



Senate

General Assembly

File No. 333

January Session, 2013

Substitute Senate Bill No. 349

Senate, April 4, 2013

The Committee on Labor and Public Employees reported through SEN. OSTEN of the 19th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING EMPLOYMENT AGENCIES AND WRITTEN JOB ORDERS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 31-129 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 As used in this chapter:

4 [(a)] (1) "Person" includes persons or a company, society,
5 association, limited liability company or corporation;

6 [(b)] (2) "Employment agency" includes the business of procuring or
7 offering to procure work or employment for persons seeking
8 employment, or acting as agent for procuring such work or
9 employment where a fee or other valuable thing is exacted, charged or
10 received for procuring or assisting to procure employment, work or a
11 situation of any kind or for procuring or providing help for any
12 person;

13 [(c)] (3) "To accept or obtain employment, work or a situation"
14 means to enter upon the duties of that employment, work or situation,
15 with resulting remuneration for the same;

16 [(d)] (4) "Emigrant agent" means any person who, on behalf of an
17 employment agency and for a fee, procures or attempts to procure
18 domestic or household employment in Connecticut for persons outside
19 the state seeking such employment, or domestic or household
20 employees from outside the state for employers in the state seeking the
21 services of such employees;

22 [(e)] (5) "Temporary help service" means any person conducting a
23 business which consists of employing individuals directly for the
24 purpose of furnishing for a fee part-time or temporary help to [others]
25 any person.

26 Sec. 2. Subsection (c) of section 31-130 of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2013*):

29 (c) The provisions of this chapter shall not apply (1) to any
30 temporary help service, to any nonprofit registry conducted by
31 incorporated individual alumni associations or registered nurses or to
32 any registry conducted by a hospital for private duty placement of
33 nurses employed by such hospital, or (2) to any person engaged in the
34 business of procuring or offering to procure employees for persons
35 seeking the services of employees or supplying employees to render
36 services where a fee or other valuable thing is exacted, charged or
37 received from the employer for procuring or assisting to procure or
38 supplying such employees, except as provided in section 31-131a, as
39 amended by this act, and subsection (i) of this section.

40 Sec. 3. Section 31-131a of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2013*):

42 (a) No licensed person shall impose any fee for registration or exact
43 a fee from any applicant except for employment obtained directly

44 through the effort of such agency.

45 (b) No person shall display, on any sign or window or in any
46 publication, the name "The Connecticut Free Public Employment
47 Bureau", or a name similar thereto.

48 (c) No licensed person shall charge any fee except in accordance
49 with the agency's schedule of fees which is on file with the
50 commissioner. Such schedule of fees may be changed by an agency
51 only after fifteen days' notice of submission of rates by registered or
52 certified mail in writing to the commissioner.

53 (d) No owner, officer or employee of an agency shall divide, or offer
54 to divide, directly or indirectly, any fee charged or received with any
55 person who secures workers through such agency, or to whom
56 workers are referred by such agency.

57 (e) No fee may be exacted by the agency from an applicant who has
58 obtained work with an employer to whom he was referred by an
59 agency unless such applicant obtains such work within six calendar
60 months following his last referral to that employer by the agency, or
61 has voluntarily renewed his application immediately prior to
62 expiration of the stated period; but this provision shall not apply to
63 those professional, executive or technical classifications which require
64 for proper performance of the work either extensive experience and
65 education or experience of such scope and character as to require a
66 longer period of exploration for job placement and the applicants for
67 which indicate, upon application, that a fee shall be payable if such
68 applicant obtains work with an employer to whom he was referred by
69 the agency within one year of his last referral to such employer by the
70 agency. Nothing in this section shall be construed as prohibiting the
71 charging by a nurses' registry of a single, annual fee in lieu of a
72 separate charge for each engagement supplied, provided that amount
73 of any fee paid which exceeds ten per cent of the remuneration earned
74 through the services of the registry shall be returned on demand.

