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DEPT. OF INDUSTRY, LABOR
AND HUMAN RELATIONS

FEB 25 1969

Div. of Labor Standards
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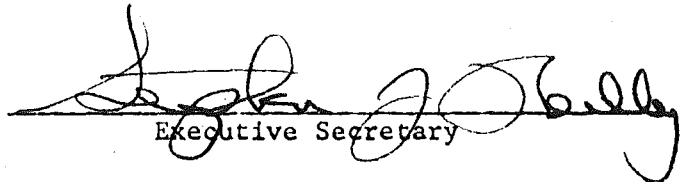
STATE OF WISCONSIN)
) SS
DEPARTMENT OF INDUSTRY,)
LABOR AND HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Stephen J. Reilly, Executive Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said Department, do hereby certify that the annexed amendments to rules and regulations, relating to employment agencies, were duly approved and adopted by this Department on January 29, 1969.

I further certify that said copy has been compared by me with the original on file in this Department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at the Capitol, in the city of Madison, this 21 day of February A.D. 1969.


Executive Secretary

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ORDER OF THE DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

ADOPTING, AMENDING OR REPEALING RULES

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section 101.01 to 101.29, Wis. Stats., the Department of Industry, Labor and Human Relations hereby amends and adopts rules as follows:

Ind 77.10 RECORDS TO BE KEPT. For the purpose of this chapter, each employment agency shall keep for at least 2 years, a register of record, in a form approved by the department of industry, labor and human relations, of all accepted applications for employment and for help of all persons referred to employers, whether they are hired or not; and if a fee has been paid, the amount of such fee and by whom paid.

Ind 77.11 CLASSIFICATIONS, FEE SCHEDULE AND OTHER CHARGES. (1) No agent shall charge any applicant for employment, a fee in excess of the approved schedule on file with the department of industry, labor and human relations. All fee schedules for applicants for employment shall base the fee upon the first month's salary.

Every applicant for a new or renewal license shall file with the department a schedule of fees to employers.

The following schedules are presumed reasonable, and application for same will be approved without supporting materials. In the event an applicant or agent submits a schedule of fees above the following schedule, the applicant or agent shall file a supporting statement specifying the reasons for, and reasonableness of, the requested variance. In such cases, the department will deny the request if it finds that the requested schedule is unreasonable.

No agent shall request or accept any placement fee or charge until the placement is made.

Agencies may be limited to specific areas of operation within a class or may be licensed to operate in more than one classification.

(2) Employment agencies are classified and maximum fees are set as follows:

(a) Class I agencies (administrative, clerical, commercial, executive, professional, sales, technical, etc.)

- 1. For placements of 3 calendar months or more duration, regarded as a permanent position by both parties, the total fee charged to an applicant for employment shall not exceed the following schedule:
 - a. Positions paying less than \$416.66 per month--50% of the first month's salary.
 - b. Positions paying \$416.67 through \$499.99 per month--60% of the first month's salary.

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- c. Positions paying \$500.00 through \$583.33 per month--72% of the first month's salary.
 - d. Positions paying \$583.34 through \$666.66 per month--84% of the first month's salary.
 - e. Positions paying \$666.67 through \$749.99 per month--96% of the first month's salary.
 - f. Positions paying \$750.00 through \$833.33 per month--108% of the first month's salary.
 - g. Positions paying \$833.34 or more per month--120% of the first month's salary.
- (b) Class II agencies (domestic, household employes, unskilled or untrained; industrial workers or mechanics, skilled or unskilled)
- 1. The total fee charged to the applicant for employment for permanent placements of three months or more shall not exceed 50% of the first month's salary.
 - 2. The total fee charged to applicants for employment for temporary placements of less than three months shall not exceed 20% of the amount received by the applicant. The total fee charged to an applicant for a placement shall not exceed the fee charged for a permanent position.
- (c) Class III agencies (model and theatrical engagements, including models, hostesses and entertainers)
- 1. The total fee charged to an applicant for employment shall not exceed 10% of the amount received by the applicant from the employer.
- (d) Class IV agencies (nurses registries, including licensed practical nurses and registered nurses)
- 1. For private nursing the total fee charged to the applicant for employment shall not exceed 5% of the amount received by the applicant from the employer.
 - 2. The total fee charged to the applicant for employment for all other placements shall not exceed those prescribed in subsection (2) (a).
- (e) Class V Agencies - (agencies whose activities are of a specialized nature and/or limited to specific areas of activity or types of placement)
- 1. Charges to the applicants for services or employment must be approved as being reasonable for the services offered or provided.

