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SENATE BILL 5633

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State of Washington

52nd Legislature

1991 Regular Session

By Senator West.

Read first time February 12, 1991. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to the definition of employment agency; and  
2 amending RCW 19.31.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 19.31.020 and 1990 c 70 s 1 are each amended to read  
5 as follows:

6 Unless a different meaning is clearly required by the context, the  
7 following words and phrases, as hereinafter used in this chapter, shall  
8 have the following meanings:

9 (1) "Employment agency" is synonymous with "agency" and shall mean  
10 any business in which any part of the business gross or net income is  
11 derived from a fee received from applicants, and in which any of the  
12 following activities are engaged in:

13 (a) The offering, promising, procuring, or attempting to procure  
14 employment for applicants; or

1 (b) The giving of information regarding where and from whom  
2 employment may be obtained.

3 In addition the term "employment agency" shall mean and include any  
4 person, bureau, employment listing or employment referral service,  
5 organization, or school which for profit, by advertisement or  
6 otherwise, offers, as one of its main objects or purposes, to procure  
7 employment for any person who pays for its services, or which collects  
8 tuition, or charges for service of any nature, where the main object of  
9 the person paying the same is to secure employment. It also includes  
10 any business that provides ~~((a resume to an individual and provides  
11 that person with))~~ a list of names ~~((to whom the resume may be sent or  
12 provides that person with preaddressed envelopes to be mailed by the  
13 individual or by the business itself))~~ in any form, which shall include  
14 but not be limited to preaddressed envelopes, compiled by the business  
15 and sold to an individual under the pretext the list (i) contains a  
16 current roster of names of persons accepting applications for specific  
17 positions to whom the individual can correspond, send a resume, or  
18 contact, or (ii) contains current job openings for which the individual  
19 can apply. The term "employment agency" shall not include labor union  
20 organizations, temporary service contractors, proprietary schools,  
21 theatrical agencies, farm labor contractors, newspapers, magazines,  
22 journals, or other publications that do not have any direct contact  
23 with employers or with representatives of the employer other than in  
24 accepting an order for a fee to advertise that a person will be  
25 recruiting to fill vacant positions, or businesses that disseminate  
26 lists of person with key contacts without implying the list contains  
27 current and accurate information designed to assist the individual in  
28 securing employment, or the Washington state employment agency.

29 (2) "Temporary service contractors" shall mean any person, firm,  
30 association, or corporation conducting a business which consists of

1 employing individuals directly for the purpose of furnishing such  
2 individuals on a part time or temporary help basis to others.

3 (3) "Theatrical agency" means any person who, for a fee or  
4 commission, procures or attempts to procure on behalf of an individual  
5 or individuals, employment or engagements for circus, vaudeville, the  
6 variety field, the legitimate theater, motion pictures, radio,  
7 television, phonograph recordings, transcriptions, opera, concert,  
8 ballet, modeling, or other entertainments, exhibitions, or  
9 performances.

10 (4) "Farm labor contractor" means any person, or his agent, who,  
11 for a fee, employs workers to render personal services in connection  
12 with the production of any farm products, to, for, or under the  
13 direction of an employer engaged in the growing, producing, or  
14 harvesting of farm products, or who recruits, solicits, supplies, or  
15 hires workers on behalf of an employer engaged in the growing,  
16 producing, or harvesting of farm products or who provides in connection  
17 with recruiting, soliciting, supplying, or hiring workers engaged in  
18 the growing, producing, or harvesting of farm products, one or more of  
19 the following services: Furnishes board, lodging, or transportation  
20 for such workers, supervises, times, checks, counts, sizes, or  
21 otherwise directs or measures their work; or disburses wage payments to  
22 such persons.

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

26 (6) "Applicant", except when used to describe an applicant for an  
27 employment agency license, means any person, whether employed or  
28 unemployed, seeking or entering into any arrangement for his employment  
29 or change of his employment through the medium or service of an  
30 employment agency.

1 (7) "Person" includes any individual, firm, corporation,  
2 partnership, association, company, society, manager, contractor,  
3 subcontractor, bureau, agency, service, office, or an agent or employee  
4 of any of the foregoing.

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

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

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