. 4165. *Receipts.*—It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name of said applicant, the date and amount of the fee, and the purpose for which it is paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of this section.

SEC. 4166. *Gifts prohibited.*—No such licensed person shall receive or accept any valuable thing or gift as a fee in lieu thereof, and no fee shall be accepted by such licensed person for any other purpose, directly or indirectly, by any pretense or subterfuge employed to evade the interest or purpose of this section, except as herein provided. No such licensed person shall divide fees with contractors or other employers to whom applicants for employment are sent.

SEC. 4167. *Cards.*—Every such licensed person shall give to each applicant for employment a card containing the name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment.

SEC. 4168. *Posting.*—Every such licensed person shall post in a conspicuous place in each room of such agency a plain and legible copy of this act.

SEC. 4169.—*Sending outside of county.*—Whenever such licensed person or any other acting for him agrees to send one or more persons to work as contract laborers in any one place outside the county in which such agency is located, the said licensed person shall file with the county treasurer, within five days after the contract is made, a statement containing the following items: Name and address of the employer, name and address of the employee, nature of work to be performed, hours of labor, wages offered, designation of the persons employed, and terms of transportation.

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SEC. 4170. *Immoral, etc., resorts.*—No such licensed person shall send or cause to be sent any female help as servants or inmates to any questionable place, or place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, the character of which such licensed person could have ascertained upon reasonable inquiry.

SEC. 4171. *Fraud.*—No such licensed person shall publish or cause to be published any false or fraudulent notice or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs, and in newspapers and other publications, and all letterheads, receipts, and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise concerning employment to any applicant who shall register for employment or help.

SEC. 4172. *Violations.*—Any violation of the provisions of this act shall constitute a misdemeanor punishable by a fine of not less than one hundred dollars nor more than five hundred dollars, or imprisonment for a period of not more than ninety days, or by both such fine and imprisonment.

NEBRASKA

COMPILED STATUTES, 1929

CHAPTER 48, ARTICLE 5.—*Employment agencies*

SECTION 48-501. *Definitions.*—When used in this act the following terms are defined as herein specified; the term "person" means and includes any individual, company, society, association, corporation, manager, contractor, subcontractor, or their agents or employes. The term "employment agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor or in any other capacity an intelligence office, domestic and commercial employment agency, theatrical employment agency, bonding and reference bureau, shipping agency, teachers' employment agency, general employment bureau, or any other agency or office for the purpose of procuring or attempting to procure help or employment or engagements for persons seeking employment or engagements or for the registration of persons seeking such help, employment, or engagement or for giving information as to where and of whom such help, employment, or engagement may be procured, where a fee or other valuable consideration is exacted, or attempted to be collected, directly or indirectly, for such services, whether such business is conducted in a building or on the street or elsewhere. The term "fee" means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this act. Such term includes any excess of money received by any such person, over what has been paid out by him for the transportation, transfer of baggage or board and lodging for any applicant for employment; such term also includes the difference between the amount of money received by any such person who furnishes employes and the amount paid by him to such employes.

SEC. 48-502. *License.*—No person, firm, or corporation in this state shall open, operate, or maintain a private employment agency for hire or for help without first obtaining a license for the same from the secretary of labor, and the license fee shall be fifty dollars per annum, payable in advance on the first day of May of each year, and shall expire on the last day of April of each year. Every license shall contain a designation of the city, street, and number of the building in which the licensed parties conduct said employment agency. In case of removal to another location during the period covered by such license the secretary of labor shall be at once notified and the license corrected accordingly. No such license shall be transferable.

SEC. 48-503. *Bond.*—The secretary of labor shall require with each application for a license a surety bond in the penal sum of $2,000 to be approved by said secretary of labor and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this act. The secretary of labor is authorized to cause an action or actions to be brought on said bond in the name of the state for any violation of any of its conditions and he may revoke upon a full hearing any license whenever in his judgement the party licensed shall have violated any of the provisions of this act; and in the prosecution of any inquiry, the secretary of labor is hereby empowered to administer oaths, subpœna witnesses, take depositions, compel the attendance of witnesses, and the production of books, accounts, papers, records, documents, and testimony.

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SEC. 48-504. *Canceling license.*—In case of refusal of any person to comply with the order of the secretary of labor or subpœna issued by him or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, or refusal to permit any inspection as aforesaid, the secretary of labor may cancel the license held by such person, firm, or corporation refusing to comply with the order of the secretary of labor: *Provided,* that the orders of the secretary of labor be in accord with the provisions of this act. When such license shall be canceled it shall not be reissued to said person, firm, or corporation for a period of six months from the date of said cancellation.

SEC. 48-505. *Name.*—No private employment agency shall print, publish, or paint on any sign, window, or insert in any newspaper or publication a name similar to that of the Nebraska free employment bureau.

SEC. 48-506. *Register.*—It shall be the duty of every licensed agency to keep a register in which shall be entered the name and sex of every person for whom employment is secured, and the amount of fee charged. Such licensed agency shall also enter into a register the name and address of every person for whom help or servants are secured. Such register shall at all reasonable hours be open to the inspection and examination of the secretary of labor or his agent, and a copy of such facts shall be filed with the secretary of labor not later than the 10th day of each succeeding calendar month.

SEC. 48-507. *Receipts.*—Every licensed agency shall issue a receipt to each person securing employment or help showing the occupation, name, and address of the applicant, and the amount of fee charged for procuring the position and such receipt shall also show the wages to be paid to said person securing employment, together with the name and address of the employer and the name of the agency issuing such receipt. Also the nature of the employment offered and if a strike or lockout is known to exist the fact shall be stated. Said receipt shall be made upon forms prescribed by the secretary of labor and the third copy to be retained by the agency issuing same. The carbon copy of each and every receipt issued shall be mailed to the secretary of labor as prescribed in section 6 [48-506].

SEC. 48-508. *Fee.*—A registration fee not to exceed $2 may be charged by such licensed agency when such agency shall be at actual expense in advertising such individual applicant, or in looking up the reference of such applicant. In all such cases a complete record of such references shall be kept on file which record shall, during all business hours, be open for the inspection of the secretary of labor, the chief deputy secretary of labor, or any other inspector appointed by the secretary of labor to make such inspection, and upon demand shall be subject to the inspection and examination by the applicant. For such registration fee a receipt shall be given to said applicant for help or employment, giving name of such applicant, date of payment, and character of position or help applied for. Such registration fee shall be returned to said applicants on demand, after thirty days and within sixty days from date of receipt, less the amount that has been actually expended by said licensed agency for said applicant, and an itemized account of such expenditures shall be presented to said applicant on request at the time of returning the unused portion of such registration fee, provided no position has been furnished by said licensed agency to and accepted by said applicant. No licensed person or persons shall, as a condition to registering or obtaining employment for such applicant, require such applicant to subscribe to any publication or exact other fees, compensation, or reward, other than the registration fee, aforesaid, and a further fee, the amount of which shall be agreed upon between such applicant and such licensed person, to be payable at such time as may be agreed upon in writing, "the amount of which, together with said registration fee of $2 added thereto shall in no case exceed 10 percent of all moneys paid to or to be paid or earned by said applicant, for the first month's service growing out of said employment furnished by said employer: *Provided, however,* that if through no fault of said applicant or employee, he fails to remain in service with said employer and other positions or places of employment are furnished to said applicant by said licensed agency, then said licensed agency shall not accept, collect, or charge more than one fee every three months," but the further fee aforesaid shall not be received by such licensed person before the applicant has been tendered a position by said licensed person.

In the event that the position, so tendered is not accepted by or given such applicant, said licensed person shall refund all fees requested by said applicant, other than the registration fees aforesaid within three days after demand is made therefor. No such licensed person shall send out any applicant for employment without having obtained a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place where said applicant

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was directed, said licensed person shall refund to such applicant within five days after demand, any sum paid by such applicant for transportation in going to and returning from said place and all fees paid by said applicant. In addition to the receipt provided to be given for registration fee it shall be the duty of such licensed person to give, to every applicant for employment from whom other fee or fees shall be received, an additional receipt, in which shall be stated the name of such applicant, the date and amount of such other fees; and to every applicant for help from whom other fee or fees shall be received, an additional receipt, stating the name and address of said applicant, the date and amount of such other fee or fees, and the kind of help to be provided. All receipts shall have printed on the back thereof, in the English language, the name and address of the state secretary of labor and the chief deputy secretary of labor. Every such licensed person shall give to every applicant for employment, a card or printed paper containing the name of the applicant, the name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment. If an employee furnished fails to remain one week in a situation, through no fault of the employer, then all fees paid or pledged, in excess of the registration fee aforesaid, shall be refunded to the employer upon demand. If the employment furnished the applicant does not continue more than one week, through no fault of the employee, then all fees paid or pledged, in excess of the registration fee aforesaid, shall be refunded to the employee upon demand.

SEC. 48–509. *Receipts; return of fee.*—The fee for procuring employment or help in all cases shall be clearly set out in the receipts provided for in [48–507]. The receipt shall plainly show the amount of the fee, all commissions and expenses or compensations whatsoever to such licensed agency for procuring employment or help. In case the party paying such fee fails to obtain employment specified and such failure shall not be the fault of such applicant for employment, such licensed agency shall repay the same to such person upon demand being made therefor: *Provided*, that in cases where the person seeking employment is sent beyond the limits of the city in which such employment agency operates, such licensed agency shall repay in addition to the above the actual expenses incurred by reason of failure to receive employment, in all cases when it shall appear that the employment agency made false representations.

SEC. 48–510. *Splitting fees.*—Any licensed agency, or agent thereof, who shall be guilty of dividing fees with any superintendent, manager, foreman, or other employees of any person, company, corporation, or association, for whom employees are furnished shall be guilty of a misdemeanor and shall be fined not less than fifty dollars or be imprisoned in the county jail for a period not exceeding three months at the discretion of the court. His license shall at once be revoked upon his conviction for a second offense by the authorities granting the same.

SEC. 48–511. *False statements; immoral resorts.*—No agency shall knowingly, send or cause to be sent any female help or servant to any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes. No such licensed agency shall publish or cause to be published any false information, make any false promise concerning or relating to work or employment to any one who shall register for employment and no licensed agency shall make any false entries in the register to be kept as herein provided.

SEC. 48–512. *Enforcement.*—It shall be the duty of the secretary of labor to enforce this act. When informed of any violation thereof it shall be his duty to investigate same, as hereinbefore provided, and he may institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of this act not otherwise provided for, shall be guilty of a misdemeanor and shall be fined not less than fifty dollars nor more than one hundred dollars or be imprisoned in the county jail for a period not to exceed three months and for a conviction of a second offense his license shall be revoked: *Provided*, That any person or persons who shall knowingly send any female help or servant to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be punished by imprisonment for not less than thirty days nor more than three months and no license to operate an employment agency shall be issued to such party.

SEC. 48–513. *Revenues, disposition of.*—All moneys paid to the secretary of labor or license fee under this act, shall be paid over by him to the State treasurer.

SEC. 48–514. *Definitions.*—The term "employment" or "work," whenever used in this act, shall be construed to mean manual or mechanical labor, clerical, domestic, or professional service.

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SEC. 48-515. *Private employment agency.*—Any person, firm, or corporation who for hire or with a view to profit shall undertake to secure employment or help or through the medium of cards, circulars, pamphlets of any nature whatsoever, or through the display of a sign or bulletin offer to secure employment or help or give information as to where employment or help shall be secured, shall be deemed a "private employment agency" and shall be subject to the provisions of this act.

NEVADA

COMPILED LAWS, 1929

Regulation of employment agencies

SECTION 2835. *Definitions.*—SEC. 1. When used in this section the following terms are defined as herein specified:

The term "person" means and includes any individual, firm. company, corporation, association, manager, contractor, subcontractor, or their agents or employees.

The term "employment agency" means and includes the business of conducting as owner, agent, manager, contractor, subcontractor, or in any other capacity, an intelligence office, domestic and commercial employment agency, general employment bureau, shipping agency, stage line, hotel, or any other agency for the purpose of procuring or attempting to procure help or employment for persons seeking employment, or for the registration of persons seeking such employment or help, or for giving information as to where and of whom such help or employment may be secured, where a fee or other valuable consideration is exacted, or attempted to be collected for such services, or in connection with transportation furnished by stage line as part of the employment agreement, whether such business is conducted in a building or on a street or elsewhere. The term "labor commissioner" shall mean the labor commissioner of the State of Nevada.

SEC. 2836. *License.*—SEC. 2. No person shall open, keep, operate or maintain an employment agency in this State without first obtaining a license therefor as provided in this act from the labor commissioner. Such license, together with a copy of this act, shall be posted in a conspicuous place in each and every employment agency. Any person who shall open, keep, operate, or maintain such employment agency without first procuring said license shall be guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in a county jail not to exceed six months, or by a fine not exceeding three hundred ($300) dollars, or by both such fine and imprisonment.

SEC. 2837. *Application.*—SEC. 3. An application for such license shall be made to the labor commissioner. Such application shall be in written form and shall state the name and address of the applicant, the street and number of the building or place where the business is to be conducted, and the business or occupation engaged in by the applicant for at least two years immediately preceding the date of the application. Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character.

SEC. 2838 (as amended 1931, ch. 45).[4] *Contents.*—Every license shall contain the name of the person licensed, a designation of the city, street, number of the house in which the person licensed is authorized to carry on said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or place other than designated in the license. When, in the opinion of the labor commissioner, a community is being adequately served by a free employment service, he shall have the authority to deny the establishment therein of any other employment agency.

SEC. 2839. *Fee.*—SEC. 5. Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay to the labor commissioner a fee of fifty ($50) dollars before such license is issued and thereafter an annual fee of fifty ($50) dollars on or before the first day of each calendar year. He shall also deposit before such license is issued, with the clerk of the city in every city where there is a clerk, or clerk of the county, a bond in the penal sum of one thousand ($1,000) dollars with two or more sureties or a duly authorized surety company, to be approved by the labor commissioner. The bond executed shall be payable to the people of the State of Nevada and shall be conditioned that the person applying for the license will comply with this act and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud, or deceit, or any unlawful act or omission of any licensed per-

[4] See pocket Supp. to Comp. L., 1929, vol. 2.

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son, made, committed, or omitted in the business conducted under such license, or caused by any other violation of this act in carrying on the business for which such license is granted.

If at any time the sureties or any of them shall become irresponsible, the person holding such license shall, upon notice of the labor commissioner, give a new bond, subject to the provisions of this section. The failure to give a new bond within 10 days after such notice shall operate as a revocation of such license and the license shall thereupon be returned to the labor commissioner, who shall destroy the same.

SEC. 2840. *Claims.*—SEC. 6. All claims or suits brought in any court against the licensed person may be brought in the name of the person damaged upon the bond deposited with the city or county, as the case may be, by such licensed person, and may be assigned as other claims for damages in civil suits. The amount of damages claimed by plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought. Where such licensed person has departed from the State with intent to defraud his creditors or with intent to avoid a summons in an action brought under this section, service shall be made upon the surety as prescribed in the Code of Civil Procedure. A copy of such summons shall be mailed to the last known post-office address of the residence of the licensed person, and the place he conducted such employment agency, as shown by the records of the labor commissioner's office. Such service thereof shall be deemed to be made when not less than the number of days shall have intervened between the dates of service and the return of the same as provided by the civil procedure for the particular court in which suit has been brought.

SEC. 2841. *Register.*—Sec. 7. It shall be the duty of every licensed person to keep a register in which shall be entered the date of application for employment; the name and address of the applicant to whom employment is promised or offered, or to whom information or assistance is given in respect to such employment; the amount of the fee received, and whenever possible, the name and addresses of former employers or persons to whom such applicant is known. Such licensed person shall also enter in the same or in a separate register the name and address of every applicant for help, the date of such application, kind of help requested, the conditions of employment, the hours of labor required and the rate of wages to be paid. No such licensed persons shall make any false entry in such registers.

SEC. 2842. *Inspection.*—SEC. 8. All registers, books, records and other papers kept by the licensed person pursuant to this act shall be open at all reasonable hours to the inspection of the labor commissioner, and every licensed person shall furnish to the labor commissioner on request a true copy of such register, books, records and papers, or any portion thereof, and shall make such reports as the labor commissioner may prescribe.

SEC. 2843. *Receipts.*—SEC. 9. It shall be the duty of every licensed person to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated the name and address of such employment agency, the name and address of the party to whom the applicant is sent for employment, the name of the applicant, the date, the amount of the fee, the kind of work or service to be performed, the general conditions of employment, including, among other things, the hours of service, the rate of wages or compensation, whether or not board or lodging is to be furnished, the cost of transportation and whether or not it is to be paid by the employer, the time of such service if definite, and if indefinite to be so stated, and the name of the person authorizing the hiring of such applicant. There shall be printed on the face of the receipt in prominent type the following: "This agency is licensed by the labor commissioner of Nevada." All receipts shall be made and numbered in original and duplicate. The original shall be given to the applicant paying the fee and the duplicate shall be kept on file at the employment agency.

SEC. 2844. *Orders.*—SEC. 10. No such licensed person shall accept a fee from any applicant for employment, or send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor. In case the applicant paying a fee fails to obtain employment, such licensed agency shall repay the amount of said fee to such applicant upon demand being made therefor: *Provided,* That in cases where the applicant paying such fee is sent beyond the limits of the city in which the employment agency is located, such licensed agency shall repay in addition to the said fee any actual expenses incurred in going to and returning from any place where such applicant has been sent: *Provided, however,* Where the applicant is employed and the employment lasts less than seven days by reason of the discharge of the applicant, the employment agency shall return to said applicant the fee paid by such applicant to the employment agency.

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SEC. 2845. *False statements.*—SEC. 11. No licensed person conducting an employment agency shall publish or cause to be published any false or fradulent or misleading information, representation, notice, or advertisement; all advertisements of such employment agency by means of cards, circulars, signs, or in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name and address of such employment agency, and no licensed person shall give any false information, or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for employment or help.

SEC. 2846. *Children; strikes; dividing fees.*—SEC. 12. No licensed person shall accept any application for employment made by or in behalf of any child, or shall place or assist in placing any such child in any employment whatever in violation of the child-labor law. No licensed person shall send an applicant to any place where a strike, lockout, or other labor trouble exists without notifying the applicant of such conditions, and shall in addition thereto enter a statement of such facts upon the receipt given to such applicant. No licensed person shall divide fees with an employer, or an agent of an employer, or with any superintendent, manager, foreman, or other employee of any person, firm, or corporation to which help is furnished.

SEC. 2847. *Records.*—SEC. 13. The labor commissioner shall furnish to each licensed employment agency blank books upon which their records shall be kept as provided in this act, together with forms of receipts and necessary blanks upon which reports shall be made to the labor commissioner.

SEC. 2848. *Accounts.*—SEC. 14. The labor commissioner shall, at the end of each month, make an itemized account of all moneys received by him from license fees under the provisions of this act, and pay the same to the state treasurer, to be held in a separate fund known as the employment agency fund and to be used for expenses incurred in printing blanks, books, and receipts to be furnished to such employment agencies by said labor commissioner.

SEC. 2849. *Enforcement.*—SEC. 15. It shall be the duty of the labor commissioner to enforce this act, and when informed of any violations thereof it shall be his duty to report the fact to the district attorney of the county in which such violation occurred and said district attorney shall prosecute the same in accordance with the law.

SEC. 2850. *Violations.*—SEC. 16. Any person who violates any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in the county jail not to exceed six (6) months or by a fine not exceeding three hundred ($300) dollars, or by both such fine and imprisonment.

Employment offices—False representation

SECTION 10466. *False statements forbidden.*—Every employment agent or broker, who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in any writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof, or the wages to be paid therefor, shall be guilty of a misdemeanor.

NEW HAMPSHIRE

PUBLIC LAWS, 1926

CHAPTER 179.—*Private employment offices*

SECTION 1. *License.*—Whoever, without a license therefor, establishes or keeps an intelligence office for the purpose of obtaining or giving information concerning places of employment for servants or other laborers, or for the purpose of procuring or giving information concerning such person for or to employers, or for the purpose of procuring or giving information concerning employment in business, shall be fined $10 for each day such office is so kept.

SEC. 2. *License by local authorities.*—The mayor and aldermen of a city or the selectmen of a town may, for the purposes mentioned in the preceding section, grant licenses to suitable persons, subject to the provisions hereof, and may revoke the same at pleasure.

SEC. 3. *Same.*—Licenses granted to keepers of intelligence offices shall be signed by the clerk of the city or town in which they are granted, and every such license shall be recorded by him in a book kept for that purpose, before being delivered to the licensee. Such license shall set forth the name of the person licensed, the

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nature of the business and the building or place in which it is to be carried on, and shall continue in force until May first next ensuing, unless sooner revoked.

SEC. 4. *Fee.*—The board issuing such a license shall receive for the use of the city or town for each license such sum, not less than two dollars, as the board shall deem reasonable.

SEC. 5. *Removal.*—No license issued as aforesaid shall be valid to protect the holder thereof in a building or place other than that designated in the license, unless consent to removal is granted by the mayor and aldermen or selectmen.

SEC. 6. *Revocation.*—When such license is revoked, such clerk shall note the revocation upon the face of the record of the license, and shall give written notice to the holder thereof by delivering the same to him in person or leaving it at the place of business designated in the license.

NEW JERSEY

1911–1924 SUPPLEMENT TO COMPILED STATUTES

Employment agencies

SECTION 67–9 (as amended 1928, ch. 283).[5] *Definitions.*—(*a*) The term "person" when used in this act shall mean and include any individual, company, association or corporation, or their agents.

(*b*) The term "fee" when used in this act shall mean and include any payment of money, or the promise to pay money, or the excess of money received by any person furnishing employment or employees over what he has paid for transportation, transfer or baggage or lodging for any applicant for employment; it shall also mean and include the difference between the amount of money received by any person who furnishes employees and performers for any entertainment, exhibition, or performance, and the amount paid by him to said employees or performers.

(*c*) The term "privilege" as used in this act shall mean and include the furnishing of food, supplies, tools, or shelter to contract laborers, commonly known as commissary privileges. The furnishings of food, supplies, tools, or shelter to laborers, if performed within New Jersey or if paid for within New Jersey, both in connection with the promise or offer to provide help or employment regardless of where such offer is made or where such help is obtained, shall be considered proof of violation of this act.

(*d*) The term "employment agency" when used in this act shall mean and include the business of procuring or offering to procure help or employment, or the giving of information as to where help or employment may be procured, whether such business is conducted in a building or on the street or elsewhere; or the business of keeping an intelligence office, employment bureau, or shipping agency, nurses' registry, or agency for procuring engagements for vaudeville or theatrical performers, or other agency or office for procuring work or employment for persons, where a fee or privilege is exacted, charged or received directly or indirectly for procuring or assisting or promising to procure employment, work, engagement or a situation of any kind, or for procuring or providing help or promising to provide help for any person, whether such fee is collected from the applicant for employment or the applicant for help.

SEC. 67–10 (as amended 1928, ch. 283).[5] *Exemptions.*—The provisions of this act shall not apply to employment agencies which procure employment for persons as teachers or in technical or executive positions exclusively in recognized institutions, or to registries conducted by duly incorporated associations of registered nurses, or employment bureaus of registered medical institutions or incorporated hospitals, nor shall it apply to departments maintained by persons, firms, corporations, or associations for the purpose of securing help for themselves where no fee is charged the applicant for employment or to departments maintained by either federal, State, municipal or charitable agencies where no fee is charged.

SEC. 67–11 (as amended 1928, ch. 283).[5] *License.*—(*a*) No person shall open, keep, or carry on any employment agency as defined above unless such person shall procure a license therefor from the Commissioner of Labor. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct an employment agency without first procuring said license, or who shall conduct such an agency after revocation of such license, shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars and not more than two hundred and fifty dollars or by imprisonment of not more than one year or both at the discretion of the court.

[5] See 1925–30 Supplement to Compiled Statutes.

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(*b*) An application for such license shall be made in writing to the Commissioner of Labor, and shall state the name and number of the building and place where the employment agency is to be conducted. The application for such license shall be filed not less than one week prior to the granting of said license, and the Commissioner of Labor shall act upon such application within thirty days from the time of such application.

(*c*) Every such applicant shall be required to furnish satisfactory proof of good moral character in the form of affidavits by at least two reputable citizens of the State, and to furnish proof of citizenship of the United States, and any person may protest against the issuance or the transfer of any license. The Commissioner of Labor, or his representative, shall investigate, or cause to be investigated, the character and responsibility of the applicant, and shall examine, or cause to be examined, the premises designated in such application as the place in which it is proposed to conduct such agency.

(*d*) Such license shall contain the name of the person licensed, a designation of the city, street, and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued and shall not authorize the carrying on of any such agency at any place other than that designated in the license, and it shall not be transferred or assigned to any other person unless consent is obtained from the Commissioner of Labor and no such agency shall be conducted in rooms used for living purposes, of where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building, or on the premises where intoxicating liquors are sold. If said licensed person shall conduct a lodging house for the unemployed, separate and apart from such agency, it shall be so designated in the license. Unless sooner revoked by the Commissioner of Labor, such license shall run to the first day of January next ensuing the date thereof and no longer.

(*e*) Every person licensed under the provisions of this act to carry on the business of an employment agency shall pay the Commissioner of Labor a license fee according to the population of the municipality as shown by the last preceding Federal census, viz: In cities of 150,000 and upward, $100; in cities of 100,000 and upward, $75; in cities of 50,000 and upward, $50; and in cities of less than 50,000, $25.

Before such license is issued he shall also deposit with the Commissioner of Labor a bond in the penal sum of one thousand dollars with two or more sureties or a duly authorized surety company, as surety, to be approved by the Commissioner of Labor.

(*f*) The bond executed as provided in the preceding subdivisions of this section shall be payable to the State of New Jersey and shall be conditioned that the person applying for the license will comply with this act and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any unlawful act or omission of any licensed person, his agents, or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under such license, or caused by any violation of this act in carrying on the business for which such license is granted. In case of a breach of the condition of any such bond, application may be made to the Commissioner of Labor by the person injured by such breach for leave to sue upon such bond, which leave shall be granted by the Commissioner of Labor if it be proven to his satisfaction that the condition of such bond has been breached and the party applying has been injured thereby. The person obtaining such leave to sue may take the bond from the files of the said commissioner and institute suit thereon in his own name for the recovery of damage sustained by such breach.

(*g*) If any time, in the opinion of the Commissioner of Labor, the sureties on any such bond, or any of them, shall become irresponsible, the person holding such license shall, upon notice from the Commissioner of Labor, give a new bond, subject to the provisions of this section. The failure to give a new bond within 10 days after such notice, in the discretion of the Commissioner of Labor, shall operate as revocation of such license, and the license shall be thereupon returned to the Commissioner of Labor, who shall destroy the same.

SEC. 67–12. *Registers.*—(*a*) It shall be the duty of every such licensed person to keep a register, approved by the Commissioner of Labor, in which shall be entered, in the English language, the date of the application for employment, the name and address of the applicant to whom employment is promised or offered, the amount of the fee received, and, whenever possible, the name and address of former employers or persons to whom such applicant is known. Such licensed person shall also enter in a separate register, to be approved as aforesaid, in the English language, the name and address of every applicant accepted for help, the

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date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the date of employment, the amount of the fee received and the rate of wages agreed upon. The aforesaid register of applicants for employment and for help shall be open during office hours to inspection by the officers of the department of labor. No such licensed person, his agent or employees, shall make any false entry in such registers.

(*b*) It shall be the duty of every licensed person, whenever possible to communicate orally or in writing with at least one of the persons mentioned as reference by every applicant for work in private families or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided, however*, That if the applicant for help voluntarily waives, in writing, such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this act.

SEC. 67–13 (as amended 1928, ch. 283).[5] *Fees.*—(*a*) Every employment agent shall file with the Commissioner of Labor, a schedule of fees proposed to be charged for any services rendered to employers seeking employees, and persons seeking employment, and all charges must conform thereto. Such schedule of fees, on blanks provided by the Commissioner of Labor, shall be posted in a conspicuous manner in the office of the agency. No such licensed person shall receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide, directly or indirectly, fees with any person securing help, or his agents, or other employees, or any one in their employ to whom applicants for employment are sent, nor shall any licensed person offer to so divide any fees.