2. Each agent or applicant for a Class V license shall submit to the department for approval:
 - a. A schedule of fees, charges and commissions which he intends to charge to applicants for service or employment.
 - b. Copies of all forms and contracts pertinent to the placement of applicants, to be used in the operation of the agency.
 - c. Adequate supporting materials justifying the proposed schedule of fees and contracts.
- (3) If an applicant accepts a position to which he was referred by an agency with the understanding that the fee or any portion of the fee was to be paid by the employer, and he leaves that position for any reason, he shall not be liable to the agency for that part of the placement fee understood to be paid by the employer, notwithstanding contractual provisions to the contrary.
- (4) If an employee is referred to a position by an agency with the understanding that the fee is negotiable, the results of this fee negotiation shall be made a part of the agency's record and the employee shall not be held liable to the agency for that portion of the fee which the employer has agreed to pay, notwithstanding contractual provisions to the contrary.
- (5) For placements of less than 3 calendar months' duration, regarded as short-time or temporary by both parties, or where an employee remains in a position less than 3 calendar months through no fault of his own, the total fee charged may not exceed 20% of amount earned, and not more than 75% of the fee charged for a permanent position.
- (6) For placements in hourly paid positions by Class I and Class II agencies, the total fee charged to the applicant for employment must be computed on the basis of an amount not to exceed the actual earnings of the employee during the first 4-1/3 weeks of employment.
- (7) If an applicant accepts a permanent position to which he was referred by an agency and either fails to report for work or voluntarily leaves the position within 3 calendar months, the total fee charged may not exceed that listed in subsection (2).

Ind 77.12 RECEIPTS, REFUNDS, AND OTHER CONTRACT PROVISIONS APPLICABLE TO ALL CLASSES. (1) The agency shall give every person from whom a fee is received for services rendered a receipt which will include:

- (a) Name of the person paying the fee.
- (b) Amount of the fee.
- (c) Date of payment of the fee.

- (d) Balance due, if any.
- (2) If an applicant is entitled to a refund from the fee paid, the agency shall make such refund in cash or negotiable check within a reasonable time.
- (3) No interest or carrying charges, except for payment of delinquent fees or charges, for placement services may be made that would cause the total placement fee to be paid to exceed the schedules on file with the department of industry, labor and human relations. No agent shall charge an applicant interest for failure to make payment of fees when due, unless the interest requirement and the interest rate are stated on a written contract signed by the applicant. An agent may be reimbursed for any disbursements made on behalf of an applicant or employer where authorization for disbursement and reimbursement has been given.
- (4) An agent may include as part of the agency contract a provision that, if an applicant is referred to an employer for a permanent position and fails to get that position but, within 6 months does secure employment with that employer as a result of the referral, he may be liable for the fee to the agency.
- (5) The agency and applicant may agree on a schedule of payment of the fee for a permanent placement such that not more than 60% of any month's salary may be applied to the total fee, if the total fee exceeds that amount.
- (6) An agency which requires an applicant to sign a contract shall give the applicant a copy of the signed contract.
- (7) Upon every contract and every receipt shall be printed the following statement: "Complaints against employment agents may be made to the State of Wisconsin Department of Industry, Labor and Human Relations."

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN RELATIONS

Stephen J. Reilly, Executive Secretary

February 21, 1969