

January 23, 1967

LEGISLATIVE HISTORY OF R.S. 34:8-24 et seq
(Employment Agencies)

An act permitting municipalities to regulate employment agencies was passed in 1893:

- L. 1893, Chapter 41 - A22
Introduced January 10 by Mr. Salinger.
No Statement.

COPY NO. 1

Municipal regulation was made mandatory in 1907:

- L. 1907, Chapter 230 - A239
Introduced February 18 by Mr. Hendrickson.
No statement.

A report on the operation of this act was made in 1914; its recommended registration with the Dept. of Labor. See,

974.90 N.J. Commission of Immigration.
133 Report, p. 59-66 (copy enclosed).
1914

- L. 1918, Chapter 227 - S188
Introduced January 29 by Senator Pilgrim.
Not amended during passage.
Statement:

The purpose of this act is to provide for the licensing and regulation of all employment agencies by the Commissioner of Labor and also to provide for bi-monthly inspection by agents of the Department of Labor of all employment agencies to see that the provisions of this act are carried out by them.

It was amended several times and superseded by:

- L. 1951, Chapter 337 - A384
Introduced February 12 by Mr. Joya.
No statement (copy of original bill enclosed).
March 14 - Reported in Assembly by Committee Substitute.
March 21 - Amended (copy enclosed).
March 26 - Passed Assembly.

May 4 - Passed Senate.
June 6 - Conditional Veto by Governor (copy enclosed).
July 2 - Repassed Assembly.
July 9 - Repassed Senate.
July 19 - Approved.

1. 1953, Chapter 33 - S30.
Introduced January 13 by Senator Clapp.

One of group of bills making technical changes.

2. 1953, Chapter 379 - S350
Introduced April 1 by Senator Hannold.
Not amended during passage.
No statement.

For background, see:

N.J. Department of Labor
Report, 1893, p. 73-78 (enclosed).

Report, 1919, p. 144-146 (enclosed).

Report, 1921, p. 59-60 (enclosed).

He searched the following without success:

N.J. Department of Labor and Industry.
Annual report, 1916-18, 1950-54.

ES/PC

ASSEMBLY, No. 384

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 12, 1951

By Mr. JOYA

Referred to Committee on Revision and Amendment of Laws

AN ACT to regulate and license employment agencies and certain employees of such agencies, defining the same, fixing the fees for such licenses and imposing penalties for violations, and supplementing Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act:

2 "Employment agency" means and includes the business of procuring or
3 offering to procure help or employment, or the giving of information as to
4 where help or employment may be procured, whether the business is con-
5 ducted in a building or on the street or elsewhere; or the business of
6 keeping an employment bureau, nurses' registry, or agency for procuring
7 engagements for vaudeville or theatrical performers, or other agency or office
8 for procuring work or employment for persons, where a fee or privilege is
9 exacted, charged or received directly or indirectly for procuring or assist-
10 ing or promising to procure employment, work, engagement or a situation of
11 any kind, or for procuring or providing help or promising to provide help for
12 any person, whether such fee is collected from the applicant for employment
13 or the applicant for help, or whether the application for help or employment
14 is made directly or indirectly by either the prospective employer or the pro-
15 spective employee or by any person acting to secure either help or employ-
16 ment for the prospective employer or the prospective employee.

17 "Fee" means and includes any payment of money, or promises to pay
18 money, or the excess of money received by a person furnishing employment
19 or employees over what he has paid for transportation, transfer or baggage
20 or lodging for an applicant for employment. It shall also mean and include
21 the difference between the amount of money received by any person who
22 either furnishes employees or performers for any entertainment, exhibition
23 or performance, or who furnishes baby sitters for any occasion, and the
24 amount paid by such person or persons to the employees, performers or baby
25 sitters.

26 "Privilege" means and includes the furnishing of food, supplies, tools
27 or shelter to contract laborers, commonly known as commissary privileges.
28 The furnishing of food, supplies, tools or shelter to laborers, if performed or
29 paid for within this State, both in connection with the promise or offer to
30 provide help or employment regardless of where such offer is made or where
31 the help is obtained, shall be considered proof of violation of this act.

32 "Commissioner" means the Commissioner of Labor and Industry of this
33 State or his duly authorized representative.

34 "Contract laborers" means unskilled or skilled workers, of either sex,
35 furnished either directly or indirectly by any person, engaged directly or
36 indirectly in the business of furnishing employees, to employers by whom
37 they are to be employed in groups of two or more persons.

38 "Employment agency owner's license" means a license authorizing the
39 person to whom it is issued to own an employment agency and to have such
40 employment agency operated by a person or persons duly authorized to per-
41 form the functions for which the agency is licensed.

42 "Employment agency operator's license" means a license issued to an
43 individual person who is the holder of an employment agency owner's license
44 or to an employee or agent of the holder of an employment agency owner's
45 license. When held by the employee or agent of the holder of an employment
46 agency owner's license such employment agency operator's license shall au-

47 thozize the holder to perform such functions as he may be duly authorized
48 and empowered by his employer to perform and for the performance of which
49 an employment agency operator's license is required. No person, other than
50 the holder of an employment agency operator's license, shall furnish help or
51 employment, or furnish information as to where help or employment may be
52 obtained, or manage, operate or carry on the business of an employment
53 agency.

54 "Representative" means any individual person holding an employment
55 agency operator's license duly authorized and empowered by the owner of the
56 employment agency owners' license, by whom he is employed, to solicit busi-
57 ness and otherwise act as the duly authorized representative of his employer
58 to the extent of such authorization and subject to the provisions of this act.

59 "Employee" means an applicant for a job, or an engagement to work,
60 who is furnished to an employer, or prospective employer, by an employment
61 agency. This definition shall not apply to employees of the employment
62 agency.

63 "Employer" means an applicant for help for whom an employee is to be
64 supplied by an employment agency.

65 "Rules and regulations" means such rules and regulations as shall have
66 been promulgated by the commissioner and are not inconsistent with the pro-
67 visions of this act.

68 "Vaudeville or theatrical performers" means individual persons or
69 groups of persons whose services are available for hire for the purpose of
70 furnishing entertainment or amusement, whether the services are rendered by
70a individuals performing alone or in groups commonly described as enter-
70b tainment acts.

71 "Agency for procuring engagements for theatrical or vaudeville per-
72 formers" means any person engaged in the business of procuring employ-
73 ment for vaudeville or theatrical employees for any employer other than
74 himself.

75 "Baby sitters" means and includes any individual person, of either sex,
 76 other than a registered nurse or a licensed nurse, entrusted temporarily
 77 with the care of children during the absence of their parents, guardians, or
 78 persons standing in loco parentis to them. This definition shall not include
 79 persons regularly employed by agencies, or institutions operated by or under
 80 the control or supervision of this State, or any of its political subdivisions,
 81 nor any nurseries operated for the care of children when such nurseries are
 82 similarly controlled or supervised.

1 2. The provisions of this act shall not apply to:

2 (1) a business or persons engaged therein which is confined to procur-
 3 ing employment in schools or institutions of learning recognized and ap-
 4 proved as such by the Department of Education of this State, or by the duly
 5 established authority of the State in which the employment is procured
 6 when the employment procured is restricted to positions for teachers who
 7 are recognized and approved as such by the said Department of Education
 8 under its authority to qualify and certify teachers; or

9 (2) departments or bureaus maintained by persons for the purpose
 10 of securing help for themselves where no fee is charged the applicant for
 11 employment, or to any State, Federal, or municipal or charitable agency
 12 where no fee is charged.

13 (3) The provisions of this act shall not apply to the procuring employ-
 14 ment by labor unions for their members.

15 (4) The provisions of this act shall not apply to any nurses' registry
 16 conducted by an association of registered nurses, whose membership is not
 17 less than ten registered nurses, duly incorporated as a nonprofit organiza-
 18 tion under the laws of New Jersey, and operated under the supervision of a
 19 registered nurse legally authorized to practice as such in the State of New
 20 Jersey; *provided*, that no such nurses' registry shall furnish help or employ-
 21 ment in any occupation other than as a registered nurse, a practical nurse,
 22 licensed by the State of New Jersey, or persons other than baby sitters
 22a approved by the registered nurse in charge of such nurses' registry and sent
 23 by the agency to an employer to assist nonprofessionally in the care of the
 24 sick or ailing.

25 (5) Any association of farmers duly incorporated on a nonprofit basis,
26 under the provisions of the law of New Jersey, and certified to the commis-
27 sioner by the Secretary of Agriculture of New Jersey as being an associa-
28 tion of bona fide farmers of New Jersey; *providing*, that such association
29 of farmers do not furnish help to any person or persons other than mem-
30 bers of their association; *and further provided*, that no fee is charged any
31 employee for being furnished employment or information where employ-
32 ment may be procured.

1 3. No person shall either directly or indirectly open, conduct or maintain
2 or perform any of the functions of an employment agency without first ob-
3 taining such license or licenses as is or are required by the provisions of
4 this act. No license shall authorize the furnishing of help or employment or
5 the furnishing of information where help or employment may be procured
6 in the capacity of baby sitters. No employee of a licensee shall be exempt
7 from the requirement of securing a license for the performance of any act
8 for which a license is required by this act. No license shall be of avail to
9 any person other than the individual person or persons holding such license
10 except that a corporation may be the holder of an employment agency
11 owner's license. No license shall be of avail for use at any place other than
12 at the place designated in such license. No license, issued to an employee
13 of any employment agency shall authorize his employment by any other
14 employment agency. No employment agency owner's license shall be trans-
15 ferred or amended unless a consent thereto, in writing, is given by the com-
16 missioner. No employment agency owner's license shall be transferred by
17 the licensee to any other person except upon the written consent of the
18 commissioner, and the payment of the fee prescribed by this act.

19 Upon the termination of the employment of the holder of an employ-
20 ment agency operator's license the holder of the employment agency owner's
21 license by whom the holder of said employment agency operator's license
22 has been employed shall promptly notify the commissioner of the termina-
23 tion of the employment. The employment agency operator's license shall

24 thereupon be cancelled and the holder thereof entitled to the issuance of a
25 new license for the unexpired term of the old license without payment of ad-
26 ditional fee upon the written request of such holder thereof and the holder of
27 the employment agency owner's license who is to be named in such new
28 license as the new employer; *provided, however*, that the commissioner may
29 refuse to issue such new license for any good cause shown within the provi-
30 sions of this act.

31 Any unlicensed person or any officer or agent of any unlicensed corpora-
32 tion who shall either directly or indirectly open, conduct or maintain an em-
33 ployment agency, or any person who shall knowingly permit any unlicensed
34 employee or agent to perform any act, the performer of which is required to
35 be licensed, shall be guilty of a misdemeanor and shall be punishable by a
36 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
37 dollars (\$250.00) or by imprisonment for a period of not more than one year,
38 or both.

39 Any person performing any act, the performer of which is within the defi-
40 nition of employment agency operator's license, without holding such a
41 license, shall be guilty of a misdemeanor and shall be punishable by a fine of
42 not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars
43 (\$250.00), or by imprisonment for a period of not more than one year, or both.

1 4. Applications for licenses required by this act shall be made, in writ-
2 ing to the commissioner, in such form as shall be prescribed by the rules and
3 regulations promulgated by the commissioner.

4 Each application for an employment agency owner's license shall state
5 the complete address, including street and street number of the building and
6 place where the agency is to be conducted and shall enumerate the type or
7 class of occupations in which the applicant intends to furnish help or em-
8 ployment.

9 Each application for an employment agency operator's license shall
10 state the name and address of the applicant, the name of the holder of an
11 employment agency owner's license, by whom the applicant expects to be

12 employed, and such other information, concerning the applicant and his edu-
13 cation and experience, as may be required by the commissioner to assist him
14 in determining the applicant's responsibility and qualifications in respect to
15 the type of license applied for. Any such application shall also enumerate
16 the type or class of occupations in which the applicant intends to act in
17 the furnishing of help or employment. No employment agency operator's
18 license shall be issued until the holder of the employment agency owner's
19 license to be named therein shall confirm to the commissioner in writing the
20 agreement of employment of the holder of the employment agency operator's
21 license by the holder of the employment agency owner's license.

22 The commissioner shall act upon any application for a license within
23 thirty days after receiving the same, but shall not grant any license until
24 the application therefor shall have been on file for at least one week and
25 notice of the application and opportunity to be heard in the case of the
26 application for an employment agency owner's license shall have been given
27 to every holder of an employment agency owner's license in the county where
28 the proposed agency is to be located, and in the case of an application for
29 an employment agency operator's license similar notice and opportunity
30 shall have been given to every holder of an employment agency owner's
31 license whose agency is located in the same county with the agency by which
32 the applicant is to be employed; *provided*, that the foregoing provisions
33 concerning notice and opportunity to be heard shall not apply in the case of
34 the issuance of a new employment agency operator's license to the holder
35 of such a license as provided for in the second paragraph of section three
36 of this act. The mailing of the notices herein required by first-class mail
37 one week prior to the date on which the commissioner acts on the applica-
38 tion shall constitute the giving of the notice required by this paragraph.
39 For the purpose of allowing an applicant to submit additional information,
40 the commissioner may extend the maximum time for acting upon an applica-
41 tion from thirty to sixty days.

1 5. Every applicant for an employment agency operator's license under
2 this act shall, by means of such written examination as may be required by
3 the rules and regulations promulgated by the commissioner, reasonably sat-
4 isfy the commissioner that the applicant has sufficient knowledge of the pro-
5 visions of this act, the rules and regulations promulgated by the commis-
6 sioner, and of the labor laws of this State to reasonably insure that any
7 acts performed by him as licensee will be in compliance with the applicable
8 laws and regulations, and further that by means of examination he shall
8A reasonably satisfy the commissioner that he has sufficient knowledge of and
9 experience in relation to the types of employment specified in his applica-
10 tion as will insure his ability to render adequate and efficient service to
11 persons seeking help or employment.

12 Every applicant for an employment agency owner's license shall fur-
13 nish such evidence as may be required by the commissioner to satisfy him
14 that the applicant, or in the case of a corporate applicant, its officers and
15 directors, is or are of good moral character. Such evidence shall include
16 the affidavits of at least three reputable citizens of this State who have
17 known the applicant or said officers or directors for a period of at least
18 five years. Every applicant, and every officer and director of a corporate
19 applicant, shall be citizens of the United States and shall furnish proof
20 thereof. Every applicant shall furnish such additional information, concern-
21 ing himself, or its officers and directors, as may be required by the rules and
22 regulations promulgated by the commissioner for the purpose of assisting
23 him in investigating the character and responsibility of the applicant or its
24-25 officers and directors.

26 An applicant for an employment agency operator's license shall fur-
27 nish information which will reasonably satisfy the commissioner that the
28 applicant has sufficient knowledge of opportunities for employment in this
29 State and of the essential qualifications of employees in the occupations in
30 which he intends to furnish help or employment.

31 Any such applicant shall be:

32 (1) a citizen of the United States of America, and

33 (2) of good moral character, attested to by affidavits of not less than
34 three reputable citizens of the State, whose acquaintance with the appli-
35 cant shall have been for at least three years.

36 Any such applicant shall have had:

37 (3) two years of education or training in public or business administra-
38 tion, industrial relations, labor management, economics, psychology, social
39 science or personnel administration; and

40 (4) one year or more of experience in interviewing and placement of
41 applicants for employment, job evaluation, personnel management and gen-
42 eral employment work; or

43 (5) in lieu of requirements of subsections (3) and (4), immediately
44 above, there may be substituted the requirement of at least four years'
45 experience in the handling of personnel problems which is reasonably
46 equivalent, to the satisfaction of the commissioner.

47 If the employment agency operator's license is restricted to the fur-
48 nishing of help or employment in domestic service, the said educational and
49 training qualifications of the applicant shall not be required but the com-
50 missioner shall be satisfied that the applicant has had sufficient training or
51 experience to furnish or place domestic help.

52 (6) The commissioner shall provide for the issuance of, and shall pre-
53 scribe the form for, the licenses which he is authorized to issue pursuant to
54 this act. The commissioner, by rule promulgated by him, may require licenses
55 to be posted and registration cards to be carried in such cases as he shall
56 determine. All licenses, subject to revocation as provided in this act, shall
57 expire on the first day of January next after their issuance.

1 6. An employment agency shall not be conducted in any of the following
2 places:

3 (1) Rooms or quarters used for living purposes;

4 (2) Boarding or lodging houses, rooms or quarters;

5 (3) Sleeping rooms or quarters.

6 Where the application is for a license to operate an employment agency
7 in a place used for the conduct of another business, the commissioner may
8 refuse to grant such license if, in his opinion, such refusal would be in the
9 public interest.

1 7. Before an employment agency owner's license is issued, the applicant
2 shall deposit with the commissioner a bond in the penal sum of one thousand
3 dollars (\$1,000.00), with two or more sureties, or a duly authorized surety
4 company as surety, to be approved by the commissioner.

5 The bond shall be payable to the State and shall be conditioned that the
6 person applying for the license will comply with this act and will pay all
7 damages occasioned to any person by reason of any misstatement, misrepre-
8 sentation, fraud or deceit, or any unlawful act or omission of any licensed
9 person, his agents, or employees, while acting within the scope of their em-
10 ployment, made, committed or omitted in the business conducted under the
11 license, or caused by any violation of this act in carrying on the business
12 for which the license is granted. In case of a breach of the condition of
13 any bond, application may be made to the commissioner by the person in-
14 jured by the breach for leave to sue upon the bond, which leave shall be
15 granted by the commissioner if it be proven to his satisfaction that the con-
16 dition of the bond has been breached and the party applying has been in-
17 jured thereby. The person obtaining leave to sue shall be furnished with a
18 certified copy of the bond and institute suit on the bond in his own name for
19 the recovery of damages sustained by such breach.