(*b*) In case the applicant shall not accept or obtain help or employment through such agency, then such licensed person shall, on demand, repay the full amount of said fee, allowing three days' time to determine the fact of the applicants' failure to obtain help or employment. If an employee furnished an applicant for help fails to remain one week in the situation, or if such employee is discharged for cause, a new employee shall be furnished if said applicant for help so elects, or three-fifths of the fee returned within four days of demand: *Provided, however*, That said applicant for help notifies said licensed person within 30 days of the failure of the applicant for employment to accept the position, or of the applicant's discharge for cause.

If the employee is discharged within one week without said employee's fault, another position shall be furnished, or three-fifths of the fee returned to the applicant for employment if he so elects. Failure of said applicant for help to notify said licensed person that such help has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee.

No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant, within three days of demand, any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant.

SEC. 67–14. *Receipts.*—It shall be the duty of such licensed person to give to every applicant for employment from whom a fee shall be received a receipt, in which shall be stated the name of said applicant, the date and the amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt shall have printed on the back thereof a copy of sections 5 and 6 of this act in the English language, or in any language which the person to whom the receipt is issued can understand.

Every such licensed person shall also give to each applicant for employment a card or printed paper containing the name of the applicant, name and address of such employment agency, and the written name and address of the person to whom applicant is sent for employment.

SEC. 67–15. *Soliciting.*—No person shall induce or attempt to induce any domestic employee to leave his employment with a view of obtaining other employment through such agency. Whenever such licensed person, or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, said licensed person shall file with the commissioner of labor, within five days after the contract is made, a statement containing the following items: Name and address of the employee; nature of the work to be performed, hours of labor, wages offered,

[5] See 1925–30 Supplement to Compiled Statutes.

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destination of the persons employed and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment in a language which he is able to understand.

SEC. 67–16 (as amended 1928, ch. 283).[5] *Acts forbidden.*—(*a*) No such licensed person shall send or cause to be sent any female to become a servant or inmate or to enter any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or to a place resorted to for the purpose of prostitution, or to a gambling house. No such person shall knowingly permit any person of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency.

(*b*) No such licensed person shall accept any application for employment made by or on behalf of any child under the age of 16 years, or shall place, or assist in placing any such child in any employment whatever.

(*c*) No licensed person, his agents, servants or employees, shall induce or compel any person to enter such agency, for any purpose, by the use of force or by taking forcible possession of said person's property.

(*d*) No such person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold (to be consumed on the premises, except as heretofore provided in subdivision (*d*), (section 3) [67–11]), whether or not dues or a fee or privilege is exacted, charged or received directly or indirectly.

(*e*) No such licensed person shall publish or cause to be published any false or fraudulent or misleading notice or advertisement; all advertisements of such employment agency by means of cards, circulars or signs, or in newspapers and other publications, and all letterheads, receipts, and blanks shall contain the name and address of such employment agency, and no such licensed person shall give any false information, or make any false promise or false representation concerning employment to any applicant who shall register for employment or help. For the violation of any of the foregoing provisions of this section the person so violating shall be guilty of a misdemeanor and shall be punishable by a fine of not less than fifty dollars and not more than two hundred and fifty dollars, or by imprisonment for a period of not more than one year or both, at the discretion of the court.

SEC. 67–17. *Posting.*—Every such licensed person shall post in a conspicuous place in each room of such agency sections 5, 6, 7, and 8 of this act [secs. 67–13, 67–14, 67–15, and 67–16], which shall be printed in large type in language which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the commissioner of labor.

SEC. 67–18 (as amended 1928, ch. 283).[5] *Enforcement.*—The enforcement of this act shall be entrusted to the Commissioner of Labor, who shall cause to be made at least bimonthly visits to every such agency by such inspectors he shall designate for that purpose. Said inspectors shall have a suitable badge, which they shall exhibit on demand of any person with whom they may have official business, and said inspectors shall see that all the provisions of this act are complied with. The said Commissioner of Labor may refuse to issue and may revoke any license for any good cause shown within the meaning and purpose of this act, and when it is shown to his satisfaction that any licensed person is guilty of any immoral or illegal conduct in connection with the conduct of said business, it shall be his duty to revoke the license of such person; but notice of the charge shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever for any cause such license is revoked, a license shall not be issued to said licensed person or his representative, or to any person with whom he is to be associated in the business of furnishing employment; nor shall a license be granted to anyone for conducting an employment agency at said place of business within the space of twelve months following date of revocation of said license.

Licenses may also be withheld if it appears to the satisfaction of the commissioner of labor, after due investigation and hearings, if necessary, that the needs of employers and employees in any given municipality are adequately served by public free employment offices and, or, by licensed private employment agencies.

SEC. 67–19 (as amended 1928, ch. 283).[5] *Procedure.*—Any person who shall violate any provision of this act, except as provided in sections 3 and 8 [secs. 67–11 and 67–16], shall be liable to a penalty of not to exceed twenty-five dollars, which penalty shall be sued for and recovered by and in the name of the Commissioner of Labor. Every district court in any city or judicial district in any

[5] See 1925–30 Supplement to Compiled Statutes.

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county, and every court of common pleas in any county, and every justice of the peace with due jurisdiction, is hereby empowered upon the filing of complaint in writing by the Commissioner of Labor, to issue process at the suit of the said Commissioner of Labor, such process shall be either in the nature of a summons or warrant which warrant may issue without any order of the court or judge first being obtained against the person or persons so charged, which process when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than 5 nor more than 15 entire days, such process shall state what provision of the law is alleged to have been violated by the defendant or defendants, and on the return of such process, or at any time to which the trial shall be adjourned, the said court shall proceed in a summary manner to hear testimony and to determine and give judgment in the matter without the filing of any pleadings for the plaintiff for the recovery of such penalty, with costs, or for the defendant, and the said court shall, if judgment be rendered for the plaintiff, cause any such defendant, who may refuse or neglect to forthwith pay the amount of the judgment rendered against him and all the costs and charges incident thereto, to be committed to the county jail for any period not exceeding one hundred days; that the officers to serve and execute all process under this act shall be the officers authorized to serve and execute process in said courts.

All convictions in prosecutions under this act shall be in the following or similar form:

STATE OF NEW JERSEY }
County of ————, } *ss:*

Be it remembered that on this ———— day of ———— at ———— in aid county, CD, defendant was by (the district court of the city of ———— or the court of common pleas of the county of ———— or as the case may be) convicted of violating the ———— section of an act entitled "An act to regulate the keeping of employment agencies," approved March 4, 1918, and amendments thereto, in a summary proceeding at the suit of the commissioner of labor, upon a complaint made by ———— and further, that the witnesses in said proceeding, who testified for the plaintiff were (name them) and the witnesses who testified for the defendant were (name them) wherefore, the said court doth hereby give judgment that the plaintiff recover of the defendant ———— dollars, penalty and ———— dollars, cost of this proceeding.

The conviction shall be signed by the judge of the district court or court of common pleas or justice of the peace before whom the conviction is had. In case the defendant is committed to jail in default of payment of the penalty, a commitment in the following form shall be added, beneath the judge's signature, to the conviction:

"And the said CD neglecting and refusing to pay the amount of the penalty above mentioned with costs, it is hereby ordered that the said CD be and he hereby is committed to the common jail of the county of ———— for the period of ———— days, unless the said penalty and costs are sooner paid."

This commitment shall also be signed by the judge and in case of commitment of any defendant to jail the conviction and commitment shall be signed in duplicate, and one of the duplicate copies shall serve the purposes of a warrant of commitment.

Any judgment recovered for a penalty under the provisions of this act in any district court may be docketed in the same manner as judgments in said court are docketed under the provisions of an act entitled "An act concerning district courts," approved June 14, 1898, and the acts amendatory thereof. Execution may issue for the collection of any judgment obtained under this act against the goods and chattels and body of the defendant without any order first obtained for such purpose. All money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

The Commissioner of Labor shall have the power to appoint such inspectors, department clerks, or other assistants, for carrying on the work required by this act as may in his judgment be necessary, and shall fix the salaries to be paid. Such inspectors, department clerks, or other assistants may be used for such other work of the department of labor as the commissioner of labor shall deem fit, and shall be entitled to necessary traveling expenses.

SEC. 67–20. *Appointment.*—All inspectors, department clerks, or other assistants appointed under this act shall be appointed by the commissioner of labor, and all inspectors, department clerks, or other assistants shall be appointed, hold their offices, and perform their duties subject to the provisions of an act entitled

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"An act regulating the employment, tenure and discharge of certain officers and employees of this State, and of the various counties and municipalities therof, and providing for a civil service commission and defining its powers and duties," approved April 10, 1908, and amendments thereof and supplements thereto. All salaries and expenses necessary to carry out the provisions of this act shall be paid in semimonthly installments from the funds of the State, out of the moneys appropriated for that purpose by the treasurer, upon warrant of the comptroller, upon presentation of proper vouchers for the same, approved by the commsisioner of labor.

NEW YORK

CAHILL'S CONSOLIDATED LAWS, 1930

CHAPTER 21, ARTICLE 11.—*Private employment agencies*

SECTION 170. *Scope.*—This article shall apply to all cities of the State, except that the provisions hereof relating to domestic and commercial employment agencies shall not apply to cities of the third class. This article does not apply to employment agencies which procure employment for persons as teachers exclusively, or employment for persons in technical or executive positions in recognized educational institutions; and employment bureaus conducted by registered medical institutions, duly incorporated hospitals or registries conducted by duly incorporated individual alumnæ associations of registered nurses. Nor does such article apply to departments or bureaus maintained by persons for the purpose of securing help or employees, where no fee is charged.

SEC. 171. *Definitions.*—1. When used in this article the following terms are defined as herein specified. The term "person" means and includes any individual, company, society, association, corporation, manager, contractor, subcontractor or their agents or employees.

2. The term "employment agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor or in any other capacity an intelligence office, domestic and commercial employment agency, theatrical employment agency, general employment bureau, shipping agency, nurses' registry, or any other agency or office for the purpose of procuring or attempting to procure help or employment or engagements for persons seeking employment or engagements, or for the registration of persons seeking such help, employment or engagement, or for giving information as to where and of whom such help, employment or engagement may be procured, where a fee or other valuable consideration is exacted, or attempted to be collected for such services, whether such business is conducted in a building or on the street or elsewhere.

3. The term "nurses' registry" means and includes the business of conducting any agency, bureau, office or other place for the purpose of procuring, offering, promising, or attempting to provide employment or engagements for nurses of any kind, or any place used as a lodging house for nurses, the keeper of which receives telephone calls or messages of any kind relative to the employment of such nurses and transmits such messages or calls to a nurse lodging in his or her house.

4. The term "theatrical employment agency" means and includes the business of conducting an agency, bureau, office, or any other place for the purpose of procuring or offering, promising, or attempting to provide engagements for circus, vaudeville, theatrical and other entertainments or exhibitions or performances, or of giving information as to where such engagements may be procured or provided, whether such business is conducted in a building, on the street, or elsewhere, but such term does not include the business of managing such entertainments, exhibitions or performances, or the artists or attractions constituting the same, where such business only incidentally involves the seeking of employment therefor.

5. The term "theatrical engagement" means and includes any engagement or employment of a person as an actor, performer or entertainer in a circus, vaudeville, theatrical and other entertainment, exhibition or performance.

6. The term "emergency engagement" means and includes an engagement which has to be performed within 24 hours from the time when the contract for such engagement is made.

7. The term "fee" means and includes any money or other valuable consideration paid or promised to be paid for services rendered or to be rendered by any person conducting an employment agency of any kind under the provisions of this article. Such term includes any excess of money received by any such person over what has been paid out by him for the transportation, transfer of baggage, or board and lodging for any applicant for employment; such term also includes

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the difference between the amount of money received by any such person who furnishes employees, performers or entertainers for circus, vaudeville, theatrical and other entertainments, exhibitions or performances, and the amount paid by him to the said employees, performers or entertainers whom he hires or provides for such entertainments, exhibitions or performances.

8. The term "privilege" means and includes the furnishing of food, supplies, tools, or shelter to contract laborers, commonly known as commissary privileges.

SEC. 172. *License.*—A person shall not open, keep, maintain or carry on any employment agency, as defined in the preceding section, unless he shall have first procured a license therefor as provided in this article from the mayor or the commissioner of licenses of the city in which such person intends to conduct such agency. Such license shall be posted in a conspicuous place in said agency. Any person who shall open or conduct such an employment agency without first procuring said license shall be guilty of a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars and not more than two hundred and fifty dollars or by imprisonment for a period of not more than one year, or both, at the discretion of the court.

SEC. 173. *Application.*—An application for such license shall be made to the mayor or commissioner of licenses, in case such office shall have been established as herein provided. Such application shall be written and in the form prescribed by the mayor or commissioner of licenses, and shall state the name and address of the applicant; the street and number of the building or place where the business is to be conducted; whether the applicant proposes to conduct a lodging house for the unemployed separate from the agency which he proposes to conduct; the business or occupation engaged in by the applicant for at least two years immediately preceding the date of the application. Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character.

SEC. 174. *Investigation.*—Upon the receipt of an application for a license the mayor or commissioner of licenses shall cause the name and address of the applicant, and the street and number of the place where the agency is to be conducted, to be posted in a conspicuous place in his public office. The said mayor or commissioner of licenses shall investigate or cause to be investigated the character and responsibility of the applicant and shall examine or cause to be examined the premises designated in such application as the place in which it is proposed to conduct such agency. Any person may file, within one week after such application is so posted in the said office, a written protest against the issuance of such license. Such protest shall be in writing and signed by the person filing the same or his authorized agent or attorney, and shall state reasons why the said license should not be granted. Upon the filing of such protest the mayor or commissioner of licenses shall appoint a time and place for the hearing of such application, and shall give at least five days' notice of such time and place to the applicant and person filing such protest. The said mayor or commissioner of licenses may administer oaths, subpœna witnesses and take testimony in respect to the matters contained in such application and protest or complaints of any character for violations of this article, and may receive evidence in the form of affidavits pertaining to such matters. If it shall appear upon such hearing or from the inspection or examination made by the said mayor or commissioner of licenses that the said protest is sustained or that the applicant is not a person of good character, or that the place where such agency is to be conducted is not a suitable place therefor, or that the applicant has not complied with the provisions of this article, the said application shall be denied and a license shall not be granted. Each application should be granted or refused within 30 days from the date of its filing. The license shall run to the first Tuesday of May next following the date thereof and no later, unless sooner revoked by the mayor or the commissioner of licenses. No license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes or where boarders or lodgers are kept or where meals are served or where persons sleep or in connection with a building or premises where intoxicating liquors are sold to be consumed on the premises, excepting cafés and restaurants in office buildings.

SEC. 175. *Contents.*—Every license shall contain the name of the person licensed, a designation of the city, street, and number of the house in which the person licensed is authorized to carry on the said employment agency, and the number and date of such license. Such license shall not be valid to protect any other than the person to whom it is issued or any place other than that designated in the license and shall not be transferred or assigned to any other person unless consent is obtained from the mayor or commissioner of licenses, as hereinafter provided.

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If such licensed person shall conduct a lodging house for the unemployed separate and apart from such agency, it shall be so designated in the license.

SEC. 176. *Transfers.*—A license granted as provided in this article shall not be assigned or transferred without the consent of the mayor or commissioner of licenses. Applications for such consent shall be made in the same manner as an application for a license, and all the provisions of sections 173 and 174 relating to the granting of applications for licenses, including the procedure upon such application and the posting of the names and addresses of applicants shall apply to applications for such consent. No license fee shall be required upon such assignment or transfer. The location of an employment agency shall not be changed without the consent of the mayor or commissioner of licenses, and such change of location shall be indorsed upon the license.

SEC. 177. *Fee; bond.*—1. Every person licensed under the provisions of this act to carry on the business of any employment agency shall pay to the mayor or the commissioner of licenses a license fee of twenty-five dollars before such license is issued. He shall also deposit before such license is issued, with the commissioner of licenses, in every city where there is a commissioner of licenses, or clerk of the city, a bond in the penal sum of one thousand dollars with two or more sureties or a duly authorized surety company, to be approved by the mayor or the commissioner of licenses.

2. The bond executed as provided in the preceding subdivision of this section shall be payable to the people of the city in which any such license is issued and shall be conditioned that the person applying for the license will comply with this article, and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any unlawful act or omission of any licensed person, his agents or employees, while acting within the scope of their employment, made, committed, or omitted in the business conducted under such license, or caused by any other violation of this article in carrying on the business for which such license is granted.

3. If at any time, in the opinion of the mayor, or the commissioner of licenses, the sureties or any of them shall become irresponsible the person holding such license shall, upon notice from the mayor or the commissioner of licenses, give a new bond, subject to the provisions of this section. The failure to give a new bond within 10 days after such notice, in the discretion of the mayor or commissioner of licenses, shall operate as a revocation of such license and the license shall be thereupon returned to the mayor or the commissioner of licenses who shall destroy the same.

SEC. 178. *Action on bond.*—All claims or suits brought in any court against any licensed person may be brought in the name of the person damaged upon the bond deposited with city by such licensed person as provided in section one hundred and seventy-seven and may be transferred and assigned as other claims for damages in civil suits. The amount of damages claimed by plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought. Where such licensed person has departed from the State with intent to defraud his creditors or to avoid the service of a summons in an action brought under this section, service shall be made upon the surety as prescribed in the code of civil procedure. A copy of such summons shall be mailed to the last known post office address of the residence of the licensed person and the place where he conducted such employment agency, as shown by the records of the mayor or commissioner of licenses. Such service thereof shall be deemed to be made when not less than the number of days shall have intervened between the dates of service and return of the same as provided by the civil procedure for the particular court in which suit has been brought.

SEC. 179. *Register.*—It shall be the duty of every licensed person to keep a register, approved by the mayor or the commissioner of licenses, in which shall be entered, in the English language, the date of the application for employment; the name and address of the applicant to whom employment is promised or offered, or to whom information or assistance is given in respect to such employment; the amount of the fee received; and whenever possible, the names and addresses of former employers or persons to whom such applicant is known. Such licensed person shall also enter in the same or in a separate register, approved by the mayor or commissioner of licenses, in the English language, the name and address of every applicant accepted for help, the date of such application, kind of help requested, the names of the persons sent, with the designation of the one employed, the amount of the fee received, and the rate of wages agreed upon. No such licensed person, his agent or employees, shall make any false entry in such registers. It shall be the duty of every licensed person, whenever possible, to communicate orally or in writing with at least one of the persons mentioned as references for

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every applicant for work in private families, or employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: Provided, that if the applicant for help voluntarily waives in writing such investigation of references by the licensed person, failure on the part of the licensed person to make such investigation shall not be deemed a violation of this section.

SEC. 180. *Theatrical agencies.*—Every licensed person conducting a theatrical employment agency, before making a theatrical engagement, except an emergency engagement, for any person with any applicant for services in any such engagement shall prepare and file in such agency a written statement signed and verified by such licensed person setting forth how long the applicant has been engaged in the theatrical business. Such statement shall set forth whether or not such applicant has failed to pay salaries or left stranded any companies, in which such applicant and, if a corporation any of its officers or directors, have been financially interested during the five years preceding the date of application and, further, shall set forth the names of at least two persons as references. If such applicant is a corporation, such statement shall set forth the names of the officers and directors thereof and the length of time such corporation or any of its officers have been engaged in the theatrical business and the amount of its paid-up capital stock. If any allegation in such written, verified statement is made upon information and belief, the person verifying the statement shall set forth the sources of his information and the grounds of his belief. Such statement so on file shall be kept for the benefit of any person whose services are sought by any such applicant as employer.

SEC. 181. *Statements to be furnished.*—Every such licensed person shall give to each applicant for domestic or commercial employment a card or printed paper containing the name of the applicant, the name and address of such employment agency, and the written name and address of the person to whom the applicant is sent for employment; kind of services to be performed; rate of wages or compensation; the time of such services, if definite, and if indefinite, to be so stated; and the name and address of person authorizing the hiring of such applicant, and the cost of transportation if the services are required outside of the city where such agency is located.

Sec. 181–a. *Nurses' registry.*—Every nurses' registry that sends out any person to render nursing service shall give to each applicant and also send to the employer of such person within 24 hours of the time of employment a card stating the salary and qualifications of such applicant, also the name and place of the hospital and the length of time of service therein, or other experience in nursing if not in a hospital, and whether such person is a graduate, trained, certified, registered, undergraduate, or practical nurse, or trained attendant and if a graduate, trained, certified, or registered nurse or trained attendant, there shall also be stated on such card the number of the annual registration certificate issued to such nurse or trained attendant by the regents of the University of the State of New York for the current year and a copy of such card left on file for reference in the agency.

In registering any graduate nurse or trained attendant such nurses' registry shall place on its file a statement showing the number and date of the last annual report of such nurse and trained attendant as shown by the annual registration certificate issued by the regents of the University of the State of New York. Such file records so kept by such nurses' registry shall be open to inspection of any authorized agent of the University of the State of New York and such agency shall submit the list in full upon request of such agent.

SEC. 182. *Interference; outside employments.*—A licensed person shall not induce or attempt to induce any employee to leave his employment with a view to obtaining other employment through such agency. Whenever such licensed person or any other acting for him, agrees to send one or more persons to work as contract laborers in any one place outside the city in which such agency is located, the said licensed person shall file with the mayor or commissioner of licenses, within five days after the contract is made, a statement containing the following items: Name and address of the employer; name and address of the employee; nature of the work to be performed; hours of labor; wages offered; destination of the persons employed, and terms of transportation. A duplicate copy of this statement shall be given to the applicant for employment, in a language which he is able to understand, before he leaves the city.

SEC. 183. *Theatrical employment.*—Every licensed person who shall procure for or offer to an applicant a theatrical engagement shall have executed in duplicate a contract or deliver to the parties as herein set forth a statement containing the name and address of the applicant; the name and address of the employer of

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the applicant and of the person acting for such employer in employing such applicant; the time and duration of such engagement; the amount to be paid to such applicant; the character of entertainment to be given or services to be rendered; the number of performances per day or per week that are to be given by said applicant; if a vaudeville engagement, the name of the person by whom the transportation is to be paid, and if by the applicant, either the cost of transportation between the places where said entertainment or services are to be given or rendered, or the average cost of transportation between the places where such services are to be given or rendered; and if a dramatic engagement the cost of transportation to the place where the services begin if paid by the applicant; and the gross commission or fees to be paid by said applicant and to whom. Such contracts or statements shall contain no other conditions and provisions except such as are equitable between the parties thereto and do not constitute an unreasonable restriction of business. Forms of such contract and statement in blank shall be first approved by the mayor or commissioner of licenses and his determination shall be reviewable by certiorari. One of such duplicate contracts or of such statements shall be delivered to the person engaging the applicant and the other shall be retained by the applicant. The licensed person procuring such engagement for such applicant shall keep on file or enter in a book provided for that purpose a copy of such contract or statement.

SEC. 184. *Inspection.*—All registers, books, records, and other papers required to be kept pursuant to this article in any employment agency shall be open at all reasonable hours to the inspection of the mayor or commissioner of licenses, and to any duly authorized agent or inspector of such mayor or commissioner.

SEC. 185. *Fees.*—1. The gross fees of licensed persons charged to applicants for employment as lumbermen, agricultural hands, coachmen, grooms, hostlers, seamstresses, cooks, waiters, waitresses, scrub women, laundresses, maids, nurses (except professionals), and all domestics and servants, unskilled workers and general laborers, shall not in any case exceed 10 percentum of the first month's wages, and for all other applicants for employment shall not exceed the amount of the first week's wages or salary unless the period of employment is for at least one year, and at a yearly salary, and in that event the gross fee charged shall not exceed five per centum of the first year's salary, except when the employment or engagement is of a temporary nature, not to exceed in any single contract one month, then the fee shall not exceed ten per centum of the salary paid.

2. The gross fees of licensed persons charged to applicants for theatrical engagements by one or more such licensed persons, individually or collectively procuring such engagements, except vaudeville or circus engagements, shall not in any case exceed the gross amount of five per centum of the wages or salary of the engagement when the engagement is less than ten weeks; and an amount of five per centum of the salary or wages per week for ten weeks of a season's engagement constituting ten weeks or more. The gross fees charged by such licensed persons to applicants for vaudeville or circus engagements by one or more such licensed persons individually or collectively, procuring such engagement, shall not in any case exceed five per centum of the salary or wages paid. The gross fees for a theatrical engagement, except an emergency engagement, shall be due and payable at the end of each week of the engagement, and shall be based on the amount of compensation actually received for such engagement, except, when such engagement is unfulfilled through any act within the control of the applicant for such engagement.

3. A licensed person conducting any employment agency under this article shall not receive or accept any valuable thing or gift as a fee or in lieu thereof. No such licensed person shall divide or share, either directly or indirectly, the fees herein allowed, with contractors, subcontractors, employers or their agents, foremen or any one in their employ, or if the contractors, subcontractors, or employers be a corporation, any of the officers, directors, or employees of the same to whom applicants for employment or theatrical engagements are sent except fees paid for theatrical engagements where the applicant has received his salary in full less such fees and the division of such fees can be made without injury or loss to him.

4. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction of any licensed person for any violation thereof shall be subject to a fine of not less than twenty-five dollars and not more than two hundred and fifty dollars, or imprisonment for not more than one year, or both, at the discretion of the court, and the mayor or commissioner of licenses shall forthwith cancel and revoke the license of such person.

SEC. 186. *Return of fee.*—1. In case a person applying for help or employment of a domestic or commercial employment agency shall not accept help or obtain employment through such agency, then the licensed person conducting such

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agency shall on demand repay the full amount of the said fee, allowing three days' time to determine the fact of the applicant's failure to obtain help or employment. If an employee furnished fails to remain one week in the situation, a new employee shall be furnished to the applicant for help if he so elects, or three-fifths of the fee returned, within four days of demand: Provided, said applicant for help notifies said licensed person within thirty days of the failure of the applicant to accept the position or of the applicant's discharge for cause. If the employee is discharged within one week without said employee's fault another position shall be furnished, or three-fifths of the fee returned to the applicant for employment if he so elects. Failure of said applicant for help to notify said licensed person that such has been obtained through means other than said agency shall entitle said licensed person to retain or collect three-fifths of the said fee.

2. No such licensed person shall send out any applicant for employment without having obtained, either orally or in writing, a bona fide order therefor, and if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said licensed person shall refund to such applicant within three days of demand any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant.

SEC. 187. *Receipts.*—It shall be the duty of every such licensed person conducting an employment agency to give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated, the name of said applicant, the date and amount of the fee, and the purpose for which it was paid, and to every applicant for help a receipt stating the name and address of said applicant, the date and amount of the fee, and the kind of help to be provided. Every such receipt, excepting those given by theatrical employment agencies, shall have printed on the back thereof a copy of sections one hundred and eighty-five, one hundred and eighty-six, and one hundred and eighty-seven, in the English language and in any language which the person to whom the receipt is issued can understand.

SEC. 188. *Law to be posted.*—Every licensed person shall post in a conspicuous place in each room of such agency sections one hundred and seventy-eight, one hundred and eighty, one hundred and eight-one, one hundred and eighty-two. one hundred and eighty-three, one hundred and eighty-five, one hundred and eighty-six, one hundred and eighty-seven and one hundred and eighty-nine, of this article, which shall be printed in large type in languages in which persons commonly doing business with such office can understand. Such printed law shall also contain the name and address of the officer charged with the enforcement of this article in such city.

SEC. 189. *False statements, etc.*—No licensed person conducting any employment agency shall publish or cause to be published any false or fraudulent or misleading information, representation, notice, or advertisement; all advertisements of such employment agency by means of cards, circulars, or signs and in newspapers and other publications, and all letterheads, receipts and blanks shall be printed and contain the licensed name and address of such employment agent and the word agency, and no licensed person shall give any false information, or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for an engagement or employment or help.

