
SUBSTITUTE HOUSE BILL 2477

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
19 the 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 individual
26 or individuals, employment or engagements for circus, vaudeville, the
27 variety field, the legitimate theater, motion pictures, radio,
28 television, phonograph recordings, transcriptions, opera, concert,
29 ballet, modeling, or other entertainments, exhibitions, or
30 performances.

31 (4) "Farm labor contractor" means any person, or his agent, who,
32 for a fee, employs workers to render personal services in connection
33 with the production of any farm products, to, for, or under the
34 direction of an employer engaged in the growing, producing, or
35 harvesting of farm products, or who recruits, solicits, supplies, or
36 hires workers on behalf of an employer engaged in the growing,
37 producing, or harvesting of farm products or who provides in connection
38 with recruiting, soliciting, supplying, or hiring workers engaged in
39 the growing, producing, or harvesting of farm products, one or more of

1 the following services: Furnishes board, lodging, or transportation
2 for such workers, supervises, times, checks, counts, sizes, or
3 otherwise directs or measures their work; or disburses wage payments to
4 such persons.

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

8 (6) "Applicant", except when used to describe an applicant for an
9 employment agency license, means any person, whether employed or
10 unemployed, seeking or entering into any arrangement for his employment
11 or change of his employment through the medium or service of an
12 employment agency.

13 (7) "Person" includes any individual, firm, corporation,
14 partnership, association, company, society, manager, contractor,
15 subcontractor, bureau, agency, service, office, or an agent or employee
16 of any of the foregoing.

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

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

20 (10) "Fee" means anything of value. The term includes money or
21 other valuable consideration or services or the promise of money or
22 other valuable consideration or services, received directly or
23 indirectly by an employment agency from a person seeking employment, in
24 payment for the service.

25 (11) "Employment listing service" means any business operated by
26 any person that provides in any form, including written or verbal,
27 lists of specified positions of employment available with any employer
28 other than itself or that holds itself out to applicants as able to
29 provide information about specific positions of employment available
30 with any employer other than itself, and that charges a fee to the
31 applicant for its services and does not set up interviews or otherwise
32 intercede between employer and applicant.

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

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

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

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

8 (c) Training in job search or interviewing skills through
9 individual counseling or group seminars, classes, or workshops:

10 PROVIDED, That the career guidance and counseling service does not
11 engage in any of the following activities:

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

14 (ii) Provides information on specific job openings;

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

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