20 If at any time, in the opinion of the commissioner, the sureties on any
21 such bond, or any of them, shall become irresponsible, the person holding
22 such license shall, upon notice from the commissioner, give a new bond, sub-
23 ject to the provisions of this section. The failure to give a new bond within
24 ten days after such notice, in the direction of the commissioner, shall oper-
25 ate as revocation of such license, and the license shall be thereupon returned
26 to the commissioner.

1 8. The licenses hereunder shall be issued upon an annual basis and the
2 fees therefore shall be as follows:

- 3 (1) An employment agency owner's license
 - 4 (a) In cities of 150,000 and upwards\$120.00
 - 5 (b) In cities of less than 150,000 but not less than 100,000 .. 90.00
 - 6 (c) In cities of less than 100,000 but not less than 50,000 ... 60.00
 - 7 (d) In cities of less than 50,000 30.00
- 8 (2) For an employment agency operator's license 5.00

1 9. Every licensed employment agency shall:

2 (1) File with the commissioner in form, approved by him, a schedule of
3 fees proposed to be charged for any service rendered to employers seeking
4 employees and to persons seeking employment; and adhere thereto in
5 charging for such services. Before approving of said fee schedule the
6 commissioner must be satisfied that same is reasonably understandable by
7 persons subject to its terms.

8 (2) Post such schedule of fees in a conspicuous manner in the office of
9 the agency using such blank forms as the commissioner shall provide for such
10 purpose.

11 (3) Keep and make available to the commissioner, during regular busi-
12 ness hours, records containing information pertinent to applications for help
13 or employment, help or employment procured or furnished, advertising for
14 help or employment, fees charged or collected, and to matters incidental and
15 relevant thereto.

16 (4) Requires all applicants for work in private families, or for positions
17 of trust, to furnish the agency with names and addresses of persons available
18 as character references, and whenever possible communicate, orally or in
19 writing, with at least one of the persons given by the applicant as a character
20 reference. If the applicant has not furnished the names of any persons avail-
21 able as character references, or if no favorable statement has been received
22 from such character references, the agency shall so advise the prospective
23 employer, to whom the applicant is referred. This information shall be

24 written upon the referral slip given by the agency to the applicant for work to
25 present to the prospective employer. A written result of the investigation to
26 determine the character and responsibility of any applicant for help shall be
27 kept on file in the agency subject to examination by the commissioner. If the
28 applicant for help voluntarily waives, in writing, an investigation of refer-
29 ences, the licensed agency shall not be required to make such an investigation.

30 (5) Charge to an employee who is discharged without cause within one
31 week not more than the scheduled fee for temporary employment or not more
32 than ten per centum (10%) of the scheduled fee for permanent employment
33 whichever of the two is the lesser; however, by mutual agreement between the
34 agency and the employee the agency may charge the full fee for the job
35 from which the employee has been discharged without cause and furnish the
36 employee another job for which no charge is to be made.

37 (6) Charge an applicant who fails to report for duty, after accepting
38 employment, not more than two-fifths of the scheduled fee.

39 (7) Charge an applicant who leaves employment of his own accord
40 within the first week of employment not more than two-fifths of the sched-
41 uled fee.

42 (8) Reimburse the applicant for transportation expenses if no employ-
43 ment of the kind applied for exists at the place to which the applicant is sent
44 and the licensed agency did not have a bona fide order, either oral or written,
45 from the prospective employer.

46 (9) If an applicant shall not accept or obtain help or employment through
47 an employment agency to whom he had paid a fee or a part of a fee, the
48 agency shall upon demand repay to the applicant the full amount of any fee
49 or part of a fee which has been paid to the agency for such help or employ-
50 ment allowing three days' time to determine the fact of failure to obtain help
51 or employment.

52 (10) Give to every applicant for employment, from whom a fee is
53 received, a receipt in which shall be stated the name of the applicant, the
54 date and amount of fee, the purpose for which it was paid, and to every

55 applicant for help a receipt stating the name and address of the applicant,
 56 the date and amount of the fee, and the kind of help to be provided. Every
 57 such receipt shall have printed on the back thereof a brief abstract descriptive
 58 of the provisions of this act relating to such fees.

59 (11) Furnish each applicant for employment, who is sent to a prospec-
 60 tive employer, with a card or similar paper containing the nature of the
 61 prospective employment, the names of the applicant and prospective em-
 62 ployer, and the address of such employer. The said card or paper may be
 63 mailed to the applicant on the same day that the employee is sent to the pro-
 64 spective employer and a copy thereof to the prospective employer in lieu of
 65 furnishing the same to the applicant.

66 (12) Furnish to each applicant for employment who is sent to a prospec-
 67 tive employer for an interview concerning the applicant's qualifications or
 68 future employment in a job for which no order has been given to the agency,
 69 a card or paper containing the names of the applicant and of the prospective
 70 employer, the address of the prospective employer and such other particulars
 71 as the agency may determine. In each such case, there shall be printed in
 72 bold-faced type on said card or paper the following:

73 "This card of introduction is given the bearer with the understand-
 74 ing that he is not obligated to this agency for any fee until such time as
 75 he may be employed as a result of the services rendered him by this
 76 agency and after the agency has received a bona fide order for help to
 77 fill the job which he has obtained."

78 (13) Post in the agency in such places as the commissioner shall direct
 79 an abstract of this act and of the rules and regulations promulgated by the
 80 commissioner in such form as he shall require. The commissioner shall cer-
 81 tify to the said abstracts.

1 10. No employment agency shall:

2 (1) Conduct a lodging house for the unemployed unless it is separate
 3 and apart from the agency.

4 (2) Conducts its business, or any phase thereof, in any room or place
 5 where

- 6 (a) person or persons sleep or conduct their household affairs, or
7 (b) boarders or lodgers are kept.

8 (3) Charge or accept payment of any fees other than shown by its sched-
9 ule of fees filed with the commissioner and posted in the agency.

10 (4) Accept and receive any valuable thing or gift as or in lieu of a fee.

11 (5) Divide or offer to divide fees, directly or indirectly, with prospective
12 or actual employers or any agent, employee, or representative of said
13 employers.

14 (6) Accept payment of any fee or attempt to collect any fees for any
15 service rendered with relation to any specific help or employment which
16 the applicant has not accepted or obtained through the agency in cases
17 where it has been established that the applicant did not accept or obtain
18 such help or employment through the agency.

19 (7) Make any statement or in any way allege or indicate to any appli-
20 cant sent to seek employment at any place or by any prospective employer
21 that work or employment is available at any such place or by any such
22 prospective employer unless the agency does have a bona fide order for an
23-24 employee to fill the job alleged or indicated as being available.

25 (8) Induce any person employed as a domestic to leave his employment
26 with the view of obtaining other employment through the agency.

27 (9) Send or cause to be sent any female to become a servant or inmate
28 of, or to enter, any place of bad repute, house of ill-fame or assignation, or
29 to any house or place of amusement kept for immoral purposes, or to a
30 place resorted to for the purposes of prostitution, or to a gambling house.

31 (10) Knowingly permit persons of bad character, prostitutes, gamblers,
32 intoxicated persons or procurers to frequent the agency.

33 (11) Accept any application for employment made by or on behalf of any
34 child under the age of sixteen years, or place or assist in placing any such
35 child in any employment whatever.

36 (12) Induce or compel any person to enter the agency, for any purpose,
37 by the use of force or by taking forcible possession of such person's
38 property.

39 (13) Publish or cause to be published any false or fraudulent or mislead-
40 ing notice or advertisement. All advertisements of any agency by means of
41 cards, circulars or signs, or in newspapers and other publications, and all
42 letterheads, receipts and blanks shall contain the name and address of the
43 agency, and no agency shall give any false promise or false representation
44 concerning employment to any applicant for employment or help, or enter
45 into any contract with any applicant for help or employment or induce or
46 try to induce any applicant for help or employment to make any agree-
47 ment, the provisions of which contract or agreement, if fulfilled, is in viola-
48 tion of any provisions of this act.

1 11. The commissioner may withhold any license if it appears to him after
2 investigation, and hearings if necessary, that the needs of employers and
3 employees of any given municipality in which the employment agency is
4 sought to be licensed are adequately served by public free employment offices
5 or by licensed private employment agencies, or both; and that the granting
6 of any additional license for an employment agency to be located in any
7 given municipality is contrary to the best interest and welfare of the public.

1 12. The commissioner may refuse to issue, and may revoke, any license
2 for any failure to comply with, or violation of, the provisions of this act or
3 for any other good cause shown, within the meaning and purpose of this
4 act. No such refusal or revocation shall be made except upon reasonable
5 notice to, and opportunity to be heard by, the applicant or licensee, as the
6 case may be. The commissioner instead of revoking any license, may sus-
7 pend the same for such period of time as he shall determine to be just and
8 proper, and he may issue a new license, notwithstanding the revocation of a
9 prior license, provided he shall find that the applicant shall have become en-
10 titled to such new license.

1 13. This act shall be administered by the commissioner and he shall make
2 and promulgate such rules and regulations as may be required for the
3 effectuation of the purposes and provisions of this act.

1 14. Any person who is the holder of a license to open, keep or carry on
2 any employment agency, issued under the provisions of Revised Statutes,
3 Title 34, chapter eight, or who is the holder of an employment agency
4 owner's license, issued under the provisions of this act, and who applies for
5 a new license to be issued under the provisions of this act within a period of
6 not more than thirty days prior to the expiration date of the license held by
7 him at the time of such application shall be entitled to receive the new license
8 applied for upon filing with the commissioner the required bond and the pay-
9 ment of the required fee.

10 Any person who is a holder of an employment agency owner's license
11 issued under the provisions of this act and applies for a new license to be
12 issued under the provisions of this act shall be entitled to receive new license
13 applied for upon filing with the commissioner the required bond and the pay-
14 ment of the required fee.

15 Any individual person who, on the effective date of this act, is the holder
16 of a license to open, keep or carry on an employment agency, issued under
17 the provisions of Revised Statutes of New Jersey, Title 34, chapter eight,
18 and who shall, within a period of not more than thirty days preceding the
19 expiration date of such license, apply for an employment agency operator's
20 license shall, upon the payment of the required fee, be entitled to receive an
21 employment agency operator's license authorizing his dealing in the type of
22 occupations and employment in which he has been authorized to deal in by the
23 license held by him at the time of said application.

24 Any individual person who is the holder of an employment agency oper-
25 ator's license, issued under the provisions of this chapter, who shall file an
26 application for a new license to become effective upon the expiration date of
27 the license in effect at the time of application, shall, upon the payment of the
28 required fee, be entitled to the license applied for.

1 15. Except as otherwise specifically provided in this act, any person,
2 corporation, partnership or member of any association, or any agent, servant
3 or employee of any person, corporation, partnership or association who shall

4 violate any of the provisions of this act and any holder of an employment
5 agency operator's license who shall willfully violate any of the provisions of
6 sections ten or eleven of this act shall be guilty of a misdemeanor and shall
7 be punishable by a fine of not less than twenty-five dollars (\$25.00) and not
8 more than two hundred fifty dollars (\$250.00), or by imprisonment for a
9 period of not more than one year, or both.

1 16. Notwithstanding any other evidence of legislative intent, it is hereby
2 declared to be the controlling legislative intent that if any provision of this
3 act is held invalid, the remainder of the act and the application of such pro-
4 vision to circumstances other than those as to which it is held invalid, shall
5 not be affected thereby.

1 17. This act shall supersede the provisions of chapter eight of Title 34
2 of the Revised Statutes, except so far as may be necessary to permit the en-
3 forcement, after the effective date of this act, of any of the provisions of said
4 chapter for violations committed before the effective date of this act whether
5 or not proceedings for such enforcement shall have been begun before such
6 effective date and in event that any of the provisions of this act shall be held
7 invalid and the balance of this act shall be held to be unenforceable for the
8 purposes for which it was intended, then the provisions of chapter eight of
9 Title 34 of the Revised Statutes shall be held to be and remain in full force
10 and effect.

1 18. Licenses may be issued under this act prior to the effective date of
2 this act and such licenses shall become valid upon the effective date of this act.

1 19. This act shall take effect January first, one thousand nine hundred
2 and fifty-two.

[OFFICIAL COPY PRINT]

ASSEMBLY, No. 384

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 12, 1951

By Mr. JOYA

Referred to Committee on Revision and Amendment of Laws

AN ACT to regulate and license employment agencies and certain employees of such agencies, defining the same, fixing the fees for such licenses and imposing penalties for violations, and supplementing Title 34 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. As used in this act:

2 "Employment agency" means and includes the business of procuring or
3 offering to procure help or employment, or the giving of information as to
4 where help or employment may be procured, whether the business is con-
5 ducted in a building or on the street or elsewhere; or the business of
6 keeping an employment bureau, nurses' registry, or agency for procuring
7 engagements for vaudeville or theatrical performers, or other agency or office
8 for procuring work or employment for persons, where a fee or privilege is
9 exacted, charged or received directly or indirectly for procuring or assist-
10 ing or promising to procure employment, work, engagement or a situation of
11 any kind, or for procuring or providing help or promising to provide help for
12 any person, whether such fee is collected from the applicant for employment
13 or the applicant for help, or whether the application for help or employment
14 is made directly or indirectly by either the prospective employer or the pro-
15 spective employee or by any person acting to secure either help or employ-
16 ment for the prospective employer or the prospective employee.

17 "Fee" means and includes any payment of money, or promises to pay
18 money, or the excess of money received by a person furnishing employment
19 or employees over what he has paid for transportation, transfer or baggage
20 or lodging for an applicant for employment. It shall also mean and include
21 the difference between the amount of money received by any person who
22 either furnishes employees or performers for any entertainment, exhibition
23 or performance, or who furnishes baby sitters for any occasion, and the
24 amount paid by such person or persons to the employees, performers or baby
25 sitters.

26 "Privilege" means and includes the furnishing of food, supplies, tools
27 or shelter to contract laborers, commonly known as commissary privileges.
28 The furnishing of food, supplies, tools or shelter to laborers, if performed or
29 paid for within this State, both in connection with the promise or offer to
30 provide help or employment regardless of where such offer is made or where
31 the help is obtained, shall be considered proof of violation of this act.

32 "Commissioner" means the Commissioner of Labor and Industry of this
33 State or his duly authorized representative.

34 "Contract laborers" means unskilled or skilled workers, of either sex,
35 furnished either directly or indirectly by any person, engaged directly or
36 indirectly in the business of furnishing employees, to employers by whom
37 they are to be employed in groups of two or more persons.

38 "Employment agency owner's license" means a license authorizing the
39 person to whom it is issued to own an employment agency and to have such
40 employment agency operated by a person or persons duly authorized to per-
41 form the functions for which the agency is licensed.

42 "Employment agency operator's license" means a license issued to an
43 individual person who is the holder of an employment agency owner's license
44 or to an employee or agent of the holder of an employment agency owner's
45 license. When held by the employee or agent of the holder of an employment
46 agency owner's license such employment agency operator's license shall au-

47 thozize the holder to perform such functions as he may be duly authorized
48 and empowered by his employer to perform and for the performance of which
49 an employment agency operator's license is required. No person, other than
50 the holder of an employment agency operator's license, shall furnish help or
51 employment, or furnish information as to where help or employment may be
52 obtained, or manage, operate or carry on the business of an employment
53 agency.

54 "Representative" means any individual person holding an employment
55 agency operator's license duly authorized and empowered by the owner of the
56 employment agency owners' license, by whom he is employed, to solicit busi-
57 ness and otherwise act as the duly authorized representative of his employer
58 to the extent of such authorization and subject to the provisions of this act.

59 "Employee" means an applicant for a job, or an engagement to work,
60 who is furnished to an employer, or prospective employer, by an employment
61 agency. This definition shall not apply to employees of the employment
62 agency.

63 "Employer" means an applicant for help for whom an employee is to be
64 supplied by an employment agency.

65 "Rules and regulations" means such rules and regulations as shall have
66 been promulgated by the commissioner and are not inconsistent with the pro-
67 visions of this act.

68 "Vaudeville or theatrical performers" means individual persons or
69 groups of persons whose services are available for hire for the purpose of
70 furnishing entertainment or amusement, whether the services are rendered by
70a individuals performing alone or in groups commonly described as enter-
70b tainment acts.

71 "Agency for procuring engagements for theatrical or vaudeville per-
72 formers" means any person engaged in the business of procuring employ-
73 ment for vaudeville or theatrical employees for any employer other than
74 himself.

13 employed, and such other information, concerning the applicant and his edu-
14 cation and experience, as may be required by the commissioner to assist him
15 in determining the applicant's responsibility and qualifications in respect to
16 the type of license applied for. Any such application shall also enumerate
17 the type or class of occupations in which the applicant intends to act in
18 the furnishing of help or employment. No employment agency operator's
19 license shall be issued until the holder of the employment agency owner's
20 license to be named therein shall confirm to the commissioner in writing the
21 agreement of employment of the holder of the employment agency operator's
22 license by the holder of the employment agency owner's license.

22 The commissioner shall act upon any application for a license within
23 thirty days after receiving the same, but shall not grant any license until
24 the application therefor shall have been on file for at least one week and
25 notice of the application and opportunity to be heard in the case of the
26 application for an employment agency owner's license shall have been given
27 to every holder of an employment agency owner's license in the county where
28 the proposed agency is to be located, and in the case of an application for
29 an employment agency operator's license similar notice and opportunity
30 shall have been given to every holder of an employment agency owner's
31 license whose agency is located in the same county with the agency by which
32 the applicant is to be employed; *provided*, that the foregoing provisions
33 concerning notice and opportunity to be heard shall not apply in the case of
34 the issuance of a new employment agency operator's license to the holder
35 of such a license as provided for in the second paragraph of section three
36 of this act. The mailing of the notices herein required by first-class mail
37 one week prior to the date on which the commissioner acts on the applica-
38 tion shall constitute the giving of the notice required by this paragraph.
39 For the purpose of allowing an applicant to submit additional information,
40 the commissioner may extend the maximum time for acting upon an applica-
41 tion from thirty to sixty days.