SEC. 190. *Acts prohibited.*—No licensed person conducting an employment agency shall send or cause to be sent any female as a servant, employee, inmate, entertainer or performer, or any male as an employee or entertainer to any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, or place resorted to for the purposes of prostitution, or gambling house, the character of which such licensed person could have ascertained upon reasonable inquiry. No licensed person shall send out any female applicant for employment, without making a reasonable effort to investigate the character of the employer. Nor shall any such licensed person send any female as an entertainer or performer to any place where such female will be required or permitted to sell, offer for sale or solicit the sale of intoxicating liquors to those present or assembled as an audience or otherwise in such place or in any rooms or buildings adjacent thereto. No licensed person shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent such agency. No licensed person shall accept any application for employment made by or on behalf of any child or shall place or assist in placing any such child in any employment whatever in violation of article 20 of the education law, relating to compulsory education, and in violation of the labor law. No licensed person, his agents, servants, or employees shall induce or compel any

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person to enter such agency for any purpose, by the use of force or by taking forcible possession of said person's property. No person shall procure or offer to procure help or employment in rooms or on premises where intoxicating liquors are sold to be consumed on the premises whether or not dues or a fee or privilege are exacted, charged, or received directly or indirectly, except in office buildings in which are located cafés and restaurants. For the violation of any of the foregoing provisions of this section the penalties shall be a fine of not less than twenty-five dollars, and not more than two hundred and fifty dollars, or imprisonment for a period of not more than one year, or both, at the discretion of the court.

SEC. 191. *Enforcement.*—1. In cities of the second and third class and in cities of the first class having a population of less than three hundred thousand, this article, so far as it relates to such cities, shall be enforced by the mayor or an officer appointed by him.

2. In cities of the first class having a population of three hundred thousand or more, the enforcement of this article so far as it relates to such cities shall be intrusted to a commissioner to be known as a commissioner of licenses, who shall be appointed by the mayor, and whose salary, together with those of a deputy commissioner, and inspectors to be appointed by him, shall be fixed by the board of estimate and apportionment. Said commissioner of licenses and deputy commissioner shall have no other occupation or business. The commissioner of licenses shall appoint inspectors, who shall make at least bi-monthly visits to every such agency. Said inspectors shall have suitable badges which they shall exhibit on demand of any person with whom they may have official business. Such inspectors shall see that all the provisions of this article, so far as it relates to such cities, are complied with, and shall have no other occupation or business.

3. Complaints against any such licensed person shall be made orally or in writing to the mayor or commissioner of licenses, or be sent in an affidavit form without appearing in person, and reasonable notice thereof, not less than one day, shall be given in writing to said licensed person by serving upon the licensed person either personally or by leaving the same with the person in charge of his office, a concise statement of the facts constituting the complaint, and a hearing pursuant to the powers granted to the mayor or commissioner of licenses as provided in section one hundred and seventy-four shall be had before the mayor or commissioner of licenses within one week from the date of the filing of the complaint and no adjournment shall be taken for a period longer than one week. A daily calendar of all hearings shall be kept by the mayor or commissioner of licenses and shall be posted in a conspicuous place in his public office for at least one day before the date of such hearings. The mayor or commissioner of licenses shall render his decision within eight days from the time the matter is finally submitted to him. Said mayor or commissioner of licenses shall keep a record of all such complaints and hearings. The said mayor or commissioner of licenses may refuse to issue and shall revoke any license for any good cause shown, within the meaning and purpose of this article and when it is shown to the satisfaction of the mayor or commissioner of licenses that any licensed person is guilty of any immoral, fraudulent, or illegal conduct in connection with the conduct of said business, it shall be the duty of the mayor or the commissioner of licenses to revoke the license of such person; but notice of the charges shall be presented and reasonable opportunity shall be given said licensed person to defend himself. Whenever said mayor or commissioner of licenses shall refuse to issue or shall revoke the license of an employment agency, said determination may be reviewed by certiorari. Whenever for any cause such license is revoked, said mayor or commissioner of licenses shall not within three years from the date of such revocation issue another license to said licensed person or his representative or to any person with whom he is to be associated in the business of furnishing employment, help, or engagements. In the absence of the commissioner of licenses, the deputy commissioner of licenses may conduct hearings and act upon applications for licenses, and revoke such licenses.

SEC. 192. *Violations.*—The violation of any provision of this article except as otherwise provided in this article shall be punishable by a fine not to exceed twenty-five dollars, and any city magistrate, police justice, justice of the peace, or any inferior magistrate having original jurisdiction in criminal cases, shall have power to impose said fine, and in default of payment thereof to commit the person, so offending for a period not exceeding thirty days. The said mayor or commissioner of licenses or any person, his agent or attorney, aggrieved because of the violations of this article shall institute criminal proceedings for its enforcement before any court of competent jurisdiction.

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NORTH CAROLINA

MICHIE'S CODE, 1935

SECTION 7312 (n). *Definition.*—Employment agency within the meaning of this article shall include any business operated by any person, firm or corporation for profit and engaged in procuring employment for any individual, for any person, firm, or corporation in the State of North Carolina and making a charge on the employee or employer for the service.

SEC. 7312 (o). *License.*—No person, firm, or corporation shall engage in the business of operating any employment agency, as designated in section 7312 (n), in North Carolina without first making a written application to the Commissioner of Labor and Printing and being licensed by him as herein provided, to engage in such business. Upon receiving an application from such person, firm, or corporation it shall be the duty of the Commissioner of Labor and Printing to make an investigation into the character and moral standing of the person, firm, or corporation. If after such investigation, the Commissioner of Labor and Printing shall be satisfied that such person, firm, or corporation is of such character and moral standing as to warrant the issuance of a license to engage in the business covered by this act then he shall issue a license to such person, firm, or corporation as provided herein.

SEC. 7312 (p). *Regulation.*—The Commissioner of Labor and Printing is authorized and empowered to make general rules and regulations in relation to the licensing of such employment agencies and for the general supervision thereof in accordance with this act.

SEC. 7312 (q). *Inspection.*—The Commissioner of Labor and Printing is authorized and empowered by himself, his assistant, or agents, duly authorized by him to that effect, to investigate the books and records of any employment agency licensed under this act, when he deems it best for the public interest to do so to effectuate the purposes of this act and for cause to rescind the license theretofore granted by him if upon such investigation he finds that such employment agency is not complying with the terms and conditions of this act, under which it was licensed by him, to engage in such business. Before rescinding the licenses issued hereunder, after such investigation the Commissioner of Labor and Printing, after first giving 10 days' notice to the holder of such license, to appear and show cause why such license should not be revoked, shall hold a hearing at the County Court House of the County in which such licensee is doing business, when and where the results of the investigation of the Commissioner of Labor and Printing or his duly authorized agents shall be presented under oath, before the Commissioner of Labor and Printing, and the said licensee may also and in accordance with said notice, present evidence to show why such license should not be revoked; and the licensee shall have the right of appeal within 10 days to the superior court.

SEC. 7312 (r). *Hearings.*—The Commissioner of Labor and Printing, his assistant or deputy shall be empowered to subpœna witnesses and administer oaths in making investigations and taking testimony to be presented at the hearing to be held before the Commissioner of Labor and Printing as hereinbefore provided for.

SEC. 7312 (s). *Witnesses.*—The County Sheriffs and their respective deputies shall serve all subpœnas of the Commissioner of Labor and Printing, and shall receive the same fees as are now provided by law for like services, and each witness who appears in obedience to such subpœna shall receive for attendance the fees and mileage for witnesses in civil cases of courts of the county in which the hearing is held.

SEC. 7312 (t). *Records.*—The Superior Court shall, on the application of the Commissioner of Labor and Printing, his assistant or duly authorized deputy, enforce by proper proceedings the attendance and testimony of witnesses and the production and examination of books, papers, and records.

SEC. 7312 (u). *Special fund.*—The license fee, charged under the provisions of this act, shall be paid into a special fund of the department of labor and the proceeds of such license fees shall be used for the purpose of the supervision and the regulation of the employment agencies, including costs of investigations or hearings to revoke licenses and the necessary traveling expenses and other expenditures incurred in administering this act.

SEC. 7312 (v). *Violations.*—Any person, firm, or corporation conducting an employment agency in the State of North Carolina, in violation of this act shall be guilty of a misdemeanor, and if a person punishable by a fine of not less than five hundred dollars, or imprisonment of not less than six months, or both; and if a corporation, by a fine of not less than five hundred dollars and not more than one thousand dollars.

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SEC. 7312 (w). *Public agencies excepted.*—This act shall not in any manner affect or apply to any employment agency operated by the State of North Carolina, the Government of the United States, or any city, county or town, or any agency thereof.

SEC. 7312 (x). *Application of act.*—This act shall in no wise conflict with or affect any license tax placed upon such employment agencies by the general revenue act of North Carolina but instead shall be construed as supplementary thereto in exercising the police powers of the State.

OHIO

PAGE'S GENERAL CODE, 1932

Private employment offices

SECTION 886. *License.*—No person, firm, association of persons, or corporation shall engage in the business of an employment agency, for hire, within the State of Ohio, without first obtaining a license so to do from the Industrial Commission of Ohio, and paying to said industrial commission an annual license fee of one hundred dollars and executing and filing with the said industrial commission a bond as provided in section 6 [891] of this act (Gen. Code, secs. 886 to 896–16).

SEC. 887. *Definitions.*—A person, firm, association of persons, or corporation who secures, or by any form of representation or by means of signs, bulletins, circulars, cards, writings, or advertisements, offers or agrees to secure or furnish employment, engagements of help, or information or service of any character concerning or intended or purporting to promote, lead to, or consummate employment, shall be deemed an employment agency, and subject to this act (Gen. Code, secs. 886 to 896–16) governing such agencies.

SEC. 888. *Same.*—The term "hire" as used in this act (Gen. Code, secs. 886 to 896–16) shall be deemed to mean and include any charge, fee, compensation, service, or benefit exacted, demanded, or accepted, or any gratuity received, for or in connection with any act, service, or transaction comprehended by the term "employment agency" or for or in connection with any transaction or representation which includes matters comprehended by the term "employment agency."

SEC. 889. *Same.*—The term "employment" as used in this act (Gen. Code, secs. 886 to 896–16) shall be deemed to mean and include every character of service rendered or to be rendered and every engagement undertaken, for wages, salary, commission, or other form of remuneration whatsoever.

SEC. 890. *Exemptions.*—Bona fide educational, religious, charitable, fraternal, and benevolent organizations in which no fee, commission, or other charge is made for services rendered other than the ordinary membership dues; bona fide labor organizations undertaking to secure, or securing work for their own members; and bona fide employers' organizations undertaking to secure, or securing help for their own members shall not be subject to the provisions of this act (Gen. Code, secs. 886 to 896–16).

SEC. 891. *Issue of license.*—Licenses shall be granted only upon written application which shall be upon blanks prescribed and furnished by the Industrial Commission of Ohio. The application shall be accompanied by the annual license fee of one hundred dollars payable to the industrial commission and by a sufficient bond payable to the State of Ohio, in the penal sum of one thousand dollars ($1,000) to the satisfaction of the industrial commission, conditioned for the observance of the provisions of this act (Gen. Code, secs. 886 to 896–16) and of the lawful orders of the industrial commission issued thereunder, and an action may be brought thereon by the industrial commission for violation of the provisions of this act or lawful orders issued thereunder. And such bond shall be liable for all injuries accruing to any person or persons on account of the violation of the provisions of this act, or lawful orders of the industrial commission by such licensee or his representatives, and an action may be brought thereon by the party injured in his own name for such recovery.

SEC. 892. *Terms; contents.*—Upon approval of the application for license and bond by the industrial commission, a license which shall be effective for one year from the date thereof, unless revoked as provided herein, shall be issued by the industrial commission. The license shall contain the name or names of the applicant, location of office, name of person who is to have general management of the business, name under which business is to be carried on, the number of the license, and the date of issuance and date of expiration of the license.

SEC. 893. *Refusal.*—The Industrial Commission of Ohio may refuse to issue a license to an applicant, if, in its judgment such applicant or its officials or members are not of good moral character or have violated the laws or orders of the

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industrial commission of Ohio relating to employment agencies, or have violated laws of Ohio or ordinances of any city or village thereof, which in the judgment of the industrial commission, renders such persons improper persons for such license. If the industrial commission refuses to grant a license the license fee and bond shall be returned to the applicant by the said industrial commission.

SEC. 894. *Revocation.*—If the industrial commission of Ohio, as herein provided, shall find a licensee, or representative, partner, or employee of such licensee has been convicted in any court of the State of Ohio of violating any of the provisions of this act or orders of the industrial commission, or if such licensee, or representative, partner, or employee of such licensee has been guilty of violating any of the provisions of this act (Gen. Code, secs. 886 to 896–16) or orders of the commission or is found by the industrial commission to be not of good moral character, said industrial commission may revoke said license which shall thereupon become null and void and said industrial commission shall immediately notify such licensee of such revocation whereupon such licensee may within 10 days after the issuance of such notice petition the industrial commission of Ohio for a hearing in the same manner as is provided for employers or other persons specified in section 27 of the industrial commission act, approved March 18, 1913.

SEC. 895. *Expiration.*—Each license shall become void upon the date of its expiration as set forth in the license and it shall be returned immediately to the industrial commission of Ohio.

SEC. 896. *Change of location.*—No licensee shall change the location of his business to any place other than that specified in the license without first obtaining the written consent of the industrial commission and no license shall be effective for any place of business other than that designed [designated] therein.

SEC. 896–1. *License to be posted.*—Each licensee shall post his license in a conspicuous place in his waiting room and a copy of the law and the orders relating to its enforcement adopted by the industrial commission of Ohio in each room used for business purposes.

SEC. 896–2. *Record.*—Every licensee shall keep a true and correct record in the English language of the business transactions of his office upon such forms only as are prescribed or approved by the industrial commission of Ohio. Such records shall be open at all reasonable hours to the inspection of the industrial commission of Ohio, or any of its authorized representatives. On or before the fifth day of each month, every employment agency shall mail to the industrial commission of Ohio upon a form prescribed and furnished by said industrial commission, a report covering the work of the preceding calendar month.

SEC. 896–3. *Acts prohibited.*—The following restrictions are placed on the operations of licensed employment agencies:

(*a*) No applicant for employment shall be sent to a house of ill repute, or other place resorted to for prostitution or gambling.

(*b*) No prostitute, gambler, intoxicated person, procurer, or other bad character shall be allowed to remain in the office or place of business.

(*c*) No applicant for employment shall be sent or directed to any fictitious job or position and no employment agency shall knowingly or negligently make any false representation concerning any matter within the scope of the business of the employment agency and the nonexistence of any such job or position or the falsity of any such representation, shall constitute prima facie evidence of the violation of this section.

(*d*) No employment agency shall knowingly or negligently send an applicant to any place where a strike or lockout exists or is impending without notifying the applicant of such condition in writing and the existence of a strike or lockout, shall constitute prima facie evidence of the violation of this section.

(*e*) No person conducting an employment agency shall connive with any employer or his agents or employees to secure the discharge of an employee; nor shall an employer or any one in his employ or representing it, give or receive any gratuity, divide, or offer to divide, or share directly or indirectly, any fee, charge or compensation received from any applicant for employment.

(*f*) No person conducting an employment agency shall circulate any false information by advertisements, signs, letters, posters, cards, or in any other way; or make any false statements or misrepresentations to any person seeking employment, or to any employer seeking an employee.

(*g*) No person conducting an employment agency shall make any false entry or statement in any record or in any receipt or other document used in his business.

(*h*) No person conducting an employment agency shall use any name or designation in his business unless such name has been approved by the industrial commission of Ohio.

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(*i*) No employment agency shall be conducted in connection with any place in which intoxicating liquors are sold in or in any room adjacent thereto.

SEC. 896-4. *Fees.*—Employment agencies may charge such registration fees as shall be fixed by the industrial commission of Ohio. The schedule of maximum fees, charges, and commissions for actually securing employment or help shall be fixed by the industrial commission of Ohio and such fees shall be graded according to nature of business, length of employment, and wages. These schedules of registration fees and of other fees, charges, and commissions shall be posted in a conspicuous place in every room in which business is conducted by the employment agency.

SEC. 896-5. *Regulations.*—The industrial commission of Ohio shall enact regulations providing conditions under which the licensee shall refund registration fees, and other fees, charges, and commissions, and under which the licensee shall pay expenses incurred when applicants are sent outside the city in which the employment agency is located to alleged jobs or positions which did not exist or to jobs or positions where conditions were misrepresented.

SEC. 896-6. *Receipts.*—A receipt in such form, as the industrial commission of Ohio shall prescribe or approve shall be given to every person paying a fee or other commission to an employment agency.

SEC. 896-7. *Violations.*—Whoever violates section 1 of this act (Gen. Code, secs. 886 to 896-16) shall be guilty of a misdemeanor and shall be fined for the first offense not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and cost of prosecution; and for the second or any subsequent offense, he shall be fined not less than two hundred dollars ($200.00) nor more than one thousand dollars ($1,000.00) and costs of prosecution.

SEC. 896-8. *Other violations.*—Whoever violates any provision of this act (Gen. Code, secs. 886 to 896-16) relating to employment agencies or orders of the Industrial Commission of Ohio, issued thereunder, except as otherwise provided in section 18 shall be fined for the first offense not less than twenty-five dollars ($25.00) nor more than five hundred dollars ($500.00) and costs of prosecution; and for the second or any subsequent offense, he shall be fined not less than one hundred dollars ($100.00) nor more than five hundred dollars ($500.00) and costs of prosecution.

SEC. 896-9. *Disposition of fines.*—All fines collected under the provisions of this act (Gen. Code, secs. 886 to 896-16) shall be paid, one-half to the county in which the prosecution is had and one-half to the industrial commission of Ohio, and all money received by the industrial commission from license fees, bonds recovered, or fines as provided by this act, shall be paid by the industrial commission into the state treasury.

SEC. 896-10. *Enforcement.*—The industrial commission of Ohio shall have full power, exclusive supervisory jurisdiction and authority to administer the provisions of this act (Gen. Code, secs. 886 to 896-16) as provided in section 22, subsection 9, of the industrial commission act, approved March 18, 1913 (103 Ohio Laws, 95); and to issue all necessary orders for carrying into effect this act, as provided in sections 25 and 41 of the industrial commission act.

SEC. 896-11. *Trials for offenses.*—At all trials for offenses against the provisions of this act (Gen. Code, secs. 886 to 896-16) and orders of the industrial commission issued thereunder, a certificate of the custodian of the records of the industrial commission of Ohio attested by the secretary of said industrial commission, to the effect that the records do not disclose that the defendant in such proceeding was the holder of a license at the time of the commission of the offense charged, shall constitute prima facie evidence in said case that the defendant was not authorized to engage in the business of an employment agency.

SEC. 896-12. *Competent evidence.*—In the prosecution for conducting an employment agency for hire without being licensed, it shall be competent to allege and prove any number of transactions or particulars coming within the scope of the term "employment agency" but a single transaction shall be deemed engaging in the business of an employment agency.

SEC. 896-13. *Who liable for violations.*—The owner or manager or other person in control of an employment agency shall be liable for all violation of laws or lawful orders of the industrial commission of Ohio committed by any agent, representative, or employee of said agency within the scope of the business of the agency, as well as all parties personally participating in such violations.

SEC. 896-14. *Courts of jurisdiction.*—Justices of the peace, police judges, judges of municipal courts, and mayors of cities and villages shall have final jurisdiction coextensive with the county in all cases for violation of provisions of this act or of orders of the industrial commission issued thereunder and the procedure provided by law for such courts shall extend to all such cases.

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SEC. 896–15. *Advancement of costs.*—A person authorized by law to prosecute a case under the provisions of this act (Gen. Code, secs. 886 to 896–16) shall not be required to advance or secure costs therein. If the defendant be acquitted or discharged from custody, or if he be convicted and committed in default of payment of fine and cost, such cost shall be certified under oath by the justice of the peace, police judge, judge of municipal court, or mayor to the county auditor who shall correct all errors therein and issue his warrant on the county treasurer payable to the person or persons entitled thereto.

SEC. 896–16. [This section merely provides that any part or section of the act held void shall not affect any other part or section of the law.]

SEC. 897. *Unlawful acceptance of fee.*—Whoever requests or accepts a fee, gift, or gratuity or promise to pay a fee, to make a gift, or to do an act beneficial to himself, under an agreement or with an understanding that he, as principal, agent, employee, or servant, shall hire, or undertake to secure or assist in securing work for another with his principal, employer or master; or with an understanding that he shall advance or undertake to secure or assist in securing an advance in pay or position of another in the employ of his principal, employer, or master; or with an understanding that he shall prevent or undertake to prevent or assist in preventing the discharge, or reduction in pay or position of another in the employ of his principal, employer, or master, shall be guilty of a misdemeanor.

SEC. 897–1. *Violations.*—Whoever violates any provision of this act (Gen. Code, secs. 897 to 897–4) shall be fined for the first offense not less than twenty-five dollars nor more than one hundred dollars and the costs of prosecution; and for the second or any subsequent offense not less than one hundred dollars nor more than five hundred dollars and the costs of prosecution.

SEC. 897–2. *Jurisdiction of courts.*—Justices of the peace, police judges, judges of municipal courts, and mayors of cities and villages shall have jurisdiction coextensive with the county in all cases for violation of provisions of this act (Gen. Code, secs. 897 to 897–4) and the procedure provided by law for such courts shall extend to all such cases. The defendant shall have the right to trial by jury in all prosecutions under the provisions of this act.

SEC. 897–3. *Security of costs.*—A person authorized by law to prosecute a case under the provisions of this act (Gen. Code, secs. 897 to 897–4) shall not be required to advance or secure costs therein. If the defendant be acquitted or discharged from custody, or if he be convicted and committed in default of payment of fine and costs, such costs shall be certified under oath by the justice of the peace, police judge, judge of municipal court, or mayor to the county auditor who shall correct all errors therein and issue his warrant on the county treasurer payable to the person or persons entitled thereto.

SEC. 897–4. *Enforcement.*—The industrial commission of Ohio shall have full power, jurisdiction and authority to administer the provisions of this act (Gen. Code, secs. 897 to 897–4).

OKLAHOMA

STATUTES, 1931

CHAPTER 52.—*Labor*

ARTICLE 1.—STATE AND PRIVATE EMPLOYMENT AGENCIES

SECTION 10813. *License; bond.*—No person, firm or corporation in this state shall open, operate, or maintain a private employment agency for hire, or where a fee is charged to either applicants for employment or for help, without first obtaining a license for the same from the commissioner of labor, and such license fee shall be five dollars. Such license shall be of force for one year, but may be renewed from year to year upon the payment of a fee of five dollars for each renewal. Every license shall contain a designation of the city, street and number of the building in which the licensed party conducts said employment agency. The license, together with a copy of this article, shall be posted in a conspicuous place in each and every employment agency. No agency shall print, publish or paint on any sign, window or insert in any newspaper or publication, a name similar to that of the "Oklahoma Free Employment Bureau." The commissioner of labor shall require with each application for a license a good and sufficient bond in the penal sum of two hundred and fifty dollars, to be approved by said commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions, or requirements of this article. The said commissioner of labor is authorized to cause an action to be brought on said bond in the name of the State for any violation of any of its conditions and they may revoke,

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upon a full hearing, any license whenever, in their judgment, the party licensed shall have violated any of the provisions of this article.

SEC. 10814. *Records; fees.*—It shall be the duty of every licensed agency to keep a register, in a substantial book in the form prescribed by the commissioner of labor, in which shall be entered the age, sex, nativity, trade or occupation, name and address of every applicant. Such licensed agency shall also enter into a register the name and address of every person who shall make application for help or servants, and the name and nature of the employment for which such help shall be wanted. Such register shall at all reasonable hours, be open to the inspection and examination of the commissioner of labor or his agent. Where a registration fee is charged for filing or receiving applications for employment or help, said fee shall in no case exceed the sum of two dollars, for which a receipt shall be given, in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or situation to be procured. In case the said applicant shall not obtain a situation or employment through such licensed agency within one month after registration as aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency, provided that such demand be made within thirty days after the expiration of the period aforesaid.

SEC. 10815. *Enforcement.*—It shall be the duty of the commissioner of labor, to enforce this article, and when informed of any violation thereon, it shall be his duty to institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. He may make such rules and regulations for the enforcement of this article, not inconsistent therewith, as he deems proper. Any person convicted of a violation of any of the provisions of sections 3722, 3723 and 3724 (10813–10815) shall be guilty of a misdemeanor and shall be fined not less than fifty dollars, nor more than one hundred dollars for each offense, or be imprisoned in the county jail for a period not to exceed six months or both, at the discretion of the court: Provided, that any person or persons who shall send any female help or servant to any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes, shall be guilty of a felony and shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars, and be confined in the penitentiary not less than two years nor more than ten.

SEC. 10816. *Definition.*—A private employment agency for hire is defined and interpreted to mean any person, firm or corporation engaging in the occupation 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 offering to secure employment or help: Provided, that charitable organizations not charging a fee shall not be included in said term.

SEC. 10817. *License.*—No person, firm or corporation shall open, operate or maintain a private employment agency for hire, or where a fee is charged, to either applicant for employment or for help, without first obtaining a license from the Commissioner of Labor, and such license fee shall be fifty ($50) dollars per annum, payable in advance, on the first day of May of each year, and shall expire on the last day of April of each year. Every license shall contain a designation of the city, street and number of the building in which the licensed parties conduct said employment agency. In case of removal to another location during the period covered by such license, the Commissioner of Labor shall be at once notified and the license corrected accordingly. No such license shall be transferable.

SEC. 10818. *Bond.*—The Commissioner of Labor shall require with each application for a license a surety bond in the penal sum of five hundred ($500) dollars, to be approved by said Commissioner, and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this Act. The Commissioner of Labor is authorized to cause an action, or actions, to be brought on said bond in the name of the State for any violation of any of its conditions, and he may revoke, upon a full hearing, any license whenever in his judgment the party licensed shall have violated any of the provisions of this Act, and in prosecution of any such inquiry the Commissioner of Labor is hereby empowered to administer oaths, subpœna witnesses, take depositions, compel the attendance of witnesses and the production of books, accounts, papers, records, documents and testimony.

SEC. 10819. *Witnesses.*—In case of refusal of any person to comply with the order of the Commissioner or subpœna issued by him, or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, or

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refusal to permit any inspection as aforesaid, the District Judge of the district in which the person resides, on application of the Commissioner, shall compel obedience by attachment proceedings as for contempt.

SEC. 10820. *Use of sign, etc.*—No private employment agency shall print, publish or paint on any sign, window or insert in any newspaper or publication, a name similar to that of the Oklahoma Free Employment Bureau.

SEC. 10821. *Registers.*—It shall be the duty of every licensed agency to keep a register in which shall be entered the age, sex, nativity, trade or occupation, name and address of every person for whom employment is secured and the amount of fee charged. Such licensed agency shall also enter into a register the name and address of every person for whom help or servants are secured, the name and nature of the employment for which such help shall be employed. Such register shall at all reasonable hours be open to the inspection and examination of the Commissioner of Labor, or his agent, and shall be in such form as may be provided by him.

SEC. 10822. *Receipts.*—Every licensed agency shall issue a receipt to each person securing employment or help, showing age, sex, nativity, trade or occupation, name and address of the applicant, and the amount of fee charged for procuring the position. Such receipt shall also show the wages to be paid to said person securing employment, together with the name and address of the employer and the name of the agent issuing such receipt. Said receipt shall be made in triplicate, upon forms prescribed by the Commissioner of Labor, the original copy to be given to the person procuring employment, the duplicate to be mailed to the Commissioner of Labor and the third copy to be retained by the agency issuing same. The carbon copy of each and every receipt shall be mailed to the Commissioner of Labor daily.

