

# Chapter 308-33 WAC

## EMPLOYMENT AGENCIES—FEE SCHEDULES

WAC	
308-33-011	Are the fees charged by employment agencies regulated?
308-33-030	What are the guidelines for establishing fees in employment agency contracts?
308-33-060	Does an employment agency have to notify the applicant of their fee in writing once a job has been accepted?
308-33-071	Signing of contracts—Applicant's rights.
308-33-090	Definition of a branch office.
308-33-095	General manager examination.
308-33-105	Employment agency fees.

### DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-33-010	Excessive fees. [Order 337001, § 308-33-010, filed 2/26/70, effective 4/1/70.] Repealed by Order PL-142, filed 1/24/73. Later enactment, see WAC 308-33-011.
308-33-015	Request for excess fees. [Order PL-142, § 308-33-015, filed 1/24/73.] Repealed by WSR 81-02-031 (Order PL 359), filed 1/5/81. Statutory Authority: RCW 19.31.070.
308-33-020	Director's review of fees and contracts. [Statutory Authority: RCW 19.31.070. WSR 87-21-088 (Order PM 658), § 308-33-020, filed 10/21/87; WSR 81-02-031 (Order PL 359), § 308-33-020, filed 1/5/81; Order PL-142, § 308-33-020, filed 1/24/73; Order 337001, § 308-33-020, filed 2/26/70, effective 4/1/70.] Repealed by WSR 98-18-053, filed 8/28/98, effective 9/28/98. Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346.
308-33-040	Resume selling—Generally. [Order PL 118, § 308-33-040, filed 3/22/72, effective 4/21/72.] Repealed by WSR 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.
308-33-050	Restrictions on agencies selling resumes. [Order PL 118, § 308-33-050, filed 3/22/72, effective 4/21/72.] Repealed by WSR 87-21-088 (Order PM 658), filed 10/21/87. Statutory Authority: RCW 19.31.070.
308-33-070	Signing of contracts; employer paid fee contracts. [Order PL 118, § 308-33-070, filed 3/22/72, effective 4/21/72.] Repealed by Order PL-142, filed 1/24/73. Later enactment, see WAC 308-33-071.
308-33-080	Contract term guidelines. [Statutory Authority: RCW 19.31.070. WSR 87-21-088 (Order PM 658), § 308-33-080, filed 10/21/87; Order PL-142, § 308-33-080, filed 1/24/73.] Repealed by WSR 98-18-053, filed 8/28/98, effective 9/28/98. Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346.
308-33-100	Employment agency—Fees. [Statutory Authority: RCW 43.24.085. WSR 80-14-022 (Order 356), § 308-33-100, filed 9/25/80; Order PL 272, § 308-33-100, filed 7/26/77, effective 9/21/77; Order PL 213, § 308-33-100, filed 11/5/75.] Repealed by WSR 83-17-031 (Order PL 442), filed 8/10/83. Statutory Authority: 1983 c 168 § 12. Later promulgation, see WAC 308-33-105.
308-33-110	Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-054, § 308-33-110, filed 5/1/97, effective 6/1/97.] Repealed by WSR 08-14-063, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 19.31.070.
308-33-120	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-054, § 308-33-120, filed 5/1/97, effective 6/1/97.] Repealed by WSR 08-14-063, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 19.31.070.
308-33-130	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). WSR 97-10-054, § 308-33-130, filed 5/1/97, effective 6/1/97.] Repealed by WSR 08-14-063, filed 6/25/08, effective 7/26/08. Statutory Authority: RCW 19.31.070.

(6/25/08)

**WAC 308-33-011 Are the fees charged by employment agencies regulated?** Although fees are not regulated, employment agencies cannot require by contract or otherwise that an applicant pay in any one month period an amount which exceeds their gross earnings for that period.

**Employment termination: How much does an applicant owe the employment agency?**

- **Employed sixty days or less** - An applicant must pay up to twenty percent of the gross earnings received, or the full placement fee established in the employment agency contract, whichever is less.
- **Employed over sixty days** - An applicant must pay the full placement fee established in the employment agency contract. Within seventy days after reporting to work, an applicant may submit payroll information to the agency to reevaluate the fee due based on the actual gross earnings for the first sixty days of employment.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-011, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. WSR 87-21-088 (Order PM 658), § 308-33-011, filed 10/21/87; WSR 81-02-031 (Order PL 359), § 308-33-011, filed 1/5/81; Order PL 272, § 308-33-011, filed 7/26/77, effective 9/21/77; Order PL 243, § 308-33-011, filed 4/1/76; Order PL-142, § 308-33-011, filed 1/24/73. Formerly WAC 308-33-010.]

**WAC 308-33-030 What are the guidelines for establishing fees in employment agency contracts?** (1) The contract must list the fee charged to an applicant under the following headings:

- (a) Monthly salary;
- (b) Range of agency's fee expressed in dollars; and
- (c) Agency's fee as a percentage of the expected monthly salary.