1 5. Every applicant for an employment agency operator's license under
2 this act shall, by means of such written examination as may be required by
3 the rules and regulations promulgated by the commissioner, reasonably sat-
4 isfy the commissioner that the applicant has sufficient knowledge of the pro-
5 visions of this act, the rules and regulations promulgated by the commis-
6 sioner, and of the labor laws of this State to reasonably insure that any
7 acts performed by him as licensee will be in compliance with the applicable
8 laws and regulations, and further that by means of examination he shall
8A reasonably satisfy the commissioner that he has sufficient knowledge of and
9 experience in relation to the types of employment specified in his applica-
10 tion as will insure his ability to render adequate and efficient service to
11 persons seeking help or employment.

12 Every applicant for an employment agency owner's license shall fur-
13 nish such evidence as may be required by the commissioner to satisfy him
14 that the applicant, or in the case of a corporate applicant, its officers and
15 directors, is or are of good moral character. Such evidence shall include
16 the affidavits of at least three reputable citizens of this State who have
17 known the applicant or said officers or directors for a period of at least
18 five years. Every applicant, and every officer and director of a corporate
19 applicant, shall be citizens of the United States and shall furnish proof
20 thereof. Every applicant shall furnish such additional information, concern-
21 ing himself, or its officers and directors, as may be required by the rules and
22 regulations promulgated by the commissioner for the purpose of assisting
23 him in investigating the character and responsibility of the applicant or its
24-25 officers and directors.

26 An applicant for an employment agency operator's license shall fur-
27 nish information which will reasonably satisfy the commissioner that the
28 applicant has sufficient knowledge of opportunities for employment in this
29 State and of the essential qualifications of employees in the occupations in
30 which he intends to furnish help or employment.

31 Any such applicant shall be:

32 (1) a citizen of the United States of America, and

33 (2) of good moral character, attested to by affidavits of not less than
34 three reputable citizens of the State, whose acquaintance with the appli-
35 cant shall have been for at least three years.

36 Any such applicant shall have had:

37 (3) two years of education or training in public or business administra-
38 tion, industrial relations, labor management, economics, psychology, social
39 science or personnel administration; and

40 (4) one year or more of experience in interviewing and placement of
41 applicants for employment, job evaluation, personnel management and gen-
42 eral employment work; or

43 (5) in lieu of requirements of subsections (3) and (4), immediately
44 above, there may be substituted the requirement of at least four years'
45 experience in the handling of personnel problems which is reasonably
46 equivalent, to the satisfaction of the commissioner.

47 If the employment agency operator's license is restricted to the fur-
48 nishing of help or employment in domestic service, the said educational and
49 training qualifications of the applicant shall not be required but the com-
50 missioner shall be satisfied that the applicant has had sufficient training or
51 experience to furnish or place domestic help.

52 (6) The commissioner shall provide for the issuance of, and shall pre-
53 scribe the form for, the licenses which he is authorized to issue pursuant to
54 this act. The commissioner, by rule promulgated by him, may require licenses
55 to be posted and registration cards to be carried in such cases as he shall
56 determine. All licenses, subject to revocation as provided in this act, shall
57 expire on the first day of January next after their issuance.

1 6. An employment agency shall not be conducted in any of the following
2 places:

3 (1) Rooms or quarters used for living purposes;

4 (2) Boarding or lodging houses, rooms or quarters;

5 (3) Sleeping rooms or quarters.

6 Where the application is for a license to operate an employment agency
7 in a place used for the conduct of another business, the commissioner may
8 refuse to grant such license if, in his opinion, such refusal would be in the
9 public interest.

1 7. Before an employment agency owner's license is issued, the applicant
2 shall deposit with the commissioner a bond in the penal sum of one thousand
3 dollars (\$1,000.00), with two or more sureties, or a duly authorized surety
4 company as surety, to be approved by the commissioner.

5 The bond shall be payable to the State and shall be conditioned that the
6 person applying for the license will comply with this act and will pay all
7 damages occasioned to any person by reason of any misstatement, misrepre-
8 sentation, fraud or deceit, or any unlawful act or omission of any licensed
9 person, his agents, or employees, while acting within the scope of their em-
10 ployment, made, committed or omitted in the business conducted under the
11 license, or caused by any violation of this act in carrying on the business
12 for which the license is granted. In case of a breach of the condition of
13 any bond, application may be made to the commissioner by the person in-
14 jured by the breach for leave to sue upon the bond, which leave shall be
15 granted by the commissioner if it be proven to his satisfaction that the con-
16 dition of the bond has been breached and the party applying has been in-
17 jured thereby. The person obtaining leave to sue shall be furnished with a
18 certified copy of the bond and institute suit on the bond in his own name for
19 the recovery of damages sustained by such breach.

20 If at any time, in the opinion of the commissioner, the sureties on any
21 such bond, or any of them, shall become irresponsible, the person holding
22 such license shall, upon notice from the commissioner, give a new bond, sub-
23 ject to the provisions of this section. The failure to give a new bond within
24 ten days after such notice, in the direction of the commissioner, shall oper-
25 ate as revocation of such license, and the license shall be thereupon returned
26 to the commissioner.

1 8. The licenses hereunder shall be issued upon an annual basis and the
2 fees therefore shall be as follows:

3 (1) An employment agency owner's license

4 (a) In cities of 150,000 and upwards\$120.00

5 (b) In cities of less than 150,000 but not less than 100,000 .. 90.00

6 (c) In cities of less than 100,000 but not less than 50,000 ... 60.00

7 (d) In cities of less than 50,000 30.00

8 (2) For an employment agency operator's license 5.00

9 9. Every licensed employment agency shall:

1 (1) File with the commissioner in form, approved by him, a schedule of
2 fees proposed to be charged for any service rendered to employers seeking
3 employees and to persons seeking employment; and adhere thereto in
4 charging for such services. Before approving of said fee schedule the
5 commissioner must be satisfied that same is reasonably understandable by
6 persons subject to its terms.

7 (2) Post such schedule of fees in a conspicuous manner in the office of
8 the agency using such blank forms as the commissioner shall provide for such
9 purpose.

10 (3) Keep and make available to the commissioner, during regular busi-
11 ness hours, records containing information pertinent to applications for help
12 or employment, help or employment procured or furnished, advertising for
13 help or employment, fees charged or collected, and to matters incidental and
14 relevant thereto.

15 (4) Requires all applicants for work in private families, or for positions
16 of trust, to furnish the agency with names and addresses of persons available
17 as character references, and whenever possible communicate, orally or in
18 writing, with at least one of the persons given by the applicant as a character
19 reference. If the applicant has not furnished the names of any persons avail-
20 able as character references, or if no favorable statement has been received
21 from such character references, the agency shall so advise the prospective
22 employer, to whom the applicant is referred. This information shall be
23

24 written upon the referral slip given by the agency to the applicant for work to
25 present to the prospective employer. A written result of the investigation to
26 determine the character and responsibility of any applicant for help shall be
27 kept on file in the agency subject to examination by the commissioner. If the
28 applicant for help voluntarily waives, in writing, an investigation of refer-
29 ences, the licensed agency shall not be required to make such an investigation.

30 (5) Charge to an employee who is discharged without cause within one
31 week not more than the scheduled fee for temporary employment or not more
32 than ten per centum (10%) of the scheduled fee for permanent employment
33 whichever of the two is the lesser; however, by mutual agreement between the
34 agency and the employee the agency may charge the full fee for the job
35 from which the employee has been discharged without cause and furnish the
36 employee another job for which no charge is to be made.

37 (6) Charge an applicant who fails to report for duty, after accepting
38 employment, not more than two-fifths of the scheduled fee.

39 (7) Charge an applicant who leaves employment of his own accord
40 within the first week of employment not more than two-fifths of the sched-
41 uled fee.

42 (8) Reimburse the applicant for transportation expenses if no employ-
43 ment of the kind applied for exists at the place to which the applicant is sent
44 and the licensed agency did not have a bona fide order, either oral or written,
45 from the prospective employer.

46 (9) If an applicant shall not accept or obtain help or employment through
47 an employment agency to whom he had paid a fee or a part of a fee, the
48 agency shall upon demand repay to the applicant the full amount of any fee
49 or part of a fee which has been paid to the agency for such help or employ-
50 ment allowing three days' time to determine the fact of failure to obtain help
51 or employment.

52 (10) Give to every applicant for employment, from whom a fee is
53 received, a receipt in which shall be stated the name of the applicant, the
54 date and amount of fee, the purpose for which it was paid, and to every

55 applicant for help a receipt stating the name and address of the applicant,
56 the date and amount of the fee, and the kind of help to be provided. Every
57 such receipt shall have printed on the back thereof a brief abstract descriptive
58 of the provisions of this act relating to such fees.

59 (11) Furnish each applicant for employment, who is sent to a prospec-
60 tive employer, with a card or similar paper containing the nature of the
61 prospective employment, the names of the applicant and prospective em-
62 ployer, and the address of such employer. The said card or paper may be
63 mailed to the applicant on the same day that the employee is sent to the pro-
64 spective employer and a copy thereof to the prospective employer in lieu of
65 furnishing the same to the applicant.

66 (12) Furnish to each applicant for employment who is sent to a prospec-
67 tive employer for an interview concerning the applicant's qualifications or
68 future employment in a job for which no order has been given to the agency,
69 a card or paper containing the names of the applicant and of the prospective
70 employer, the address of the prospective employer and such other particulars
71 as the agency may determine. In each such case, there shall be printed in
72 bold-faced type on said card or paper the following:

73 "This card of introduction is given the bearer with the understand-
74 ing that he is not obligated to this agency for any fee until such time as
75 he may be employed as a result of the services rendered him by this
76 agency and after the agency has received a bona fide order for help to
77 fill the job which he has obtained."

78 (13) Post in the agency in such places as the commissioner shall direct
79 an abstract of this act and of the rules and regulations promulgated by the
80 commissioner in such form as he shall require. The commissioner shall cer-
81 tify to the said abstracts.

1 10. No employment agency shall:

2 (1) Conduct a lodging house for the unemployed unless it is separate
3 and apart from the agency.

4 (2) Conduct its business, or any phase thereof, in any room or place
5 where

6 (a) person or persons sleep or conduct their household affairs, or

7 (b) boarders or lodgers are kept.

8 (3) Charge or accept payment of any fees other than shown by its sched-
9 ule of fees filed with the commissioner and posted in the agency.

10 (4) Accept and receive any valuable thing or gift as or in lieu of a fee.

11 (5) Divide or offer to divide fees, directly or indirectly, with prospective
12 or actual employers or any agent, employee, or representative of said
13 employers.

14 (6) Accept payment of any fee or attempt to collect any fees for any
15 service rendered with relation to any specific help or employment which
16 the applicant has not accepted or obtained through the agency in cases
17 where it has been established that the applicant did not accept or obtain
18 such help or employment through the agency.

19 (7) Make any statement or in any way allege or indicate to any appli-
20 cant sent to seek employment at any place or by any prospective employer
21 that work or employment is available at any such place or by any such
22 prospective employer unless the agency does have a bona fide order for an
23-24 employee to fill the job alleged or indicated as being available.

25 (8) Induce any person employed as a domestic to leave his employment
26 with the view of obtaining other employment through the agency.

27 (9) Send or cause to be sent any female to become a servant or inmate
28 of, or to enter, any place of bad repute, house of ill-fame or assignation, or
29 to any house or place of amusement kept for immoral purposes, or to a
30 place resorted to for the purposes of prostitution, or to a gambling house.

31 (10) Knowingly permit persons of bad character, prostitutes, gamblers,
32 intoxicated persons or procurers to frequent the agency.

33 (11) Accept any application for employment made by or on behalf of any
34 child under the age of sixteen years, or place or assist in placing any such
35 child in any employment whatever.

36 (12) Induce or compel any person to enter the agency, for any purpose,
37 by the use of force or by taking forcible possession of such person's
38 property.

39 (13) Publish or cause to be published any false or fraudulent or mislead-
40 ing notice or advertisement. All advertisements of any agency by means of
41 cards, circulars or signs, or in newspapers and other publications, and all
42 letterheads, receipts and blanks shall contain the name and address of the
43 agency, and no agency shall give any false promise or false representation
44 concerning employment to any applicant for employment or help, or enter
45 into any contract with any applicant for help or employment or induce or
46 try to induce any applicant for help or employment to make any agree-
47 ment, the provisions of which contract or agreement, if fulfilled, is in viola-
48 tion of any provisions of this act.

1 11. The commissioner may withhold any license if it appears to him after
2 investigation, and hearings if necessary, that the needs of employers and
3 employees of any given municipality in which the employment agency is
4 sought to be licensed are adequately served by public free employment offices
5 or by licensed private employment agencies, or both; and that the granting
6 of any additional license for an employment agency to be located in any
7 given municipality is contrary to the best interest and welfare of the public.

1 12. The commissioner may refuse to issue, and may revoke, any license
2 for any failure to comply with, or violation of, the provisions of this act or
3 for any other good cause shown, within the meaning and purpose of this
4 act. No such refusal or revocation shall be made except upon reasonable
5 notice to, and opportunity to be heard by, the applicant or licensee, as the
6 case may be. The commissioner instead of revoking any license, may sus-
7 pend the same for such period of time as he shall determine to be just and
8 proper, and he may issue a new license, notwithstanding the revocation of a
9 prior license, provided he shall find that the applicant shall have become en-
10 titled to such new license.

1 13. This act shall be administered by the commissioner and he shall make
2 and promulgate such rules and regulations as may be required for the
3 effectuation of the purposes and provisions of this act.

1 14. Any person who is the holder of a license to open, keep or carry on
2 any employment agency, issued under the provisions of Revised Statutes,
3 Title 34, chapter eight, or who is the holder of an employment agency
4 owner's license, issued under the provisions of this act, and who applies for
5 a new license to be issued under the provisions of this act within a period of
6 not more than thirty days prior to the expiration date of the license held by
7 him at the time of such application shall be entitled to receive the new license
8 applied for upon filing with the commissioner the required bond and the pay-
9 ment of the required fee.

10 Any person who is a holder of an employment agency owner's license
11 issued under the provisions of this act and applies for a new license to be
12 issued under the provisions of this act shall be entitled to receive new license
13 applied for upon filing with the commissioner the required bond and the pay-
14 ment of the required fee.

15 Any individual person who, on the effective date of this act, is the holder
16 of a license to open, keep or carry on an employment agency, issued under
17 the provisions of Revised Statutes of New Jersey, Title 34, chapter eight,
18 and who shall, within a period of not more than thirty days preceding the
19 expiration date of such license, apply for an employment agency operator's
20 license shall, upon the payment of the required fee, be entitled to receive an
21 employment agency operator's license authorizing his dealing in the type of
22 occupations and employment in which he has been authorized to deal in by the
23 license held by him at the time of said application.

24 Any individual person who is the holder of an employment agency oper-
25 ator's license, issued under the provisions of this chapter, who shall file an
26 application for a new license to become effective upon the expiration date of
27 the license in effect at the time of application, shall, upon the payment of the
28 required fee, be entitled to the license applied for.

1 15. Except as otherwise specifically provided in this act, any person,
2 corporation, partnership or member of any association, or any agent, servant
3 or employee of any person, corporation, partnership or association who shall

4 violate any of the provisions of this act and any holder of an employment
5 agency operator's license who shall willfully violate any of the provisions of
6 sections ten or eleven of this act shall be guilty of a misdemeanor and shall
7 be punishable by a fine of not less than twenty-five dollars (\$25.00) and not
8 more than two hundred fifty dollars (\$250.00), or by imprisonment for a
9 period of not more than one year, or both.

1 16. Notwithstanding any other evidence of legislative intent, it is hereby
2 declared to be the controlling legislative intent that if any provision of this
3 act is held invalid, the remainder of the act and the application of such pro-
4 vision to circumstances other than those as to which it is held invalid, shall
5 not be affected thereby.

1 17. This act shall supersede the provisions of chapter eight of Title 34
2 of the Revised Statutes, except so far as may be necessary to permit the en-
3 forcement, after the effective date of this act, of any of the provisions of said
4 chapter for violations committed before the effective date of this act whether
5 or not proceedings for such enforcement shall have been begun before such
6 effective date and in event that any of the provisions of this act shall be held
7 invalid and the balance of this act shall be held to be unenforceable for the
8 purposes for which it was intended, then the provisions of chapter eight of
9 Title 34 of the Revised Statutes shall be held to be and remain in full force
10 and effect.

1 18. Licenses may be issued under this act prior to the effective date of
2 this act and such licenses shall become valid upon the effective date of this act.

1 19. This act shall take effect January first, one thousand nine hundred
2 and fifty-two.

[OFFICIAL COPY REPRINT]
COMMITTEE SUBSTITUTE FOR
ASSEMBLY, No. 384

STATE OF NEW JERSEY

ADOPTED MARCH 19, 1951

AN ACT to regulate and license employment agencies and certain employees of such agencies, defining the same, fixing the fees for such licenses and imposing penalties for violations, and supplementing Title 34 of the Revised Statutes.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*
2 *Jersey:*

1 1. As used in this act:

2 "Employment agency" means and includes the business of procuring or
3 offering to procure help or employment, or the giving of information as to
4 where help or employment may be procured, whether the business is con-
5 ducted in a building or on the street or elsewhere; or the business of
6 keeping an employment bureau, nurses' registry, or agency for procuring
7 engagements for vaudeville or theatrical performers, or other agency or office
8 for procuring work or employment for persons, where a fee or privilege is
9 exacted, charged or received directly or indirectly for procuring or assist-
10 ing or promising to procure employment, work, engagement or a situation of
11 any kind, or for procuring or providing help or promising to provide help for
12 any person, whether such fee is collected from the applicant for employment
13 or the applicant for help, or whether the application for help or employment
14 is made directly or indirectly by either the prospective employer or the pro-
15 spective employee or by any person acting to secure either help or employ-
16 ment for the prospective employer or the prospective employee.

