

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2477

Chapter 228, Laws of 1998

55th Legislature
1998 Regular Session

EMPLOYMENT AGENCIES--DEFINITION OF THEATRICAL AGENCY

EFFECTIVE DATE: 6/11/98

Passed by the House March 7, 1998
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate March 4, 1998
Yeas 44 Nays 0

BRAD OWEN
President of the Senate

Approved March 30, 1998

GARY LOCKE
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2477** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 30, 1998 - 3:07 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2477

AS AMENDED BY THE SENATE

Passed Legislature - 1998 Regular Session

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

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

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

31 (a) Procuring employment for the applicant;

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

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

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

38 (4) "Farm labor contractor" means any person, or his agent, who,
39 for a fee, employs workers to render personal services in connection

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 (ii) Provides information on specific job openings;

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

Passed the House March 7, 1998.

Passed the Senate March 4, 1998.

Approved by the Governor March 30, 1998.

Filed in Office of Secretary of State March 30, 1998.