GEORGIA DEPARTMENT OF LABOR

148 ANDREW YOUNG INTERNATIONAL BLVD., N.E. ◆ ATLANTA, GEORGIA 30303-1751

MARK BUTLER
COMMISSIONER

NOTICE OF AMENDMENTS TO PRIVATE EMPLOYMENT AGENCY ACT RULES (Notice 2014—004)

TO ALL INTERESTED PERSONS AND PARTIES:

In compliance with O.C.G.A. § 50-13-4 and pursuant to the authority contained in O.C.G.A. § 34-8-70, the Georgia Department of Labor gives notice that it proposes to repeal all Rules in Chapter 303-4. Attached with this notice is a synopsis and exact copies of the proposed amendments to the Rules.

To provide the public an opportunity to comment upon and provide input into the formulations of the amendments, a public hearing will be held at 10:00a.m. on Wednesday, November 19, 2014, in Rooms 101 A and 101 B of the Department headquarters at the address below. An exact copy of the synopsis and Rules are available on the Department's website at dol.state.ga.us.

The Department must receive all comments regarding the amendments of the above referenced Rules from interested persons and parties no later than the closing of the hearing on Wednesday, November 19, 2014. Oral statements presented at the hearing must be concise to permit all interested persons an opportunity to be heard. Written comments must be sent to the Georgia Department of Labor, Suite 600, 148 Andrew Young International Blvd., NE, Atlanta, Georgia 30303. Electronic comments must be sent to reg-comment@gdol.ga.gov. Facsimile comments must be sent to (404) 232-7398. Please reference AMENDMENTS TO PRIVATE EMPLOYMENT AGENCY ACT RULES on all comments.

Date: October 8, 2014

TIM EVANS
DEPUTY COMMISSIONER
GEORGIA DEPARTMENT OF LABOR

SYNOPSIS

RULES
OF
GEORGIA DEPARTMENT OF LABOR

CHAPTER 300-4
PRIVATE EMPLOYMENT AGENCY ACT

Repeal all Rules in this Chapter, because the Code has been amended since the Rules were promulgated and the Department no longer retains this statutory responsibility to regulate Private Employment Agencies.

RULES
OF
GEORGIA DEPARTMENT OF LABOR

CHAPTER 300-4
PRIVATE EMPLOYMENT AGENCY ACT

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300-4-6-.02 Repealed Posting License. Amended.
300-4-6-.03 Repealed Placement Fees Not Regulated (Setting Fees). Amended.

~~PRIVATE EMPLOYMENT AGENCY ACT - 4: AGREEMENTS – PAYMENTS~~

300-4-1-.01 Repealed ~~Written Agreement with Applicant. Amended.~~

~~Every employment agency shall enter into a written agreement or contract with every applicant for services to be rendered and give each applicant a copy of every contract between the agency and the applicant which shall have printed on it or attached to it a copy of the fee and placement fee schedule of the employment agency and shall include the definitions of "short-term placement", "permanent placement", "accepted employment", "temporary employment", "charge for supposedly permanent employment which proves to be temporary", "charge for accepting employment and not reporting for duty" and "method of payment" in clear and conspicuous type. Provided nothing herein shall be construed to prohibit an employment agency from making arrangements by wire or telephone without said applicant having first entered into a written agreement with the agency, in which event an agreement from the employment agency must be dispatched to the applicant immediately after an employee has been so directed by wire or telephone to an employer or an employer has been directed to an applicant.~~

300-4-1-.02 Repealed ~~Referral in Writing. Amended.~~

~~Every employment agency, when directing an applicant to employment to any place outside the office of such employment agency shall give to such applicant, in writing, the name and address of the employment agency, the name of the applicant so directed, the~~

~~name and address of the employer to whom the applicant is directed, and the kind of employment supposed to be obtainable at such place. Provided, however, that nothing herein shall be construed to prohibit an employment agency from directing an applicant to an employer by wire or telephone so long as the aforementioned written information is immediately dispatched to the applicant in writing.~~

300-4-1-.03 Repealed ~~Receipt for Payments. Amended.~~
~~Every employment agency shall give to every applicant a numbered receipt for any payment made in coin or currency to the agency or any of its employees or agents, which shall have printed or written on it the name of the applicant, the date and amount of such payments, the name and address of the employment agency, the purpose for which it was paid and the signature of the person receiving payments.~~
~~(a) Every such receipt shall be numbered and bound in duplicate form. The duplicate copy shall be kept for two (2) years at the office of the employment agency.~~

~~PRIVATE EMPLOYMENT AGENCY ACT – 4:~~ ~~RECORDS~~

300-4-2-.01 Repealed ~~Record of Orders and Employment. Amended.~~
~~(1) Every employment agency shall keep for a period of at least two (2) years a complete record of all orders for applicants received from employers and the full name of the person placing the order, a record of the name and address of every applicant directed to an employer, the nature of the employment and the name and address of the employer to whom the applicant is so directed.~~
~~(2) A record shall also be kept of the name and address of every applicant accepting employment, the name and address of the employer with whom employment is accepted, the nature of the employment, the rate of wage or salary to be paid the applicant, the amount of the employment agency's service charge, the dates and amounts of payments, the date and amount of refund, if any, and for what, a space for remarks under which shall be recorded anything of an individual nature to amplify the foregoing account or record and as information in the event of any question arising concerning the transaction. Such records shall, during daylight hours, be open for immediate inspection by the Commissioner, the Director, or any other agent of the Director at the address on the Private Employment Agency License.~~