17 "Fee" means and includes any payment of money, or promises to pay
18 money, or the excess of money received by a person furnishing employment
19 or employees over what he has paid for transportation, transfer or baggage
20 or lodging for an applicant for employment. It shall also mean and include
21 the difference between the amount of money received by any person who
22 either furnishes employees or performers for any entertainment, exhibition
23 or performance, or who furnishes baby sitters for any occasion, and the
24 amount paid by such person or persons to the employees, performers or baby
25 sitters.

26 "Privilege" means and includes the furnishing of food, supplies, tools
27 or shelter to contract laborers, commonly known as commissary privileges.
28 The furnishing of food, supplies, tools or shelter to laborers, if performed or
29 paid for within this State, both in connection with the promise or offer to
30 provide help or employment regardless of where such offer is made or where
31 the help is obtained, shall be considered proof of violation of this act.

32 "Commissioner" means the Commissioner of Labor and Industry of this
33 State or his duly authorized representative.

34 "Contract laborers" means unskilled or skilled workers, of either sex,
35 furnished either directly or indirectly by any person, engaged directly or
36 indirectly in the business of furnishing employees, to employers by whom
37 they are to be employed in groups of five or more persons.

38 "Employment agency owner's license" means a license authorizing the
39 person to whom it is issued to own an employment agency and to have such
40 employment agency operated by a person or persons duly authorized to per-
41 form the functions for which the agency is licensed.

42 "Employment agency operator's license" means a license issued to an
43 individual person who is the holder of an employment agency owner's license
44 or to an employee or agent of the holder of an employment agency owner's
45 license. When held by the employee or agent of the holder of an employment
46 agency owner's license such employment agency operator's license shall au-

47 thorize the holder to perform such functions as he may be duly authorized
48 and empowered by his employer to perform and for the performance of which
49 an employment agency operator's license is required. No person, other than
50 the holder of an employment agency operator's license, shall furnish help or
51 employment, or furnish information as to where help or employment may be
52 obtained, or manage, operate or carry on the business of an employment
53 agency.

54 "Representative" means any individual person holding an employment
55 agency operator's license duly authorized and empowered by the owner of the
56 employment agency owners' license, by whom he is employed, to solicit busi-
57 ness and otherwise act as the duly authorized representative of his employer
58 to the extent of such authorization and subject to the provisions of this act.

59 "Employee" means an applicant for a job, or an engagement to work,
60 who is furnished to an employer, or prospective employer, by an employment
61 agency. This definition shall not apply to employees of the employment
62 agency.

63 "Employer" means an applicant for help for whom an employee is to be
64 supplied by an employment agency.

65 "Rules and regulations" means such rules and regulations as shall have
66 been promulgated by the commissioner and are not inconsistent with the pro-
67 visions of this act.

68 "Vaudeville or theatrical performers" means individual persons or
69 groups of persons whose services are available for hire for the purpose of
70 furnishing entertainment or amusement, whether the services are rendered by
70a individuals performing alone or in groups commonly described as enter-
70b tainment acts.

71 "Agency for procuring engagements for theatrical or vaudeville per-
72 formers" means any person engaged in the business of procuring employ-
73 ment for vaudeville or theatrical employees for any employer other than
74 himself.

75 "Baby sitters" means and includes any individual person, of either sex,
76 other than a registered nurse or a licensed nurse, entrusted temporarily
77 with the care of children during the absence of their parents, guardians, or
78 persons standing in loco parentis to them. This definition shall not include
79 persons regularly employed by agencies, or institutions operated by or under
80 the control or supervision of this State, or any of its political subdivisions,
81 nor any nurseries operated for the care of children when such nurseries are
82 similarly controlled or supervised.

1 2. The provisions of this act shall not apply to:

2 (1) a business or persons engaged therein which is confined to procur-
3 ing employment in schools or institutions of learning recognized and ap-
4 proved as such by the Department of Education of this State, or by the duly
5 established authority of the State in which the employment is procured
6 when the employment procured is restricted to positions for teachers who
7 are recognized and approved as such by the said Department of Education
8 under its authority to qualify and certify teachers; or

9 (2) departments or bureaus maintained by persons for the purpose
10 of securing help for themselves where no fee is charged the applicant for
11 employment, or to any State, Federal, or municipal or charitable agency
12 where no fee is charged. The exemption from the provisions of this act of
13 departments or bureaus maintained by persons for the purpose of securing
14 help for themselves shall not be construed to exempt associations or organi-
15 zations of employers from the requirement to procure such license or licenses
16 as are otherwise required under this act.

17 (3) The provisions of this act shall not apply to the procuring of employ-
18 ment by any labor union for any of its members in any job or jobs coming
19 under the jurisdiction of the union; *provided*, that no fee is charged any
20 employee for being furnished employment or information where employment
21 may be procured.

22 (4) The provisions of this act shall not apply to any nurses' registry
23 conducted by an association of registered nurses, whose membership is not

24 less than ten registered nurses, duly incorporated as a nonprofit organiza-
25 tion under the laws of New Jersey, and operated under the supervision of a
26 registered nurse legally authorized to practice as such in the State of New
27 Jersey; *provided*, that no such nurses' registry shall furnish help or employ-
28 ment in any occupation other than as a registered nurse, a practical nurse,
29 licensed by the State of New Jersey, or persons other than baby sitters
30 approved by the registered nurse in charge of such nurses' registry and sent
30A by the agency to an employer to assist nonprofessionally in the care of the
31 sick or ailing; or

32 (5) Any association of farmers duly incorporated on a nonprofit basis,
33 under the provisions of the law of New Jersey, and certified to the commis-
34 sioner by the Secretary of Agriculture of New Jersey as being an associa-
35 tion of bona fide farmers of New Jersey; *providing*, that such association
36 of farmers do not furnish help to any person or persons other than mem-
37 bers of their association; *and further provided*, that no fee is charged any
38 employee for being furnished employment or information where employ-
39 ment may be procured. The provisions of this act shall not apply to any per-
40 son who furnishes for or to farmers, workers to be employed on a seasonal
41 basis in the occupation of field workers or harvest hands and by whom no
42 fee is charged either directly or indirectly to any worker, or to whom any fee
43 is paid either directly or indirectly by any worker for the furnishing or agree-
44 ing to furnish either help for farmers or employment for workers provided
45 that the wages of such workers are paid directly to the workers by the farm-
46 ers by whom they are employed.

1 3. No person shall either directly or indirectly open, conduct or maintain
2 or perform any of the functions of an employment agency without first ob-
3 taining such license or licenses as is or are required by the provisions of
4 this act. No license shall authorize the furnishing of help or employment or
5 the furnishing of information where help or employment may be procured
6 in the capacity of baby sitters. No employee of a licensee shall be exempt
7 from the requirement of securing a license for the performance of any act

8 for which a license is required by this act. No license shall be of avail to
9 any person other than the individual person or persons holding such license
10 except that a corporation may be the holder of an employment agency
11 owner's license. No license shall be of avail for use at any place other than
12 at the place designated in such license. No license, issued to an employee
13 of any employment agency shall authorize his employment by any other
14 employment agency. No employment agency owner's license shall be trans-
15 ferred or amended unless a consent thereto, in writing, is given by the com-
16 missioner. No employment agency owner's license shall be transferred by
17 the licensee to any other person except upon the written consent of the
18 commissioner, and the payment of the fee prescribed by this act.

19 Upon the termination of the employment of the holder of an employ-
20 ment agency operator's license the holder of the employment agency owner's
21 license by whom the holder of said employment agency operator's license
22 has been employed shall promptly notify the commissioner of the termina-
23 tion of the employment. The employment agency operator's license shall
24 thereupon be cancelled and the holder thereof entitled to the issuance of a
25 new license for the unexpired term of the old license without payment of ad-
26 ditional fee upon the written request of such holder thereof and the holder of
27 the employment agency owner's license who is to be named in such new
28 license as the new employer; *provided, however,* that the commissioner may
29 refuse to issue such new license for any good cause shown within the provi-
30 sions of this act.

31 Any unlicensed person or any officer or agent of any unlicensed corpora-
32 tion who shall either directly or indirectly open, conduct or maintain an em-
33 ployment agency, or any person who shall knowingly permit any unlicensed
34 employee or agent to perform any act, the performer of which is required to
35 be licensed, shall be guilty of a misdemeanor and shall be punishable by a
36 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
37 dollars (\$250.00) or by imprisonment for a period of not more than one year.
38 or both.

39 Any person performing any act, the performance of which is within the
40 definition of employment agency operator's license, without holding such a
41 license, shall be guilty of a misdemeanor and shall be punishable by a fine of
42 not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars
43 (\$250.00), or by imprisonment for a period of not more than one year, or both.

1 4. Applications for licenses required by this act shall be made, in writ-
2 ing to the commissioner, in such form as shall be prescribed by the rules and
3 regulations promulgated by the commissioner.

4 Each application for an employment agency owner's license shall state
5 the complete address, including street and street number of the building and
6 place where the agency is to be conducted and shall enumerate the type or
7 class of occupations in which the applicant intends to furnish help or em-
8 ployment.

9 Each application for an employment agency operator's license shall
10 state the name and address of the applicant, the name of the holder of an
11 employment agency owner's license, by whom the applicant expects to be
12 employed, and such other information, concerning the applicant and his edu-
13 cation and experience, as may be required by the commissioner to assist him
14 in determining the applicant's responsibility and qualifications in respect to
15 the type of license applied for. Any such application shall also enumerate
16 the type or class of occupations in which the applicant intends to deal in
17 the furnishing of help or employment. No employment agency operator's
18 license shall be issued until the holder of the employment agency owner's
19 license to be named therein shall confirm to the commissioner in writing the
20 agreement of employment of the holder of the employment agency operator's
21 license by the holder of the employment agency owner's license.

22 The commissioner shall act upon any application for a license within
23 thirty days after receiving the same, but shall not grant any license until
24 the application therefor shall have been on file for at least one week and
25 notice of the application and opportunity to be heard in the case of the
26 application for an employment agency owner's license shall have been given

27 to every holder of an employment agency owner's license in the county where
28 the proposed agency is to be located, and in the case of an application for
29 an employment agency operator's license similar notice and opportunity
30 shall have been given to every holder of an employment agency owner's
31 license whose agency is located in the same county with the agency by which
32 the applicant is to be employed; *provided*, that the foregoing provisions
33 concerning notice and opportunity to be heard shall not apply in the case of
34 the issuance of a new employment agency operator's license to the holder
35 of such a license as provided for in the second paragraph of section three
36 of this act. The mailing of the notices herein required by first-class mail
37 one week prior to the date on which the commissioner acts on the applica-
38 tion shall constitute the giving of the notice required by this paragraph.
39 For the purpose of allowing an applicant to submit additional information,
40 the commissioner may extend the maximum time for acting upon an applica-
41 tion from thirty to sixty days.

1 5. Every applicant for an employment agency operator's license under
2 this act shall, by means of such written examination as may be required by
3 the rules and regulations promulgated by the commissioner, reasonably sat-
4 isfy the commissioner that the applicant has sufficient knowledge of the pro-
5 visions of this act, the rules and regulations promulgated by the commis-
6 sioner, and of the labor laws of this State to reasonably insure that any
7 acts performed by him as licensee will be in compliance with the applicable
8 laws and regulations, and further that by means of examination he shall
9 reasonably satisfy the commissioner that he has sufficient knowledge of and
10 experience in relation to the fields of employment specified in his applica-
11 tion as will insure his ability to render adequate and efficient service to
11a persons seeking help or employment; *however*, for the purpose of enabling
11b persons to secure experience and knowledge necessary to qualify them as an
11c operator, the commissioner may waive such of the requirements of this para-
11d graph as he deems proper and issue a provisional temporary license au-
thorizing the holder to perform functions requiring a license, when acting

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11~~r~~ under the direct supervision of a duly qualified licensed operator; *provided*,
11~~r~~ that no such temporary license shall remain in effect for more than one year.

12 Every applicant for an employment agency owner's license shall fur-
13 nish such evidence as may be required by the commissioner to satisfy him
14 that the applicant, or in the case of a corporate applicant, its officers and
15 directors, is or are of good moral character. Such evidence shall include
16 the affidavits of at least three reputable citizens of this State who have
17 known the applicant or said officers or directors for a period of at least
18 five years. Every applicant, and every officer and director of a corporate
19 applicant, shall be citizens of the United States and shall furnish proof
20 thereof. Every applicant shall furnish such additional information, concern-
21 ing himself, or its officers and directors, as may be required by the rules and
22 regulations promulgated by the commissioner for the purpose of assisting
23 him in investigating the character and responsibility of the applicant or its
24-25 officers and directors.

26 An applicant for an employment agency operator's license shall fur-
27 nish information which will reasonably satisfy the commissioner that the
28 applicant has sufficient knowledge of opportunities for employment in this
29 State and of the essential qualifications of employees in the occupations in
30 which he intends to furnish help or employment.

31 Any such applicant for an employment agency operator's license shall
31~~a~~ be:

32 (1) a citizen of the United States of America, and

33 (2) of good moral character, attested to by affidavits of not less than
34 two reputable citizens of the State, whose acquaintance with the applicant
35 shall have been for at least one year.

36 Any applicant for an employment agency operator's license shall with
37 his application submit to the commissioner, in writing, information reason-
38 ably establishing that the applicant has had sufficient formal education or the
39 equivalent thereof to enable him to properly keep the records and do the cleri-
40-46 cal work required by this act.

47 If the employment agency operator's license is restricted to the fur-
48 nishing of help or employment in domestic service, the said educational and
49 training qualifications of the applicant shall not be required but the com-
50 missioner shall be satisfied that the applicant has had sufficient training or
51 experience to furnish or place domestic help.

52 The commissioner shall provide for the issuance of, and shall pre-
53 scribe the form for, the licenses which he is authorized to issue pursuant to
54 this act. The commissioner, by rule promulgated by him, may require licenses
55 to be posted and registration cards to be carried in such cases as he shall
56 determine. All licenses, subject to revocation as provided in this act, shall
57 expire on the first day of January next after their issuance.

1 6. An employment agency shall not be conducted in any of the following
2 places:

- 3 (1) Rooms or quarters used for living purposes;
- 4 (2) Boarding or lodging houses, rooms or quarters;
- 5 (3) Sleeping rooms or quarters.

6 Where the application is for a license to operate an employment agency
7 in a place used for the conduct of another business, the commissioner may
8 refuse to grant such license if, in his opinion, such refusal would be in the
9 public interest.

1 7. Before an employment agency owner's license is issued, the applicant
2 shall deposit with the commissioner a bond in the penal sum of one thousand
3 dollars (\$1,000.00), with two or more sureties, or a duly authorized surety
4 company as surety, to be approved by the commissioner.

5 The bond shall be payable to the State and shall be conditioned that the
6 person applying for the license will comply with this act and will pay all
7 damages occasioned to any person by reason of any misstatement, misrepre-
8 sentation, fraud or deceit, or any unlawful act or omission of any licensed
9 person, his agents, or employees, while acting within the scope of their em-
10 ployment, made, committed or omitted in the business conducted under the
11 license, or caused by any violation of this act in carrying on the business

12 for which the license is granted. In case of a breach of the condition of
13 any bond, application may be made to the commissioner by the person in-
14 jured by the breach for leave to sue upon the bond, which leave shall be
15 granted by the commissioner if it be proven to his satisfaction that the con-
16 dition of the bond has been breached and the party applying has been in-
17 jured thereby. The person obtaining leave to sue shall be furnished with a
18 certified copy of the bond and institute suit on the bond in his own name for
19 the recovery of damages sustained by such breach.

20 If at any time, in the opinion of the commissioner, the sureties on any
21 such bond, or any of them, shall become irresponsible, the person holding
22 such license shall, upon notice from the commissioner, give a new bond, sub-
23 ject to the provisions of this section. The failure to give a new bond within
24 ten days after such notice, at the direction of the commissioner, shall oper-
25 ate as revocation of such license, and the license shall be thereupon returned
26 to the commissioner.

1 8. The licenses hereunder shall be issued upon an annual basis and the
2 fees therefore shall be as follows:

- 3 (1) An employment agency owner's license
 - 4 (a) In cities of 150,000 and upwards\$120.00
 - 5 (b) In cities of less than 150,000 but not less than 100,000 .. 90.00
 - 6 (c) In cities of less than 100,000 but not less than 50,000 ... 60.00
 - 7 (d) In cities of less than 50,000 30.00
- 8 (2) For an employment agency operator's license 5.00

1 9. Every licensed employment agency shall:

2 (1) File with the commissioner in form, approved by him, a schedule of
3 fees proposed to be charged for any service rendered to employers seeking
4 employees and to persons seeking employment; and adhere thereto in
5 charging for such services. Before approving of said fee schedule the
6 commissioner must be satisfied that same is reasonably understandable by
7 persons subject to its terms.

8 (2) Post such schedule of fees in a conspicuous manner in the office of
9 the agency using such blank forms as the commissioner shall provide for such
10 purpose.

11 (3) Keep and make available to the commissioner, or his duly authorized
12 representative, during regular business hours, such records containing in-
13 formation pertinent to applications for help or employment, help or employ-
14 ment procured or furnished, advertising for help or employment, fees charged
15 or collected, and to matters incidental and relevant thereto as are required by
15A rules and regulations to enable the commissioner to determine the status of
15B compliance with the provisions of this act.

16 (4) Requires all applicants for work in private families, or for positions
17 of trust, to furnish the agency with names and addresses of persons available
18 as character references, and whenever possible communicate, orally or in
19 writing, with at least one of the persons given by the applicant as a character
20 reference. If the applicant has not furnished the names of any persons avail-
21 able as character references, or if no favorable statement has been received
22 from such character references, the agency shall so advise the prospective
23 employer, to whom the applicant is referred. This information shall be
24 written upon the referral slip given by the agency to the applicant for work to
25 present to the prospective employer. A written result of the investigation to
26 determine the character and responsibility of any applicant for help shall be
27 kept on file in the agency subject to examination by the commissioner. If the
28 applicant for help voluntarily waives, in writing, an investigation of refer-
29 ences, the licensed agency shall not be required to make such an investigation.