SEC. 10823. *Registration.*—No licensed agency shall charge a registration fee for filing or receiving applications for help or employment, nor on any agreement to furnish employment or help. Daily reports shall be made to the Commissioner of Labor upon forms prescribed by him, showing all registrations for employment or help as and in such form as may be required by the Commissioner of Labor.

SEC. 10824. *Limitation of fees.*—The fee for procuring employment or help shall not exceed five (5 %) per cent of the first month's wages, where the employment is for one month or more. In all other cases the maximum fee shall not be more than one ($1) dollar, and in no case shall there be a charge made against both the employer and employee. The above fee shall include all commissions, expense or compensation whatsoever to such licensed agency for procuring employment or help. In case the party paying such fee fails to obtain employment, such licensed agency shall repay the same to such person, upon demand being made therefor: Provided, that in cases where the person procuring employment is sent beyond the limits of the city in which such employment agent operates, such licensed agency shall repay, in addition to the above, any actual expenses incurred by reason of failure to receive employment.

SEC. 10825. *Splitting fees, etc.*—Any licensed agency, or agent thereof, who shall be guilty of dividing fees with any superintendent, manager, foreman or other employees of any person, company, corporation or association for whom employees are furnished, shall be guilty of a misdemeanor and shall be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars for each offense, or be imprisoned in the county jail for a period not exceeding six months, at the discretion of the court.

SEC. 10826. *Acts forbidden.*—No agency shall send or cause to be sent any female help, minor or servant to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement, kept for immoral purposes. No such licensed agency shall publish, or cause to be published, false information, or make any false promise concerning or relating to work or employment, to anyone who shall register for employment, or secure employment, and no licensed agency shall make any false entries in the register to be kept as herein provided.

SEC. 10827. *Failure to fulfill contracts.*—The commissioner of labor shall, after having determined by investigation that any employer in this State is not fulfilling contracts made through employment agents, order all employment agents in the State to refuse further service to such employer. Any employment agent violating this section shall be subject to the penalties as provided in sections Two (2) and Twelve (12) [10818 and 10828] of this act.

SEC. 10828. *Violations.*—Every person, company, corporation or association doing business in this State, who shall have persons brought into this State or transferred from one point to another within the State, for the purpose of employment through or by means of any employment agency operating in this or any

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other State, shall immediately fulfill the terms of the contract made between such persons shipped in for the purpose of employment and the employment agency, or shall, within 12 hours after the arrival of such persons desiring employment, in case of failure or refusal to furnish such employment provide such persons with transportation to their original starting point, and such meals and lodging as may be necessary for the proper sustenance of such persons until they arrive at their destination. Failure to comply with this section shall subject the offending parties to a fine of not less than fifty ($50) dollars, nor more than one hundred ($100) dollars for each offense.

SEC. 10829. *Definitions.*—The term "employment" or "work" whenever used in this Act, shall be construed to mean manual or mechanical labor, clerical, domestic or professional service.

SEC. 10830. *Rules and regulations.*—In order to make more effective the foregoing statutory regulations, and in order to carry out their purpose and intent, the Commissioner of Labor is hereby authorized to issue such rules and regulations from time to time as in his judgment are deemed necessary. A violation of any such rules shall be deemed a violation of this act and punishable as provided in section 10 [10826].

SEC. 10831. *Enforcement.*—It shall be the duty of the commissioner of labor to enforce this Act. When informed of any violation thereof it shall be his duty to investigate same as hereinbefore provided, and he may institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of this Act not otherwise provided for shall be guilty of a misdemeanor and shall be fined not less than fifty ($50) dollars nor more than one hundred ($100) dollars, or be imprisoned in the county jail for a period not to exceed six months, or both at the discretion of the court: Provided, That any person or persons who send any female help, minor or servant to any place of bad repute, house of ill fame or assignation house, or to any house or place of amusement kept for immoral purposes, shall be punished by imprisonment for not less than thirty days nor more than six months, and no license to operate an employment agency shall again be issued to such party.

SEC. 10832. *Fees and fines.*—The commissioner of labor shall, at the end of each quarter, make an itemized account of all moneys received by him from fees and fines under the provisions of this article and pay the same into the State treasury.

OREGON

CODE OF 1930

CHAPTER 8.—*Private employment offices*

SECTION 49-801. *Agencies.*—Every person other than a clerk or employee working for salary, or wages only and not otherwise financially interested in the business, who, for compensation, procures, or in any manner assists in procuring, employment or help for another, or furnishes intelligence or information to persons securing or seeking employment or help, shall be deemed and considered an employment agent. If furnishing intelligence or information concerning both male or female persons seeking employment, such employment agent shall be designated as a "general employment agent." If furnishing intelligence or information concerning female help only, such employment agent shall be designated as a "female employment agent."

SEC. 49-802. *Licenses; bonds.*—Application for an employment agent's license shall be filed in writing with the commissioner of labor statistics and inspector of factories and workshops of the State of Oregon at least thirty (30) days in advance of the date on which the said license is to be issued. Said application shall set forth that the applicant is a citizen of the United States, and the name and address of the applicant, the street and number of the building or place where the business is to be conducted, and the names and addresses of all persons financially interested in the operation of said business either as partners, associates or profit sharers therein. Said application shall be accompanied by the affidavits of at least ten (10) freeholders of the State of Oregon, to the effect that the said persons believe the said applicant to be a person of good moral character and capable of exercising an employment agent's license according to the terms of this act. Upon receipt of such application the commissioner of labor may cause an investigation to be made as to the character and responsibility of the applicant and of the premises designated in such application as the place in which it is proposed to conduct such agency.

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The commissioner of labor or his deputies may administer oaths, subpena witnesses and take testimony in respect to matters contained in such application and in respect to complaints of any character against the applicant for such license, and upon proper hearing may refuse to grant a license. Each application shall be granted or refused within thirty (30) days from date of filing. In all towns and cities containing more than 15,000 inhabitants no license shall be granted to a person to conduct the business of an employment agency in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or by any person who is interested in or benefits from the sale of railroad and stage transportation. No license shall be granted to a person whose license has been revoked within one year from the date of said revocation. Before any such license is issued to the employment agent, the applicant shall first file a bond with the State of Oregon, and in the office of the said commissioner of labor statistics and inspector of factories and workshops, in the sum provided for in section 49–804, Oregon Code, as amended, with at least one good and sufficient surety to be approved by the commissioner of labor statistics and inspector of factories and workshops, conditioned that the applicant shall fully comply with the provisions and requirements imposed by the laws of this state regulating employment agencies, and shall pay all judgments recovered against him for any violation of the said provisions or requirements, together with such judgments and costs as may be recovered against him by any laborer, worker or applicant for position on account of any willful misrepresentations, or for willfully deceiving any laborer, worker, or applicant for position transacting business with him as such employment agent, and pay all damages by reason of any violation of this act. Such license shall not be valid to protect any other than the person to whom it is issued. In towns and cities containing more than 15,000 inhabitants no licensee shall employ or permit any person to operate an employment agency under such license except a bona fide clerk or employee receiving a stated salary or wage, who shall, before entering upon such employment, obtain from the commissioner of labor statistics and inspector of factories and workshops a permit authorizing him so to do. A fee of $5 shall be exacted and paid for such permit, and the applicant therefor, if found to be of good moral character and a fit and proper person to transact business as such clerk or employe, may be granted such permit, good for one year from date of issuance, upon executing to the state of Oregon a good and sufficient bond in the sum of $100, and to be approved by the commissioner, and conditioned that such clerk or employe shall honestly and faithfully comply with, observe and obey all the laws of this State regulating employment agents. Such permits may be renewed annually upon the payment of a like fee and the execution of a like bond.

SUPPLEMENT (1935) TO CODE 1930

SECTION 49–803. *Fees.*—No person acting as an employment agent or conducting the business of an employment agency shall charge or collect as a fee or compensation for such service in excess of the following:

First, for positions for females where the salary or wages of the position secured is not to exceed fifty dollars ($50.00) per month, the fee or compensation of the employment agent shall not exceed five (5) per cent of one month's earnings in said position, and where the salary or wages of the position secured is more than fifty dollars ($50.00) and not to exceed one hundred dollars ($100.00) per month, the fee or compensation shall not exceed five dollars ($5.00) and where the salary is more than one hundred dollars ($100) per month the fee shall not exceed seven dollars and fifty cents ($7.50).

Second, for positions for males where the salary or wages of the position secured is not to exceed sixty dollars ($60.00) per month the fee or compensation of the employment agent shall not exceed five (5) per cent of one (1) month's earnings in said position.

Third, for positions for males where the salary or wages of the position secured is more than sixty dollars ($60.00) and not to exceed one hundred dollars ($100) per month, the fee or compensation of the employment agent shall not exceed five dollars ($5.00.)

Fourth, for positions for males where the salary or wages of the position secured is more than one hundred dollars ($100) per month, the fee or compensation shall not exceed seven dollars and fifty cents ($7.50.) In no case shall board be included as part of the salary or wages.

SEC. 49–804. *License fees; bonds.*—The commissioner of labor statistics and inspector of factories and workshops may, if the applicant for such license be a fit and proper person to conduct an employment agency, and upon the payment of

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an annual license fee and filing of a bond in the amounts hereinafter provided, when such bond has been approved by him, issue to the employment agent a license for a period of one (1) year. The amount of the license fee to be paid and the bond to be furnished by the said employment agent shall be in proportion to the population of the city or town in which the employment agent has its principal place of business according to the last census of the United States, and as indicated by the following schedule:

Population	*License*	*Bond*
Cities of 100,000 and over	$100. 00	$3, 000
Cities of 50,000 to 100,000	100. 00	2, 000
Cities of less than 50,000	50. 00	1, 000

If the employment agency for which application is made is not to be operated in any incorporated city or town, then the applicant shall file the minimum bond and pay the minimum license above specified. No other license fee shall be required of any such licensee by any city, town, county or other political subdivision thereof; provided, however, female employment agents, as defined in section 49–801, Oregon Code 1930, shall only pay the sum of fifty dollars ($50.00) as annual license fee and furnish bond in the sum of one thousand dollars ($1,000). Of the fund made up of the license fees as provided herein, six hundred dollars ($600) thereof, or so much of said sum as may be necessary, hereby is set aside and appropriated annually to and for the use of the commissioner of the bureau of labor statistics and inspector of factories and workshops to defray the expenses of investigating and adjusting grievances made as to the violation of this act by employers, employees or employment agencies.

CODE OF 1930

SECTION 49–805. *Receipts; records.*—Every employment agent shall, upon receiving any compensation for services, give to the person for whom the same is received, a receipt therefor in writing, which shall be in the following form, and which must contain at least all of the facts set forth in said form, to wit:

———, ———, ———, ———, 19—

Received from ———— ————, the sum of———— dollars, for which we agree to furnish correct information by which the above-named employee or applicant shall be entitled to secure a situation as ———— with ———— ———— at ———— wages and ———— amount charged board per day or month. Failing to do which we promise to refund the above amount paid and also the fare for transportation (unless such fare is furnished or offered to the said applicant) to and from the place where said applicant is sent by said agent, on the return of this receipt together with the written statement from the employer or other evidence that the applicant has applied in person at the place to which he is directed herein, and to the person to whom he is directed herein, or his agent, and could not get the situation. If the employee is discharged within two (2) days, we promise to refund the amount paid as fee, and if the employee is discharged after two (2) days and within six (6) days, we promise to refund one-half of said fee, unless he be discharged by reason of intoxication or other good and sufficient cause.

———— ————

Employment Agent.

Every employment agent shall keep a true and correct record of the names of all applicants and the nature of work and the date of furnishing said work, and the amount of money received from each, if any, and place of employment, which said record shall at all times be open to the inspection of the commissioner of labor statistics and inspector of factories and workshops of the State of Oregon, or any of his duly authorized deputies.

SEC. 49–806. *Civil liability.*—Any employment agent who sends an applicant for employment to any place where the supposed employment is to be had on information that is incorrect or not as stated in the receipt for fee paid by the applicant for employment, or if the position which the said applicant is to take has already been taken and is not procurable for such applicant, shall be liable for the fee paid by the said applicant and the return of same, and for the return of the fare or transportation to and from the place where the said applicant is sent; provided, however, that if transportation is furnished or offered the applicant by either employer or the employment agent, the said applicant shall recover only

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his fee; and provided further, that any applicant who obtains employment and is discharged within two days shall be entitled to the return of his entire fee from the employment agent, and if the applicant is discharged after two days and within six days he shall be entitled to one-half of the fee, except in case where it is specifically stated on the face of the employment ticket that the employment is for six days or less; and provided further, that the applicant shall have no right to recover, against either the employer or the employment agent, either the transportation, fees or other costs, in the event that the said applicant voluntarily refuses to go to work in the position stated in the receipt, or is discharged by reason of intoxication or other good and sufficient cause.

SEC. 49-807. *Employers.*—Any employer who shall request an employment agent to supply labor, who shall refuse to accept such labor so supplied, or who shall discharge such labor without cause, shall be liable to the said employment agent and to the applicant for damages thereby sustained, and provided further, that the applicant may proceed against either the employer or the employment agent.

SEC. 49-808. *Indorsement of receipts.*—Each receipt for fees given by the employment agent to the applicant shall have printed on the back the following indorsement to be filled out by the employer in the event that the applicant is not given employment, or is discharged within six days:

TO THE EMPLOYER

(Kindly fill out the blank below and return this receipt to the applicant in case you do not employ him, or if he is discharged for any reason within six days after being employed.)

State clearly whether applicant was discharged or quit position of his own accord, how long applicant worked, and if applicant was discharged or quit; state fully and clearly facts and reasons therefor.

_____ _____,
Employer.
By _____ _____

SEC. 49-809. *Criminal liability.*—It shall be unlawful for any employment agent to share the fee received from any applicant with any employer or the agent of any employer, or to enter into contract, either verbal or written, with an employer or agent of any employer, whereby the employment agent is to pay or remunerate the employer or any agent of any employer, for the furnishing of employment. It shall be unlawful for any employment agent to send any applicant for employment on information known to be incorrect or not as stated in the receipt for the fee paid by such applicant for employment. It shall be unlawful for any employment agent to conduct his business of supplying labor in any saloon or other place where intoxicating liquors or beverages are sold, or in any room or building connected by a door or passageway with a saloon or place in which intoxicating liquors or beverages are sold. It shall be unlawful for any person or persons to operate an employment agency for hire or compensation or otherwise than as is specified in this act, without first securing a license as herein provided. It shall be unlawful for any employer, or his agent, to receive any remuneration or division of fees from any employment agent supplying labor or to agree, either orally or in writing, to receive any remuneration or division of fees for the supplying of labor within the meaning of this act. It shall be unlawful for any employer or agent of any employer to order men from any employment agency and refuse to accept such men so supplied or to discharge such men in less than six days without good and sufficient cause, unless such men shall be specifically ordered for a shorter length of time, as provided in this act. It shall be unlawful for any employer or the agent of any employer to order men from any employment agency upon information known to be incorrect. Any person violating this section shall be guilty of a misdemeanor and shall be punishable by a fine of not less than twenty-five dollars ($25) nor more than two hundred dollars ($200), or by a term of not less than 5 days nor more than 60 days in the county jail. Justice courts, district courts, and circuit courts shall have concurrent jurisdiction in all cases arising out of a violation of this act.

SEC. 49-810. *Exemptions.*—This act shall not be deemed to apply to persons hiring or furnishing employment or giving information leading to the hiring or furnishing of employment, for which no fee is charged or received from applicant; nor to persons, firms, or corporations hiring or furnishing employment or giving information leading to the hiring or furnishing employment to any schoolteacher, or to persons in any professional or clerical position.

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SEC. 49–811. *Administration.*—The commissioner of labor statistics and inspector of factories and workshops shall have the power to make all needful rules and regulations for the administration of this act, to provide forms for applications and such other forms as may be from time to time necessary in the administration hereof.

SEC. 49–812. *Revocation of license.*—After investigation by the commissioner of labor statistics and inspector of factories and workshops, at which the employment agent may be represented in person or by counsel, the license of any employment agent may be revoked after proof that such agent has continued willfully to conduct the employment business in violation of the terms of the act.

SEC. 49–813. *Appeals.*—Any person aggrieved by the decision of the commissioner of labor statistics and inspector of factories and workshops, either refusing or revoking a license under this act, may appeal from such decision to the circuit court for Marion County. Said appeal shall be taken by serving a notice of appeal and giving a bond in the sum of five hundred dollars ($500), within the time and in the manner provided for appeals from justice of the peace or district courts, and upon the trial in the circuit court the case shall be tried de novo. Said bond shall be conditioned for the payment of the costs and disbursements of the appeal and the costs and disbursements shall be allowed and taxed as in other cases as now provided by law. Upon the trial in the circuit court the appellant shall be the plaintiff.

PENNSYLVANIA

PURDON'S STATUTES, 1936

TITLE 43.—*Private employment offices*

SECTION 501 (as amended 1937, Act No. 240). *Definitions.*—The following terms shall, unless the context otherwise indicates, have the following respective meaning: (*a*) The term "employment agent" shall mean every person, copartnership, association, or corporation engaged in the business of, or maintaining an agency for, assisting employers to secure employes, and persons to secure employment, of whatever nature, or of collecting and furnishing information regarding employers seeking employes and persons seeking employment. (*b*) The term "secretary" shall mean the secretary of labor and industry of the department of labor and industry of this Commonwealth, or his duly authorized deputy or representative. (*c*) The term "department" shall mean the department of labor and industry of this Commonwealth. (*d*) The term "fee" means and includes any money or other consideration paid, or promised to be paid, for services rendered, or to be rendered, by any employment agent as above defined. Such term includes any excess of money received by any such person, over what has been paid out by him for the transportation, transfer of baggage, or board and lodging, for any applicant for employment. (*e*) The term "persons" shall include persons, associations, copartnerships and corporations. (*f*) The term "employer" as used in this Act means any person employing or seeking to employ any person for hire. (*g*) The term "employee" as used in this Act means any person performing or seeking to perform work or service of any kind or character whatsoever for hire.

SEC. 502 (as amended 1937, Act No. 240). *Scope.*—The term "employment agent," as used in this act, shall not apply to: (*a*) Departments, associations, or bureaus, which are maintained solely for persons in this Commonwealth for the purpose of obtaining employes for themselves or their members, and which charge no fee to applicants for employment. (*b*) Theatrical or entertainment producers and managers assembling, managing and directing their own performances at their own expense and who charge no commissions or fees directly or indirectly. (*c*) Bureaus or agencies procuring employment for school teachers, without charge. (*d*) Bureaus or agencies procuring employment for registered nurses, without charge. (*e*) Employment bureaus maintained by this Commonwealth. (*f*) Employment bureaus maintained by the United States of America within this Commonwealth. (*g*) Employment bureaus or agencies maintained by any association of manufacturers within the Commonwealth for the purpose of obtaining employes for their members, and which charge no fee to applicants for employment: *Provided, however,* That persons excluded from licensure under this section shall register with the department as hereinafter provided.

SEC. 503. *License.*—It shall be unlawful for any employment agent, on or after the thirtieth day of September, one thousand nine hundred and twenty-nine, to operate as such in this Commonwealth, unless such employment agent be the holder of a license as in this act provided.

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SEC. 504. *Application.*—Every employment agent, desiring so to operate, shall file an application for such license with the secretary. The application shall be on a form furnished by the secretary, and, together with such other information as the secretary shall require, shall state: (*a*) The name and street address of the applicant. (*b*) The present address of the place where the business is to be conducted. (*c*) Whether or not the applicant proposes to conduct a lodging house for the unemployed separate from the business proposed to be conducted. (*d*) The business or occupation engaged in by the applicant for at least two years immediately preceding the date of the application.

Such application shall be accompanied by the affidavits of at least three reputable residents of the city or county in which the applicant intends to operate, to the effect that the applicant is a person of good moral character.

SEC. 505. *Posting of notice, investigation.*—Upon receipt of such application, the secretary shall cause to be posted in a conspicuous place on the premises, at which the business is or is intended to be conducted, the name and address of the applicant, the place where the business is to be conducted, and the fact that such application has been filed.

The secretary shall thereupon cause to be investigated the character and responsibility of the applicant, and the location and premises at which the business is intended to be conducted.

Any person may file, within one week after the posting by the secretary of the facts pertaining to the application, as heretofore provided, a protest with the secretary against the issuance of such license. Such protest shall be in writing and shall be signed by the person filing the same, or his authorized agent or attorney, and shall state the reasons why the said license should not be granted.

If the investigation by the secretary is unsatisfactory, or in the event of a protest, the secretary shall thereupon, not less than 15 days after the posting of the facts of application, hold a public hearing at a place designated by the secretary. in the city, borough, town or township where the business is to be established. At least five days' notice of the time and place of such hearing shall be given by the secretary to the applicant, and the protestants, if any.

The secretary, for any hearings which may be held under this act, shall have the power to issue subpœnas requiring the attendance of witnesses, and the production of books and papers pertinent to such hearing, and to administer oaths to such witnesses, and examine such witnesses, books and papers.

Any witness who refuses to obey a subpœna issued hereunder, or who refuses to be sworn or affirmed, or to testify, or who is guilty of any contempt after summons to appear, may be punished for contempt of court, and, for this purpose, an application may be made to any court of common pleas within whose territorial jurisdiction the offense was committed, for which purpose such court is hereby given jurisdiction.

SEC. 506. *Refusal.*—After such hearing, the secretary may refuse to grant a license to the applicant, for any one of the following reasons: (*a*) That the applicant is not of good character or reputation. (*b*) That the place where the business is to be conducted is not a suitable place therefor, and such places, as well as for other proper reasons, shall be deemed unsuitable if it is to be conducted in rooms used for living purposes, or where boarders or lodgers are kept, or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are sold, or reputed to be sold, or in a house of ill repute, or in a neighborhood deemed unsatisfactory by the secretary. (*c*) That the proposed plan of business is unjust or unfair. (*d*) The applicant, being hitherto an employment agent, has failed to comply with the existing laws relating thereto.

SEC. 507. *Granting a license.*—In all other cases, the secretary, upon the compliance by the applicant with the provisions of this act, shall grant such applicant a license for a period of one year. In all cases whether the license shall be granted or refused the secretary shall make such final decision and take such action within 30 days after the filing of the application.

SEC. 508. *Bond.*—No such license shall be granted until the applicant has filed with the secretary a bond, of a duly authorized surety company, to be approved by the secretary, in the penal sum of $1,000, payable to the Commonwealth of Pennsylvania, conditioned that the applicant will comply with the provisions of this act, and shall pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit, or any unlawful act or omission of any such person, his agent or employees, while acting within the scope of their employment, made, committed, or omitted in the business conducted under such license, or caused by any other violation of this act in carrying on such business.

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All actions upon bonds given under this act shall be in the same manner as actions upon official bonds.

SEC. 509. *License fee.*—No license shall be granted until the applicant shall have paid to the secretary a license fee as follows:

(1) For licenses to be known as class "A" licenses, and which shall be required by all employment agents who confine their operations to persons listed as metal and metal-products workers, mine and quarry workers, hotel and restaurant help, clay, glass, and stone-products workers, ironworkers, clothing workers, textile workers, food and kindred products workers, leather, rubber and composition-goods workers, lumber, woodwork and furniture workers, paper and printing workers, unskilled and common laborers, domestic and industrial help of all kinds, the sum of $100.

(2) For licenses to be known as class "B" licenses, and which shall be required by all employment agents known as professional, technical, or theatrical, and who confine their operations to actors, actresses, musicians and performers of all kinds, advertising managers, bookkeepers and accountants, cashiers, chemists, draftsmen, surveyors and transit men, engineers (civil, etc.), salesmen and solicitors, superintendents and foremen, traffic managers, agricultural experts, chemical workers, explosive workers, auto mechanics and garage workers, chauffeurs and truck drivers, aircraft workers, inspectors, telegraph operators, telephone operators, station employees, shipping and stock clerks, store managers, stenographers and typists, linotype operators, printers and compositors, proofreaders, office clerks, timekeepers, tobacco workers, and traders, the sum of $100.

(3) For licenses to be known as class "C" licenses, and which shall be required by all employment agents engaged in such business, in lines of activity provided for under both classes "A" and "B" licenses, and all other occupations not listed, the sum of $200.

SEC. 510. *Revocation, etc.*—The secretary shall institute proceedings, in the court of common pleas of the county wherein such business is located asking for the suspension or revocation of such license for the causes enumerated hereinafter. All matters remaining in abeyance until final hearing, upon it appearing from the inspection or investigation of the secretary, or upon sworn complaint filed with him, that the licensee: (*a*) Was guilty of fraud or misrepresentation in the securing of the license. (*b*) Had not met, or was not meeting, the requirements under which the license was granted. (*c*) Was violating or failing to observe the provisions of this act with reference to the conduct of his business.

Whenever such license shall be finally revoked, the secretary shall not, within one year of such revocation, issue another license to such person, or his representative, or to any person with whom he is to be associated in such business. Nor shall such person be employed during such period by any other employment agent.

No employment agent shall divide, directly or indirectly, any fees charged or received by him, with any person who secures help through such employment agent, or to whom help is referred by such employment agent, nor shall any employment agent offer to so divide any fees.

Licenses may be renewed from year to year, upon application, payments of license fees, and filing of bonds as in the case of an original application.

SEC. 511. *Foreign agencies.*—No foreign employment agent, or other person, shall enter this Commonwealth and attempt to hire, induce, or take from this Commonwealth any labor, singly or in groups, for any purpose, without first filing, in the office of the secretary, a statement as to where the labor is to be taken, for what purpose, for what length of time, and whether transportation is to be paid to and from destination, if temporary, also a statement of the financial standing of the company desiring the labor, and an affidavit of authority to represent such company in this Commonwealth, and whatever other information the secretary may require.

The secretary shall thereupon determine whether the person desiring such labor from this Commonwealth is an employment agent for profit, and, if so, whether such person is qualified to be licensed under this act. The secretary, after such investigation, may refuse to license, upon compliance with the provisions of this act, or register such person. Such person shall, in the event of unfavorable action by the secretary, have the right of appeal as in other cases under this act. If such person shall be exempted from license, he shall pay for registration, a fee of five dollars, and receive therefor from the secretary a certificate recognizing his right to do business in this Commonwealth.

SEC. 512 (as amended 1937, Act No. 240). *Register.*—Every employment agent shall keep a register or registers, approved by the secretary, in which shall be entered, in the English language, the date of any application for employment, the name and address of the applicant, the amount of the fee received, and, whenever

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possible, the names and addresses of former employers or persons to whom such applicant is known, and the final disposition of the applicant's case, and in case of applicants under twenty-one years of age for employment, the age of the applicants and the names and addresses of parents or guardians, a similar record of all applications of persons seeking employes, the date of such application, the kind of help required, the names of the persons sent, the record of the ones so sent, if any, who were employed as a result thereof, the amount of the fee received, and the rate of wages agreed upon. No person shall make any false entry in such register.

It shall be the duty of the employment agent, whenever possible, to communicate, orally or in writing, with at least one of the persons mentioned as reference by any applicant for work in private families, or to be employed in a fiduciary capacity, and the result of such investigation shall be kept on file in such agency: *Provided*, That if the applicant for help voluntarily waives, in writing, such investigation of references, the employment agent shall not be required so to do.

SEC. 513. *Return of fee.*—No employment agent shall send out any applicant for employment without having obtained a bona fide order therefor, and, if it shall appear that no employment of the kind applied for existed at the place to which said applicant was directed, the said employment agent shall refund to such applicant, within three days of demand, any sums paid by said applicant for transportation in going to and returning from said place, and all fees paid by said applicant.

SEC. 514. *Employment card.*—Every employment agent shall give to each applicant for employment a card or paper, containing, in printed, typewritten or written form: (*a*) the name of the applicant. (*b*) The name and address of such employment agency. (*c*) The name and address of the person to whom the applicant is sent for employment. (*d*) The kind of service to be performed. (*e*) The rate of wages or compensation. (*f*) The time of such services, if definite and, if indefinite, to be so stated. (*g*) The name and address of the person authorizing the hiring of such applicant. (*h*) The cost of transportation, if the services are required outside of the city, borough, town, or township where the employment agent conducts his business.

