

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

339.1015 Type B personnel agency; additional duties.

Sec. 1015. In addition to the requirements of section 1014, a type B personnel agency which provides job listings to its clients shall do all of the following:

(a) Require that a potential client read, sign, and date the following waiver prior to entering into a contract for services with the agency. The waiver shall be printed in 14-point type on a piece of paper 8-1/2 inches by 11 inches in size. The waiver shall be made a part of the contract and shall read: "Notice: We are a job information service. We do not schedule interviews with potential employers. Instead, we provide information on employment opportunities. We cannot guarantee you a job. We do guarantee that the jobs listed with us are confirmed at least every 10 calendar days. We have provided you with a sample of actual current job listings. As a client you may obtain a copy of a specific job listing which has been advertised. If you discover that a job which is listed in a job order has not been confirmed within 10 calendar days or that a job listing is not accurate as advertised or not complete as required by law, you may receive a full refund."

(b) Allow a client to inspect a sample of all current job listings advertised within the previous 2 weeks prior to entering into the agency contract or requesting payment of any fee. Identifying features of the employer may be deleted in the sample listing.

(c) Limit the contract with a client to not more than 12 months with no provision for mandatory or automatic renewal of the contract.

(d) Have a job order for each job or place of employment listed, and confirm each job order with the employer before it is listed and not less than once every 10 calendar days thereafter until the job order is canceled. The job order shall contain a written record of the date and the name and title of the person contacted at the employer's place of business to confirm the job order.

(e) Cancel any job listing within 24 hours after receipt of an oral or written notice from an employer canceling the job order or stating that the job has been filled and giving the name and title of the person at the employer's place of business stating that the order is canceled or the job is filled.

(f) Provide a client a copy of any job order or job listing upon request by the client.

(g) Refund fees charged to a client within 24 hours after being requested to make a refund if the job order was not confirmed within 10 calendar days or was inaccurate or incomplete.

(h) Maintain a job listing for each job order which contains all of the following information:

(i) The name and either the address or the telephone number of the person whom the client may contact regarding the potential employment.

(ii) The name and title of the person confirming on behalf of the employer that a job opening exists for which the employer seeks an employee.

(iii) The name and either the address or telephone number of the potential employer and the general location of the employment.

(iv) The job title of the potential employment.

(v) The minimum starting salary or wage for the job.

(vi) The probable duration of the employment if the job is not a permanent position.

(vii) The minimum job qualifications and requirements for each job.

(i) Maintain for at least 3 years records of each client contract, including the waiver, the payments made and services rendered under that contract, and any refunds required.

(j) Maintain for at least 3 years records of each job order and job listing, copies of any advertising of that job listing, the list of job order confirmations performed, and the notice of cancellation for that job order.

(k) If the agency advertises job listings, confirm that the job has not been filled or the job order canceled within 24 hours before placing the advertising. If the job listing is being advertised, cancel the advertising within 24 hours after being notified that the job order has been canceled or the job has been filled.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1992, Act 253, Imd. Eff. Nov. 19, 1992.

Popular name: Act 299