30 (5) Charge to an employee who is discharged without cause within one
31 week not more than the scheduled fee for temporary employment or not more
32 than ten per centum (10%) of the scheduled fee for permanent employment
33 whichever of the two is the lesser; however, by mutual agreement between the
34 agency and the employee the agency may charge the full fee for the job
35 from which the employee has been discharged without cause and furnish the
36 employee another job for which no charge is to be made.

- 37 (6) Charge an applicant who fails to report for duty, after accepting
38 employment, not more than two-fifths of the scheduled fee.
- 39 (7) Charge an applicant who leaves employment of his own accord
40 within the first week of employment not more than two-fifths of the sched-
41 uled fee.
- 42 (8) Reimburse the applicant for transportation expenses if no employ-
43 ment of the kind applied for exists at the place to which the applicant is sent
44 and the licensed agency did not have a bona fide order, either oral or written,
45 from the prospective employer.
- 46 (9) If an applicant shall not accept or obtain help or employment through
47 an employment agency to whom he had paid a fee or a part of a fee, the
48 agency shall upon demand repay to the applicant the full amount of any fee
49 or part of a fee which has been paid to the agency for such help or employ-
50 ment allowing three days' time to determine the fact of failure to obtain help
51 or employment.
- 52 (10) Give to every applicant for employment, from whom a fee is
53 received, a receipt in which shall be stated the name of the applicant, the
54 date and amount of fee, the purpose for which it was paid, and to every
55 applicant for help a receipt stating the name and address of the applicant,
56 the date and amount of the fee, and the kind of help to be provided. Every
57 such receipt shall have printed on the back thereof a brief abstract descriptive
58 of the provisions of this act relating to such fees.
- 59 (11) Furnish each applicant for employment, who is sent to a prospec-
60 tive employer, with a card or similar paper containing the nature of the
61 prospective employment, the names of the applicant and prospective em-
62 ployer, and the address of such employer. The said card or paper may be
63 mailed to the applicant on the same day that the employee is sent to the pro-
64 spective employer and a copy thereof to the prospective employer in lieu of
65 furnishing the same to the applicant.
- 66 (12) Furnish to each applicant for employment who is sent to a prospec-
67 tive employer for an interview concerning the applicant's qualifications or

68 future employment in a job for which no order has been given to the agency,
69 a card or paper containing the names of the applicant and of the prospective
70 employer, the address of the prospective employer and such other particulars
71 as the agency may determine. In each such case, there shall be printed in
72 bold-faced type on said card or paper the following:

73 "This card of introduction is given the bearer with the understand-
74 ing that he is not obligated to this agency for any fee until such time as
75 he may be employed as a result of the services rendered him by this
76 agency and after the agency has received a bona fide order for help to
77 fill the job which he has obtained."

78 (13) Post in the agency in such places as the commissioner shall direct
79 an abstract of this act and of the rules and regulations promulgated by the
80 commissioner in such form as he shall require. The commissioner shall cer-
81 tify to the said abstracts.

1 10. No employment agency shall:

2 (1) Conduct a lodging house for the unemployed unless it is separate
3 and apart from the agency.

4 (2) Conduct its business, or any phase thereof, in any room or place
5 where

6 (a) person or persons sleep or conduct their household affairs, or

7 (b) boarders or lodgers are kept.

8 (3) Charge or accept payment of any fees other than shown by its sched-
9 ule of fees filed with the commissioner and posted in the agency.

10 (4) Accept and receive any valuable thing or gift as or in lieu of a fee.

11 (5) Divide or offer to divide fees, directly or indirectly, with prospective
12 or actual employers or any agent, employee, or representative of said
13 employers.

14 (6) Accept payment of any fee or attempt to collect any fees for any
15 service rendered with relation to any specific help or employment which
16 the applicant has not accepted or obtained through the agency in cases

17 where it is established that the applicant did not accept or obtain such help
18 or employment through the agency.

19 (7) Make any statement or in any way allege or indicate to any appli-
20 cant sent to seek employment at any place or by any prospective employer
21 that work or employment is available at any such place or by any such
22 prospective employer unless the agency does have a bona fide order for an
23 employee to fill the job alleged or indicated as being available.

24-27 (8) Send or cause to be sent any female to become a servant or inmate
28 of, or to enter, any place of bad repute, house of ill-fame or assignation, or
29 to any house or place of amusement kept for immoral purposes, or to a
30 place resorted to for the purposes of prostitution, or to a gambling house.

31 (9) Knowingly permit persons of bad character, prostitutes, gamblers,
32 intoxicated persons or procurers to frequent the agency.

33 (10) Accept any application for employment made by or on behalf of any
34 child under the age of sixteen years, or place or assist in placing any such
35 child in any employment whatever or place or assist in placing any minor
35a under eighteen years of age in any unlawful occupation.

36 (11) Induce or compel any person to enter the agency, for any purpose,
37 by the use of force or by taking forcible possession of such person's
38 property.

39 (12) Publish or cause to be published any false or fraudulent or mislead-
40 ing notice or advertisement. All advertisements of any agency by means of
41 cards, circulars or signs, or in newspapers and other publications, and all
42 letterheads, receipts and blanks shall contain the name and address of the
43 agency, and no agency shall give any false promise or false representation
44 concerning employment to any applicant for employment or help, or enter
45 into any contract with any applicant for help or employment or induce or
46 try to induce any applicant for help or employment to make any agree-
47 ment, the provisions of which contract or agreement, if fulfilled, is in viola-
48 tion of any provisions of this act.

1 11. The commissioner may withhold any license if it appears to him after
2 investigation, and hearings if necessary, that the needs of employers and
3 employees of any given municipality in which the employment agency is
4 sought to be licensed are adequately served by public free employment offices
5 or by licensed private employment agencies, or both; and that the granting
6 of any additional license for an employment agency to be located in any
7 given municipality is contrary to the best interest and welfare of the public.

1 12. The commissioner may refuse to issue, and may revoke, any license
2 for any failure to comply with, or violation of, the provisions of this act or
3 for any other good cause shown, within the meaning and purpose of this
4 act. No such refusal or revocation shall be made except upon reasonable
5 notice to, and opportunity to be heard by, the applicant or licensee, as the
6 case may be. The commissioner instead of revoking any license, may sus-
7 pend the same for such period of time as he shall determine to be just and
8 proper, and he may issue a new license, notwithstanding the revocation of a
9 prior license, provided he shall find that the applicant shall have become en-
10 titled to such new license.

1 13. This act shall be administered by the commissioner and he shall make
2 and promulgate such rules and regulations as may be required for the
3 effectuation of the purposes and provisions of this act; *provided*, that before
4 such rules and regulations or modifications thereof may be promulgated,
5 written notice shall be sent to the holder of each employment agency
6 owner's license and each employment agency operator's license which notice
7 shall contain in full the provisions of the rules and regulations proposed and
8 notice of the time and place of a public hearing to be held not sooner than
9 five days nor later than fifteen days following the date of notice, at which
10 hearing all persons in favor of or opposed to the proposed rules and regula-
11 tions or modifications thereof may be heard; *and further provided*, that the
12 purpose, the time and place of such hearing shall also be published for the in-
13 formation of the public not sooner than five days nor later than fifteen days
14 following the notice to licensees. Any rules and regulations or modifications

15 thereof, promulgated by the commissioner, shall be filed with the Secretary
16 of State within five days after such promulgation.

1 14. Any person who is the holder of a license to open, keep or carry on
2 any employment agency, issued under the provisions of Revised Statutes,
3 Title 34, chapter eight, and who applies for a new license to be issued under
4 the provisions of this act within a period of not more than thirty days prior
5 to the expiration date of the license held by him at the time of such application
6 shall be entitled to receive the new license applied for upon filing with the
7-9 commissioner the required bond and the payment of the required fee.

10 Any person who is a holder of an employment agency owner's license
11 issued under the provisions of this act and applies for a new license to be
12 issued under the provisions of this act shall be entitled to receive new license
13 applied for upon filing with the commissioner the required bond and the pay-
14 ment of the required fee.

15 Any individual person who, on the effective date of this act, is the holder
16 of a license to open, keep or carry on an employment agency, issued under
17 the provisions of Revised Statutes of New Jersey, Title 34, chapter eight,
18 and who shall, within a period of not more than thirty days preceding the
19 expiration date of such license, apply for an employment agency operator's
20 license shall, upon the payment of the required fee, be entitled to receive an
21 employment agency operator's license authorizing his dealing in the type of
22 occupations and employment in which he has been authorized to deal in by the
23 license held by him at the time of said application.

24 Any individual person who is the holder of an employment agency oper-
25 ator's license, issued under the provisions of this chapter, who shall file an
26 application for a new license to become effective upon the expiration date of
27 the license in effect at the time of application, shall, upon the payment of the
28 required fee, be entitled to the license applied for.

1 15. Except as otherwise specifically provided in this act, any person,
2 corporation, partnership or member of any association, or any agent, servant
3 or employee of any person, corporation, partnership or association who shall

4 violate any of the provisions of this act and any holder of an employment
5 agency operator's license who shall willfully violate any of the provisions of
6 this act shall be guilty of a misdemeanor and shall be punishable by a fine
7 of not less than twenty-five dollars (\$25.00) and not more than two hun-
8 dred fifty dollars (\$250.00), or by imprisonment for a period of not more than
9 one year, or both.

1 16. Notwithstanding any other evidence of legislative intent, it is hereby
2 declared to be the controlling legislative intent that if any provision of this
3 act is held invalid, the remainder of the act and the application of such pro-
4 vision to circumstances other than those as to which it is held invalid, shall
5 not be affected thereby.

1 17. This act shall supersede the provisions of chapter eight of Title 34
2 of the Revised Statutes, except so far as may be necessary to permit the en-
3 forcement, after the effective date of this act, of any of the provisions of said
4 chapter for violations committed before the effective date of this act whether
5 or not proceedings for such enforcement shall have been begun before such
6 effective date and in event that any of the provisions of this act shall be held
7 invalid and the balance of this act shall be held to be unenforceable for the
8 purposes for which it was intended, then the provisions of chapter eight of
9 Title 34 of the Revised Statutes shall be held to be and remain in full force
10 and effect.

1 18. Licenses may be issued under this act prior to the effective date of
2 this act and such licenses shall become valid upon the effective date of this act.

1 19. This act shall take effect January first, one thousand nine hundred
2 and fifty-two.

STATE OF NEW JERSEY

ADOPTED MARCH 19, 1951

AN ACT to regulate and license employment agencies and certain employees of such agencies, defining the same, fixing the fees for such licenses and imposing penalties for violations, and supplementing Title 34 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. As used in this act:

2 "Employment agency" means and includes the business of procuring or
3 offering to procure help or employment, or the giving of information as to
4 where help or employment may be procured, whether the business is con-
5 ducted in a building or on the street or elsewhere; or the business of
6 keeping an employment bureau, nurses' registry, or agency for procuring
7 engagements for vaudeville or theatrical performers, or other agency or office
8 for procuring work or employment for persons, where a fee or privilege is
9 exacted, charged or received directly or indirectly for procuring or assist-
10 ing or promising to procure employment, work, engagement or a situation of
11 any kind, or for procuring or providing help or promising to provide help for
12 any person, whether such fee is collected from the applicant for employment
13 or the applicant for help, or whether the application for help or employment
14 is made directly or indirectly by either the prospective employer or the pro-
15 spective employee or by any person acting to secure either help or employ-
16 ment for the prospective employer or the prospective employee.

17 "Fee" means and includes any payment of money, or promises to pay
18 money, or the excess of money received by a person furnishing employment
19 or employees over what he has paid for transportation, transfer or baggage
20 or lodging for an applicant for employment. It shall also mean and include
21 the difference between the amount of money received by any person who
22 either furnishes employees or performers for any entertainment, exhibition
23 or performance, or who furnishes baby sitters for any occasion, and the
24 amount paid by such person or persons to the employees, performers or baby
25 sitters.

26 "Privilege" means and includes the furnishing of food, supplies, tools
27 or shelter to contract laborers, commonly known as commissary privileges.
28 The furnishing of food, supplies, tools or shelter to laborers, if performed or
29 paid for within this State, both in connection with the promise or offer to
30 provide help or employment regardless of where such offer is made or where
31 the help is obtained, shall be considered proof of violation of this act.

32 "Commissioner" means the Commissioner of Labor and Industry of this
33 State or his duly authorized representative.

34 "Contract laborers" means unskilled or skilled workers, of either sex,
35 furnished either directly or indirectly by any person, engaged directly or
36 indirectly in the business of furnishing employees, to employers by whom
37 they are to be employed in groups of five or more persons.

38 "Employment agency owner's license" means a license authorizing the
39 person to whom it is issued to own an employment agency and to have such
40 employment agency operated by a person or persons duly authorized to per-
41 form the functions for which the agency is licensed.

42 "Employment agency operator's license" means a license issued to an
43 individual person who is the holder of an employment agency owner's license
44 or to an employee or agent of the holder of an employment agency owner's
45 license. When held by the employee or agent of the holder of an employment
46 agency owner's license such employment agency operator's license shall au-

47 thorize the holder to perform such functions as he may be duly authorized
48 and empowered by his employer to perform and for the performance of which
49 an employment agency operator's license is required. No person, other than
50 the holder of an employment agency operator's license, shall furnish help or
51 employment, or furnish information as to where help or employment may be
52 obtained, or manage, operate or carry on the business of an employment
53 agency.

54 "Representative" means any individual person holding an employment
55 agency operator's license duly authorized and empowered by the owner of the
56 employment agency owners' license, by whom he is employed, to solicit busi-
57 ness and otherwise act as the duly authorized representative of his employer
58 to the extent of such authorization and subject to the provisions of this act.

59 "Employee" means an applicant for a job, or an engagement to work,
60 who is furnished to an employer, or prospective employer, by an employment
61 agency. This definition shall not apply to employees of the employment
62 agency.

63 "Employer" means an applicant for help for whom an employee is to be
64 supplied by an employment agency.

65 "Rules and regulations" means such rules and regulations as shall have
66 been promulgated by the commissioner and are not inconsistent with the pro-
67 visions of this act.

68 "Vaudeville or theatrical performers" means individual persons or
69 groups of persons whose services are available for hire for the purpose of
70 furnishing entertainment or amusement, whether the services are rendered by
70A individuals performing alone or in groups commonly described as enter-
70B tainment acts.

71 "Agency for procuring engagements for theatrical or vaudeville per-
72 formers" means any person engaged in the business of procuring employ-
73 ment for vaudeville or theatrical employees for any employer other than
74 himself.

75 "Baby sitters" means and includes any individual person, of either sex,
76 other than a registered nurse or a licensed nurse, entrusted temporarily
77 with the care of children during the absence of their parents, guardians, or
78 persons standing in loco parentis to them. This definition shall not include
79 persons regularly employed by agencies, or institutions operated by or under
80 the control or supervision of this State, or any of its political subdivisions,
81 nor any nurseries operated for the care of children when such nurseries are
82 similarly controlled or supervised.

1 2. The provisions of this act shall not apply to:

2 (1) A business or persons engaged therein which is confined to procur-
3 ing employment in schools or institutions of learning recognized and ap-
4 proved as such by the Department of Education of this State, or by the duly
5 established authority of the State in which the employment is procured
6 when the employment procured is restricted to positions for teachers who
7 are recognized and approved as such by the said Department of Education
8 under its authority to qualify and certify teachers;

9 (2) Departments or bureaus maintained by persons for the purpose
10 of securing help for themselves where no fee is charged the applicant for
11 employment, or to any State, Federal, or municipal or charitable agency
12 where no fee is charged. The exemption from the provisions of this act of
13 departments or bureaus maintained by persons for the purpose of securing
14 help for themselves shall not be construed to exempt associations or organi-
15 zations of employers from the requirement to procure such license or licenses
16 as are otherwise required under this act;

17 (3) The procuring of employment by any labor union for any of its
18 members in any job or jobs coming under the jurisdiction of the union; *pro-*
19 *vided*, that no fee is charged any employee for being furnished employment
20 or information where employment may be procured;

21 (4) Any nurses' registry conducted by any association of registered
22 nurses, whose membership is not less than ten registered nurses, duly in-
23 corporated as a nonprofit organization under the laws of New Jersey, and
24 operated under the supervision of a registered nurse legally authorized to

25 practice as such in the State of New Jersey; *provided*, that no such nurses'
26 registry shall furnish help or employment in any occupation other than as a
27 registered nurse, a practical nurse, licensed by the State of New Jersey, or
28 persons other than baby sitters approved by the registered nurse in charge
29 of such nurses' registry and sent by the agency to an employer to assist non-
30-31 professionally in the care of the sick or ailing; or

32 (5) Any association of farmers duly incorporated on a nonprofit basis,
33 under the provisions of the law of New Jersey, and certified to the commis-
34 sioner by the Secretary of Agriculture of New Jersey as being an associa-
35 tion of bona fide farmers of New Jersey; *providing*, that such association
36 of farmers do not furnish help to any person or persons other than mem-
37 bers of their association; *and further provided*, that no fee is charged any
38 employee for being furnished employment or information where employ-
39 ment may be procured. The provisions of this act shall not apply to any per-
40 son who furnishes for or to farmers, workers to be employed on a seasonal
41 basis in the occupation of field workers or harvest hands and by whom no
42 fee is charged either directly or indirectly to any worker, or to whom any fee
43 is paid either directly or indirectly by any worker for the furnishing or agree-
44 ing to furnish either help for farmers or employment for workers provided
45 that the wages of such workers are paid directly to the workers by the farm-
46 ers by whom they are employed.