SEC. 515. *Receipts.*—It shall be the duty of every employment agent to give to every applicant for employment, from whom a fee shall be received, a receipt in which shall be stated: (*a*) The name of the applicant. (*b*) The date and amount of the fee. (*c*) The purpose for which it was paid.

Every applicant for help shall receive a receipt in which shall be stated: (*a*) The name and address of the applicant. (*b*) The date and amount of the fee. (*c*) The kind of help desired. The secretary may require the printing on the back of any such receipts of portions of this act.

SEC. 516. *Contract labor.*—Whenever any employment agent agrees to send one or more persons as contract laborers, in any place outside the city, borough, town, or township in which such employment agent conducts his business, he shall file with the secretary, within five days after the contract is made, a statement containing the following items: (*a*) Name and address of the employer. (*b*) Names and addresses of the persons to be employed. (*c*) Nature of the work to be performed. (*d*) Hours of labor. (*e*) Wages offered. (*f*) Destination of the persons to be employed. (*g*) Terms of transportation.

A duplicate copy of this statement shall be given to the applicant for employment, in a language he is able to understand, before he leaves the city, borough, town or township.

SEC. 517. *Posting act.*—Every employment agent shall post in a conspicuous place, in every room of his place of business, the portions of this act required by the department, which shall be printed in large type, in language in which persons commonly doing business with such employment agent can understand. Such poster shall also contain the names and addresses of the nearest officers having authority to enforce this act.

SEC. 518. *Enforcement.*—The secretary shall be charged with the enforcement of the provisions of this act, and shall have the power to appoint inspectors, who shall make as nearly as possible five visits each month to every such employment agent holding a license in this Commonwealth. Such inspectors shall have suitable badges, which they shall exhibit on demand of any person interested. They shall see that the provisions of this act are complied with, and shall have no other occupation or business. They shall have for the purpose of the enforcement of this act, the powers of constables and policemen in cities of the first and second class.

SEC. 519. *Inspection of books.*—All registers, books, records, and other papers required to be kept pursuant to this act by any employment agent, shall be open at all reasonable hours to the inspection of the secretary or his inspectors. An

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auditor may be sent to the office of any employment agent by the secretary, at least once a year, or oftener if necessary, to obtain information for the use of the secretary. Every employment agent shall file with the secretary the schedule of fees which he charges for any services rendered to employers seeking employees or persons seeking employment.

SEC. 520. *Registration of exempted class.*—Persons operating under the exempted classes, as set forth in section 2[6] hereof, and persons classified under section 11[7] hereof, from whom registration is required, shall apply for registration annually with the department upon such forms and giving such information as the department shall require; the department may thereupon register such persons to operate within such classification.

SEC. 521. *Collection of fees.*—All moneys or fees required to be paid under this act shall be collected by the secretary, and by him paid into the State treasury.

SEC. 522. *Acts prohibited.*—No employment agent shall induce, or attempt to induce, any employee to leave his employment with a view to obtaining other employment through such employment agent.

SEC. 523. *False statements.*—No employment agent shall publish or cause to be published any false or fraudulent or misleading information, representation, notice or advertisement; all advertisements of such employment agent, by means of cards, circulars or signs, and in newspapers or other publications, and all letterheads, receipts and blanks, shall be printed, and contain the name and address of such employment agent, and the words, "employment agent"; and no employment agent shall give any false information, or make any false promise, or false representation, concerning an engagement or employment, to any applicant who shall register or apply for an engagement or employment or help.

SEC. 524. *Child labor.*—No employment agent shall accept any applicant for employment, made by or on behalf of any child, or shall assist in placing any such child in any employment whatever, in violation of the child labor laws of this Commonwealth, excepting the appearance of a child in what is known as a road performance or exhibition in any theater of this Commonwealth, when there has been secured from the secretary a special certificate so to do.

SEC. 525. *Use of force.*—No employment agent, or his representatives, shall induce or control any person to enter any agency, for any purpose, by the use of force, or by taking forcible possession of said person's property.

SEC. 526. *Fraud, etc.*—No employment agent shall send, or cause to be sent, any female as a servant, employee, inmate, entertainer or performer, or any male as employe or entertainer, to any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes or place resorted to for the purpose of prostitution, or gambling house the character of which such licensed person could have ascertained upon reasonable inquiry.

SEC. 527. *Character of employer.*—No employment agent shall send out any female applicant for employment without making a reasonable effort to investigate the character of the employer.

SEC. 528. *Sale of intoxicating liquors.*—No employment agent shall send any female, as an entertainer or performer, to any place where any such female will be required or permitted to sell, offer for sale, or solicit the sale of intoxicating liquors, to those present or assembled as an audience, or otherwise, in such place, or in any rooms or building adjacent thereto.

SEC. 529. *Frequenters of agency.*—No employment agent shall knowingly permit any persons of bad character, prostitutes, gamblers, intoxicated persons, or procurers to frequent his place of business.

SEC. 530. *Violations.*—Violation of any of the foregoing provisions, as well as any other of the provisions of this act, shall be grounds for the refusal to grant, refusal to renew, revocation or suspension of the license of any employment agent. And the effect of any revocation or suspension of any license shall be the same as if the licensee had never been licensed.

SEC. 531. *Operating without license.*—No person shall operate as an employment agent in this Commonwealth, without holding a license so to do, as herein provided; no person shall operate in this Commonwealth under one or more of the exempted classifications set forth in section 2[6] of this act or under section 11[7] hereof, without holding a license so to do, or being registered as herein provided. Any person so doing, shall for the first offense, upon conviction thereof in a summary proceeding before any alderman, magistrate, or justice of the peace, in the county where the offense occurred, be sentenced to pay a fine of not less than $25, nor more than $100, or upon nonpayment thereof to undergo imprisonment in the county jail for a period of 30 days, and for a second offense shall be guilty of a

[6] Sec. 502 of this title.
[7] Sec. 511 of this title.

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misdemeanor, and, upon conviction thereof in the proper court shall be sentenced to pay a fine of not less than $25, nor more than $250 or imprisonment for a period of not more than one year, or both, at the discretion of the court.

SEC. 532 (as amended 1937, Act No. 240). *Violations.*—Any person who violates any of the provisions of paragraphs (*e*), (*f*), (*g*), or (*h*),[8] of section 22 of this act, shall be guilty of a misdemeanor and, upon conviction thereof before a court of competent jurisdiction, shall be sentenced to pay a fine of not less than $100, or more than $1,000, and costs of prosecution, or undergo imprisonment in the county jail for a period of not more than one year, or both, at the discretion of the court.

PHILIPPINE ISLANDS

ACTS OF 1932

VOLUME 28

ACT NO. 3957.—*Private employment agencies*

SECTION 1. *Title.*—The short title of this act shall be "Private Employment Agency Law."

SEC. 2. *Definitions.*—The following definitions are given for the proper understanding of certain terms used in this act:

(*a*) "Person" not only means an individual human being but also any corporation, company, or association.

(*b*) "Agency" or "employment agent" means any office or person, as the case may be, who for a monetary consideration directly or indirectly procures or looks for, or offers or promises to procure or look for, employment or positions or a contract for employment or a position, or an employee, laborer, or servant, for another person, or a contract for an employee, laborer, or servant. This definition shall include all associations, firms, or companies procuring employment, work, or positions for their members or for other persons, except as hereinafter provided.

(*c*) "License" or "license certificate" is a document issued to a person by competent authority allowing such person to establish, direct, or manage the business or occupation of employment agent or have an employment office or agency, or procure and look for or furnish employment, work or positions, or contracts for any employment, work, or position, or employees, laborers, or servants for another or others, or contracts for employees, laborers, or servants for another or others.

(*d*) "Fees" means any form or description of fees, remuneration, profit, or compensation promised, paid, or received directly or indirectly for any service rendered, offered, or promised by an employment agency or agent.

(*e*) "Applicant for employment" means any person applying for employment, work, or contract or hire of his services; and "applicant for employee" any person applying for the procurement of any employee, laborer, or workman for his service.

(*f*) "Licensee" or "licensed person" is an employment agency or agent duly authorized by competent authority to engage in the business or occupation of obtaining, procuring, looking for, or furnishing employment, work or positions, or employees, laborers, or workmen for another or others.

SEC. 3. *License.*—No person shall directly or indirectly establish, direct, or manage, temporarily or permanently, any employment agency, nor act as agent or recruiter for any employment agency or agent in the Philippine Islands without first securing a license issued by the director of labor and duly approved by the secretary of the corresponding department.

SEC. 4. *Application.*—The application for the license shall be in writing and shall be filed with the director of labor. It shall contain the full name of the applicant; his age; whether he is single or married; his residence, giving street name and house number; the name or names of the recruiter or agent or recruiters or agents to be employed by the agency for its outside activities; whether the applicant is the only person interested in the business to be established or whether there are other persons interested in the same, in which case the names and personal circumstances of such other persons shall also be stated; and the place, street, and number of the premises where the agency is to be established. If the applicant is a corporation or duly registered company or partnership, the application shall contain the names and addresses of the president, treasurer, and secretary thereof, or of the officers performing their duties, though under different

[8] Pars. (*e*), (*f*), (*g*), and (*h*) are now secs. 526–529, inclusive.

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denominations. If the applicant is a partnership or unregistered company, the application shall contain the names and addresses of all its members. The application shall be subscribed and sworn to by the applicant or applicants if they are natural persons, and in case of a corporation or registered company, by the president or chief thereof, and shall be attested by the secretary, under the seal of the corporation or company, and if it is not registered, the application shall be subscribed and sworn to by all the members.

SEC. 5. *Money and bond to accompany application.*—The application shall be accompanied by the necessary sum to pay the tax for the period to be covered by the license, in accordance with the schedule contained in subsections (*a*), (*b*), and (*c*) of section 7 of this act, which sum shall be refunded to the applicant in case his application is denied. The application shall further be accompanied by a bond subscribed by the applicant and by two or more solvent and reputable sureties or by a reputable fidelity bond company, in a penal sum of not less than 3,000 nor more than 10,000 pesos, in the discretion of said director, conditioned upon the applicant complying strictly with all the provisions of this Act and of any other acts and regulations now existing or which may hereafter be promulgated, relative to employment agencies or offices and the operation of such agencies or offices, and upon the applicant paying any penalty imposed upon him for the violation of any of the provisions of this act or other pertinent laws and regulations, or any damages which he may be sentenced to pay by a competent court.

The director of labor shall furnish to any applicant, upon payment of 1 peso, a certified copy of any bond registered in his bureau, and such copy shall be prima facie evidence of the bond in any court of justice.

SEC. 6. *Posting of notice.*—Immediately after filing the application, the applicant shall post in such public places as the director of labor may designate, a notice of the filing of the application and the contents thereof. Any person may make written objection to the application, stating just and reasonable grounds therefor which, if found true, shall be sufficient cause for the refusal of the license. In case any objection is received, the director of labor, upon written notice to the applicant and the objector, shall designate the date, hour, and place for the hearing of the application. For the purposes of this hearing and in investigations of matters related with this act, the director of labor is hereby authorized to issue subpenas and subpenas duces tecum, administer oaths, and take affidavits.

SEC. 7. *Issuance of license.*—When all requisites for the issuance of the license have been complied with, the director of labor shall issue such license and register the same in his office, upon payment by the applicant of the proper tax, in accordance with the following schedule:

(*a*) If the agency is to be established in the city of Manila, he shall pay a tax of 100 pesos per annum;

(*b*) If the agency is to be established in a Province, he shall pay a tax of 50 pesos per annum;

(*c*) If the agency is also to engage in the business of procuring or furnishing for foreign countries individuals other than those included in section 1 of act numbered twenty-four hundred and eighty-six, he shall pay a tax of fifteen hundred pesos if it is to be established in the Provinces, and of twenty-five hundred pesos if it is to be established in the city of Manila;

(*d*) In addition to the taxes above mentioned, the sum of twenty-five pesos shall be paid annually to the treasurer of the city of Manila or of the Province in which the agency is to be established; and

(*e*) The director of labor shall issue an appointment over his signature and the dry seal of his bureau, to each licensee and each of the persons employed as his recruiters or agents, and for each such appointment the sum of 1 peso shall be paid.

SEC. 8. *Monies payable to treasury.*—All monies collected under the provisions of this Act, insofar as they are not payable to the treasurer of the city of Manila or of the Province in which the agency is established, in accordance with the provisions of subsection (*d*) of section 7 of this act, shall be covered into the insular treasury.

SEC. 9. *Effective date of license.*—Each license or license certificate shall take effect on the first day of the month in which it is issued, and shall expire on December thirty-first of the year in which it was issued, and an application for renewal shall be necessary if such is desired by the licensee. The license shall be valid only in the Province or Provinces specified therein. It shall contain the name or names of the licensees; the sitio, barrio, street, number of the house, story thereof, municipality, and Province in which the establishment of the agency is authorized, the number of the license, and the date on which it was issued. Such license shall not be used directly or indirectly by any person other than the one

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in whose favor it was issued, nor at any place other than that stated in the license, nor shall it be transferred, conveyed, or assigned to another person.

The license shall be displayed at all times in a conspicuous and suitable place in the agency, and the appointments shall be exhibited at the request of any person in relation with the business of the agency or the employees thereof, of the director of labor or his delegates, or of any peace officer.

SEC. 10. *Agency forbidden, when.*—No agency shall be established in a hotel or boarding house or building where liquors or intoxicating beverages are sold.

The licensee may establish barracks for the temporary accommodation of applicants for employment even in Provinces or municipalities other than those in which his agency is established, provided such barracks are regulated by rules submitted by the licensee and approved by the director of labor.

SEC. 11. *Valid contracts.*—In order that any contract between the agent or recruiter and the applicant for employment, work, or a position may be valid, it shall be written in a language or dialect known to the latter and shall be executed before any clerk of court of first instance or justice of the peace, who shall not charge any fee for his services or for preparing the contract. It shall be the duty of the clerk of court or justice of the peace to carefully explain to the contracting parties the scope and effects of the contract, to satisfy himself regarding the correctness of any debt or obligation set forth in such contract, including the fees of the agent or recruiter, and to sign the contract, certifying in the acknowledgment clause thereof that the provisions of this section have been complied with. Any failure to comply with this obligation shall be sufficient cause for reprimand and removal from office.

SEC. 12. *Register to be kept.*—It shall be the duty of every licensee to keep a register approved by the director of labor, setting forth in official language, the date of the application for employment of each applicant, the name and address of the applicant to whom employment is promised or offered, the sum received for fees, the employment secured for him, and, whenever possible, the names and addresses of known persons acquainted with the applicant. He shall also keep a separate register, which shall also be approved by the director of labor, setting forth, in official language, the name and address of each applicant for employees, the date of his application, the kind of employee or laborer requested, the names of the persons sent, whether the same were employed or not, and the sum received as fees.

SEC. 13. *Open for inspection.*—The registers mentioned in the next preceding section shall be open during office hours for inspection or supervision by the director of labor or his deputies or any peace officer.

SEC. 14. *Posting of license.*—Each licensee shall post his license in a conspicuous place in his office or agency, together with a table of the fees to be charged for all and each of his services. The table of fees shall be printed in the local dialect, English, and Spanish on a card measuring not less than twenty centimeters by thirty centimeters, in type not smaller than eighteen point, and shall bear the approval of the director of labor.

SEC. 15. *Notice as to fees.*—The table referred to in the next preceding section shall contain a notice as follows:

(1) That the fees that may be collected from the applicant for employment, a position, or work shall not exceed twenty per centum of his wages during the first year of his employment, to be collected only when such applicant has secured the employment, position, or work applied for and has received his wages for the first month. The fees shall be paid in monthly installments of twenty per centum of the monthly wages until such fees shall have been paid in full.

(2) That likewise, seventy-five per centum of the money paid by an applicant for employees, laborers, or workmen will be refunded if he has not been accommodated within fifteen days after the acceptance of the application. If the employee, laborer, or workman furnished by the employment agent has left the service before having served at least 1 month, without having been dismissed, it shall be the duty of said agent to replace such employee within fifteen days or refund to the interested party seventy-five per centum of the fees received.

SEC. 16. *Content of receipt.*—Any receipt issued to an applicant shall have section fifteen of this act printed on its back.

SEC. 17. *Dividing fees.*—No licensee shall divide the fees charged by him with contractors, contractor's agents, employers, or employer's agents to whom applicants for employment are sent or to be sent.

SEC. 18. *Duty of director of labor.*—It shall be the duty of the director of labor to regulate the activities of private employment agencies and inspect either personally or through his agents, deputies, or inspectors the aforesaid agencies as

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well as their offices, buildings, and barracks, and records, books, and other documents, certifying after each inspection in what condition he found the same.

SEC. 19. *Act not applicable.*—This act shall not be applicable to persons who, while employed by a plantation, estate, or factory owner and without being engaged independently and exclusively in the recruiting business, engage in the work of looking for and hiring laborers for his plantation, estate, or factory: *Provided,* That it shall be the duty of such plantation, estate, or factory owner to furnish the bureau of labor with a list of the agents or employees designated by him for recruiting laborers for his plantation, estate, or factory.

SEC. 20. *Forbidden acts.*—It shall be unlawful for any licensee:

(*a*) To charge or accept himself or through another, for his services, any sum greater than that specified in the schedule prescribed in this act, or to make the employee, laborer, or servant pay an imaginary debt or a sum greater than that actually received as a loan or advance.

(*b*) To give, knowingly and voluntarily, any false notice, or voluntarily deceive any applicant for employment or employees with false information.

(*c*) To induce or attempt to induce a person already employed to quit his employment in order to offer him to another, through his agency.

(*d*) To attempt to influence or induce any person, corporation, or company not to admit in its service any employee, laborer, or workman who has not applied for employment, work, or a position through his agency.

(*e*) To assist in the admission as employee, servant, or laborer of any minor without the written consent of his father, mother, guardian, or person in charge, in default of a father, mother, or guardian.

(*f*) To send, direct, or take any woman to a house of ill fame or expose her to being corrupted.

SEC. 21. *Violations.*—Any violation of the provisions of this act shall be punished by a fine of not less than twenty-five pesos nor more than two hundred pesos, or by imprisonment for not less than one month nor more than six months, or both, in the discretion of the court: *Provided,* That in case of the violation of subsection (*f*) of the next preceding section, the penalty shall be imprisonment for not less than six months nor more than six years: *Provided, further,* That the court may in its discretion impose as additional penalty for any violation of this act the cancellation of the license of the violator, who shall be permanently disqualified from obtaining any license.

SEC. 22. *Criminal liability.*—In case the violation of any of the provisions of this act is committed by any company, firm, or corporation the president, director, administrator, or manager of such company, firm, or corporation shall be criminally liable for such violation.

SEC. 23. *Construction.*—None of the provisions of this act shall be construed as amending or repealing the provisions of act numbered 2486 as amended by acts number 2541 and 3148.

SEC. 24. *Preparation of regulations.*—Subject to the approval of the department head concerned, the director of labor shall prepare the regulations and blank forms necessary to carry out the purposes of this act.

SEC. 25. *Effective date.*—This act shall take effect on January 1, 1933.

RHODE ISLAND

GENERAL LAWS, 1923

CHAPTER 51

(747) SECTION 18. *Employment offices, licenses.*—The board of police commissioners of any city or town, and in any city or town where there is no such board, the board of aldermen, or the town council thereof may license suitable persons as keepers of intelligence or employment offices for the purpose of obtaining employment for, or furnishing information concerning places of employment of domestics, servants, laborers and any other classes of employees, except seamen, or for the purpose of procuring or giving information concerning such persons for or to employers, or for the purpose of procuring or giving information generally concerning employment in business; and may issue different classes of such licenses for all or any such purposes, and may fix the amount or amounts to be paid for such license or licenses, and may revoke any such licenses at pleasure; and may make rules and regulations governing such offices and the conduct thereof and the business pertaining thereto or transacted therein, and the charges for obtaining employment for any persons or furnishing any such information to any persons. Whoever without a license therefor establishes or keeps an intelligence or employ-

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ment office for any of the purposes specified in this section, upon conviction thereof, shall be fined $10 for each day such office is so kept; and any person violating any of such rules or regulations, upon conviction thereof, shall be fined not exceeding $20 for each offense.

SOUTH DAKOTA

COMPILED LAWS, 1929

CHAPTER 7, ARTICLE 5.—*Private employment offices*

SECTION 1107A. SECTION 1. *License.*—No person, firm, or corporation in this state shall open, operate or maintain a private employment agency for hire or for help without first obtaining a license for the same from the industrial commissioner, and the license fee shall be $10, per annum, payable in advance on the first day of May each year, or at the time of application for license, and shall expire on the last day of April of each year. Every license shall contain a designation of the city, street and number of the building in which the licensed parties conduct said employment agency. In case of removal to another location during the period covered by such license, the industrial commissioner shall be at once notified and the license corrected accordingly. No such license shall be transferable: Provided, that this act shall not be construed to include teachers' agencies.

SEC. 1107B. SEC. 2. *Bond.*—The industrial commissioner shall require with each application for a license a surety bond in the penal sum of two thousand dollars ($2,000), to be approved by said industrial commissioner and conditioned that the obligor will not violate any of the duties, terms, conditions, provisions or requirements of this act. The industrial commissioner is authorized to cause an action or actions to be brought on said bond in the name of the state for any violation of any of its conditions and he may revoke upon a full hearing any license whenever in his judgment the party licensed shall have violated any of the provisons of this act; and in the prosecution of any such inquiry, the industrial commissioner is hereby empowered to administer oaths, subpoena witnesses, take depositions, compel the attendance of witnesses, and the production of books, accounts, papers, records, documents and testimony.

SEC. 1107C. SEC. 3. *Canceling license.*—In case of refusal of any person to comply with the order of the industrial commissioner or subpoena issued by him or the refusal of any witness to testify to any matter regarding which he may be lawfully interrogated, or refusal to permit any inspection as aforesaid, the industrial commissioner may cancel the license held by such person, firm, or corporation refusing to comply with the orders of the Industrial Commissioner: Provided, that the orders of the industrial commissioner be in accord with the provisions of this act. When such license shall be so canceled it shall not be reissued to said person, firm or corporation for period of six months from the date of said cancellation.

SEC. 1107D. SEC. 4. *Signs.*—No private employment agency shall print, publish or paint on any sign, window, or insert in any newspaper or publication a name similar to that of the United States Employment Service.

SEC. 1107E. SEC. 5. *Register.*—It shall be the duty of every licensed agency to keep a register in which shall be entered the name and sex of every person for whom employment is secured, and the amount of fee charged. Such licensed agency shall also enter into a register the name and address of every person for whom help or servants are secured. Such register shall at all reasonable hours be open to the inspection and examination of the industrial commissioner or his agent, and a copy of such facts shall be filed with the industrial commissioner not later than the tenth day of each succeeding calendar month.

SEC. 1107F. SEC. 6. *Receipts.*—Every licensed agency shall issue a receipt in triplicate to each person securing employment or help showing the occupation, name and address of the applicant, and the amount of the fee charged for procuring the petition [position], and such receipt shall also show the wages to be paid to said person securing employment, together with the name and address of the employer and the name of the agency issuing such receipt. Also the nature of the employment offered and if a strike or lockout is known to exist the fact shall be stated.

Said receipt shall be made upon forms prescribed by the industrial commissioner and the third copy to be retained by the agency issuing same. The carbon copy of each and every receipt issued shall be mailed to the industrial commissioner as prescribed in section 5.

SEC. 1107G. SEC. 7. *Registration.*—No licensed agency shall charge a registration fee for filing or receiving application for help or employment nor on any

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agreement to furnish employment or help. Monthly reports shall be made to the industrial commissioner upon forms prescribed by him, showing all registrations for employment or help.

SEC. 1107H. SEC. 8. *Fees.*—The fee for procuring employment or help shall in all cases be clearly set out in the receipt as provided in section 1107F, and shall be in no case of a larger amount than shall be scheduled by the Industrial Commissioner. The receipt shall plainly show the amount of the fee, all commissions and expenses or compensation whatsoever to such licensed agency for procuring employment or help. In case the party paying such fee fails to obtain the employment specified and such failure shall not be the fault of such applicant for employment, such licensed agency shall repay the same to such person upon demand being made therefor: Provided, that in cases where the person seeking employment is sent beyond the limits of the city in which such employment agency operates, such licensed agency shall repay in addition to the above any actual expenses incurred by reason of failure to receive employment, in all cases when it shall appear that the employment agency made false representations.

SEC. 1107I. SEC. 9. *Dividing fees.*—Any licensed agency, or agent thereof, who shall be guilty of dividing fees with any superintendent, manager, foreman, or other employees of any person, company, corporation or association, for whom employees are furnished shall be guilty of a misdemeanor and shall be fined not less than fifty dollars ($50) or be imprisoned in the county jail for a period not exceeding three months at the discretion of the court.

SEC. 1107J. SEC. 10. *Immoral resorts.*—No agency shall knowingly send or cause to be sent any female help or servant to any place of bad repute, house of ill fame, or assignation house, or to any house or place of amusement kept for immoral purposes.

SEC. 1107K. SEC. 11. *False statements.*—No such licensed agency shall publish or cause to be published any false information, make any false promise concerning or relating to work or employment to any one who shall register for employment and no licensed agency shall make any false entries in the register to be kept as herein provided.

SEC. 1107L. SEC. 12. *Enforcement.*—It shall be the duty of the Industrial Commissioner to enforce this act. When informed of any violation thereof it shall be his duty to investigate same, as hereinbefore provided, and he may institute criminal proceedings for enforcement of its penalties before any court of competent jurisdiction. Any person convicted of a violation of the provisions of this act not otherwise provided for, shall be guilty of a misdemeanor and shall be fined not less than fifty dollars ($50) nor more than one hundred dollars ($100) for each offense or be imprisoned in the county jail for a period not to exceed three months or both such fine and imprisonment at the discretion of the court: *Provided*, That any person or persons who shall send any female help or servant to any place of bad repute, house of ill fame or assignation house or to any house or place of amusement kept for immoral purposes, shall be punished by imprisonment for not less than thirty days nor more than three months and no license to operate an employment agency shall again be issued to such party.

SEC. 1107M. SEC. 13. *Fee disposition.*—All moneys paid to the industrial commissioner for license fee under this act, shall be paid over by him to the State Treasurer.

SEC. 1107N. SEC. 14. *Employment defined.*—The term employment or work, whenever used in this act, shall be construed to mean manual or mechanical labor, clerical, domestic or professional service.

SEC. 1107O. SEC. 15. *Private agency defined.*—Any person, firm, or corporation who for hire or with a view to profit shall undertake to secure employment or help through the medium of cards, circulars, pamphlets of any nature whatsoever, or through the display of a sign or bulletin offer to secure employment or help or give information as to where employment or help shall be secured, shall be deemed a private employment agency and shall be subject to the provisions of this act.

TENNESSEE

CODE OF 1932

CHAPTER 30.—*Employment agencies*

SECTION 6694. *License.*—It shall be unlawful for any person to open, maintain or operate an employment agency in the state for profit, without obtaining a state license to be issued by the department of labor. For said license, a fee shall be paid as hereinafter set out. In cities of 25,000 or more inhabitants, fifty

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dollars per annum; in cities and towns less than 25,000 and more than 5,000 inhabitants, twenty-five dollars per annum; in all cities or towns less than 5,000 inhabitants, ten dollars per annum. The fees shall be paid direct to the county court clerk and by him transmitted to the comptroller of the treasury as other state revenue.

SEC. 6695. *Same.*—Every such license shall contain the name of the person holding the same, together with his correct address, including street or building number where business is located, and such license shall be conspicuously posted in the place of business of such employment agency.

SEC. 6696. *Use of similar name.*—No employment agency shall print, publish, or paint on any sign, window, or other place, or insert in any newspaper or publication a name similar to that of any free employment bureau or office.

