

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

339.1013 Type A personnel agency; directing client to employment.

Sec. 1013.

(1) Except as otherwise provided in subsection (5), a type A personnel agency shall not direct a client to employment without having obtained from the proposed employer, either orally or in writing, a bona fide job order. The job order shall be recorded on a form and shall include, but not be limited to, the following information:

- (a) The full name and position of the individual placing the order on behalf of the employer.
- (b) The name of the individual taking the job order on behalf of the personnel agency.
- (c) The date on which the order is placed.
- (d) The nature of the employment.
- (e) The name and address of the employer to whom a client may be directed and the name and title of the individual to be contacted.

- (f) The probable duration of the employment if employment is other than permanent.
- (g) The rate of the wage or salary to be paid to an employee.

(2) A type A personnel agency shall not direct a client to employment without giving to the client, in written form, the following:

- (a) The name, address, and telephone number of the personnel agency.
- (b) The name of the client being directed.
- (c) The name of the employment agent directing the client.
- (d) The name and address of the employer to whom the client is directed and the individual to be contacted.
- (e) The kind of employment available at the place of prospective employment.
- (f) The minimum starting salary or wage of the proposed employment.

(3) A type A personnel agency may refer a client to an employer by telephone, but the telephone referral shall be confirmed in writing within 24 hours of the referral by mailing or delivering to the client the job referral form described in subsection (2).

(4) Except as otherwise provided in subsection (5), if a client is referred to an employer and employment of the kind specified does not exist at the place to which the client is directed, and the client does not accept other employment in substitution of the kind of employment contained in the job referral, the agency, within 24 hours after demand, shall refund to the client the sum paid by the client for transportation in going to and returning from the referral.

(5) A type A personnel agency may direct a client to an employer if the employer has previously requested that the employer be advised of clients with certain employment qualifications even though an actual vacancy does not exist in the employer's organization at the time the client is referred. A type A personnel agency may also communicate the qualifications of a client to an employer which the agency reasonably believes may be seeking employees with such qualifications, even though a job order has not been placed with the agency. However, the client shall be advised that the referral to such an employer is being made without the knowledge of any vacancy and that there will be no refund of client expenses by the agency if employment is not obtained from such a referral.

(6) A type A personnel agency shall maintain a file for at least 3 years regarding each job order. The file shall contain at least the following information:

- (a) A copy of the job order.
- (b) A copy of each job referral given to a client regarding that job.
- (c) A copy of any advertising based on that job order, including the date of the advertising and the place in which it was advertised.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 1988, Act 463, Eff. Sept. 1, 1989 ;-- Am. 1992, Act 253, Imd. Eff. Nov. 19, 1992
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