1 3. No person shall either directly or indirectly open, conduct or maintain
2 or perform any of the functions of an employment agency without first ob-
3 taining such license or licenses as is or are required by the provisions of
4 this act. No license shall authorize the furnishing of help or employment or
5 the furnishing of information where help or employment may be procured
6 in the capacity of baby sitters. No employee of a licensee shall be exempt
7 from the requirement of securing a license for the performance of any act

8 for which a license is required by this act. No license shall be of avail to
9 any person other than the individual person or persons holding such license
10 except that a corporation may be the holder of an employment agency
11 owner's license. No license shall be of avail for use at any place other than
12 at the place designated in such license. No license, issued to an employee
13 of any employment agency shall authorize his employment by any other
14 employment agency. No employment agency owner's license shall be trans-
15 ferred or amended unless a consent thereto, in writing, is given by the com-
16 missioner. No employment agency owner's license shall be transferred by
17 the licensee to any other person except upon the written consent of the
18 commissioner, and the payment of the fee prescribed by this act.

19 Upon the termination of the employment of the holder of an employ-
20 ment agency operator's license the holder of the employment agency owner's
21 license by whom the holder of said employment agency operator's license
22 has been employed shall promptly notify the commissioner of the termina-
23 tion of the employment. The employment agency operator's license shall
24 thereupon be cancelled and the holder thereof entitled to the issuance of a
25 new license for the unexpired term of the old license without payment of ad-
26 ditional fee upon the written request of such holder thereof and the holder of
27 the employment agency owner's license who is to be named in such new
28 license as the new employer; *provided, however*, that the commissioner may
29 refuse to issue such new license for any good cause shown within the provi-
30 sions of this act.

31 Any unlicensed person or any officer or agent of any unlicensed corpora-
32 tion who shall either directly or indirectly open, conduct or maintain an em-
33 ployment agency, or any person who shall knowingly permit any unlicensed
34 employee or agent to perform any act, the performer of which is required to
35 be licensed, shall be guilty of a misdemeanor and shall be punishable by a
36 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
37 dollars (\$250.00) or by imprisonment for a period of not more than one year.
38 or both.

39 Any person performing any act, the performance of which is within the
40 definition of employment agency operator's license, without holding such a
41 license, shall be guilty of a misdemeanor and shall be punishable by a fine of
42 not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars
43 (\$250.00), or by imprisonment for a period of not more than one year, or both.

1 4. Applications for licenses required by this act shall be made, in writ-
2 ing to the commissioner, in such form as shall be prescribed by the rules and
3 regulations promulgated by the commissioner.

4 Each application for an employment agency owner's license shall state
5 the complete address, including street and street number of the building and
6 place where the agency is to be conducted and shall enumerate the type or
7 class of occupations in which the applicant intends to furnish help or em-
8 ployment.

9 Each application for an employment agency operator's license shall
10 state the name and address of the applicant, the name of the holder of an
11 employment agency owner's license, by whom the applicant expects to be
12 employed, and such other information, concerning the applicant and his edu-
13 cation and experience, as may be required by the commissioner to assist him
14 in determining the applicant's responsibility and qualifications in respect to
15 the type of license applied for. Any such application shall also enumerate
16 the type or class of occupations in which the applicant intends to deal in
17 the furnishing of help or employment. No employment agency operator's
18 license shall be issued until the holder of the employment agency owner's
19 license to be named therein shall confirm to the commissioner in writing the
20 agreement of employment of the holder of the employment agency operator's
21 license by the holder of the employment agency owner's license.

22 The commissioner shall act upon any application for a license within
23 thirty days after receiving the same, but shall not grant any license until
24 the application therefor shall have been on file for at least one week and
25 notice of the application and opportunity to be heard in the case of the
26 application for an employment agency owner's license shall have been given

27 to every holder of an employment agency owner's license in the county where
28 the proposed agency is to be located, and in the case of an application for
29 an employment agency operator's license similar notice and opportunity
30 shall have been given to every holder of an employment agency owner's
31 license whose agency is located in the same county with the agency by which
32 the applicant is to be employed; *provided*, that the foregoing provisions
33 concerning notice and opportunity to be heard shall not apply in the case of
34 the issuance of a new employment agency operator's license to the holder
35 of such a license as provided for in the second paragraph of section three
36 of this act. The mailing of the notices herein required by first-class mail
37 one week prior to the date on which the commissioner acts on the applica-
38 tion shall constitute the giving of the notice required by this paragraph.
39 For the purpose of allowing an applicant to submit additional information,
40 the commissioner may extend the maximum time for acting upon an applica-
41 tion from thirty to sixty days.

1 5. Every applicant for an employment agency operator's license under
2 this act shall, by means of such written examination as may be required by
3 the rules and regulations promulgated by the commissioner, reasonably sat-
4 isfy the commissioner that the applicant has sufficient knowledge of the pro-
5 visions of this act, the rules and regulations promulgated by the commis-
6 sioner, and of the labor laws of this State to reasonably insure that any
7 acts performed by him as licensee will be in compliance with the applicable
8 laws and regulations, and further that by means of examination he shall
8a reasonably satisfy the commissioner that he has sufficient knowledge of and
9 experience in relation to the fields of employment specified in his applica-
10 tion as will insure his ability to render adequate and efficient service to
11 persons seeking help or employment; *however*, for the purpose of enabling
11a persons to secure experience and knowledge necessary to qualify them as an
11b operator, the commissioner may waive such of the requirements of this para-
11c graph as he deems proper and issue a provisional temporary license au-
11d thORIZING the holder to perform functions requiring a license, when acting

11e under the direct supervision of a duly qualified licensed operator; *provided*,
11f that no such temporary license shall remain in effect for more than one year.

12 Every applicant for an employment agency owner's license shall fur-
13 nish such evidence as may be required by the commissioner to satisfy him
14 that the applicant, or in the case of a corporate applicant, its officers and
15 directors, is or are of good moral character. Such evidence shall include
16 the affidavits of at least three reputable citizens of this State who have
17 known the applicant or said officers or directors for a period of at least
18 five years. Every applicant, and every officer and director of a corporate
19 applicant, shall be citizens of the United States and shall furnish proof
20 thereof. Every applicant shall furnish such additional information, concern-
21 ing himself, or its officers and directors, as may be required by the rules and
22 regulations promulgated by the commissioner for the purpose of assisting
23 him in investigating the character and responsibility of the applicant or its
24-25 officers and directors.

26 An applicant for an employment agency operator's license shall fur-
27 nish information which will reasonably satisfy the commissioner that the
28 applicant has sufficient knowledge of opportunities for employment in this
29 State and of the essential qualifications of employees in the occupations in
30 which he intends to furnish help or employment.

31 Any such applicant for an employment agency operator's license shall
31A be:

32 (1) a citizen of the United States of America, and

33 (2) of good moral character, attested to by affidavits of not less than
34 two reputable citizens of the State, whose acquaintance with the applicant
35 shall have been for at least one year.

36 Any applicant for an employment agency operator's license shall with
37 his application submit to the commissioner, in writing, information reason-
38 ably establishing that the applicant has had sufficient formal education or the
39 equivalent thereof to enable him to properly keep the records and do the cleri-
40-46 cal work required by this act.

47 If the employment agency operator's license is restricted to the fur-
48 nishing of help or employment in domestic service, the said educational and
49 training qualifications of the applicant shall not be required but the com-
50 missioner shall be satisfied that the applicant has had sufficient training or
51 experience to furnish or place domestic help.

52 The commissioner shall provide for the issuance of, and shall pre-
53 scribe the form for, the licenses which he is authorized to issue pursuant to
54 this act. The commissioner, by rule promulgated by him, may require licenses
55 to be posted and registration cards to be carried in such cases as he shall
56 determine. All licenses, subject to revocation as provided in this act, shall
57 expire on the first day of January next after their issuance.

1 6. An employment agency shall not be conducted in any of the following
2 places:

- 3 (1) Rooms or quarters used for living purposes;
- 4 (2) Boarding or lodging houses, rooms or quarters;
- 5 (3) Sleeping rooms or quarters.

6 Where the application is for a license to operate an employment agency
7 in a place used for the conduct of another business, the commissioner may
8 refuse to grant such license if, in his opinion, such refusal would be in the
9 public interest.

1 7. Before an employment agency owner's license is issued, the applicant
2 shall deposit with the commissioner a bond in the penal sum of one thousand
3 dollars (\$1,000.00), with two or more sureties, or a duly authorized surety
4 company as surety, to be approved by the commissioner.

5 The bond shall be payable to the State and shall be conditioned that the
6 person applying for the license will comply with this act and will pay all
7 damages occasioned to any person by reason of any misstatement, misrepre-
8 sentation, fraud or deceit, or any unlawful act or omission of any licensed
9 person, his agents, or employees, while acting within the scope of their em-
10 ployment, made, committed or omitted in the business conducted under the
11 license, or caused by any violation of this act in carrying on the business

12 for which the license is granted. In case of a breach of the condition of
13 any bond, application may be made to the commissioner by the person in-
14 jured by the breach for leave to sue upon the bond, which leave shall be
15 granted by the commissioner if it be proven to his satisfaction that the con-
16 dition of the bond has been breached and the party applying has been in-
17 jured thereby. The person obtaining leave to sue shall be furnished with a
18 certified copy of the bond and institute suit on the bond in his own name for
19 the recovery of damages sustained by such breach.

20 If at any time, in the opinion of the commissioner, the sureties on any
21 such bond, or any of them, shall become irresponsible, the person holding
22 such license shall, upon notice from the commissioner, give a new bond, sub-
23 ject to the provisions of this section. The failure to give a new bond within
24 ten days after such notice, at the direction of the commissioner, shall oper-
25 ate as revocation of such license, and the license shall be thereupon returned
26 to the commissioner.

1 8. The licenses hereunder shall be issued upon an annual basis and the
2 fees therefore shall be as follows:

- 3 (1) An employment agency owner's license
 - 4 (a) In cities of 150,000 and upwards\$120.00
 - 5 (b) In cities of less than 150,000 but not less than 100,000 .. 90.00
 - 6 (c) In cities of less than 100,000 but not less than 50,000 ... 60.00
 - 7 (d) In cities of less than 50,000 30.00
- 8 (2) For an employment agency operator's license 5.00

1 9. Every licensed employment agency shall:

- 2 (1) File with the commissioner in form, approved by him, a schedule of
3 fees proposed to be charged for any service rendered to employers seeking
4 employees and to persons seeking employment; and adhere thereto in
5 charging for such services. Before approving of said fee schedule the
6 commissioner must be satisfied that same is reasonably understandable by
7 persons subject to its terms.

8 (2) Post such schedule of fees in a conspicuous manner in the office of
9 the agency using such blank forms as the commissioner shall provide for such
10 purpose.

11 (3) Keep and make available to the commissioner, or his duly authorized
12 representative, during regular business hours, such records containing in-
13 formation pertinent to applications for help or employment, help or employ-
14 ment procured or furnished, advertising for help or employment, fees charged
15 or collected, and to matters incidental and relevant thereto as are required by
15A rules and regulations to enable the commissioner to determine the status of
15B compliance with the provisions of this act.

16 (4) Requires all applicants for work in private families, or for positions
17 of trust, to furnish the agency with names and addresses of persons available
18 as character references, and whenever possible communicate, orally or in
19 writing, with at least one of the persons given by the applicant as a character
20 reference. If the applicant has not furnished the names of any persons avail-
21 able as character references, or if no favorable statement has been received
22 from such character references, the agency shall so advise the prospective
23 employer, to whom the applicant is referred. This information shall be
24 written upon the referral slip given by the agency to the applicant for work to
25 present to the prospective employer. A written result of the investigation to
26 determine the character and responsibility of any applicant for help shall be
27 kept on file in the agency subject to examination by the commissioner. If the
28 applicant for help voluntarily waives, in writing, an investigation of refer-
29 ences, the licensed agency shall not be required to make such an investigation.

30 (5) Charge to an employee who is discharged without cause within one
31 week not more than the scheduled fee for temporary employment or not more
32 than ten per centum (10%) of the scheduled fee for permanent employment
33 whichever of the two is the lesser; however, by mutual agreement between the
34 agency and the employee the agency may charge the full fee for the job
35 from which the employee has been discharged without cause and furnish the
36 employee another job for which no charge is to be made.

37 (6) Charge an applicant who fails to report for duty, after accepting
38 employment, not more than two-fifths of the scheduled fee.

39 (7) Charge an applicant who leaves employment of his own accord
40 within the first week of employment not more than two-fifths of the sched-
41 uled fee.

42 (8) Reimburse the applicant for transportation expenses if no employ-
43 ment of the kind applied for exists at the place to which the applicant is sent
44 and the licensed agency did not have a bona fide order, either oral or written,
45 from the prospective employer.

46 (9) If an applicant shall not accept or obtain help or employment through
47 an employment agency to whom he had paid a fee or a part of a fee, the
48 agency shall upon demand repay to the applicant the full amount of any fee
49 or part of a fee which has been paid to the agency for such help or employ-
50 ment allowing three days' time to determine the fact of failure to obtain help
51 or employment.

52 (10) Give to every applicant for employment, from whom a fee is
53 received, a receipt in which shall be stated the name of the applicant, the
54 date and amount of fee, the purpose for which it was paid, and to every
55 applicant for help a receipt stating the name and address of the applicant,
56 the date and amount of the fee, and the kind of help to be provided. Every
57 such receipt shall have printed on the back thereof a brief abstract descriptive
58 of the provisions of this act relating to such fees.

59 (11) Furnish each applicant for employment, who is sent to a prospec-
60 tive employer, with a card or similar paper containing the nature of the
61 prospective employment, the names of the applicant and prospective em-
62 ployer, and the address of such employer. The said card or paper may be
63 mailed to the applicant on the same day that the employee is sent to the pro-
64 spective employer and a copy thereof to the prospective employer in lieu of
65 furnishing the same to the applicant.

66 (12) Furnish to each applicant for employment who is sent to a prospec-
67 tive employer for an interview concerning the applicant's qualifications or

68 future employment in a job for which no order has been given to the agency,
 69 a card or paper containing the names of the applicant and of the prospective
 70 employer, the address of the prospective employer and such other particulars
 71 as the agency may determine. In each such case, there shall be printed in
 72 bold-faced type on said card or paper the following:

73 "This card of introduction is given the bearer with the understand-
 74 ing that he is not obligated to this agency for any fee until such time as
 75 he may be employed as a result of the services rendered him by this
 76 agency and after the agency has received a bona fide order for help to
 77 fill the job which he has obtained."

78 (13) Post in the agency in such places as the commissioner shall direct
 79 an abstract of this act and of the rules and regulations promulgated by the
 80 commissioner in such form as he shall require. The commissioner shall cer-
 81 tify to the said abstracts.

1 10. No employment agency shall:

2 (1) Conduct a lodging house for the unemployed unless it is separate
 3 and apart from the agency.

4 (2) Conduct its business, or any phase thereof, in any room or place
 5 where

6 (a) person or persons sleep or conduct their household affairs, or

7 (b) boarders or lodgers are kept.

8 (3) Charge or accept payment of any fees other than shown by its sched-
 9 ule of fees filed with the commissioner and posted in the agency.

10 (4) Accept and receive any valuable thing or gift as or in lieu of a fee.

11 (5) Divide or offer to divide fees, directly or indirectly, with prospective
 12 or actual employers or any agent, employee, or representative of said
 13 employers.

14 (6) Accept payment of any fee or attempt to collect any fees for any
 15 service rendered with relation to any specific help or employment which
 16 the applicant has not accepted or obtained through the agency in cases

17 where it is established that the applicant did not accept or obtain such help
18 or employment through the agency.

19 (7) Make any statement or in any way allege or indicate to any appli-
20 cant sent to seek employment at any place or by any prospective employer
21 that work or employment is available at any such place or by any such
22 prospective employer unless the agency does have a bona fide order for an
23 employee to fill the job alleged or indicated as being available.

24-27 (8) Send or cause to be sent any female to become a servant or inmate
28 of, or to enter, any place of bad repute, house of ill-fame or assignation, or
29 to any house or place of amusement kept for immoral purposes, or to a
30 place resorted to for the purposes of prostitution, or to a gambling house.

31 (9) Knowingly permit persons of bad character, prostitutes, gamblers,
32 intoxicated persons or procurers to frequent the agency.

33 (10) Accept any application for employment made by or on behalf of any
34 child under the age of sixteen years, or place or assist in placing any such
35 child in any employment whatever or place or assist in placing any minor
35a under eighteen years of age in any unlawful occupation.

36 (11) Induce or compel any person to enter the agency, for any purpose,
37 by the use of force or by taking forcible possession of such person's
38 property.

39 (12) Publish or cause to be published any false or fraudulent or mislead-
40 ing notice or advertisement. All advertisements of any agency by means of
41 cards, circulars or signs, or in newspapers and other publications, and all
42 letterheads, receipts and blanks shall contain the name and address of the
43 agency, and no agency shall give any false promise or false representation
44 concerning employment to any applicant for employment or help, or enter
45 into any contract with any applicant for help or employment or induce or
46 try to induce any applicant for help or employment to make any agree-
47 ment, the provisions of which contract or agreement, if fulfilled, is in viola-
48 tion of any provisions of this act.

1 11. The commissioner may withhold any license if it appears to him after
2 investigation, and hearings if necessary, that the needs of employers and
3 employees of any given municipality in which the employment agency is
4 sought to be licensed are adequately served by public free employment offices
5 or by licensed private employment agencies, or both; and that the granting
6 of any additional license for an employment agency to be located in any
7 given municipality is contrary to the best interest and welfare of the public.

1 12. The commissioner may refuse to issue, and may revoke, any license
2 for any failure to comply with, or violation of, the provisions of this act or
3 for any other good cause shown, within the meaning and purpose of this
4 act. No such refusal or revocation shall be made except upon reasonable
5 notice to, and opportunity to be heard by, the applicant or licensee, as the
6 case may be. The commissioner instead of revoking any license, may sus-
7 pend the same for such period of time as he shall determine to be just and
8 proper, and he may issue a new license, notwithstanding the revocation of a
9 prior license, provided he shall find that the applicant shall have become en-
10 titled to such new license.