SEC. 6697. *Bond to be required.*—The commissioner of the department of labor shall require that any person desiring to open, maintain or conduct an employment agency, within the scope of this chapter, shall, before opening such employment agency, secure such license therefor, and such person, before such license is issued, shall give bond in the sum of $1,000, with two or more good and sufficient sureties or one corporate surety to be approved by the said commissioner, payable to the State of Tennessee, and conditioned that such person will not violate any of the terms, conditions, provisions, or requirements of this chapter.

SEC. 6698. *Action on bond.*—The commissioner of labor is authorized to cause an action to be brought on said bond in the name of the State of Tennessee, on his relation, for the violation of any of the conditions of said bond.

SEC. 6699. *Register.*—It shall be the duty of every licensed agency to keep a register in which shall be entered the name and address of every applicant, and such licensed agency shall also enter in said register the name and address of every person who shall make application for employment, and the nature of the employment sought. And such register shall at all reasonable hours be open to the inspection and examination of the department of labor, or any deputy of said department.

SEC. 6700. *Fraud, etc.*—No employment agency shall send or cause to be sent any female help or servant to any place of bad repute, house of ill fame, or assignation house, or any place of questionable character.

SEC. 6701. *False notices, etc.*—No such licensed agency shall publish or cause to be published any false or fraudulent notice or advertisement, or give any false information or make any false promise relating to work or employment to any one who may register for employment; and no licensed agency shall make any false entries in the register to be kept as hereinbefore provided.

SEC. 6702. *Shipping workmen; disputes.*—It shall be unlawful for any person conducting any such employment agency to ship, or attempt to ship any number of employees to any point within or without the State, without first advising said applicants of the general conditions surrounding the employment for which said employees are to be furnished, and fully explaining the absence or presence of any labor dispute, strike, or lockout then existent, with reference to such employment.

SEC. 6703. *Receipts.*—In all cases where a fee is charged by such agency, a receipt shall be given in which shall be stated the name of the applicant, the amount of the fee charged, and the nature of employment sought, which information shall be recorded in the register as hereinbefore provided.

SEC. 6704. *Return of fees.*—In case said applicant shall not obtain a situation or employment through such licensed agency within 10 days after registration, then said licensed agency shall forthwith repay or return to said applicant the full amount of the fee paid or delivered by said applicant to said licensed agency.

SEC. 6705. *Same.*—Every licensed agency, as provided, which shall agree or promise, or which shall advertise in the public press, or otherwise to furnish employment or situations to any person or persons, and in pursuance of such advertisement, agreement, or promise shall receive any money, personal property, or other valuable consideration, and who shall fail to procure for such person or persons the situation or employment applied for, within the time provided, shall return to such person such money, personal property, or other valuable consideration as provided for in the preceding section.

SEC. 6706. *Violations.*—Any person, or any members of a firm or copartnership, or any officers or employees of any corporation who violate any of the foregoing provisions of this chapter shall be guilty of a misdemeanor, and punished by a fine of not less than twenty-five dollars nor more than fifty dollars, or by imprisonment in the county jail for not less than ten days nor more than three months, or by both fine and imprisonment in the discretion of the court. In addition to the above imprisonment the license granted to such person shall be revoked, and no

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subsequent license shall be granted to such person for a period of three months thereafter.

SEC. 6707. *Reports, etc.*—Any person who has an established employment agency as described in this chapter, shall report or cause to be reported at least four times per annum, or once a month if requested by the department of labor, said report to designate the number of applicants for employment, the sex of each, the disposition of the application, as to whether a position was secured by and through the source of said agency, and in the absence of securing a position applied for, a report as to whether the fee, if any, charged has been returned to said applicant.

SEC. 6708. *Fines.*—Any person who shall open or attempt to open, operate, maintain, or conduct an employment agency, without procuring such license therefor, shall be guilty of a misdemeanor and fined not less than one hundred dollars nor more than two hundred and fifty dollars.

SEC. 6709. *Distribution of fines.*—One-half of any fines assessed and collected under the provisions of this chapter shall be paid to the county court clerk in the county where the offense is committed as county revenue and the remaining half paid by him to the state treasurer as other state revenue.

TEXAS

VERNON'S STATUTES, 1936

TITLE 18

CHAPTER 7.—*Employment agents*

ARTICLE 1584. (p. 1833.) *Definitions.*—As used in this chapter:

1. "Employment agent" means every person, firm, partnership or association of persons engaged in the business of assisting employers to secure employes, and persons to secure employment, or of collecting information regarding employers seeking employes, and persons seeking employment.

2. "Employment office" means every place or office where the business of giving intelligence or information where employment or help may be obtained, or where the business of an employment agent is carried on.

ART. 1585. (p. 1833.) *Exceptions.*—The provisions of this chapter shall not apply to agents who charge a fee of not more than two dollars for registration only for procuring employment for school teachers; nor to any department or bureau maintained by this State, the United States Government, or any municipal government of this State, nor to any person, firms, partnership, association of persons or corporation or any officer or employee thereof engaged in obtaining or soliciting help for him, them or it when no fees are charged, directly or indirectly, the applicant for help or the applicant for employment; nor to farmers and stockraisers acting jointly or severally in securing laborers for their own use where no fee is collected or charged directly or indirectly, nor to any association or corporation chartered under the laws of Texas conducting a free employment bureau or agency.

ART. 1586. (p. 1833.) *Operating without license.*—Whoever engages in the business of an employment agent or conducts an employment office, without first procuring a license therefor, as required by law, shall be fined not less than fifty nor more than two hundred and fifty dollars, or be imprisoned in jail not to exceed one year, or both. Each day such person shall engage in such business or shall conduct an employment office without first procuring such license shall be a separate offense.

ART. 1587. (p. 1833.) *Records to be kept.*—Every licensed employment agent shall keep and maintain an office at which a complete record of the business transacted shall be kept; he shall keep a substantially bound book in the form prescribed by the Commissioner of the Bureau of Labor Statistics of this State in which shall be entered the age, sex, nativity, trade or occupation, name and address of each person who makes application for employment, or for help, to such employment agent, and where and to whom such person was directed to go by such agent for employment. Such employment agent shall also enter and keep in a well bound book the name and address of every person, firm, corporation or association of persons who shall make application to him for assistance in securing employees, together with the number and kind of employees desired, the amount of wages or salary to be paid and the place where such employees are to work, and the date of the application and when received.

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ART. 1588. (p. 1833.) *Prohibition acts.*—No employment agent shall:

1. Knowingly admit, or allow to remain on the premises of such agent any prostitute, gambler, intoxicated person or any person of bad character.

2. Advertise his agency by means of cards, circulars, sign or in newspapers or other publications, unless all such advertisements shall set forth the name of the agent and the address of his employment office; nor shall any such licensed person use any letterheads or blanks not containing the name of such employment agent and the address of his employment office.

3. Publish or cause to be published any false or misleading advertisement or notice relating to his employment agency.

4. Give any false information or make any false representation concerning employment to any applicant for employment.

5. Send out an applicant for employment to any prospective employer without first having obtained a bona fide written order from such prospective employer.

6. Furnish any female for immoral purposes; or send, or cause to be sent any female to enter as servant, inmate, or for any purpose whatsoever, any place of bad repute, house of ill fame, or assignation house, or any house or place of amusement kept for immoral purposes, the character of which such employment agent could have ascertained by reasonable diligence.

7. Furnish employment to any child in violation of the statutes regulating the employment of children or the compulsory attendance at school.

8. Divide or offer to divide, directly or indirectly, any fee charged or received with any person who secures help through such agent, or to whom help is referred by such agent.

ART. 1589. (p. 1834.) *Fees.*—Where a fee is charged for obtaining employment, such fee in no event shall exceed the sum of three ($3.00) dollars, which may be collected from the applicant only after employment has been obtained and accepted by the applicant; provided, however, employment agents engaged exclusively in providing employment for skilled, professional or clerical positions may charge, with the written consent of the applicant, a fee, not to exceed 20 percentum (20%) of the first month's salary.

ART. 1590. (p. 1834.) *Fraud.*—No employer seeking employees, and no person seeking employment, shall knowingly make any false statement or conceal any material facts for the purpose of obtaining employees, or employment, by or through any employment agent.

ART. 1591. (p. 1834.) *Posting of license.*—Every employment agent shall keep conspicuously posted in his office the license issued to him under the law, two copies of this act, one printed in English and the other in Spanish in type not smaller than 10 points, which copies shall be conspicuously placed so that they may be easily read by the public.

ART. 1592. (p. 1834.) *Violations.*—Whoever violates any provisions of the five preceding articles of this chapter shall be fined not less than twenty-five nor more than two hundred dollars.

ART. 1593. (p. 1834.) *Same, inducing employee to quit.*—Any employment agent who shall induce or attempt to induce any person to leave his or her employer with a view to having said person obtain employment through his agency shall be fined not less than fifty nor more than two hundred and fifty dollars, or be imprisoned in jail not to exceed one year, or both.

TITLE 83

CHAPTER 13.—*Employment agents*

ARTICLE 5208. (p. 973.) *Definitions.*—The term "Employment Agent" means every person, firm, partnership or association of persons engaged in the business of assisting employers to secure employees, and persons to secure employment, or of collecting information regarding employers seeking employees, and persons seeking employment. The term "Employment Office" means every place or office where the business of giving intelligence or information where employment or help may be obtained or where the business of an employment agent is carried on. The term "Commissioner" means the Commissioner of Labor Statistics of the State of Texas. The term "Deputy or Inspector" means any person who shall be duly authorized by the commissioner to act in that capacity.

ART. 5209. (p. 974.) *Exceptions.*—The provisions of this chapter shall not apply to agents who charge a fee of not more than two dollars for registration only for procuring employment for school teachers; nor to any department or bureau maintained by this State, the United States Government, or any municipal government of this State, nor to any person, firm, partnership, associations of persons or corpo-

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ration or any officer, or employee thereof engaged in obtaining or soliciting help from him, them or it when no fees are charged directly or indirectly the applicant for help or the applicant for employment; nor to farmers and stock raisers acting jointly or severally in securing laborers for their own use where no fee is collected or charged directly or indirectly, nor to any association or corporation chartered under the laws of Texas conducting a free employment bureau or agency.

ART. 5210. (p. 974.) *Applications.*—Application and bond for private employment agency license shall be executed on blank forms prescribed and furnished by the Commissioner. Application for license to act as employment agent may be made in person or by mail to the Commissioner upon blank application form which shall be verified by the applicant. Where the application is made by a firm, partnership or association of persons, it must be verified by each person for whose benefit the application is made, and such application shall also be accompanied by affidavits of at least five credible citizens, who have resided in the county in which such applicant desires to conduct the business of an employment agent, for at least three years, to the effect that the applicant or applicants has or have resided within the county in which such person or persons desires to become an employment agent for at least one year prior to the date of the application, and that such person or persons are of good moral character. The commissioner may require additional evidence of the moral character of applicants; and no license shall be granted to any person except he be of good moral character. Such application shall be examined by the Commissioner, and if he finds that the same complies with the law and that the applicant is entitled to a license, then he shall issue a license to the applicant for each county for which application is made and shall deliver such license to the applicant upon the payment of a license fee of one hundred and fifty dollars for each county in which an employment office is to be maintained by said agent, and upon the presentation to and approval by the Commissioner of a good and sufficient bond executed by the applicant with good and sufficient surety in the penal sum of five thousand dollars, payable to the State of Texas, for each county where an employment office is to be maintained; said bond shall be conditioned that the obligor will not violate any of the duties, terms, conditions and requirements of this law, and that the principal, his agents or representatives, will not make any false representation or statement to any person soliciting any assistance from him for help or employment. Said bond shall further recite that any person injured or aggrieved by any false or fraudulent statement of such agent, or any violation of the provisions thereof by such agent, shall be entitled to bring suit thereon. Not more than one office shall be operated under any one license. Each license issued by the commissioner shall be for a period of one year.

ART. 5211. (p. 974.) *Suits.*—Any person injured or aggrieved by any action, conduct, false representation or false statement of any such employment agent may bring suit for damages against such agent on said bond in any county where such action, conduct, false representation or false statement was made in any court of competent jurisdiction, without the necessity of making the State a party thereto; where the bond has become impaired by recoveries thereon to the extent of fifty per cent of the penal sum named therein, the commissioner may, by a notice in writing, demand the execution of a new bond which, if not executed and submitted to the commissioner within 20 days, for his approval, such failure to execute a new bond shall ipso facto forfeit and cancel the license issued to the principal named in said bond.

ART. 5212. (p. 974.) *Canceling licenses.*—The Commissioner shall have the authority, and it shall be his duty, to cancel the license of any employment agent when it shall appear to his satisfaction, upon hearing, that such agent has been convicted in a State or Federal court of an offense which under the laws of this State is a felony, or for any offense involving moral turpitude, or that the agent had obtained his license illegally or fraudulently or was guilty of fraud, false swearing, or deception in securing his license, or has violated any provision of this chapter. The Commissioner shall not cancel the license of any employment agent until complaint in writing made by a credible person, shall be filed with him, specifying in general terms the grounds of the proposed cancellation, and a full and fair hearing given to him thereon. Upon the filing of such complaint, the Commissioner shall fix a time and place, reasonably accessible to the employment agent complained against, for the hearing of said complaint. The Commissioner shall notify the agent so complained against of the time and place fixed for said hearing by a registered letter addressed to him at his post-office address as the same appears upon his application for license, accompanied by an exact copy of the complaint against him; and mailing of such notice and copy shall be sufficient and conclusive evidence of proper service of the procedure upon the agent so

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complained against. The employment agent so complained against shall have at least ten days after the date of said notice mailed, exclusive of the day of mailing and day of hearing, before hearing upon said complaint shall be had, and shall have the right to file answer, introduce evidence and to be heard both in person and by counsel.

The Commissioner shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any such complaint, and may require the production of any book, paper or document deemed pertinent thereto. Said Commissioner shall also have the power to provide for the taking of depositions of witnesses and evidence may be heard either from witnesses present testifying orally, or by deposition taken under such rules, and in such fair and impartial manner as the Commissioner may prescribe. Said hearing shall be had before the Commissioner and shall be conducted in a fair and orderly manner, and in accordance with rules of procedure to be adopted by the Commissioner. At the conclusion of the hearing the Commissioner shall enter his findings and judgment in writing and the same shall be recorded by him in a permanent record to be kept by him, and a copy thereof furnished to the employment agent complained against. Any employment agent whose license shall be canceled by the Commissioner may, within thirty days after the cancellation thereof, and not thereafter, have his right of action for reinstatement against the Commissioner in the district court of Travis County. If the agent whose license has been canceled by the Commissioner shall, within 10 days after receiving information of such cancellation, give notice to the Commissioner in writing of his intention to file such suit, the action of the Commissioner in canceling the said license shall be suspended for a period of thirty days, but unless such suit shall be filed within said time, the action of the Commissioner shall be final. If suit shall be filed against the Commissioner to reinstate said license within said time, the action of the Commissioner shall remain suspended until the validity of the license in question shall be adjusted by the court in said suit. In such suits the burden shall be upon the employment agent to show good cause for reinstatement of his license.

ART. 5213. (p. 975.) *Records.*—All the books, correspondence, memoranda, papers and records of every kind and character incident to the business of an employment agent of each agent licensed under this chapter shall be subject to examination at any time by the Commissioner, his deputies, or inspectors, and the refusal of any agent to permit the Commissioner, his deputies, or inspectors, to inspect such correspondence, memoranda, papers and records at any time shall be sufficient grounds for the Commissioner to cancel the license of such agent in accordance with the provisions of the fifth article of this chapter.

ART. 5214. (p. 975.) *False advertisements, etc.*—No employment agent shall publish or cause to be published any false or misleading advertisements or notice relating to his employment agency; nor shall any such employment agent advertise his agency by means of cards, circulars, signs or in newspapers or other publications unless such advertisements shall set forth the name of the agent and the address of his employment office; nor shall any such licensed person use any letterheads or blanks not containing the name of such employment agent and the address of his employment office.

ART. 5215. (p. 975.) *Fees.*—Where a fee is charged for obtaining employment, such fee in no event shall exceed the sum of three dollars, which may be collected from the applicant only after employment has been obtained and accepted by the applicant: *Provided, however,* Employment agents engaged exclusively in providing employment for skilled, professional or clerical positions may charge, with the written consent of the applicant, a fee not to exceed twenty per cent of the first month's salary.

ART. 5216. (p. 975.) *Receipts.*—A receipt shall be given to the applicant by the employment agent for all fees collected from such applicant. The form of such receipt shall be prescribed by the Commissioner and shall contain the name of the applicant, the amount of the fee paid, the date, the character of the work or the situation secured, the name of the employer, together with his post-office address and the location of the work the applicant is to perform.

ART. 5217. (p. 975.) *Immoral, etc., resorts.*—No employment agent shall furnish any female for immoral purposes; or send, or cause to be sent any female to enter as servant, inmate, or for any purpose whatsoever, any place of bad repute, house of ill fame, or assignation house, or any house or place of amusement kept for immoral purposes, the character of which such employment agent could have ascertained by reasonable diligence.

ART. 5218. (p. 975.) *License.*—Any application made by an employment agent for a license, or a certified copy thereof under the hand and seal of the Commis-

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sioner, shall be received as evidence in any court in this State without the necessity of proving the execution thereof.

ART. 5219. (p. 975.) *Violations.*—The commissioner and his deputies, or inspectors shall have the authority of peace officers only in making arrests of any person or persons, who violate, in their presence, any provision of this chapter for which a penalty is prescribed, and when such arrest has been made the Commissioner or his duly appointed deputies or inspectors, may enter any employment office at any time when such employment office is open for business, and inspect the registers and all other records of whatsoever kind and character of such employment agent for the purpose of ascertaining whether the provisions of this law are being violated, and the refusal of any employment agent to permit such inspection shall be sufficient reason for the Commissioner to cancel the license of such agent in accordance with the provisions of article 5212.

ART. 5220. (p. 975.) *Injunction.*—Any person who shall engage in the business of an employment agent, or who shall conduct an employment office, without first procuring a license as required and provided for in this chapter may be enjoined from unlawfully pursuing such business or occupation, and the Attorney General shall bring suit for such purpose in the name of the State of Texas in Travis County, and the district or county attorney of any county wherein such person engages in such business or conducts an employment office in violation of the preceding article is hereby authorized to maintain in the proper court of said county a suit in the name of the State of Texas to enjoin and prevent such person from unlawfully pursuing such occupation. In all such cases it shall not be necessary for the attorney bringing the suit to verify the pleadings or for the State to execute any bond as a condition precedent to the issuing of any injunction or restraining order hereunder.

ART. 5221. (p. 975.) *Notice of strikes, etc.*—No employment agent shall send any person to a prospective employer who is conducting a "lockout" against all or part of his employees; or whose employees, or a part of them are out on a strike, without first apprising said person of the existence of said "lockout" or strike.

UTAH

REVISED STATUTES, 1933

TITLE 49.—*Labor*

CHAPTER 10.—*Employment offices*

SECTION 49–10–1. *License.*—It shall be unlawful for any person to open and establish in any city or town, or elsewhere within the limits of this state, any intelligence or employment office for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work or employment for persons seeking the same, or to otherwise engage in such business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person performing any of the foregoing enumerated services as aforesaid shall be deemed to be an employment agent within the meaning of this title; *Provided, however,* that the provisions of section 49–10–10 shall not apply to any person operating agencies for school teachers, but it shall be a misdemeanor for any school-teachers' employment agency to receive as commission for information or assistance such as is described herein any consideration in value in excess of five per cent of the amount of the first year's salary of the person to whom such information is furnished.

SEC. 49–10–2. *Duty of cities, towns and counties.*—Every city, town and county shall, by ordinance, provide for the issuing of licenses as contemplated by this chapter, and shall establish such rules and regulations as are not herein provided for the carrying on of the business or occupation for which such license may be issued.

SEC. 49–10–3. *Application for license.*—Any person applying for a license under the provisions of this chapter shall make application to the board of city commissioners, city council or board of town trustees or board of county commissioners for the same, and shall deposit with the city, town or county treasurer, in advance, the annual fee for such license, to be evidenced by the receipt of the city, town or county treasurer indorsed on said application. If the board of city commissioners,

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city council, board of town trustees or board of county commissioners refuses to order the issuance of such license to the party applying for the same, the sum so deposited with the city, town or county treasurer shall be refunded to the applicant for license without any further action of the governing body.

SEC. 49-10-4. *Bond.*—Any person licensed under the provisions of this chapter shall pay an annual license fee in such amount as may be determined by the board of city commissioners, city council, board of town trustees or board of county commissioners, and before such license shall be issued shall deposit with the city, town or county treasurer a bond in the penal sum of $1,000, with two or more sureties to be approved by the officers designated by ordinance; such bond shall be made payable to the city, town or county where such business is to be carried on, and shall be conditioned that the person applying for the license will comply with this chapter and will pay all damages occasioned to any person by reason of any misstatement, misrepresentation, fraud or deceit of any person, or by any other violation of this chapter, in carrying on the business for which a license is granted. If at any time in the opinion of the officers designated by ordinance to approve such bond the sureties or any of them shall become irresponsible, the person holding such license shall, upon notice from the city, town or county treasurer, give a new bond, to be approved as hereinafter provided. Failure to give a new bond within ten days after such notice shall operate as a revocation of such license, and the license certificate shall be immediately returned to the city, town or county treasurer, who shall destroy the same. Licenses granted under this chapter may be transferred by order of the board of city commissioners, city council, board of town trustees or board of county commissioners, but before such transfer shall be authorized, the applicant for the same shall deposit with the city, town or county treasurer the sum of $5, which shall be indorsed upon the application, and the person to whom such license is transferred shall also deposit such a bond as is required by the applicant for an original license as hereinbefore prescribed, to be approved in the same manner.

SEC. 49-10-5. *Posting of license.*—Upon the granting of a license by the board of city commissioners, city council, board of town trustees or board of county commissioners, under this chapter, the city, town or county treasurer shall within one week after payment of the license fee issue to the applicant entitled to the same a certificate setting forth the fact that such license has been granted, and it shall be the duty of all persons who may obtain such license, to keep the same publicly exposed to view in a conspicuous place in their offices or places of business.

SEC. 49-10-6. *Immoral resorts.*—Any employment agent who knowingly sends out any female help to any place of bad repute, house of ill fame or assignation house or to any house or place of amusement kept for immoral purposes, is guilty of a misdemeanor, and, in addition to the penalty prescribed by law, shall have his license revoked.

SEC. 49-10-7. *Bona fide employers.*—Any employment agent who sends out any help without having previously obtained a bona fide order therefor shall, for each and every offense, be subject to the penalties provided in section 49-10-15.

SEC. 49-10-8. *Advance fees.*—It shall be unlawful for any employment agent to receive, directly or indirectly, any money or other valuable consideration from any person seeking employment for any information or assistance furnished or to be furnished by said agent to such person, enabling or tending to enable such person to secure such employment, prior to the time such information or assistance is actually furnished.

SEC. 49-10-9. *Repayment.*—It shall be unlawful for an employment agent to retain, directly or indirectly, any money or other valuable consideration received for any information or assistance described in section 49-10-1, if the person for whom such information or assistance is furnished fails through no neglect or fault of his own to secure the employment regarding which such information or assistance is furnished; and said money or consideration shall be by said agent forthwith returned to the payer of the same upon demand.

SEC. 49-10-10. *Amount of fee.*—It shall be unlawful for any employment agent to receive as commission, directly or indirectly, for any information or assistance described in section 49-10-1 any money or other consideration which is in value in excess of eight per cent of the amount earned, or prospectively to be [earned by the person to whom] such information is furnished through the medium of the employment regarding which such information or assistance is given, during the first month of such employment; *Provided*, that the amount of said commission shall not be in excess of eight percent of the amount actually prospectively to be earned in such employment, when it is mutually understood by the agent and the

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person in this section mentioned at the time when said information or assistance is furnished that said employment is to be for a period of less than one month.

SEC. 49-10-11. *Register to be kept.*—Each employment agent licensed under this chapter shall enter upon a register, to be kept for that purpose and to be known as an "employers' register," every order received from any corporation, company or individual desiring the service of any persons seeking work or employment, the name and address of the corporation, company or individual from whom such order was received, the number of persons wanted, the nature of the work or employment, the town or city (street and number, if any) where such work or employment is to be furnished and the wages to be paid.

SEC. 49-10-12. *Same.*—Each employment agent shall keep a register, to be known as "labor applicants' register," which shall show the name of each person seeking work or employment to whom information or assistance is furnished, and the amount of the commission received in each such case therefor; the name of each person who, having received and paid for any information or assistance described in section 49-10-1, fails to secure the employment regarding which such information or assistance is furnished, together with the reason why such employment was not by said person secured, and the name of each person to whom return is made in accordance with the provisions of section 49-10-9 of any money or other consideration in said section named, together with the amount or the value of consideration thus returned. The registers required by section 49-10-11 and by this section shall be open at all reasonable hours to the inspection of any peace officer of this state.

SEC. 49-10-13. *Receipts.*—Every person securing information or intelligence from an employment agent relative to hiring or engagement to work for others as provided in section 49-10-1 shall be furnished a written copy, in duplicate, of the terms of such hiring or engagement, by the employment agent, showing amount of commissions or fees paid to such employment agent, kind of service to be performed, rate of wages or compensation, length of time, if definite, and if indefinite, so stated, of such service, with full name and address of the person authorizing the hiring of such person; one of the aforesaid copies shall be delivered to the person for whom the labor is to be performed, and the other shall be retained by the person furnished with information or intelligence as aforesaid; and the agent issuing the above described written copy of the conditions of service or employment shall make and keep in a book provided for the purpose a third copy of the same; and any person engaged in the business of keeping an employment office who fails to observe the provisions of this section shall be subject to the penalties provided in section 49-10-15.

SEC. 49-10-14. *Dividing fees.*—Any employment agent sending out help to contractors or other employers of help and dividing the fees herein allowed with subcontractors and employers of help, or their foremen or any one in their employ, shall be subject to the penalties provided in section 49-10-15.

SEC. 49-10-15. *False statements.*—If any person engaged in the business of employment or intelligence agent or broker, duly licensed as provided in this chapter, gives any false information or makes any misstatement or any false promises concerning any work or employment or occupation, or fails to keep the registers as prescribed in sections 49-10-11 and 49-10-12, or shall willfully make any false entries in such register or shall violate any other provisions of this chapter for which violation penalties are not hereinbefore provided, he shall for each and every offense be fined in any sum not exceeding $100, and in the discretion of the trial court his license may be revoked.

SEC. 49-10-16. *Suits.*—Any action brought in any court against any employment or intelligence agent upon the bond deposited with the city, town or county treasurer by said employment or intelligence agent as provided in section 49-10-4 may be brought in the name of the party injured.

SEC. 49-10-17. *Exceptions.*—Nothing herein shall be construed so as to require any religious or charitable association which may assist in procuring situations or employment for persons seeking the same to obtain a license therefor.

SEC. 49-10-18. *Posting.*—The keeper of an employment or intelligence office shall cause two copies of sections 49-10-7 to 49-10-10 inclusive and of sections 49-10-13 to 49-10-15 inclusive of this chapter, printed in type of sufficient size to be easily read, to be conspicuously posted in each room used or occupied for the purpose of such employment or intelligence office.

SEC. 49-10-19. *Duplicate orders.*—Any person who places with an employment agent an order for more employees than he actually desires, or who places with employment agents duplicate orders for employees, or who permits a standing order for employees to remain uncanceled at a time when he does not need such employees, shall be liable to persons who, in good faith, accept and act upon infor-

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mation furnished in good faith by employment agents under such excess, duplicate or standing order for the amount actually expended in traveling from the location of such employment agency to the place of such proposed employment and return.

SEC. 49–10–20. *False orders.*—Any person who gives to an employment agent any false or unauthorized order for employees, or who causes to be published in any newspaper or otherwise any false or unauthorized notice or statement that employees are wanted by any person, is guilty of a misdemeanor.

SEC. 49–10–21. *Approval by industrial commission.*—No county, city or town shall license under this chapter any intelligence or employment office unless the applicant therefor is licensed to establish and operate the same by the industrial commission of Utah.