300-4-2-.02 Repealed ~~Reports of Complaints of Applicants and Employer. Amended.~~
~~Upon written complaint, the Commissioner of Labor may require of the employment agency against whom the complaint is made, a detailed account, in writing, and under oath of the transaction referred to in the complaint.~~

~~PRIVATE EMPLOYMENT AGENCY ACT – 4:~~ ~~EMPLOYERS – APPLICANTS, FULFILLMENT OR OBLIGATIONS~~

300-4-3-.01 Repealed ~~Bona Fide Request for Applicant. Amended.~~
~~No employment agency shall direct applicant to employment without having obtained, either orally, or in writing, a bona fide request therefor. Provided that nothing in this rule~~

~~shall be construed to prohibit an employment agency from directing an applicant to an employer where said employer had previously requested that he be accorded interviews with applicant of certain types and qualifications even though no actual vacancy existed in said employer's organization at the time the applicant was so directed; nor shall it prevent an employment agency from attempting to sell the services of an applicant to an employer, even though no order or request had been placed with said employment agency, provided, however, that the applicant and employer are acquainted with the facts before applicant is directed to said employer.~~

300-4-3-.02 Repealed ~~False Statements by Applicant to Agency. Amended.~~
~~It shall be unlawful for an applicant to knowingly make false or misleading statements to an employment agency either orally or in writing regarding age, education, training, experience or references.~~

300-4-3-.03 Repealed ~~Labor Dispute at Place of Employment. Amended.~~
~~Every employment agency shall state in every advertisement in newspapers, publications, posters, or otherwise, or oral or written solicitation, proposals or contracts for employment that there is a strike, lockout, or other labor trouble at the place of proposed employment, if the agency has knowledge that such conditions exist.~~

300-4-3-.04 Repealed ~~Immoral or Illicit Purposes. Amended.~~
~~No employment agency shall send or cause to be sent any applicant to any place the employment agency knows or reasonably should have known is maintained for immoral or illicit purposes.~~

~~PRIVATE EMPLOYMENT AGENCY ACT - 4: ADVERTISING~~

300-4-4-.01 Repealed ~~Advertising Openings (Inaccurate Statements). Amended.~~
~~In advertising, the method of fee payment must conform to the following definitions:~~
~~(a) **Employer Fee Paid or Fee Paid** — Employer has agreed with the employment agency when giving a job order that the employment agency's full fee or service charge will be paid by the employer if the applicant is hired.~~
~~(b) **Fee Negotiable** — Employer has agreed with the employment agency when giving a job order that he **may** or **may not** pay the agency's placement fee if the applicant is hired.~~
~~(c) **Portion of Fee Paid by Employer** — Employer has agreed with the employment agency when given the job order that he will pay a fixed portion, such as one-half or one-fourth, etc., of the fee or service charge.~~
~~(d) **Fee Reimbursed** — Employer has agreed with the employment agency when given the job order that the applicant has to pay all or part of the employment agency's fee and will, after a given period of time, reimburse the applicant for all or part of the fee.~~

300-4-4-.02 Repealed ~~Advertising Must Identify Agency. Amended.~~
~~No employment agency shall place or cause to be placed, promotional or advertising media without full identification of agency name and address.~~

300-4-4-.03 Repealed ~~Advertising Cost or Expense (Contributions). Amended.~~
~~No "employment agency" or "employment agent" shall accept from any applicant contributions for the costs of incidental expenses or advertising.~~

300-4-4-.04 Repealed ~~False Advertising.~~
~~No employment agency shall advertise openings for which it does not hold orders from employers or knowingly cause to be printed, published or circulated misleading, false or fraudulent information about employment opportunities~~

~~PRIVATE EMPLOYMENT AGENCY ACT - 4: GIFTS TO INFLUENCE~~

300-4-5-.01 Repealed ~~Gratuity or Gift to Influence, Illegal. Amended.~~
~~No "employment agency" or his "agent" shall extend, offer, or promise to an applicant or employer any gift or gratuity whatsoever for the purpose of influencing or for self-aggrandizement. It shall be unlawful for an "employment agency" or his "agent" to promise an employer or his agent any gift or gratuity whatsoever for the purpose of influencing an employer or his agent in employing or discharging applicants. Nor shall the aforementioned make any offer of a gratuity which would be beneficial in the same manner to a partnership or corporation.~~

~~PRIVATE EMPLOYMENT AGENCY ACT - 4: LICENSES AND FEES~~

300-4-6-.01 Repealed ~~Operation of Business Where Specified in License. (Change of Address). Amended.~~
~~No employment agency shall be maintained at any place other than that specified in the license without first obtaining the written consent of the Commissioner of Labor. Such consent may be with held for any valid reason for which an original application for a license might have been rejected, if such place had been mentioned therein. If such consent is given, it shall be endorsed upon the license, and if such license is renewed, such other place shall be substituted for or included with the place originally named in said license.~~

300-4-6-.02 Repealed ~~Posting License. Amended.~~
~~Licenses shall be posted in a conspicuous place at the address where the agency is authorized to conduct business.~~

300-4-6-.03 Repealed ~~Placement Fees Not Regulated (Setting Fees). Amended.~~
~~Nothing in these rules shall vest in the Commissioner of Labor the authority to fix or set fees for placements made by the employment agency.~~