1 13. This act shall be administered by the commissioner and he shall make
2 and promulgate such rules and regulations as may be required for the
3 effectuation of the purposes and provisions of this act; *provided*, that before
4 such rules and regulations or modifications thereof may be promulgated,
5 written notice shall be sent to the holder of each employment agency
6 owner's license and each employment agency operator's license which notice
7 shall contain in full the provisions of the rules and regulations proposed and
8 notice of the time and place of a public hearing to be held not sooner than
9 five days nor later than fifteen days following the date of notice, at which
10 hearing all persons in favor of or opposed to the proposed rules and regula-
11 tions or modifications thereof may be heard; *and further provided*, that the
12 purpose, the time and place of such hearing shall also be published for the in-
13 formation of the public not sooner than five days nor later than fifteen days
14 following the notice to licensees. Any rules and regulations or modifications

15 thereof, promulgated by the commissioner, shall be filed with the Secretary
16 of State within five days after such promulgation.

1 14. Any person who is the holder of a license to open, keep or carry on
2 any employment agency, issued under the provisions of Revised Statutes,
3 Title 34, chapter eight, and who applies for a new license to be issued under
4 the provisions of this act within a period of not more than thirty days prior
5 to the expiration date of the license held by him at the time of such application
6 shall be entitled to receive the new license applied for upon filing with the
7-9 commissioner the required bond and the payment of the required fee.

10 Any person who is a holder of an employment agency owner's license
11 issued under the provisions of this act and applies for a new license to be
12 issued under the provisions of this act shall be entitled to receive new license
13 applied for upon filing with the commissioner the required bond and the pay-
14 ment of the required fee.

15 Any individual person who, on the effective date of this act, is the holder
16 of a license to open, keep or carry on an employment agency, issued under
17 the provisions of Revised Statutes of New Jersey, Title 34, chapter eight,
18 and who shall, within a period of not more than thirty days preceding the
19 expiration date of such license, apply for an employment agency operator's
20 license shall, upon the payment of the required fee, be entitled to receive an
21 employment agency operator's license authorizing his dealing in the type of
22 occupations and employment in which he has been authorized to deal in by the
23 license held by him at the time of said application.

24 Any individual person who is the holder of an employment agency oper-
25 ator's license, issued under the provisions of this chapter, who shall file an
26 application for a new license to become effective upon the expiration date of
27 the license in effect at the time of application, shall, upon the payment of the
28 required fee, be entitled to the license applied for.

1 15. Except as otherwise specifically provided in this act, any person,
2 corporation, partnership or member of any association, or any agent, servant
3 or employee of any person, corporation, partnership or association who shall

4 violate any of the provisions of this act and any holder of an employment
5 agency operator's license who shall willfully violate any of the provisions of
6 this act shall be guilty of a misdemeanor and shall be punishable by a fine
7 of not less than twenty-five dollars (\$25.00) and not more than two hun-
8 dred fifty dollars (\$250.00), or by imprisonment for a period of not more than
9 one year, or both.

1 16. Notwithstanding any other evidence of legislative intent, it is hereby
2 declared to be the controlling legislative intent that if any provision of this
3 act is held invalid, the remainder of the act and the application of such pro-
4 vision to circumstances other than those as to which it is held invalid, shall
5 not be affected thereby.

1 17. This act shall supersede the provisions of chapter eight of Title 34
2 of the Revised Statutes, except so far as may be necessary to permit the en-
3 forcement, after the effective date of this act, of any of the provisions of said
4 chapter for violations committed before the effective date of this act whether
5 or not proceedings for such enforcement shall have been begun before such
6 effective date and in event that any of the provisions of this act shall be held
7 invalid and the balance of this act shall be held to be unenforceable for the
8 purposes for which it was intended, then the provisions of chapter eight of
9 Title 34 of the Revised Statutes shall be held to be and remain in full force
10 and effect.

1 18. Licenses may be issued under this act prior to the effective date of
2 this act and such licenses shall become valid upon the effective date of this act.

1 19. This act shall take effect January first, one thousand nine hundred
2 and fifty-two.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951. }

COMMITTEE SUBSTITUTE FOR ASSEMBLY BILL No. 384

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith for reconsideration and with my objections, Committee Substitute for Assembly Bill No. 384.

This bill would revise the provisions of the law (chapter 8 of Title 34 of the Revised Statutes) relating to the licensing of employment agencies and their employees. The measure is intended to improve the statutory requirements on the subject.

The bill contains a serious technical error. While I am advised that the provisions of the measure were intended to apply to employment agencies operating in any municipality in the State, section 8 of the bill relating to the issuance of annual licenses for the conduct of these agencies refers solely to "cities." Apparently the draftsman of the legislation assumed that the words "cities" and "municipalities" were synonymous. This is not the case.

Accordingly, I am returning herewith Committee Substitute for Assembly Bill No. 384 for reconsideration and with the recommendation that amendments be made to the bill (Second Official Copy Reprint) as follows:

On page 5, section 3, line 1, after the words "or maintain" insert the words "an employment agency".

On page 11, section 8, line 4, delete the words "cities of 150,000 and upwards" and insert in lieu thereof the words "any municipality having a population of 150,000 or more".

On page 11, section 8, line 5, delete the words "cities of less than 150,000 but not less than 100,000" and insert in lieu thereof the words "any municipality having a population of less than 150,000 but not less than 100,000".

On page 11, section 8, line 6, delete the words "cities of less than 100,000 but not less than 50,000" and in-

sert in lieu thereof the words "any municipality having a population of less than 100,000 but not less than 50,000".

On page 11, section 8, line 7, delete the words "cities of less than 50,000" and insert in lieu thereof the words "any municipality having a population of less than 50,000".

On page 17, section 14, line 12, after the word "receive" insert the word "the".

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
June 26, 1951. }

ASSEMBLY BILL No. 395

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14 (b) of the State Constitution, I am returning herewith, for reconsideration and with my objections, Assembly Bill No. 395.

This Bill proposes to amend section 41:2-1 of the Revised Statutes which designates the officers before whom oaths, affirmations and affidavits may be made and taken.

The office of Commissioner of the Superior Court no longer exists.

Accordingly, I am returning herewith Assembly Bill No. 395 for reconsideration and with the recommendation that amendment be made to the Bill (Official Copy Reprint) as follows:

On page 1, section 1, delete line 9 in its entirety.

Respectfully,

ALFRED E. DRISCOLL,
Governor.

[SEAL]
Attest:

PAUL T. STAFFORD,
Secretary to the Governor.

STATE OF NEW JERSEY

ADOPTED MARCH 19, 1951

AN ACT to regulate and license employment agencies and certain employees of such agencies, defining the same, fixing the fees for such licenses and imposing penalties for violations, and supplementing Title 34 of the Revised Statutes.

1 BE IT ENACTED by the Senate and General Assembly of the State of New
2 Jersey:

1 1. As used in this act:

2 "Employment agency" means and includes the business of procuring or
3 offering to procure help or employment, or the giving of information as to
4 where help or employment may be procured, whether the business is con-
5 ducted in a building or on the street or elsewhere; or the business of
6 keeping an employment bureau, nurses' registry, or agency for procuring
7 engagements for vaudeville or theatrical performers, or other agency or office
8 for procuring work or employment for persons, where a fee or privilege is
9 exacted, charged or received directly or indirectly for procuring or assist-
10 ing or promising to procure employment, work, engagement or a situation of
11 any kind, or for procuring or providing help or promising to provide help for
12 any person, whether such fee is collected from the applicant for employment
13 or the applicant for help, or whether the application for help or employment
14 is made directly or indirectly by either the prospective employer or the pro-
15 spective employee or by any person acting to secure either help or employ-
16 ment for the prospective employer or the prospective employee.

17 "Fee" means and includes any payment of money, or promises to pay
18 money, or the excess of money received by a person furnishing employment
19 or employees over what he has paid for transportation, transfer or baggage
20 or lodging for an applicant for employment. It shall also mean and include
21 the difference between the amount of money received by any person who
22 either furnishes employees or performers for any entertainment, exhibition
23 or performance, or who furnishes baby sitters for any occasion, and the
24 amount paid by such person or persons to the employees, performers or baby
25 sitters.

26 "Privilege" means and includes the furnishing of food, supplies, tools
27 or shelter to contract laborers, commonly known as commissary privileges.
28 The furnishing of food, supplies, tools or shelter to laborers, if performed or
29 paid for within this State, both in connection with the promise or offer to
30 provide help or employment regardless of where such offer is made or where
31 the help is obtained, shall be considered proof of violation of this act.

32 "Commissioner" means the Commissioner of Labor and Industry of this
33 State or his duly authorized representative.

34 "Contract laborers" means unskilled or skilled workers, of either sex,
35 furnished either directly or indirectly by any person, engaged directly or
36 indirectly in the business of furnishing employees, to employers by whom
37 they are to be employed in groups of five or more persons.

38 "Employment agency owner's license" means a license authorizing the
39 person to whom it is issued to own an employment agency and to have such
40 employment agency operated by a person or persons duly authorized to per-
41 form the functions for which the agency is licensed.

42 "Employment agency operator's license" means a license issued to an
43 individual person who is the holder of an employment agency owner's license
44 or to an employee or agent of the holder of an employment agency owner's
45 license. When held by the employee or agent of the holder of an employment
46 agency owner's license such employment agency operator's license shall au-

47 thorize the holder to perform such functions as he may be duly authorized
48 and empowered by his employer to perform and for the performance of which
49 an employment agency operator's license is required. No person, other than
50 the holder of an employment agency operator's license, shall furnish help or
51 employment, or furnish information as to where help or employment may be
52 obtained, or manage, operate or carry on the business of an employment
53 agency.

54 "Representative" means any individual person holding an employment
55 agency operator's license duly authorized and empowered by the owner of the
56 employment agency owners' license, by whom he is employed, to solicit busi-
57 ness and otherwise act as the duly authorized representative of his employer
58 to the extent of such authorization and subject to the provisions of this act.

59 "Employee" means an applicant for a job, or an engagement to work,
60 who is furnished to an employer, or prospective employer, by an employment
61 agency. This definition shall not apply to employees of the employment
62 agency.

63 "Employer" means an applicant for help for whom an employee is to be
64 supplied by an employment agency.

65 "Rules and regulations" means such rules and regulations as shall have
66 been promulgated by the commissioner and are not inconsistent with the pro-
67 visions of this act.

68 "Vaudeville or theatrical performers" means individual persons or
69 groups of persons whose services are available for hire for the purpose of
70 furnishing entertainment or amusement, whether the services are rendered by
70A individuals performing alone or in groups commonly described as enter-
70B tainment acts.

71 "Agency for procuring engagements for theatrical or vaudeville per-
72 formers" means any person engaged in the business of procuring employ-
73 ment for vaudeville or theatrical employees for any employer other than
74 himself.

75 "Baby sitters" means and includes any individual person, of either sex,
76 other than a registered nurse or a licensed nurse, entrusted temporarily
77 with the care of children during the absence of their parents, guardians, or
78 persons standing in loco parentis to them. This definition shall not include
79 persons regularly employed by agencies, or institutions operated by or under
80 the control or supervision of this State, or any of its political subdivisions,
81 nor any nurseries operated for the care of children when such nurseries are
82 similarly controlled or supervised.

1 2. The provisions of this act shall not apply to:

2 (1) A business or persons engaged therein which is confined to procur-
3 ing employment in schools or institutions of learning recognized and ap-
4 proved as such by the Department of Education of this State, or by the duly
5 established authority of the State in which the employment is procured
6 when the employment procured is restricted to positions for teachers who
7 are recognized and approved as such by the said Department of Education
8 under its authority to qualify and certify teachers;

9 (2) Departments or bureaus maintained by persons for the purpose
10 of securing help for themselves where no fee is charged the applicant for
11 employment, or to any State, Federal, or municipal or charitable agency
12 where no fee is charged. The exemption from the provisions of this act of
13 departments or bureaus maintained by persons for the purpose of securing
14 help for themselves shall not be construed to exempt associations or organi-
15 zations of employers from the requirement to procure such license or licenses
16 as are otherwise required under this act;

17 (3) The procuring of employment by any labor union for any of its
18 members in any job or jobs coming under the jurisdiction of the union; *pro-*
19 *vided*, that no fee is charged any employee for being furnished employment
20 or information where employment may be procured;

21 (4) Any nurses' registry conducted by any association of registered
22 nurses, whose membership is not less than ten registered nurses, duly in-
23 corporated as a nonprofit organization under the laws of New Jersey, and
24 operated under the supervision of a registered nurse legally authorized to

25 practice as such in the State of New Jersey; *provided*, that no such nurses'
26 registry shall furnish help or employment in any occupation other than as a
27 registered nurse, a practical nurse, licensed by the State of New Jersey, or
28 persons other than baby sitters approved by the registered nurse in charge
29 of such nurses' registry and sent by the agency to an employer to assist non-
30-31 professionally in the care of the sick or ailing; or

32 (5) Any association of farmers duly incorporated on a nonprofit basis,
33 under the provisions of the law of New Jersey, and certified to the commis-
34 sioner by the Secretary of Agriculture of New Jersey as being an associa-
35 tion of bona fide farmers of New Jersey; *providing*, that such association
36 of farmers do not furnish help to any person or persons other than mem-
37 bers of their association; *and further provided*, that no fee is charged any
38 employee for being furnished employment or information where employ-
39 ment may be procured. The provisions of this act shall not apply to any per-
40 son who furnishes for or to farmers, workers to be employed on a seasonal
41 basis in the occupation of field workers or harvest hands and by whom no
42 fee is charged either directly or indirectly to any worker, or to whom any fee
43 is paid either directly or indirectly by any worker for the furnishing or agree-
44 ing to furnish either help for farmers or employment for workers provided
45 that the wages of such workers are paid directly to the workers by the farm-
46 ers by whom they are employed.

1 3. No person shall either directly or indirectly open, conduct or maintain
2 an employment agency or perform any of the functions of an employment
3 agency without first obtaining such license or licenses as is or are required by
4 the provisions of this act. No license shall authorize the furnishing of help or
5 employment or the furnishing of information where help or employment may
6 be procured in the capacity of baby sitters. No employee of a licensee shall be
7 exempt from the requirement of securing a license for the performance of any
8 act for which a license is required by this act. No license shall be of avail to

9 any person other than the individual person or persons holding such license
10 except that a corporation may be the holder of an employment agency
11 owner's license. No license shall be of avail for use at any place other than
12 at the place designated in such license. No license, issued to an employee
13 of any employment agency shall authorize his employment by any other
14 employment agency. No employment agency owner's license shall be trans-
15 ferred or amended unless a consent thereto, in writing, is given by the com-
16 missioner. No employment agency owner's license shall be transferred by
17 the licensee to any other person except upon the written consent of the
18 commissioner, and the payment of the fee prescribed by this act.

19 Upon the termination of the employment of the holder of an employ-
20 ment agency operator's license the holder of the employment agency owner's
21 license by whom the holder of said employment agency operator's license
22 has been employed shall promptly notify the commissioner of the termina-
23 tion of the employment. The employment agency operator's license shall
24 thereupon be cancelled and the holder thereof entitled to the issuance of a
25 new license for the unexpired term of the old license without payment of ad-
26 ditional fee upon the written request of such holder thereof and the holder of
27 the employment agency owner's license who is to be named in such new
28 license as the new employer; *provided, however*, that the commissioner may
29 refuse to issue such new license for any good cause shown within the provi-
30 sions of this act.

31 Any unlicensed person or any officer or agent of any unlicensed corpora-
32 tion who shall either directly or indirectly open, conduct or maintain an em-
33 ployment agency, or any person who shall knowingly permit any unlicensed
34 employee or agent to perform any act, the performer of which is required to
35 be licensed, shall be guilty of a misdemeanor and shall be punishable by a
36 fine of not less than fifty dollars (\$50.00) nor more than two hundred fifty
37 dollars (\$250.00) or by imprisonment for a period of not more than one year.
38 or both.

30 Any person performing any act, the performance of which is within the
40 definition of employment agency operator's license, without holding such a
41 license, shall be guilty of a misdemeanor and shall be punishable by a fine of
42 not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars
43 (\$250.00), or by imprisonment for a period of not more than one year, or both.

1 4. Applications for licenses required by this act shall be made, in writ-
2 ing to the commissioner, in such form as shall be prescribed by the rules and
3 regulations promulgated by the commissioner.

4 Each application for an employment agency owner's license shall state
5 the complete address, including street and street number of the building and
6 place where the agency is to be conducted and shall enumerate the type or
7 class of occupations in which the applicant intends to furnish help or em-
8 ployment.

9 Each application for an employment agency operator's license shall
10 state the name and address of the applicant, the name of the holder of an
11 employment agency owner's license, by whom the applicant expects to be
12 employed, and such other information, concerning the applicant and his edu-
13 cation and experience, as may be required by the commissioner to assist him
14 in determining the applicant's responsibility and qualifications in respect to
15 the type of license applied for. Any such application shall also enumerate
16 the type or class of occupations in which the applicant intends to deal in
17 the furnishing of help or employment. No employment agency operator's
18 license shall be issued until the holder of the employment agency owner's
19 license to be named therein shall confirm to the commissioner in writing the
20 agreement of employment of the holder of the employment agency operator's
21 license by the holder of the employment agency owner's license.

22 The commissioner shall act upon any application for a license within
23 thirty days after receiving the same, but shall not grant any license until
24 the application therefor shall have been on file for at least one week and
25 notice of the application and opportunity to be heard in the case of the
26 application for an employment agency owner's license shall have been given

27 to every holder of an employment agency owner's license in the county where
28 the proposed agency is to be located, and in the case of an application for
29 an employment agency operator's license similar notice and opportunity
30 shall have been given to every holder of an employment agency owner's
31 license whose agency is located in the same county with the agency by which
32 the applicant is to be employed; *provided*, that the foregoing provisions
33 concerning notice and opportunity to be heard shall not apply in the case of
34 the issuance of a new employment agency operator's license to the holder
35 of such a license as provided for in the second paragraph of section three
36 of this act. The mailing of the notices herein required by first-class mail
37 one week prior to the date on which the commissioner acts on the applica-
38 tion shall constitute the giving of the notice required by this paragraph.
39 For the purpose of allowing an applicant to submit additional information,
40 the commissioner may extend the maximum time for acting upon an applica-
41 tion from thirty to sixty days.