VIRGINIA

CODE, 1930

CHAPTER 74.—*Bureau of labor and industrial statistics*

SECTION 1803. *Private employment offices; registers; fees.*—Every person, firm or corporation who shall agree or promise, or who shall advertise through the press or by letter, to furnish employment or situations to any person or persons shall keep a register in a substantial book, in the form prescribed by the commissioner of labor, in which shall be entered the age, sex, nativity, trade or occupation, name and address of every applicant. Such licensed agency shall also enter in a register the name and address of every person who shall make application for help or servants, and the name and nature of employment for which such help shall be wanted. Such registers shall, at all reasonable hours be open to the inspection and examination of the commissioner of labor or his deputies or inspectors. Where a registration fee is charged for filing or receiving application for or obtaining employment or help, said fee shall in no case exceed the sum of $3, for which a receipt shall be given in which shall be stated the name of the applicant, the amount of the fee, the date, the name or character of the work or the situation to be secured. In case the said applicant shall not obtain a situation or employment through such licensed agency within 30 days after registration aforesaid, then said licensed agency shall forthwith repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or delivered by said applicant to said licensed agency. Such licensee shall not send out an applicant for any employment within the provisions of this section, without having first obtained a bona fide order therefor in writing, stating the terms and conditions of employment.

SEC. 1804. *Immoral resorts.*—No agency shall send or cause to be sent any female help or servants to any place of bad repute, house of ill fame or assignation house, or to any house or place kept for immoral purposes, or to any person for immoral purposes. No such licensed agency shall publish or cause to be published any false information or make any false promises concerning or relating to work or employment to any one who shall register for employment, and no such licensed agency shall make any false entries in the register to be kept as herein provided, and all entries in such register shall be made in ink. Any licensed person or agency shall not by himself or itself, agent, or otherwise, induce or attempt to induce any employee to leave his employment with a view of obtaining other employment through such agency.

SEC. 1805. *Splitting fees.*—It shall be unlawful for any person, firm or corporation, or any person employed or authorized by such person, firm or corporation, to hire or discharge employees, to receive any part of any fee or any percentage of wages or any compensation of any kind whatever, that is agreed upon to be paid by any employee of said person, firm or corporation for any employment with said person, firm or corporation.

SEC. 1806. *Enforcement.*—It shall be the duty of the Commissioner of Labor to enforce the three preceding sections, and, when informed of any violation thereof, it shall be his duty to institute criminal proceedings for enforcement of their penalties before any court of competent jurisdiction. He may make such rules and regulations for their enforcement not inconsistent with their provisions, as he may deem proper. Any person convicted of a violation of any of the provisions of said sections shall be guilty of a misdemeanor and upon conviction in any court of competent jurisdiction shall be fined not less than ten nor more than two hundred dollars for each offense; but any such bureau or agency who shall knowingly send any female help or servants to any place of bad repute, house of ill fame or assignation house or to any house or place kept for immoral purposes, or to any person for immoral purposes, shall be deemed guilty of a felony, and upon conviction

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in any court of competent jurisdiction shall be punished by a fine of not less than one hundred dollars nor more than one thousand dollars or by imprisonment in the penitentiary not less than one year nor more than ten years, or by both such fine and imprisonment.

WASHINGTON

REMINGTON'S REVISED STATUTES, 1932

Employment offices—False representations

SECTION 2624. *Making false statements.*—Every employment agent or broker who, with intent to influence the action of any person thereby, shall misstate or misrepresent verbally, or in any writing or advertisement, any material matter relating to the demand for labor, the conditions under which any labor or service is to be performed, the duration thereof or the wages to be paid therefor, shall be guilty of a misdemeanor.

[The law prohibiting the collection of fees for securing employment was repealed by chapter 71, acts of 1927, as a result of the case of *Adams et al.* v. *Tanner*, 244 U. S. 590. (*See* secs. 7600–7602, Remington's Rev. Stats., 1932.)]

WEST VIRGINIA

CODE, 1931

CHAPTER 21.—*Labor*

ARTICLE 2.—*Private employment agencies*

SECTION 4. *Definition.*—The term "employment agent" shall mean and include all persons, firms, corporations, or associations excepting municipal corporations, church and charitable associations which furnish to persons seeking employment, information enabling or tending to enable such persons to secure the same, or which furnish to employers seeking laborers or help of any kind, information enabling or tending to enable such employers to secure such help, or shall keep a register of persons seeking employment or help as aforesaid, whether such agents conduct their operations in a fixed place of business, on the streets, or as transients, and also whether such operations constitute the principal business of such agents or only as a side line or incidental to other business.

SEC. 5. *Rules and regulations.*—The commissioner of labor shall prescribe such rules and regulations as may be necessary for the supervision of employment agents.

SEC. 6. *Fradulent statements.*—No employment agent or any employee or agent thereof, shall make any false statement to any person seeking employment, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages or salary attached thereto, or the circumstances surrounding such employment, work or situation. No employment agent shall falsely or fraudulently offer or represent himself as in a position to secure or furnish employment without having an order therefor from an employer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or represent himself in a position to secure, nor shall he withhold any information furnished by the employer concerning any work.

SEC. 7. *License.*—No employment agent shall engage in the business for profit or receive any fee, charge commission or other compensation, directly or indirectly, for services as employment agent, without first having obtained a license therefor from the State tax commissioner. Such license shall not be issued until the commissioner of labor shall have approved in writing the application therefor and when issued such license shall constitute a license from the State to operate as an employment agent for compensation and shall not be transferable. Such license shall at all times be kept posted in a conspicuous place at the place of business of such employment agent. Every employment agent shall pay the annual license tax provided for in article 12, chapter 11 of this code. [See p. 223.]

SEC. 8. *Issuance of.*—License to operate as an employment agent shall be issued only to citizens of the United States.

SEC. 9. *Refusal.*—The State tax commissioner shall refuse to issue a license, if upon investigation, he finds that the applicant is unfit to engage in the business or has had a license previously revoked, or that the business is to be conducted on or immediately adjoining what is considered by him to be unsuitable premises, or that any other good reason exists within the meaning of the law.

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SEC. 10. *Revocation.*—The State tax commissioner may revoke any license issued under the provisions of this article, with or without hearing, and may order such license to be returned for cancellation if the employment agent has violated any of the provisions of this article or the rules and regulations issued thereunder or if any cause appears for which a license might have been refused or if the commissioner of labor shall in writing report to the tax commissioner any such violation or cause.

SEC. 11. *Records kept.*—A record of all persons directed to employment shall be kept by every employment agent; such records shall set forth the name, age, nationality, and material state of each applicant, and also the name of the employer, kind of work, and pay. A copy of this record for each month shall be sent to the commissioner of labor on or before the tenth day of the month immediately succeeding the month covered by such record. Every employment agent shall file with the commissioner of labor a copy of the schedule of all fees and such other notices or information as the commissioner may require and in such form and manner as he may prescribe.

SEC. 12. *Inspection.*—For the purpose of enforcing this article and the rules and regulations issued thereunder, the commissioner of labor or his duly authorized agent may at any time enter any employment office or place of business of an employment agent or any premises occupied as an employment office and may inspect the registers, cards, or other records of such employment agent.

SEC. 13. *Child labor.*—No employment agent shall furnish employment to any child in violation of the law regulating the labor of children or their compulsory attendance at school.

SEC. 14. *Violations.*—Any employment agent as defined in this article carrying on the business of an employment agency without first fully complying with the provisions thereof, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be fined not less than one hundred nor more than five hundred dollars for each offense or the person, or any member of a firm, or the officer or agent of any corporation, so acting as employment agent, may be imprisoned not less than thirty days nor more than six months, or both at the discretion of the court; and any such employment agent violating any other provision of this article or any rule or regulation prescribed by the commissioner of labor pursuant to the provisions of this article shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than fifty nor more than two hundred dollars, or the person or any member of a firm or the officer or agent of any corporation so violating, may be imprisoned for not more than thirty days or both fined and imprisoned. A justice of the peace shall have concurrent jurisdiction with the circuit court and other courts having criminal jurisdiction for the trial of offenses under this article.

SEC. 15. *Exceptions.*—Nothing contained in this article shall apply to nor prevent or interfere with, any person, firm, corporation or association employing labor for his, their, or its business carried on in this State.

CHAPTER 11, ARTICLE 12.—*License taxes*

SECTION 53. [This section requires a license tax as follows:] * * * On every license to conduct a business of a labor or employment agency to receive applications and hire laborers for employment within this State, $200; on every license to conduct a business of a labor or employment agency to hire or contract with laborers for employment without this State or arrange for the transportation of such laborers to points without the State for employment in another State, $5,000. Any municipality within the State shall be and is hereby empowered to impose a similar tax on any such labor or employment agency, to limit the number of labor agencies to operate in such municipalities, but in no event shall the number of such labor agencies be restricted to fewer than three in any city, town or village.

WISCONSIN

STATUTES, 1935

Private employment offices

SECTION 105.01. *Scope.*—The term "employment agent" shall mean and include all persons, firms, corporations or associations which furnish to persons seeking employment, information enabling or tending to enable such persons to secure the same, or which furnish employers seeking laborers or other help of any kind, information enabling or tending to enable such employers to secure such

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help, or which keep a register of persons seeking employment or help as aforesaid, whether such agents conduct their operations at a fixed place of business, on the streets or as transients, and also whether such operations constitute the principal business of such agents or only a side line or an incident to another business; but this term shall not include any employer who procures help for himself only or an employee of such an employer who procures help for him and does not act in a similar capacity for any other employer.

SEC. 105.02. *False statements, etc.*—No person, firm, association or corporation, or any employee or agent thereof, shall make any false statement to any person furnishing or seeking employment, knowing the same to be false, in regard to any employment, work or situation, its nature, location, duration, wages or salary attached thereto, or the circumstances surrounding the said employment, work or situation. No employment agent shall offer or hold himself out as in a position to secure or furnish employment without having an order therefor from an employer; and no employment agent shall misrepresent any other material matter in connection with any employment, work or situation he may offer or hold himself out in a position to secure.

SEC. 105.03. *Same.*—Every employment agent shall assure himself beyond a reasonable doubt that any representations whatsoever, whether spoken, written or advertised in printed form, which he makes with regard to any employment, work or situation, and which leads or may lead persons to seek such employment, work or situation, are true and cover all the material facts affecting the employment in question.

SEC. 105.04. *Splitting fees.*—No employment agent or any employee or agent thereof, shall divide or offer to divide, or share directly or indirectly, any fee, charge or compensation received from any applicant for employment, with any employer, superintendent, manager, foreman, or any other person who hires help or to whom help is furnished by an employment agent; and it shall be unlawful for any employer, superintendent, manager, foreman, or any other person who hires help to receive any compensation or any valuable consideration from any applicant for employment or from any employment agent for giving employment to said applicant or to any employees furnished by said employment agent.

SEC. 105.05. *License.*—No person, firm, corporation or association shall engage in the business of an employment agent for profit, or receive any fee, charge, commission or other compensation, directly or indirectly, for services as an employment agent without first having obtained a license from the Industrial Commission of Wisconsin and executing a bond as hereinafter provided. Said license shall constitute a license from this state to operate as an employment agent for compensation and shall not be transferable to any other person or persons whatever, or inure to the benefit of any person other than the licensee.

SEC. 105.06. *Bond.*—Application for the foregoing license shall be made to the industrial commission and shall be accompanied by a bond in due form to the state of Wisconsin for the penal sum of one thousand dollars issued by a surety company licensed to do business in this State to be approved by the industrial commission, conditioned that the agent will conform to and not violate any of the duties, terms, conditions or requirements of sections 105.01 to 105.15, inclusive, of the statutes.

SEC. 105.07. *Licenses.*—(1) Each such license shall expire on June thirtieth next following the date of issue and may be renewed annually. The fee for such license or renewal shall be as follows: one per cent on the first five thousand dollars of the fees, charges, commissions, or other compensation actually received during the life of the license or renewal by an employment agent for service as such; three-fourths of one per cent on the second five thousand dollars of such receipts; and one-half of one per cent of all such receipts in excess of ten thousand dollars. Provided, that in no event shall such fee be less than twenty-five dollars nor more than one hundred and fifty dollars.

(2) The minimum fee shall be paid before a license or a renewal thereof is issued. Each employment agent to whom a license has been issued under this chapter shall file with the industrial commission within the first 10 days of July in each year a verified statement showing the actual fees, charges, commission, or other compensation received by him for services as such agent during the preceding year and with such statement shall pay the balance, if any, of such license fee due the State. Such fees shall be paid to the industrial commission and shall be paid by it into the general fund of the State treasury within one week of receipt.

SEC. 105.08. *Inspection, etc.*—The industrial commission is vested with the power and jurisdiction to have such supervision of every employment agent as may be necessary adequately to enforce and administer all laws and lawful

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orders designed to prevent fraud, misrepresentations, false statements, or other unauthorized acts of such employment agent.

SEC. 105.09. *Same.*—Any commissioner or deputy of the commission may enter any employment office or the place of business of any employment agent for the purpose of collecting facts and statistics, examining the records or registers kept by such employment agent, and bringing to the attention of such agent any law or any order of the commission, or any failure on the part of such employment agent to comply therewith. No employment agent shall refuse to admit any commissioner or deputy of the commission to his place of business.

SEC. 105.10. *Same.*—Any employment agent receiving from the commission any blanks calling for information required by it to carry into effect the provisions of sections 105.01 to 105.15, inclusive, of the statutes, with directions to fill the same, shall cause the same to be properly filled out so as to answer fully and correctly each question therein propounded, and in case he is unable to answer any question, he shall give a good and sufficient reason for such failure, and said answer shall be verified by two witnesses, and returned to the commission at its office within the period fixed by the commission.

SEC. 105.11. *Fees.*—Every applicant for a license to engage in the business of an employment agent shall file with the commission, within a time fixed by the commission, a schedule of the fees or charges made by such employment agent both to applicants for employment and for help for any services rendered to such applicants, together with all rules or regulations that may in any manner affect the fees charged or to be charged for any service. No license shall be issued to such applicant unless such fees and such rules or regulations are reasonable. Such fees and such rules or regulations may be changed only with the approval of the industrial commission and when changed shall be filed with such commission. It shall be unlawful for any employment agent to charge, demand, collect or receive a greater compensation for any service performed by him than is specified in the schedule filed with the commission, and no employment agent shall charge a registration fee without permission from the industrial commission.

SEC. 105.12. *Bureaus for women, etc.*—(1) Every person managing or operating any employment bureau for women, in this state, shall make and file in his office application cards to be signed by any applicant for help, on which shall be stated the business of the place to which an employee is to be furnished, the nature of the work to be performed by the employee, and the wages to be paid.

(2) No such licensed person shall knowingly send or cause to be sent any female help, servant, inmate, performer, or any other person to enter any questionable place of bad repute, house of ill fame or assignation house, or to any place of amusement, in which immoral practices are permitted, or place resorted to for the purpose of prostitution, or any gambling house, the character of which such places the licensing person knows either directly or by reputation or which he might obtain by reasonable effort.

(3) No such licensed person shall knowingly permit any questionable character, prostitute, gambler, intoxicated person or procurer to frequent such agency,

(4) Every such licensed person shall keep a permanent record and index with names and post-office addresses of all persons placed in service by him, with reference to the facts contained in the application, which record shall be open to the inspection of the officers of the law and the parent or guardian of such person.

SEC. 105.13. *Refusing or revoking license.*—It shall be the duty of the industrial commission, and it shall have power, jurisdiction and authority to issue licenses to employment agents, and to refuse to issue such license whenever, after due investigation, the commission or a majority of the members thereof finds that the character of the applicant makes him unfit to be an employment agent, or when the premises for conducting the business of an employment agent, is found upon investigation to be unfit for such use, or whenever upon investigation by the commission, it is found and determined that the number of licensed employment agents or that the employment agency operated by the United States, the State or by the municipality or by two or more thereof jointly in the community in which the applicant for a permit proposes to operate is sufficient to supply the needs of employers and employees. Any such license granted by the commission may also be revoked by it upon due notice to the holder of said license, and upon due cause shown. Failure to comply with the duties, terms, conditions or provisions of sections 105.01 to 105.15, inclusive of the statutes, or with any lawful orders of the commission, shall be deemed due cause to revoke such license.

SEC. 105.14. *Regulations, reports, etc.*—The commission shall have power jurisdiction and authority to fix and order such reasonable rules for the conduct of the business of any employment agent as may be necessary adequately to carry

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out sections 105.01 to 105.15, inclusive, of the statutes; to ascertain and fix reasonable classifications of employments or positions and to fix a reasonable scale of fees to be charged by said employment agent or agents for each such classification under the restrictions contained in sections 105.01 to 105.15, inclusive, of the statutes, and fix reasonable classifications of the business of employment agents, and to make its rules and orders conform to such classifications. It may prescribe the form of books, registers or records to be kept by the employment agent, the receipts or copies of contracts to be handed to persons referred to employment, the reports to be made to the commission, the refunds to be made to applicants who failed to secure employment; and it may order any other measures reasonably necessary to protect the public, or persons seeking employment, or employees seeking help, against fraud, misrepresentation, or any other unauthorized act of any employment agent.

SEC. 105.15. *Violations.*—Such investigations, classifications and orders, and any action, proceeding, or suit to set aside, vacate, or amend any such order of said commission, or to enjoin the enforcement thereof, shall be made pursuant to the proceeding in sections 101.01 to 101.28, inclusive, of the statutes, which are hereby made a part hereof, so far as not inconsistent with the provisions of sections 105.01 to 105.15, inclusive, of the statutes, and every order of the said commission shall have the same force and effect as the orders issued pursuant to said sections 101.01 to 101.28, inclusive, of the statutes; and the penalties therein shall apply to and be imposed for any violation of sections 105.01 to 105.11, inclusive, 105.13 to 105.15, inclusive, of the statutes.

SEC. 105.16. *Farm labor.*—The clerk of every city, town and village, in which there is no licensed or public employment agency as provided in section 105.05 of the statutes, shall solicit, receive and record applications of persons seeking employment on farms for any period of time, and of persons desiring to employ such labor, and every such employer shall pay to any such clerk, 25 cents for each time he assists in furnishing such labor. The clerk of every city, town and village, serving under the terms of this act, shall, on or before the first day of each month, report all placements made by him to the industrial commission, to be by them compiled as part of the general employment statistics of the state.

WYOMING

REVISED STATUTES, 1931

CHAPTER 65, ARTICLE 4.—*Employment agencies*

SECTION 65–401. *License.*—No person, firm, or corporation shall open, operate or maintain in this State any employment office or agency for the purpose of furnishing employers with persons seeking employment at manual labor or in clerical, industrial, commercial or business pursuits, or for the purpose of securing employment for such described persons, or where a fee, commission or other consideration is charged or exacted or received from applicants either for employment or for help, without first obtaining a license for the same from the commissioner of labor and statistics. The uniform fee for such license in cities of five thousand (5,000) inhabitants and over shall be twenty-five ($25) dollars per annum, and, in cities containing less than five thousand (5,000) inhabitants, ten ($10) dollars per annum. Every license shall contain a designation of the city, street and number of the building in which such office or agency is conducted, and such license together with a copy of this article shall be posted in a conspicuous place in each and every employment agency.

SEC. 65–402. *Termination and cost of license.*—All licenses issued after this article takes effect shall terminate on the 31st day of December of each year, and shall be paid for at the rate per year established in this article: *Provided, however,* That no license for any fractional part of the year shall be issued for any sum less than one-third of the full annual rate, and that fractional months shall be counted as full months in every case.

SEC. 65–403. *Bond.*—The commissioner of labor and statistics shall require with each application for a license a bond in the sum of five hundred ($500) dollars with one or more sureties to be approved by said commissioner, and conditioned that the obligors will not violate any of the duties, terms, conditions, provisions or requirements of this article, or of other laws germane hereto. For any violation of the conditions of said bond, the said commissioner is authorized to commence and prosecute an action or actions on said bond or bonds in the name of the State of Wyoming, through the attorney general or other proper prosecuting officer.

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SEC. 65–404. *Revocation.*—Whenever a written complaint shall be filed with the commissioner of labor and statistics stating that any party so licensed as aforesaid, shall have violated any of the provisions hereof, he shall give to said licensee notice of such complaint and appoint a day for a hearing thereon. If after a full and fair hearing, the commissioner finds that the party licensed has violated any of the provisions of this article, said commissioner is authorized to revoke the license theretofore issued to said party.

SEC. 65–405. *Register.*—It shall be the duty of every licensed agency to keep a register in which shall be entered with dates the name and address of every person who shall make application for help or servants, and the name and nature of such employment for which such help shall be wanted. Such register shall, at all reasonable hours be kept open to the inspection and examination of the commissioner of labor and statistics, or his deputy.

SEC. 65–406. *Registration fee.*—Where a registration fee is charged for receiving or filing application for employment of help, such fee shall in no case exceed the sum of one dollar, unless the salary or wages to be paid shall be more than three dollars per day, in which case a fee of not more than two dollars may be charged. A duplicate receipt shall be given for such fee (one copy to be kept by the employee and the other by the employer), in which receipt there shall be stated the name and address of the applicant, the date of such application, the amount of the fee, and the nature of the work to be done or the situation to be procured. In the event that the said applicant shall not obtain a situation or employment through such licensed agency, then after the expiration of three days from the time of registration such licensed agency shall repay and return to such applicant, upon demand being made therefor, the full amount of the fee paid or deposited by said applicant to such licensed agency.

SEC. 65–407. *Fraud.*—No licensed agency shall publish or cause to be published any false or fraudulent notice or advertisement, or give any false information or make any false promise concerning or relating to work or employment to any one who shall apply for employment, and no licensed agency shall make any false entry in the register to be kept as herein provided.

SEC. 65–408. *Enforcement.*—It shall be the duty of the commissioner of labor and statistics, or his deputy, when informed of any violation of this article, to file complaint of such violation with the attorney general or with the county attorney of the county in which such violation is alleged to have occurred and it shall be the duty of the official informed to institute proceedings for the enforcement of the penalties.

SEC. 65–409. *Violations.*—Any person violating any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than fifty dollars nor more than one hundred dollars or by imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment as the court may direct.

SEC. 65–410. *Disposition of fees.*—All money or moneys received from fees under this article shall be forthwith accounted for by the commissioner of labor and statistics and by him turned over to the State treasurer, taking the State treasurer's receipt for the same. Such moneys shall become a part of the State general fund.

SEC. 65–411. *Exceptions.*—Free employment bureaus now organized or established, or which may hereafter be organized or established, in this State, shall not be subject to the provisions of this article.

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Emigrant Agents

ALABAMA

CODE 1923

CHAPTER 22.—*Emigrant agents*

SECTION 696. *Definition.*—Each person who shall engage in the business of hiring or soliciting laborers to go or be employed outside of Alabama, or in furnishing, arranging or providing transportation for laborers to go beyond the limits of Alabama, or in advertising for such laborers, shall be a labor agent within the meaning of this chapter. All assistants, subagents, partners, associates or employes of any such person shall be subject to the license hereby levied, whether such license be paid by their employer, principal, partner, associate or not.

SEC. 697. *License.*—Each labor agent within the meaning of this chapter shall pay annually a license tax of $5,000 for the use of the state, and such additional sum, not to exceed 50 per cent thereof, as may be levied by the court of county commissioners or board of revenue of the respective counties for the use of the county; such license shall be paid in each county in which such labor agent engages in business or operates or undertakes to operate.

SEC. 698. *Same, payment of.*—Such license shall be paid at the time and in the manner provided by statute for the payment of other licenses and shall be in lieu of other licenses levied on emigrant or labor agents.

SEC. 699. *Exception.*—A common carrier engaged in interstate commerce, in transporting passengers or in employing or transporting laborers to work for it shall not be a labor agent within the meaning of that term as defined in this chapter.

CHAPTER 126.—*Emigrant or labor agents*

SECTION 3980. *Violations.*—Any person who shall engage in the business or undertake to engage in the business of an emigrant agent or labor agent as defined in the laws of this State, or shall do any of the acts or things constituting doing business or engaging in the business of emigrant agent or labor agent as defined or within the meaning of the laws of this State, or who knowingly assists another in so doing without having first obtained a license, or without having first given bond as provided in the laws of this State, or without having complied with the laws of this State, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than four months nor more than one year, within the discretion of the court.

SEC. 3981. *Licensing of sub-agents.*—Any person who shall engage in the business or undertake to engage in the business of emigrant agent or labor agent as set forth above, even though he has taken out a license as herein provided, who engages any assistants, sub-agents, partners, or employes who have not been licensed according to law or as provided in the laws of this State relating to emigrant or labor agents, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars, or may be imprisoned in the county jail or sentenced to hard labor for the county for not less than four months nor more than one year, within the discretion of the court.

SEC. 3982. *Enforcement, jurisdiction of courts.*—For the purpose of better insuring the enforcement of the provisions of the emigrant or labor agent law, it is stipulated that, in addition to the courts already having such jurisdiction conferred by law, jurisdiction of offenses under such law occurring anywhere within the county and jurisdiction, power and authority to impose the maximum fines and penalties and punishment provided for in such law, is hereby conferred on all inferior courts, or courts established in lieu of justice of the peace courts by whatsoever name called, on which courts criminal jurisdiction is now by law conferred in counties having over one hundred and fifty thousand population

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according to the last or any subsequent federal census; and the defendant in the trial of such case shall not have the right to plead that the crime or offense with which such defendant is charged occurred or arose in some precinct of the county other than the one in which said court is located and such trial is had; nor shall the defendant in such cases in counties where there is a division of the circuit court having and exercising territorial jurisdiction over parts of such counties and holding court at places other than the county site of such county, have the right to plead that the offense with which the defendant is charged occurred or arose in some other subdivision of the county than the one in which such court is located and such trial is had.

SEC. 3983. *False statements.*—Any applicant to be licensed as a labor or emigrant agent, who knowingly makes any false statement before any judge of probate or any judge of a court of record in this state, shall be guilty of perjury and shall be punished as provided by law in similar cases of false affidavits.

SEC. 3984. *Doing business after license suspended.*—If, during the term or period for which the license of an emigrant or labor agent is suspended or permanently forfeited, the person who held such license shall do or undertake to do business as defined in the laws relating to emigrant or labor agents, he shall be guilty of a misdemeanor, and shall, upon conviction, be punished as is provided for misdemeanors under this chapter. If the situation be a suspension of the license, such license shall immediately be and become forfeited and void without any further affirmative action being taken in regard thereto, and no appeal from conviction shall have the effect of reinstating said license so long as the judgment of conviction remains unreversed.

ACTS OF 1935

ACT NO. 194, ARTICLE 13.—*Emigrant Agents*

SECTION 78 (p. 465). [This section provides that each emigrant or labor agent shall pay an annual license tax of $5,000.]

FLORIDA

COMPILED GENERAL LAWS, 1927

FIRST DIVISION—TITLE 6

CHAPTER 3.—*Licenses and other taxes*

SECTION 1144. (888.) *License.*—No person shall conduct the business of an emigrant agent or solicit emigrants or laborers in any county in this State without having first secured a license in each county where such business is conducted.

All licenses required in this section shall be good for a period of one year and may be secured by an application to the tax collector in the county where such business is conducted and the payment of a fee of $2,000 therefor, together with the county judge's fee of 25 cents for issuing the same. The license year as contemplated herein shall begin on October the first of each year, and no license for the fractional part of a year shall be issued.

The term "emigrant agent" as used in this section shall apply to any person, agent, solicitor or recruiter engaged in the business of hiring, enticing or soliciting laborers or emigrants in this State to be transported and employed beyond the limits of this State.

FIFTH DIVISION—TITLE 2

CHAPTER 5, ARTICLE 1.—*Penalties*

SECTION 7445. (5317.) *Violations.*—Any person or persons that shall carry on or conduct the business of an emigrant agent, or solicit emigrants or laborers in any county in this State without having first secured a license in each county where such business is conducted as required by law shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not exceeding five thousand dollars, or by imprisonment in the county jail not more than twelve months or by both such fine and imprisonment in the discretion of the court.

