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ENGROSSED SUBSTITUTE HOUSE BILL 2477

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State of Washington

55th Legislature

1998 Regular Session

By House Committee on Commerce & Labor (originally sponsored by Representatives Schoesler, McMorris, Chandler, Mulliken, Sump, Honeyford and Sheahan)

Read first time 02/02/98. Referred to Committee on .

1 AN ACT Relating to employment agencies; and amending RCW 19.31.020.

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

3 **Sec. 1.** RCW 19.31.020 and 1993 c 499 s 1 are each amended to read  
4 as follows:

5 Unless a different meaning is clearly required by the context, the  
6 following words and phrases, as hereinafter used in this chapter, shall  
7 have the following meanings:

8 (1) "Employment agency" is synonymous with "agency" and shall mean  
9 any business in which any part of the business gross or net income is  
10 derived from a fee received from applicants, and in which any of the  
11 following activities are engaged in:

12 (a) The offering, promising, procuring, or attempting to procure  
13 employment for applicants;

14 (b) The giving of information regarding where and from whom  
15 employment may be obtained; or

16 (c) The sale of a list of jobs or a list of names of persons or  
17 companies accepting applications for specific positions, in any form.

18 In addition the term "employment agency" shall mean and include any  
19 person, bureau, employment listing service, employment directory,

1 theatrical agency, organization, or school which for profit, by  
2 advertisement or otherwise, offers, as one of its main objects or  
3 purposes, to procure employment for any person who pays for its  
4 services, or which collects tuition, or charges for service of any  
5 nature, where the main object of the person paying the same is to  
6 secure employment. It also includes any business that provides a  
7 resume to an individual and provides that person with a list of names  
8 to whom the resume may be sent or provides that person with  
9 preaddressed envelopes to be mailed by the individual or by the  
10 business itself, if the list of names or the preaddressed envelopes  
11 have been compiled and are represented by the business as having job  
12 openings. The term "employment agency" shall not include labor union  
13 organizations, temporary service contractors, proprietary schools  
14 operating within the scope of activities for which the school is  
15 licensed under chapter 28C.10 RCW, nonprofit schools and colleges,  
16 career guidance and counseling services, employment directories that  
17 are sold in a manner that allows the applicant to examine the directory  
18 before purchase, theatrical agencies, farm labor contractors, or the  
19 Washington state employment agency.

20 (2) "Temporary service contractors" shall mean any person, firm,  
21 association, or corporation conducting a business which consists of  
22 employing individuals directly for the purpose of furnishing such  
23 individuals on a part time or temporary help basis to others.

24 (3) "Theatrical agency" means any person who, for a fee or  
25 commission, procures (~~or attempts to procure~~) on behalf of an  
26 individual or individuals, employment or engagements for circus,  
27 vaudeville, the variety field, the legitimate theater, motion pictures,  
28 radio, television, phonograph recordings, transcriptions, opera,  
29 concert, ballet, modeling, or other entertainments, exhibitions, or  
30 performances. The term "theatrical agency" does not include any person  
31 charging an applicant a fee prior to or in advance of:

32 (a) Procuring employment for the applicant;

33 (b) Giving or providing the applicant information regarding where  
34 or from whom employment may be obtained;

35 (c) Allowing or requiring the applicant to participate in any  
36 instructional class, audition, or career guidance or counseling; or

37 (d) Allowing the applicant to be eligible for employment through  
38 the person.

1 (4) "Farm labor contractor" means any person, or his agent, who,  
2 for a fee, employs workers to render personal services in connection  
3 with the production of any farm products, to, for, or under the  
4 direction of an employer engaged in the growing, producing, or  
5 harvesting of farm products, or who recruits, solicits, supplies, or  
6 hires workers on behalf of an employer engaged in the growing,  
7 producing, or harvesting of farm products or who provides in connection  
8 with recruiting, soliciting, supplying, or hiring workers engaged in  
9 the growing, producing, or harvesting of farm products, one or more of  
10 the following services: Furnishes board, lodging, or transportation  
11 for such workers, supervises, times, checks, counts, sizes, or  
12 otherwise directs or measures their work; or disburses wage payments to  
13 such persons.

14 (5) "Employer" means any person, firm, corporation, partnership, or  
15 association employing or seeking to enter into an arrangement to employ  
16 a person through the medium or service of an employment agency.

17 (6) "Applicant", except when used to describe an applicant for an  
18 employment agency license, means any person, whether employed or  
19 unemployed, seeking or entering into any arrangement for his employment  
20 or change of his employment through the medium or service of an  
21 employment agency.

22 (7) "Person" includes any individual, firm, corporation,  
23 partnership, association, company, society, manager, contractor,  
24 subcontractor, bureau, agency, service, office, or an agent or employee  
25 of any of the foregoing.

26 (8) "Director" shall mean the director of licensing.

27 (9) "Resume" means a document of the applicant's employment history  
28 that is approved, received, and paid for by the applicant.

29 (10) "Fee" means anything of value. The term includes money or  
30 other valuable consideration or services or the promise of money or  
31 other valuable consideration or services, received directly or  
32 indirectly by an employment agency from a person seeking employment, in  
33 payment for the service.

34 (11) "Employment listing service" means any business operated by  
35 any person that provides in any form, including written or verbal,  
36 lists of specified positions of employment available with any employer  
37 other than itself or that holds itself out to applicants as able to  
38 provide information about specific positions of employment available  
39 with any employer other than itself, and that charges a fee to the

1 applicant for its services and does not set up interviews or otherwise  
2 intercede between employer and applicant.

3 (12) "Employment directory" means any business operated by any  
4 person that provides in any form, including written or verbal, lists of  
5 employers, does not provide lists of specified positions of employment,  
6 that holds itself out to applicants as able to provide information on  
7 employment in specific industries or geographical areas, and that  
8 charges a fee to the applicant for its services.

9 (13) "Career guidance and counseling service" means any person,  
10 firm, association, or corporation conducting a business that engages in  
11 any of the following activities:

12 (a) Career assessment, planning, or testing through individual  
13 counseling or group seminars, classes, or workshops;

14 (b) Skills analysis, resume writing, and preparation through  
15 individual counseling or group seminars, classes, or workshops;

16 (c) Training in job search or interviewing skills through  
17 individual counseling or group seminars, classes, or workshops:  
18 PROVIDED, That the career guidance and counseling service does not  
19 engage in any of the following activities:

20 (i) Contacts employers on behalf of an applicant or in any way  
21 intercedes between employer and applicant;

22 (ii) Provides information on specific job openings;

23 (iii) Holds itself out as able to provide referrals to specific  
24 companies or individuals who have specific job openings.

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