1 5. Every applicant for an employment agency operator's license under
2 this act shall, by means of such written examination as may be required by
3 the rules and regulations promulgated by the commissioner, reasonably sat-
4 isfy the commissioner that the applicant has sufficient knowledge of the pro-
5 visions of this act, the rules and regulations promulgated by the commis-
6 sioner, and of the labor laws of this State to reasonably insure that any
7 acts performed by him as licensee will be in compliance with the applicable
8 laws and regulations, and further that by means of examination he shall
8a reasonably satisfy the commissioner that he has sufficient knowledge of and
9 experience in relation to the fields of employment specified in his applica-
10 tion as will insure his ability to render adequate and efficient service to
11 persons seeking help or employment; *however*, for the purpose of enabling
11a persons to secure experience and knowledge necessary to qualify them as an
11b operator, the commissioner may waive such of the requirements of this para-
11c graph as he deems proper and issue a provisional temporary license au-
11d thorizing the holder to perform functions requiring a license, when acting

11E under the direct supervision of a duly qualified licensed operator; *provided*,
11F that no such temporary license shall remain in effect for more than one year.

12 Every applicant for an employment agency owner's license shall fur-
13 nish such evidence as may be required by the commissioner to satisfy him
14 that the applicant, or in the case of a corporate applicant, its officers and
15 directors, is or are of good moral character. Such evidence shall include
16 the affidavits of at least three reputable citizens of this State who have
17 known the applicant or said officers or directors for a period of at least
18 five years. Every applicant, and every officer and director of a corporate
19 applicant, shall be citizens of the United States and shall furnish proof
20 thereof. Every applicant shall furnish such additional information, concern-
21 ing himself, or its officers and directors, as may be required by the rules and
22 regulations promulgated by the commissioner for the purpose of assisting
23 him in investigating the character and responsibility of the applicant or its
24-25 officers and directors.

26 An applicant for an employment agency operator's license shall fur-
27 nish information which will reasonably satisfy the commissioner that the
28 applicant has sufficient knowledge of opportunities for employment in this
29 State and of the essential qualifications of employees in the occupations in
30 which he intends to furnish help or employment.

31 Any such applicant for an employment agency operator's license shall
31A be:

- 32 (1) a citizen of the United States of America, and
- 33 (2) of good moral character, attested to by affidavits of not less than
34 two reputable citizens of the State, whose acquaintance with the applicant
35 shall have been for at least one year.

36 Any applicant for an employment agency operator's license shall with
37 his application submit to the commissioner, in writing, information reason-
38 ably establishing that the applicant has had sufficient formal education or the
39 equivalent thereof to enable him to properly keep the records and do the cleri-
40-46 cal work required by this act.

47 If the employment agency operator's license is restricted to the fur-
48 nishing of help or employment in domestic service, the said educational and
49 training qualifications of the applicant shall not be required but the com-
50 missioner shall be satisfied that the applicant has had sufficient training or
51 experience to furnish or place domestic help.

52 The commissioner shall provide for the issuance of, and shall pre-
53 scribe the form for, the licenses which he is authorized to issue pursuant to
54 this act. The commissioner, by rule promulgated by him, may require licenses
55 to be posted and registration cards to be carried in such cases as he shall
56 determine. All licenses, subject to revocation as provided in this act, shall
57 expire on the first day of January next after their issuance.

1 6. An employment agency shall not be conducted in any of the following
2 places:

- 3 (1) Rooms or quarters used for living purposes;
- 4 (2) Boarding or lodging houses, rooms or quarters;
- 5 (3) Sleeping rooms or quarters.

6 Where the application is for a license to operate an employment agency
7 in a place used for the conduct of another business, the commissioner may
8 refuse to grant such license if, in his opinion, such refusal would be in the
9 public interest.

1 7. Before an employment agency owner's license is issued, the applicant
2 shall deposit with the commissioner a bond in the penal sum of one thousand
3 dollars (\$1,000.00), with two or more sureties, or a duly authorized surety
4 company as surety, to be approved by the commissioner.

5 The bond shall be payable to the State and shall be conditioned that the
6 person applying for the license will comply with this act and will pay all
7 damages occasioned to any person by reason of any misstatement, misrepre-
8 sentation, fraud or deceit, or any unlawful act or omission of any licensed
9 person, his agents, or employees, while acting within the scope of their em-
10 ployment, made, committed or omitted in the business conducted under the
11 license, or caused by any violation of this act in carrying on the business

12 for which the license is granted. In case of a breach of the condition of
 13 any bond, application may be made to the commissioner by the person in-
 14 jured by the breach for leave to sue upon the bond, which leave shall be
 15 granted by the commissioner if it be proven to his satisfaction that the con-
 16 dition of the bond has been breached and the party applying has been in-
 17 jured thereby. The person obtaining leave to sue shall be furnished with a
 18 certified copy of the bond and institute suit on the bond in his own name for
 19 the recovery of damages sustained by such breach.

20 If at any time, in the opinion of the commissioner, the sureties on any
 21 such bond, or any of them, shall become irresponsible, the person holding
 22 such license shall, upon notice from the commissioner, give a new bond, sub-
 23 ject to the provisions of this section. The failure to give a new bond within
 24 ten days after such notice, at the direction of the commissioner, shall oper-
 25 ate as revocation of such license, and the license shall be thereupon returned
 26 to the commissioner.

1 8. The licenses hereunder shall be issued upon an annual basis and the
 2 fees therefor shall be as follows:

3	(1) An employment agency owner's license	
4	(a) In any municipality having a population of 150,000 or	
4A	more	\$120.00
5	(b) In any municipality having a population of less than	
5A	150,000 but not less than 100,000	90.00
6	(c) In any municipality having a population of less than	
6A	100,000 but not less than 50,000	60.00
7	(d) In any municipality having a population of less than	
7A	50,000	30.00
8	(2) For an employment agency operator's license	5.00

1 9. Every licensed employment agency shall:

2 (1) File with the commissioner in form, approved by him, a schedule of
 3 fees proposed to be charged for any service rendered to employers seeking
 4 employees and to persons seeking employment; and adhere thereto in

5 charging for such services. Before approving of said fee schedule the
6 commissioner must be satisfied that same is reasonably understandable by
7 persons subject to its terms.

8 (2) Post such schedule of fees in a conspicuous manner in the office of
9 the agency using such blank forms as the commissioner shall provide for such
10 purpose.

11 (3) Keep and make available to the commissioner, or his duly authorized
12 representative, during regular business hours, such records containing in-
13 formation pertinent to applications for help or employment, help or employ-
14 ment procured or furnished, advertising for help or employment, fees charged
15 or collected, and to matters incidental and relevant thereto as are required by
15A rules and regulations to enable the commissioner to determine the status of
15B compliance with the provisions of this act.

16 (4) Requires all applicants for work in private families, or for positions
17 of trust, to furnish the agency with names and addresses of persons available
18 as character references, and whenever possible communicate, orally or in
19 writing, with at least one of the persons given by the applicant as a character
20 reference. If the applicant has not furnished the names of any persons avail-
21 able as character references, or if no favorable statement has been received
22 from such character references, the agency shall so advise the prospective
23 employer, to whom the applicant is referred. This information shall be
24 written upon the referral slip given by the agency to the applicant for work to
25 present to the prospective employer. A written result of the investigation to
26 determine the character and responsibility of any applicant for help shall be
27 kept on file in the agency subject to examination by the commissioner. If the
28 applicant for help voluntarily waives, in writing, an investigation of refer-
29 ences, the licensed agency shall not be required to make such an investigation.

30 (5) Charge to an employee who is discharged without cause within one
31 week not more than the scheduled fee for temporary employment or not more
32 than ten per centum (10%) of the scheduled fee for permanent employment
33 whichever of the two is the lesser; however, by mutual agreement between the

34 agency and the employee the agency may charge the full fee for the job
35 from which the employee has been discharged without cause and furnish the
36 employee another job for which no charge is to be made.

37 (6) Charge an applicant who fails to report for duty, after accepting
38 employment, not more than two-fifths of the scheduled fee.

39 (7) Charge an applicant who leaves employment of his own accord
40 within the first week of employment not more than two-fifths of the sched-
41 uled fee.

42 (8) Reimburse the applicant for transportation expenses if no employ-
43 ment of the kind applied for exists at the place to which the applicant is sent
44 and the licensed agency did not have a bona fide order, either oral or written,
45 from the prospective employer.

46 (9) If an applicant shall not accept or obtain help or employment through
47 an employment agency to whom he had paid a fee or a part of a fee, the
48 agency shall upon demand repay to the applicant the full amount of any fee
49 or part of a fee which has been paid to the agency for such help or employ-
50 ment allowing three days' time to determine the fact of failure to obtain help
51 or employment.

52 (10) Give to every applicant for employment, from whom a fee is
53 received, a receipt in which shall be stated the name of the applicant, the
54 date and amount of fee, the purpose for which it was paid, and to every
55 applicant for help a receipt stating the name and address of the applicant,
56 the date and amount of the fee, and the kind of help to be provided. Every
57 such receipt shall have printed on the back thereof a brief abstract descriptive
58 of the provisions of this act relating to such fees.

59 (11) Furnish each applicant for employment, who is sent to a prospec-
60 tive employer, with a card or similar paper containing the nature of the
61 prospective employment, the names of the applicant and prospective em-
62 ployer, and the address of such employer. The said card or paper may be
63 mailed to the applicant on the same day that the employee is sent to the pro-
64 spective employer and a copy thereof to the prospective employer in lieu of
65 furnishing the same to the applicant.

66 (12) Furnish to each applicant for employment who is sent to a prospec-
67 tive employer for an interview concerning the applicant's qualifications or
68 future employment in a job for which no order has been given to the agency,
69 a card or paper containing the names of the applicant and of the prospective
70 employer, the address of the prospective employer and such other particulars
71 as the agency may determine. In each such case, there shall be printed in
72 bold-faced type on said card or paper the following:

73 "This card of introduction is given the bearer with the understand-
74 ing that he is not obligated to this agency for any fee until such time as
75 he may be employed as a result of the services rendered him by this
76 agency and after the agency has received a bona fide order for help to
77 fill the job which he has obtained."

78 (13) Post in the agency in such places as the commissioner shall direct
79 an abstract of this act and of the rules and regulations promulgated by the
80 commissioner in such form as he shall require. The commissioner shall cer-
81 tify to the said abstracts.

1 10. No employment agency shall:

2 (1) Conduct a lodging house for the unemployed unless it is separate
3 and apart from the agency.

4 (2) Conduct its business, or any phase thereof, in any room or place
5 where

6 (a) person or persons sleep or conduct their household affairs, or

7 (b) boarders or lodgers are kept.

8 (3) Charge or accept payment of any fees other than shown by its sched-
9 ular of fees filed with the commissioner and posted in the agency.

10 (4) Accept and receive any valuable thing or gift as or in lieu of a fee.

11 (5) Divide or offer to divide fees, directly or indirectly, with prospective
12 or actual employers or any agent, employee, or representative of said
13 employers.

14 (6) Accept payment of any fee or attempt to collect any fees for any
15 service rendered with relation to any specific help or employment which

16 the applicant has not accepted or obtained through the agency in cases
17 where it is established that the applicant did not accept or obtain such help
18 or employment through the agency.

19 (7) Make any statement or in any way allege or indicate to any appli-
20 cant sent to seek employment at any place or by any prospective employer
21 that work or employment is available at any such place or by any such
22 prospective employer unless the agency does have a bona fide order for an
23 employee to fill the job alleged or indicated as being available.

24-27 (8) Send or cause to be sent any female to become a servant or inmate
28 of, or to enter, any place of bad repute, house of ill-fame or assignation, or
29 to any house or place of amusement kept for immoral purposes, or to a
30 place resorted to for the purposes of prostitution, or to a gambling house.

31 (9) Knowingly permit persons of bad character, prostitutes, gamblers,
32 intoxicated persons or procurers to frequent the agency.

33 (10) Accept any application for employment made by or on behalf of any
34 child under the age of sixteen years, or place or assist in placing any such
35 child in any employment whatever or place or assist in placing any minor
35a under eighteen years of age in any unlawful occupation.

36 (11) Induce or compel any person to enter the agency, for any purpose,
37 by the use of force or by taking forcible possession of such person's
38 property.

39 (12) Publish or cause to be published any false or fraudulent or mislead-
40 ing notice or advertisement. All advertisements of any agency by means of
41 cards, circulars or signs, or in newspapers and other publications, and all
42 letterheads, receipts and blanks shall contain the name and address of the
43 agency, and no agency shall give any false promise or false representation
44 concerning employment to any applicant for employment or help, or enter
45 into any contract with any applicant for help or employment or induce or
46 try to induce any applicant for help or employment to make any agree-
47 ment, the provisions of which contract or agreement, if fulfilled, is in viola-
48 tion of any provisions of this act.

1 11. The commissioner may withhold any license if it appears to him after
2 investigation, and hearings if necessary, that the needs of employers and
3 employees of any given municipality in which the employment agency is
4 sought to be licensed are adequately served by public free employment offices
5 or by licensed private employment agencies, or both; and that the granting
6 of any additional license for an employment agency to be located in any
7 given municipality is contrary to the best interest and welfare of the public.

1 12. The commissioner may refuse to issue, and may revoke, any license
2 for any failure to comply with, or violation of, the provisions of this act or
3 for any other good cause shown, within the meaning and purpose of this
4 act. No such refusal or revocation shall be made except upon reasonable
5 notice to, and opportunity to be heard by, the applicant or licensee, as the
6 case may be. The commissioner instead of revoking any license, may sus-
7 pend the same for such period of time as he shall determine to be just and
8 proper, and he may issue a new license, notwithstanding the revocation of a
9 prior license, provided he shall find that the applicant shall have become en-
10 titled to such new license.

1 13. This act shall be administered by the commissioner and he shall make
2 and promulgate such rules and regulations as may be required for the
3 effectuation of the purposes and provisions of this act; *provided*, that before
4 such rules and regulations or modifications thereof may be promulgated,
5 written notice shall be sent to the holder of each employment agency
6 owner's license and each employment agency operator's license which notice
7 shall contain in full the provisions of the rules and regulations proposed and
8 notice of the time and place of a public hearing to be held not sooner than
9 five days nor later than fifteen days following the date of notice, at which
10 hearing all persons in favor of or opposed to the proposed rules and regula-
11 tions or modifications thereof may be heard; *and further provided*, that the
12 purpose, the time and place of such hearing shall also be published for the in-
13 formation of the public not sooner than five days nor later than fifteen days
14 following the notice to licensees. Any rules and regulations or modifications

15 thereof, promulgated by the commissioner, shall be filed with the Secretary
16 of State within five days after such promulgation.

1 14. Any person who is the holder of a license to open, keep or carry on
2 any employment agency, issued under the provisions of Revised Statutes,
3 Title 34, chapter eight, and who applies for a new license to be issued under
4 the provisions of this act within a period of not more than thirty days prior
5 to the expiration date of the license held by him at the time of such application
6 shall be entitled to receive the new license applied for upon filing with the
7-9 commissioner the required bond and the payment of the required fee.

10 Any person who is a holder of an employment agency owner's license
11 issued under the provisions of this act and applies for a new license to be
12 issued under the provisions of this act shall be entitled to receive the new
13 license applied for upon filing with the commissioner the required bond and
14 the payment of the required fee.

15 Any individual person who, on the effective date of this act, is the holder
16 of a license to open, keep or carry on an employment agency, issued under
17 the provisions of Revised Statutes of New Jersey, Title 34, chapter eight,
18 and who shall, within a period of not more than thirty days preceding the
19 expiration date of such license, apply for an employment agency operator's
20 license shall, upon the payment of the required fee, be entitled to receive an
21 employment agency operator's license authorizing his dealing in the type of
22 occupations and employment in which he has been authorized to deal in by the
23 license held by him at the time of said application.

24 Any individual person who is the holder of an employment agency oper-
25 ator's license, issued under the provisions of this chapter, who shall file an
26 application for a new license to become effective upon the expiration date of
27 the license in effect at the time of application, shall, upon the payment of the
28 required fee, be entitled to the license applied for.

1 15. Except as otherwise specifically provided in this act, any person,
2 corporation, partnership or member of any association, or any agent, servant
3 or employee of any person, corporation, partnership or association who shall

4 violate any of the provisions of this act and any holder of an employment
5 agency operator's license who shall willfully violate any of the provisions of
6 this act shall be guilty of a misdemeanor and shall be punishable by a fine
7 of not less than twenty-five dollars (\$25.00) and not more than two hun-
8 dred fifty dollars (\$250.00), or by imprisonment for a period of not more than
9 one year, or both.

1 16. Notwithstanding any other evidence of legislative intent, it is hereby
2 declared to be the controlling legislative intent that if any provision of this
3 act is held invalid, the remainder of the act and the application of such pro-
4 vision to circumstances other than those as to which it is held invalid, shall
5 not be affected thereby.

1 17. This act shall supersede the provisions of chapter eight of Title 34
2 of the Revised Statutes, except so far as may be necessary to permit the en-
3 forcement, after the effective date of this act, of any of the provisions of said
4 chapter for violations committed before the effective date of this act whether
5 or not proceedings for such enforcement shall have been begun before such
6 effective date and in event that any of the provisions of this act shall be held
7 invalid and the balance of this act shall be held to be unenforceable for the
8 purposes for which it was intended, then the provisions of chapter eight of
9 Title 34 of the Revised Statutes shall be held to be and remain in full force
10 and effect.

1 18. Licenses may be issued under this act prior to the effective date of
2 this act and such licenses shall become valid upon the effective date of this act.

1 19. This act shall take effect January first, one thousand nine hundred
2 and fifty-two.