75 (f) No licensed person shall send any applicant for employment to a

76 place where a strike or lockout exists without furnishing such
77 applicant with a written statement as to the existence of such strike or
78 lockout, a copy of which, signed by the applicant, shall be kept on file
79 for one year after the date thereof.

80 (g) No such licensed person shall send or cause to be sent any help
81 to a place of bad repute, house of ill-fame or assignation house or to a
82 house or place of amusement kept for immoral purposes.

83 (h) No such licensed person shall publish or cause to be published
84 any false or fraudulent notice or advertisement or knowingly give any
85 false information concerning the character of the prospective job,
86 length of employment, hours or salary or make any false promise
87 relating to work or employment to anyone who registers for
88 employment.

89 (i) No such licensed person shall make any false entries in the
90 records kept by him.

91 (j) No such licensed person shall publish or cause to be published
92 any notice or advertisement relating to employment which does not
93 include the following identification: The trade name of the agency and
94 the words "FEE PAID" if there is no charge to the applicant for
95 employment; the trade name of the agency, and the words
96 "APPLICANT PAID" if there is a charge to the applicant for
97 employment.

98 (k) Each employment agency and temporary help service shall
99 furnish in writing to each applicant referred for employment or
100 assignment through such agency or service, prior to such applicant
101 beginning such employment or assignment:

102 (1) A statement of the applicant's right to workers' compensation
103 benefits and the employer's workers' compensation carrier's name,
104 address and telephone number;

105 (2) A copy of every contract executed between the employment
106 agency or temporary help service and such applicant;

107 (3) A receipt for every fee paid by such applicant to the employment
108 agency or temporary help service; and

109 (4) (A) A multi-lingual job order concerning the employment or
110 assignment that includes: (i) The name of such agency or service and
111 the address of its principal location; (ii) a description of the
112 employment relationship between such agency or service and the
113 applicant; (iii) the name, address and telephone number of the
114 individual to whom the applicant shall report to for such employment
115 or assignment; (iv) the name and address of the employer; (v) the kind
116 and character of employment or assignment, including, but not limited
117 to, any requirements for special attire, accessories, safety or health
118 equipment, or training or licenses; (vi) whether the applicant will
119 require special training to engage in such employment or
120 assignment; (vii) the rate of wages or compensation, including any
121 benefits, to be paid for the employment or assignment; (viii) the
122 expected duration of the employment or assignment, including daily
123 starting time, anticipated end time and anticipated overtime, if any;
124 (ix) whether the agency or service or employer shall provide meals;
125 and (x) whether the agency or service offers transportation to the
126 worksite of the employer and the cost of such transportation, if any.

127 (B) Nothing in subparagraph (A) of this subdivision shall be
128 construed as prohibiting an employment agency or temporary help
129 service from confirming an applicant's employment or assignment by
130 telephone, provided such telephone conversation or message shall
131 comply with the disclosure requirements of subparagraph (A) of this
132 subdivision and shall be confirmed in writing by such agency or
133 service and provided to the applicant not later than seventy-two hours
134 after the beginning of the employment or assignment. A copy of such
135 confirmation shall be kept by such agency or service for not less than
136 three years after the date such applicant began his or her employment
137 or assignment. The provisions of this subparagraph shall not apply
138 where an applicant is recruited by an employment agency or
139 temporary help service for, or seeks information from an employment
140 agency or temporary help service about, any employment or

141 assignment with an employer engaged in professional, scientific or
 142 technological services as classified in Sector 54 of the North American
 143 Industry Classification System.