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GEORGIA

CODE 1933

Department of commerce and labor

SECTION 54–110. *Duty of commissioner.*—* * * The department of Industrial Relations is also charged with the following duties: * * *

Par. 3. *Emigrant agents.*—The commissioner shall exercise jurisdiction over each person, firm or corporation acting as an emigrant agent or agency, hereinafter referred to as emigrant agent; shall require each emigrant agent to make application for license to do business, said application to be indorsed by two taxpayers and accompanied by a bond of $1,000 for the faithful performance of duty, and the payment of such tax as may be required by law. Each emigrant agent shall make a daily report to the commissioner showing the names, addresses, and number of people carried out of the State, the points to which they have been carried, the kind and character of work secured for them, the pay to be received by them, the fee charged them or to be collected, and from whom. The emigrant agent shall show clearly by whom employed, if paid a salary, or from whom he receives a commission, and how much. The commissioner shall inspect the office and work of each emigrant agent as often as may be necessary, and, if any emigrant agent shall be found to be violating the law, it shall be the duty of the commissioner to immediately proceed to have such person presented to the proper authorities for prosecution and to cancel the license to do business. Each emigrant agent must secure annually a license to do business. In contemplation of this section, the emigrant agent is any person who shall solicit or attempt to procure labor in this State to be employed beyond the limits of the same.

SEC. 54–9902. *Violations.*—Any person who shall solicit or procure emigrants, without first procuring a license as required by section 54–110, shall be guilty of a misdemeanor. An emigrant agent is a person who solicits or attempts to procure labor in this State to be employed beyond the limits of the same. An emigrant is any person who has been solicited, persuaded, enticed, or employed to leave the State to be employed or worked beyond the limits of the same.

Public revenue

SECTION 92–506. *Emigrant agents.*—Each emigrant agent, and each employee of such agent, doing business in this State, shall pay $1,000 for each county in which such agent or employee may do or offer to do business: *Provided,* That no emigrant agent or employee shall take or attempt to take from this State any person until after first giving bond to be accepted and approved by the commissioner of commerce and labor, conditioned to pay any valid debt owing by said person to any citizen of this State.

HAWAII

REVISED LAWS, 1935

CHAPTER 80.—*Licenses*

SECTION 2447. *Definition.*—Any person who individually or acting through or for another or others, is engaged in soliciting, inducing, procuring or in hiring laborers to go beyond the limits of the Territory, whether under promise of employment or otherwise, shall be deemed an emigrant agent within the meaning of sections 2447–2455.

SEC. 2448. *License.*—No person shall engage in business as an emigrant agent without first obtaining a license from the treasurer of each county or city and county in which such business is entered into or carried on. No such license shall be issued until the applicant therefor shall have complied with the following conditions:

1. He shall file with the treasurer a sworn statement of the person or persons employing him and the place to which it is proposed that laborers shall be sent or taken and of the nature, terms and conditions of the employment or inducements to be given laborers he may recruit.

2. He shall file with the treasurer a bond in the penal sum of $25,000 running to the treasurer and his successors in office conditioned that he will in all respects comply with the provisions of sections 2447–2455 and that he will satisfy any judgments which may be rendered against him in any action either at com-

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mon law or under statute for enticing, inducing or persuading laborers from their employers or for inducing laborers to break their contract of employment.

3. He shall pay an annual license fee of five hundred dollars.

Every such license shall be issued subject to all rules, regulations, conditions and restrictions which may be subsequently imposed by law.

SEC. 2449. *Register.*—Every emigrant agent shall, before any laborer recruited by him leaves the Territory, register in the office of the treasurer the name, age, nationality of each laborer recruited by him, the name and address of the last employer of such laborer, and the date and cause of his leaving his employment, together with a statement of the proposed place of employment, if any, the nature, terms and conditions of the employment promised and inducements offered to the laborer, together with the certificate of some person qualified as an interpreter that the statement has been by him read to the laborer in the language of his nationality. A charge of 50 cents shall be made for each name so registered.

SEC. 2450. *Bond.*—Every emigrant agent shall give a bond in the sum of $100 to each laborer recruited by him conditioned for the faithful performance of any contract or promise, made with or given to any laborer so recruited. A duplicate original of each bond shall be filed in the office of the treasurer before the laborer leaves the Territory, together with a receipt of the laborer showing that such bond has been delivered to him.

SEC. 2451. *Minors.*—No emigrant agent shall recruit and take away from the Territory any minor without the written consent of the parents or guardian of the minor, and in case the minor has no parent or guardian, then of the attorney general of the Territory, and the emigrant agent shall file such written consent in the office of the treasurer.

SEC. 2452. *Enticing laborers.*—No emigrant agent shall induce, entice or persuade or attempt to induce, entice or persuade any servant or laborer who shall have contracted, either orally or in writing, to serve his employer for a specific length of time, to leave the service of the employer for the purpose of leaving the Territory during the term of such service, without the consent of the employer, nor shall he aid or abet any such servant or laborer in leaving such service and the Territory during the term thereof, without the consent of the employer.

SEC. 2453. *Approval of bonds.*—Any bonds given or required under the provisions of sections 2447–2455 shall be subject to approval both as to form and sufficiency by the treasurer, but no such bond shall be approved unless there shall be at least two sureties upon the same, each of whom shall be a resident and freeholder within such county or city and county and shall justify before the treasurer as worth in real estate situate in such county or city and county the amount of such bond over and above all sums for which such surety is liable. For the purpose of inquiring into the sufficiency of such sureties the treasurer is authorized to administer oaths and to examine under oath persons offering themselves as such sureties.

SEC. 2454. *Breach of bond.*—In case of any breach of condition of any bond given under the provisions of sections 2447–2455, the treasurer may, and upon demand and the receipt of satisfactory assurances for payment of costs, shall enforce such bond either in his own name or in the name of any person as obligee therein by appropriate proceedings in any court of competent jurisdiction for the use and benefit of any person injured by such breach.

SEC. 2455. *Violations.*—Any person who shall engage in business as an emigrant agent, without first obtaining a license as in sections 2447–2455 provided, or who shall violate any provision of said sections, shall be guilty of a misdemeanor, and upon conviction shall forfeit his license, if he has one, and shall be punished by a fine not exceeding one thousand dollars or by imprisonment for not more than one year, or by both fine and imprisonment.

MISSISSIPPI

SUPPLEMENT (1933) TO CODE 1930

PRIVILEGE TAX CODE

[This code provides for privilege taxes on various occupations.]

SECTION 116 (p. 442). *Emigrant agents.*—Upon each person engaged in soliciting, hiring and/or contracting with laborers in this State for employment out of the State, for each county in which such business is carried on, $500.00

[Acts of 1934, ch. 118, sec. 129, reenact the above section.]

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NORTH CAROLINA

CODE 1935

SECTION 7880(85).[1] *Emigrant and employment agents.*—(a) Every person, firm, or corporation, either as agent or principal, engaged in soliciting, hiring, and/or contracting with laborers, male or female, in this State for employment out of the State shall apply for and obtain from the commissioner of revenue a state license for each county for the privilege of engaging in such business, and shall pay for such license a tax of five hundred dollars ($500.00) for each county in which such business is carried on.

(b) Every person, firm, or corporation who or which engages in the business of securing employment for a person or persons and charging therefor a fee, commission, or other compensation shall apply for and obtain from the commissioner of revenue a state license for the privilege of engaging in such business in this State and shall pay for such license the following annual tax for each location in which such business is carried on:

In unincorporated communities and in cities and towns of less than 2,500 population	$100. 00
In cities or towns of 2,500 and less than 5,000 population	200. 00
In cities or towns of 5,000 and less than 10,000 population	300. 00
In cities or towns of 10,000 or more population	500. 00

Provided, that this section shall not apply to any employment agency operated by the federal government, the State, any county or municipality, or whose sole business is procuring employees for work in the production and harvesting of farm crops within the State.

(c) Any person, firm, or corporation, violating the provisions of this section shall be guilty of a misdemeanor and fined, in addition to other penalties, not less than one thousand dollars ($1,000.00) and/or imprisoned, in the discretion of the court.

(d) Counties, cities and towns may levy a license tax on the business taxed under this section not in excess of that levied by the State.

PHILIPPINE ISLANDS

ACTS OF 1915

ACT NO. 2486.—*Emigrant agents—Labor commissioners*

SECTION 1. *Who covered.*—Every person or entity who, directly or indirectly, shall engage in the Philippine Islands in contracting, enlisting, recruiting, or shipment of laborers, shall pay annually, as a tax, to the Provincial treasurer of each one of the Provinces where laborers are contracted or recruited, and if in Manila, to the collector of internal revenue, the sum of 500 pesos, which fund shall be subject to the conditions expressed in the following sections: *Provided,* That when such contracting, enlistment, recruiting, or shipment of laborers is made in representation of a corporation or person, said tax shall be paid by the same and not by each one of its agents or employees: *Provided, further,* That nothing contained in this act shall be interpreted or construed in such manner as to permit any contract or recruiting of individuals of non-Christian tribes for the purpose of exhibiting same in the Philippines or in any other foreign country, which is hereby declared prohibited and unlawful: *And provided finally,* That nothing contained in this act shall be applied to persons who contract individuals for other personal service or to make up the crew of a vessel.

SEC. 2. *Return of workmen.*—Any company or entity engaged in the industry mentioned in the next preceding section shall be obliged to furnish free passage upon the return to these islands of the laborer or laborers contracted, so soon as the time stipulated in the contract made with him shall have expired in case they shall have complied with the terms and conditions of the contract on their part to be kept and performed, or in case they shall have later become unfit for work on account of physical incapacity.

SEC. 3. *License.*—Any person or entity referred to by this act shall annually provide himself, before engaging in the industry referred to by this law, with a license issued by the Director of the Bureau of Labor and approved by the Secretary of Commerce and Police, in which shall be expressed the name of the Province or names of the Provinces where he is to exercise such industry. For the issuance

[1] This section was reenacted by Acts of 1937, ch. 127, sec. 154.

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of said license the Director of the Bureau of Labor shall collect the sum of 6,000 pesos annually which shall be covered into the insular treasury.

SEC. 4. *Commissioners.*—The Governor General, with the advice and consent of the Commission, shall from time to time appoint a commissioner or commissioners for service outside of the Philippine Islands, whose duty it shall be to receive and hear the complaints made by Filipino laborers, to arrange the differences between the latter and their employers, to see to the compliance of the contracts made with said laborers, and to look after their interests in general, making a report of the condition thereof to the Governor General: *Provided*, That the compensation, traveling and other expenses of such commissioner or commissioners shall be fixed by the Governor General; but the total expense for this purpose shall not exceed 6,000 pesos in any one year.

SEC. 5. *Minors.*—All of the contracts made with laborers shall be supervised by the Director of Labor, whose duty it shall be to permit no contracting of minors under 15 years, and minors of 18 years without the written consent of their parents or guardians.

SEC. 6. *Violations.*—Any violation of this act shall be punished by a fine of not to exceed 2,000 pesos [$1,000] or by imprisonment for not more than two years, or by both fine and imprisonment in the discretion of the court.

SOUTH CAROLINA

CODE OF 1932

CHAPTER 70.—*Trade regulations, etc.*

SECTION 1377. *Emigrant agent's license.*—No person shall carry on the business of emigrant agent in this State without having first obtained a license therefor from the State treasurer. The term "emigrant agent," as contemplated in this section, shall be construed to mean any person engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of the same. Any person shall be entitled to a license, which shall be good for one year, upon payment into the State treasury for the use of the State of $500 in each county in which he operates or solicits emigrants for each year so engaged. Any person doing business of an emigrant agent without having first obtained such license shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine not less than five hundred dollars, and not more than five thousand dollars, or may be imprisoned in the county jail not less than four months, or confined in the State prison, at hard labor, not exceeding two years for each and every offense, within the discretion of the court.

SEC. 1378. *Same, etc.; definition of agent.*—No person shall carry on the business of an emigrant agent in this State without having first obtained a license therefor from the county treasurer of each county in which he solicits emigrants. Any person shall be entitled to a license, which shall be good for one year, upon payment into the county treasury, for the use of said county, two thousand dollars in each county in which he operates or solicits emigrants, for each year so engaged. Any person doing business of an emigrant agent, without having first obtained said license, shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by fine, not less than one thousand dollars and not more than five thousand dollars, or may be imprisoned in the county jail or on the public works not less than four months, or confined in the state prison, at hard labor, not exceeding two years for each and every offense, within the discretion of the court.

The term "emigrant agent," as contemplated in this section, shall be construed to mean any person engaged in hiring laborers or soliciting emigrants in this State, to be employed beyond the limits of the same.

TENNESSEE

ACTS OF 1923

CHAPTER 75.—*Revenue Act*

SECTION 4. *Privilege tax.*—Each vocation, occupation, and business hereinafter named in this Section, is hereby declared to be a privilege, and the rate of taxation on such privilege shall be as hereinafter fixed * * *.

Each emigrant agent or persons engaged in hiring laborers or soliciting emigrants in this State to be employed or to go beyond the limits of the State, must pay an annual license, each per annum $300.

[Code of 1932, sec. 1124, states that privilege taxes declared by legislative enactment are not to be deemed repealed by the enactment of the code.]

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TEXAS

VERNON'S STATUTES, 1936

ART. 5221a—1. (p. 975.) *Emigrant agents defined.*—Section 1. The term "emigrant agent" as used in this act means every person, firm, corporation or association of persons engaged in the business of hiring, enticing, or soliciting laborers in this State to be employed beyond the limits of this State and is also meant to include every person, firm, partnership, corporation or association of persons maintaining an office to hire, entice, or solicit laborers to be employed beyond the limits of this State; and is also meant to include every person who, as an independent contractor or otherwise than as an agent of a duly licensed emigrant agent procures, or undertakes to procure, or assist in procuring laborers for an emigrant agent; and every emigrant agent shall be termed and held to be doing business as such in each and every county wherein he in person, or through an agent, hires, entices, or solicits any laborer to be employed beyond the limits of the State.

SEC. 2. *License.*—Each emigrant agent shall, before operating in Texas, secure a State license as such, on application therefor to the commissioner of labor statistics of the State of Texas. Such application shall be in writing on form prescribed by said commissioner, and shall be verified by the applicant. Where the application is made by a firm, partnership, or association of persons, it shall state the names of all the members of such firm, partnership, or association of persons, and shall be verified by each of them and where by a corporation, it shall state the names of all officers and duly verified by authorized officer. The application shall state the post-office address, and the residence and citizenship of each applicant named therein. The application shall state where the main office of the applicant is and/or is to be located. It shall also state the counties in which the applicant proposes to do business and the place in each county where such business is to be conducted, provided, the application may be subsequently amended in this respect by supplemental application filed with said commissioner, duly verified, adding counties not named in the original application and stating where such business is to be conducted in each such added county. No person shall engage in the business of any emigrant agent in any county not named in such original or amended application. When an emigrant agent has filed such application, and has paid the occupation taxes as provided by law, and pays to the labor commissioner of Texas an annual license fee of $10 the said commissioner shall issue to him a State license as an emigrant agent, which shall entitle him to do business as such in any county named in said license in which said county tax has been paid. Such emigrant agent shall file with the tax collector of any county in which he proposes to do business a certified copy of his license.

SEC. 3.[2] *Same, failing to secure.*—Any person, firm, association of persons or corporation who shall engage in the business of an emigrant agent in any county in this State without having first filed with the commissioner of labor statistics of the State of Texas, an application for license as emigrant agent as above provided, and/or without having first paid all State and county occupation taxes and annual license fee as provided by law or without having first secured a State license as above provided, or without having first filed certified copy of his State license with the tax collector of such county as above provided, and/or who does not file monthly reports as provided by this act, and/or who shall engage in the business of an emigrant agent in any county in this State without first having designated such county as one of the counties in which he proposes to do such business in his original or amended application to the commissioner of labor statistics of Texas, shall be guilty of a misdemeanor, and upon conviction shall be punished by fine not exceeding $500 or by imprisonment in the county jail for not exceeding six months, or by both such fine and imprisonment.

SEC. 4. [Sec. 4 was declared unconstitutional in the case of *Hanley* v. *Moody et al.*, 39 Fed. (2d) 198.]

SEC. 5. *Inspection of books.*—All the books, correspondence, memoranda, papers, and records of every kind and character incident to the business of an emigrant agent of each emigrant agent licensed under this act shall be subject to inspection at any time by the said commissioner of labor statistics, his deputies, or inspectors and a failure to permit said commissioner, his deputies or inspectors to inspect such books, correspondence, memoranda, papers, and records at any time shall be sufficient grounds for the commissioner to cancel the license of such agents and he shall have authority and it shall be his duty to do so.

[2] Sec. 3, being a penal provision, is published as art. 1137d on p. 1773.

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The commissioner shall not cancel the license of any emigrant agent until complaint in writing made by a credible person, shall be filed with him, specifying in general terms the grounds of the proposed cancellation, and a full and fair hearing given to him thereon. Upon the filing of such complaint, the commissioner shall fix a time and place, reasonably accessible to the emigrant agent complained against, for the hearing of said complaint. The commissioner shall notify the agent so complained against of the time and place fixed for said hearing by a registered letter addressed to him at his post-office address as the same appears upon his application for license, accompanied by an exact copy of the complaint against him; and mailing of such notice and copy shall be sufficient and conclusive evidence of proper service of the procedure upon the agent so complained against. The emigrant agent so complained against shall have at least 10 days after the date of said notice mailed, exclusive of the day of mailing and day of hearing, before hearing upon said complaint shall be had, and shall have the right to file answer, introduce evidence and to be heard both in person and by counsel. The commissioner shall have the power to summon and compel the attendance of witnesses before him to testify in relation to any such complaint, and may require the production of any book, paper or document deemed pertinent thereto. Said commissioner shall also have the power to provide for the taking of depositions of witnesses and evidence may be heard either from witnesses present testifying orally, or by deposition taken under such rules, and in such fair and impartial manner as the commissioner may prescribe. Said hearing shall be had before the commissioner and shall be conducted in a fair and orderly manner, and in accordance with rules of procedure to be adopted by the commissioner. At the conclusion of the hearing the commissioner shall enter his findings and judgment in writing and the same shall be recorded by him in a permanent record to be kept by him, and a copy thereof furnished to the emigrant agent complained against. Any emigrant agent whose license shall be canceled by the commissioner may, within 30 days after the cancellation thereof, and not thereafter, have his right of action for reinstatement against the commissioner in the district court of Travis County. If the agent whose license has been canceled by the commissioner shall, within 10 days after receiving information of such cancellation, give notice to the commissioner in writing of his intention to file such suit, the action of the commissioner in canceling the said license shall be suspended for a period of 30 days, but unless such suit shall be filed within said time, the action of the commissioner shall be final. If suit shall be filed against the commissioner to reinstate said license within said time, the action of the commissioner shall remain suspended until the validity of the license in question shall be adjusted by the court in said suit. In such suits the burden shall be upon the emigrant agent to show good cause for reinstatement of his license.

SEC. 6. *Reports.*—Each emigrant agent shall make monthly reports on the first day of each and every month covering the preceding month correctly showing the name and address of every agent, subagent, contractor, solicitor or recruiter engaged in any part of the work connected with the business of hiring, enticing or soliciting laborers in this State to be employed beyond the limits of this State in in which such emigrant agent is engaged, and correctly showing, (*a*) the name, age, sex, race and address of each person hired to be employed beyond the limits of this State, (*b*) the name and address of the employer of every such person, (*c*) the kind of work every such person is employed to do, (*d*) the place where every such person is to be employed, (*e*) the term of employment of every such person, and (*f*) the wages to be paid to every such person for his work, and (*g*) the number, name, and address of each party if any returned to the State of Texas by said agent, which report shall be filed with the said commissioner of labor statistics.

The said commissioner shall have the authority, and it shall be his duty, to cancel the license of every emigrant agent who fails to make and file such monthly report on or before the tenth day of each month respectively in accordance with the cancellation procedure provided in this act.

SEC. 7. *Application of act.*—This act shall also apply in all its terms and provisions to every other person, firm, corporation, maritime agency or association of persons hiring, enticing or soliciting laborers to be employed by him beyond the limits of this State, but not maintaining an office therefor, except that such other person, firm, corporation, maritime agency, or association of persons as used in this section, shall not be required to pay the occupation taxes in order to procure a license but shall pay to the labor commissioner the annual license fee provided by this act, and shall perform all the other provisions of this act, and such license shall in that event be limited to such holder thereof hiring, enticing or soliciting laborers exclusively and only for said holder of such license: *Provided, however,*

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That this section shall not apply to a person where the number to be employed by such person shall not exceed 10 employees.

ARTICLE 7047. *Occupation taxes.*— * * *.

Par. 40. (p. 1276). From every person, firm, corporation or association of persons engaged in the business of an emigrant agent, an annual State tax of $1,000 and in addition thereto, in each county where said emigrant agent operates or maintains an office, an annual tax, on a population basis, according to the preceding Federal census, as follows: In counties under 100,000 population the sum of $100; in counties having a population from 100,000 to 200,000 inclusive, the sum of $200; and in counties over 200,000 population, the sum of $300. The term "emigrant agent" as used herein means the business of hiring, enticing, or soliciting laborers in this State to be employed beyond the limits of this State and is also meant to include every person, firm, partnership, corporation or association of persons maintaining an office to hire, entice, or solicit laborers to be employed beyond the limits of this State; and is also meant to include every person who, as an independent contractor or otherwise than as an agent of a duly licensed emigrant agent procures, or undertakes to procure, or assist in procuring laborers for an emigrant agent; and every emigrant agent shall be termed and held to be doing business as such in each and every county wherein he, in person, or through an agent, hires, entices, or solicits any laborer to be employed beyond the limits of the State: *Provided, however,* That the term "emigrant agent" as defined in this act does not mean any person, firm, association of persons or corporations or maritime agent that hires, entices or solicits laborers for his or its own use beyond the limit of this State where an office is not maintained therefor. It is further provided that the provisions of article 7048 authorizing the payment of an occupation tax quarterly shall not apply to emigrant agents as herein defined but such agents shall pay in advance the tax for one entire year. Said tax shall be paid to the tax collector and upon production of a receipt showing the payment of the amount due the State, the tax collector is authorized to receive the amount due for each county.

VIRGINIA

CODE 1930

Tax code

SECTION 183 (p. 2176). *Labor and emigrant agents.*—Any person who solicits, hires, or contracts with, laborers, male or female, to be employed by persons other than himself, and every agent of such person except as provided in the next following section, shall be deemed to be a labor agent. Every person who shall without a license conduct business as a labor agent, shall pay a fine of not less than one hundred dollars nor more than five hundred dollars.

Every person who engages in the business of a labor agent shall pay annually five hundred dollars for the purpose of transacting the said business, except that every person who engages in the business of an "emigrant agent" in this State shall pay annually five thousand dollars for the privilege of transacting said business in each county or city in which he operates or solicits laborers or emigrants to be employed beyond the limits of this State.

The term "emigrant agent," contemplated in this section, shall be construed to mean any person engaged in hiring laborers or soliciting emigrants in this State to be employed beyond the limits of this State. Any person doing the business of an emigrant agent, without having first obtained such license, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than one hundred dollars and not more than five thousand dollars, or may be imprisoned in jail not less than one month nor more than twelve months for each and every offense, in the discretion of the court or jury before whom the case is heard. Such emigrant agent shall also be subject to the other laws of this State referring to labor agencies except that he shall not be required to pay any other license than the license above prescribed: *Provided,* That this section shall not apply to Virginia contractors temporarily engaged on contracts in other States when themselves employing labor for their own work. Before any such license shall be issued, the applicant shall produce a certificate from the corporation court of the city or the circuit court of the county in which such labor agent proposes to have his office, or of the county in which he proposes to do business, that to the personal knowledge of the judge of such court or from the information of credible witnesses under oath before such court, the court is satisfied that the applicant is a person of good character and honest demeanor. This section shall not apply to representatives of labor organizations within the State of Virginia, in cases where,

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because of need of employment, they may direct their members to employment in other States of the Union.

Every license issued under this section shall expire on the thirty-first day of December of each year. No license issued under this section shall be prorated.

WEST VIRGINIA

CODE OF 1931

CHAPTER 11, ARTICLE 12.—*License taxes*

[Sec. 53 provides for a license fee of $5,000 to conduct an emigrant agency. See p. 223.]

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Appendix

Articles on Employment Agencies and Their Work, as Contained in Bureau of Labor Statistics Publications

Operations of United States Employment Service.

Monthly reports on the work of the U. S. Employment Service are published in the Monthly Labor Review.

Federal act creating national employment service. M. L. R., July 1933.

Development of public employment services. M. L. R., June 1935.

Development of junior placement services. M. L. R., Oct. 1936.

Public employment services. M. L. R., *Jan. 1931 (reprint).

*How labor can use the Employment Service. Labor Information Bulletin, Nov. 1934.

A day in a public employment office. Labor Information Bulletin, May 1936.

Age of persons using services of public employment offices, year ending June 1935. M. L. R., Mar. 1936.

Industrial classification of placements in private industry by public employment offices, year ended June 30, 1935. M. L. R., Apr. 1936.

Length of unemployment of new applicants at public employment offices. M. L. R., Mar. 1936.

Occupational classification of new registrants and persons placed in employment by public employment offices, June 1935. M. L. R., Feb. 1936.

*Laws relating to employment agencies in United States, as of January 1, 1933. Bul. 581.

Laws relating to employment agencies in United States, enacted in 1933. Serial R. 80.

Proceedings of International Association of Public Employment Services.

Some of the proceedings of this association have been published in bulletin form by the Bureau of Labor Statistics, the latest bulletin (No. 538) published by this Bureau containing the proceedings of the 1929 and 1930 meetings. The proceedings of the 1935 meeting were published by the Division of Labor Standards of the U. S. Department of Labor.

Publications of the United States Employment Service

†Employment Service News. (Issued monthly.)

†Interviewing Applicants in Public Employment Offices. Employment Office Manual Series, Section I.

†Premises, Layout, and Equipment of Public Employment Offices. Employment Office Manual Series, Section II.

†Occupational Titles and Codes for Use in Public Employment Offices—Group Arrangement. Employment Office Manual Series, Section B.

†Occupational Titles and Codes for Use in Public Employment Offices—Alphabetic Arrangement. Employment Office Manual Series, Section C.

†Industrial Titles and Codes for Use in Public Employment Offices. Employment Office Manual Series, Section D.

Development of Standards in the Public Employment Service. From the Personnel Journal, Volume VII, No. 5. February 1934.

†Outline of the Responsibilities of the United States Employment Service in the Registration and Referral of Workers on Works Projects Authorized under the Emergency Relief Appropriation Act. 1935. Employment Office Manual Series, Section IV. 1935.

* Supply for free distribution exhausted.

† Printed for use by the personnel of the U. S. Employment Service. May be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D. C., at prices quoted above.

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†Job Descriptions for the Automobile Manufacturing Industry: Vols. I, II, III. ($2.50.)

†Job Descriptions for the Construction Industry:

Vol. I. (75 cents.)
Vol. II. ($1.25.)
Vol. III. ($1.25.)
Vol. IV. ($1.)
Vol. V. ($1.)

*Matching Jobs and Men. (Pamphlet.)

BULLETINS

†Use of Penalty Mailing Privilege. Bulletin I.

†Strikes or Lockouts. Bulletin II.

†Specifications for Signs. Bulletin III.

†Standard Telephone Listings. Bulletin IV.

†Specifications Governing State Advisory Councils. Bulletin V.

†Specifications Governing Local Advisory Councils. Bulletin VI.

Wagner-Peyser Act.

*Twelve and One-half Million Registered for Work. 1934.

*Who Are the Job-Seekers? 1937.

*Filling 9 Million Jobs. 1937.

†Guide for Directors of State Employment Services and Veterans' Placement Representatives. November 15, 1933.

* Supply for free distribution exhausted.

† Printed for use by the personnel of the U. S. Employment Service. May be purchased by the public from the Superintendent of Documents, Government Printing Office, Washington, D. C., at prices quoted above.

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