A Monthly Salary	B Range of Agency's Fee Expressed in Dollars	C Agency's Fee as a Percent of Expected Monthly Compensation
Less than \$300.00	Up to \$90.00	30%
\$300.00 to \$349.99	\$120.00 to \$139.99	40%
\$350.00 to \$399.99	\$175.00 to \$199.99	50%

(2) The agency may list the annual salary and agency fee as a percentage of the expected annual salary in addition to column C in the example above.

(3) The contract must contain any additional information concerning fees as required by law.

(4) Agencies cannot indicate, orally or in writing, that their contract and fee schedules are "approved" or in any way "recommended" by the state. However, they can indicate their contracts are "approved for use."

(5) An example of contract terms acceptable to the director are available upon request.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-030, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. WSR 87-21-088 (Order PM 658), § 308-33-030, filed 10/21/87; WSR 81-02-031 (Order PL 359), § 308-33-030, filed 1/5/81; Order PL-142, § 308-33-030, filed 1/24/73; Order 337001, § 308-33-030, filed 2/26/70, effective 4/1/70.]

**WAC 308-33-060 Does an employment agency have to notify the applicant of their fee in writing once a job has been accepted?** If an applicant accepts a job through the efforts of an employment agency, the agency must notify the applicant of their fee in writing. The document must contain the following:

- (1) Amount of fee expressed in dollars;
- (2) Expected monthly or annual salary (whichever the fee is based upon);
- (3) Date applicant began or will begin working; and
- (4) Date payment is due to the agency.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-060, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. WSR 87-21-088 (Order PM 658), § 308-33-060, filed 10/21/87; Order PL 118, § 308-33-060, filed 3/22/72, effective 4/21/72.]

**WAC 308-33-071 Signing of contracts—Applicant's rights.** (1) You must have an opportunity to discuss the contract and its terms with an authorized representative of the agency before signing.

(2) You must be given a signed carbon or duplicate copy of the contract immediately after signing.

(3) If you request only jobs in which the employer pays the agency fee, the agency must note that on all contracts prior to your signing the contract.

(4) If you accept a job and the fee is paid by the employer, the agency can request that you sign a contract obligating you to pay the agency fee if the job terminates within sixty days and the employer is reimbursed by the agency. All such contracts must contain the necessary information required by RCW 19.13.040 and must be approved by the director prior to their use.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-071, filed 8/28/98, effective 9/28/98; Order PL 272, § 308-33-071, filed 7/26/77, effective 9/21/77; Order PL-142, § 308-33-071, filed 1/24/73. Formerly WAC 308-33-070.]

**WAC 308-33-090 Definition of a branch office.** A branch office is any location physically separated from the principal place of business of a licensee where the licensee or his employees conduct any activity meeting the criteria of an employment agency as defined in RCW 19.31.020.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-090, filed 8/28/98, effective 9/28/98; Order PL-142, § 308-33-090, filed 1/24/73.]

**WAC 308-33-095 General manager examination.** (1) Examinations for general managers are written and consist of multiple choice questions covering the subject matter set forth in RCW 19.31.100.

(2) The minimum passing grade is seventy-five percent.

(3) Examinations are conducted at least once per month at locations specified by the director.

(4) The application and fee must be received by the department by the first of each month to be scheduled for the examination the following month. The fee is not refundable.

(5) Applicants failing the examination must submit a new application and fee.

(6) General managers who have passed the examination and become inactive in the employment agency business for more than one year are required to retake and pass the examination prior to being qualified to serve as a general manager.

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-095, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 19.31.070. WSR 87-21-088 (Order PM 658), § 308-33-095, filed 10/21/87; Order PL 272, § 308-33-095, filed 7/26/77, effective 9/21/77.]

**WAC 308-33-105 Employment agency fees.** The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
<b>Agencies:</b>	
Original application and license	\$783.00
Renewal	648.00
Transfer of license	150.00
Duplicate license	15.00
New/amended contract or fee schedule review	50.00
<b>Branch office:</b>	
Original application and license	540.00
Renewal	540.00
Transfer of license	25.00
Duplicate license	15.00
General manager exam fee	150.00

[Statutory Authority: Chapter 19.31 RCW, RCW 43.240.086 [43.24.086] and 1998 c 346. WSR 98-18-053, § 308-33-105, filed 8/28/98, effective 9/28/98. Statutory Authority: RCW 43.24.086. WSR 90-06-052, § 308-33-105, filed 3/2/90, effective 4/2/90; WSR 87-10-028 (Order PM 650), § 308-33-105, filed 5/1/87. Statutory Authority: 1983 c 168 § 12. WSR 83-22-060 (Order PL 446), § 308-33-105, filed 11/2/83; WSR 83-17-031 (Order PL 442), § 308-33-105, filed 8/10/83. Formerly WAC 308-33-100.]