144 Sec. 4. (NEW) (*Effective October 1, 2013*) An employment agency or
 145 temporary help service shall keep an original or duplicate copy of each
 146 contract, receipt for applicant fees or record entered into or generated
 147 pursuant to an applicant's employment or assignment for not less than
 148 three years after the date on which such applicant began his or her
 149 employment or assignment. Such original or duplicate copies shall be
 150 made available for inspection by the Labor Commissioner, or said
 151 commissioner's designee, upon said commissioner's request.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	31-129
Sec. 2	<i>October 1, 2013</i>	31-130(c)
Sec. 3	<i>October 1, 2013</i>	31-131a
Sec. 4	<i>October 1, 2013</i>	New section

Statement of Legislative Commissioners:

In subdivisions (2) and (3) of subsection (k) of section 3, "temporary help service" was added for accuracy.

LAB *Joint Favorable Subst. -LCO*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:** None**Municipal Impact:** None**Explanation**

The bill, which requires employment agencies and temporary help services to provide certain documents and written job orders to the applicants before they start working, has no fiscal impact as it concerns private industry.

The Out Years**State Impact:** None**Municipal Impact:** None

OLR Bill Analysis**sSB 349*****AN ACT CONCERNING EMPLOYMENT AGENCIES AND WRITTEN JOB ORDERS.*****SUMMARY:**

This bill requires employment agencies and temporary help services that refer applicants for employment or assignment for a fee to provide certain documents and written job orders to the applicants before they start working. It specifies what information the job orders must contain and generally allows them to be conveyed by telephone.

It also requires the agencies and services to keep, for at least three years after the applicant begins the employment or assignment, an original or copy of each (1) contract, (2) receipt for applicant fees, or (3) record entered into or generated on an applicant's employment or assignment. The labor commissioner, or her designee, can inspect these files upon request.

EFFECTIVE DATE: October 1, 2013

REQUIRED DOCUMENTS

The agencies and services must provide each applicant, prior to his or her employment or assignment, with a written statement of the applicant's right to workers' compensation benefits and the employer's workers' compensation carrier's name, address, and telephone information. Employment agencies (but not temporary help services) must also provide a written (1) copy of every contract executed between the agency and applicant and (2) receipt for every fee the applicant paid to the agency.

JOB ORDERS

The bill requires the agencies and services to provide applicants

with a written multi-lingual job order, although it does not specify what languages or how the agency or service should determine which languages to use. The job order must include:

1. the agency or service's name and principal address;
2. a description of the employment relationship between the applicant and the agency or service;
3. contact information for the person the applicant should report to for employment or an assignment;
4. the employer's name and address;
5. the employment or assignment's type and character, including requirements for special attire, accessories, safety or health equipment, training, or licenses;
6. whether the applicant will need special training;
7. compensation rates, including benefits;
8. the employment or assignment's expected duration, including daily starting times, anticipated end times, and overtime;
9. whether the agency, service, or employer provides meals; and
10. whether the agency or service offers transportation to the employer's worksite, including its costs.

Telephone Exceptions

The bill generally allows an agency or service to provide the job order's information to the applicant by phone, if it (1) conveys all of the required information in the phone conversation or message and (2) provides the applicant with written confirmation within 72 hours after the applicant starts the employment or assignment. The agency or service must keep a copy of the confirmation for at least three years after the applicant begins the employment or assignment.

Under the bill, an agency or service cannot convey the job order's information by phone if the applicant was recruited by, or sought information from, the agency or service for employment or assignment with an employer classified as a professional, scientific, or technological service by the North American Industry Classification System. These services are specialized and require a high degree of expertise and training. They include services provided by lawyers, accountants, engineers, and veterinarians.

BACKGROUND

Employment Agencies and Temporary Help Services

An employment agency is a business that, for a fee (1) procures or offers to procure work or employment for a person or (2) acts as an agent for procuring work or employment for a person. The labor commissioner regulates and licenses employment agencies.

A temporary help service is a business that employs people to furnish part-time or temporary help for others. The services must register with the labor commissioner if they charge fees to employers, but they are not subject to the same records and business conduct requirements as employment agencies.

COMMITTEE ACTION

Labor and Public Employees Committee

Joint Favorable

Yea 7 Nay 3 (03/19/2013)