

CHAPTER 45B

PERSONNEL SERVICES

Authority

N.J.S.A. 34:8-43 et seq., 52:17B-122 and 124, and 56:8-1.1.

Source and Effective Date

R.2008 d.254, effective July 28, 2008.
See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

Chapter Expiration Date

Chapter 45B, Personnel Services, expires on July 28, 2013.

Chapter Historical Note

Chapter 45B, Private Employment Agencies, was originally codified in Title 12 as Chapter 55, Private Employment Agencies, consisting of Subchapters 1 through 3, and was filed and became effective prior to September 1, 1969.

Chapter 55 of Title 12 was recodified as Chapter 45B of Title 13 after jurisdiction of the subject matter was transferred to the Division of Consumer Affairs within the Department of Law and Public Safety pursuant to N.J.S.A. 52:17B-139.1 et seq., approved August 4, 1972 to become effective 90 days thereafter.

Subchapter 5, Booking Agencies, was adopted as R.1989 d.209, effective April 17, 1989. See: 20 N.J.R. 2684(a), 21 N.J.R. 1016(c). Subchapter 6, Fees, was adopted as R.1990 d.317, effective June 18, 1990. See: 22 N.J.R. 906(a), 22 N.J.R. 1941(b).

Chapter 45B, Private Employment Agencies, was repealed and a new Chapter 45B, Personnel Services, was adopted as R.1992 d.357, effective September 21, 1992. See: 23 N.J.R. 2470(a), 23 N.J.R. 2919(a), 24 N.J.R. 3316(a).

Subchapter 5, Providers of Temporary Help Exempt from N.J.S.A. 34:8-43 et seq., and Subchapter 9, Registration for Consulting Firms, were repealed by R.1995 d.106, effective February 21, 1995. See: 26 N.J.R. 4316(a), 27 N.J.R. 732(a).

Subchapter 14, Health Care Service Firms, and Subchapter 15, Placement of Health Care Practitioners, were adopted as R.1995 d.190, effective April 3, 1995. See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

Subchapter 5, Consulting Firms, was adopted as R.1996 d.191, effective April 15, 1996. See: 27 N.J.R. 3910(a), 28 N.J.R. 2078(a).

Pursuant to Executive Order No. 66(1978), Chapter 45B, Personnel Services, was readopted as R.1997 d.421, effective September 12, 1997. See: 29 N.J.R. 2622(a), 29 N.J.R. 3509(a), 29 N.J.R. 4291(a).

Chapter 45B, Personnel Services, was readopted as R.2003 d.136, effective March 4, 2003. See: 34 N.J.R. 3448(a), 35 N.J.R. 1563(a).

Subchapter 12, Temporary Help Service Firms, was adopted as new rules; former Subchapter 12, Advertising and Solicitations, was recodified as Subchapter 15; former Subchapter 13, Violations, was recodified as Subchapter 16; former Subchapter 14, Health Care Service Firms, was recodified as Subchapter 13; and former Subchapter 15, Placement of Health Care Practitioners, was recodified as Subchapter 14 by R.2008 d.92, effective April 21, 2008. See: 40 N.J.R. 91(b), 40 N.J.R. 2118(a).

Chapter 45B, Personnel Services, was readopted as R.2008 d.254, effective July 28, 2008. See: Source and Effective Date. See, also, section annotations.

CHAPTER TABLE OF CONTENTS

SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

- 13:45B-1.1 Purpose and scope
- 13:45B-1.2 Definitions

SUBCHAPTER 2. EMPLOYMENT AGENCIES

- 13:45B-2.1 Employment agency license requirements
- 13:45B-2.2 Posting
- 13:45B-2.3 Bond required
- 13:45B-2.4 Records
- 13:45B-2.5 Agreements; fee schedules
- 13:45B-2.6 Employment agent's license qualifications
- 13:45B-2.7 Employment agent's conditional license qualifications
- 13:45B-2.8 Identification and introductory card; character references
- 13:45B-2.9 Uncertified and unlicensed individuals providing home-based services

SUBCHAPTER 3. BUSINESS LOCATIONS

- 13:45B-3.1 Business locations; special permits

SUBCHAPTER 4. EXAMINATIONS AND VARIOUS CLASSIFICATIONS OF EMPLOYMENT AND PERSONNEL SERVICES

- 13:45B-4.1 Examination subjects
- 13:45B-4.2 "Aeronautical" classification
- 13:45B-4.3 through 13:45B-4.4 (Reserved)
- 13:45B-4.5 "Career counseling" classification
- 13:45B-4.6 Temporary placement operation (functioning in conjunction with an employment agency and integrated)
- 13:45B-4.7 Employment agency providing temporary help

SUBCHAPTER 5. CONSULTING FIRMS

- 13:45B-5.1 Consulting firm registration requirements
- 13:45B-5.2 Uncertified and unlicensed individuals providing home-based services
- 13:45B-5.3 Consulting firm providing temporary help services

SUBCHAPTER 6. ENTERTAINMENT AGENCIES

- 13:45B-6.1 Purpose and scope
- 13:45B-6.2 Booking/entertainment agency and agent license requirements
- 13:45B-6.3 Bond requirement
- 13:45B-6.4 Entertainment agency licenses; posting
- 13:45B-6.5 Entertainment agency contracts
- 13:45B-6.6 Information required

SUBCHAPTER 7. FEES AND EXPIRATION DATES

- 13:45B-7.1 Fee schedule
- 13:45B-7.2 License and registration expiration
- 13:45B-7.3 Standards for issuance and renewal of licenses and registrations

SUBCHAPTER 8. OUT-OF-STATE BUSINESSES

- 13:45B-8.1 Application
- 13:45B-8.2 Registered agent

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. REGISTRATION FOR CAREER CONSULTING OR OUTPLACEMENT ORGANIZATIONS

- 13:45B-10.1 Registration process

SUBCHAPTER 11. PREPAID COMPUTER JOB MATCHING
OR JOB LISTING SERVICES

13:45B-11.1 Registration process

SUBCHAPTER 12. TEMPORARY HELP SERVICE FIRMS

13:45B-12.1 Purpose and scope

13:45B-12.2 Registration process

13:45B-12.3 Temporary help service firms' duties when providing transportation to employed individuals

13:45B-12.4 Violations

SUBCHAPTER 13. HEALTH CARE SERVICE FIRMS

13:45B-13.1 Authority, purpose and scope

13:45B-13.2 Definitions

13:45B-13.3 Initial registration requirements

13:45B-13.4 Firms registered prior to April 3, 1995 and meeting the definition of health care service firm

13:45B-13.5 Registration renewal

13:45B-13.6 Prohibited acts

13:45B-13.7 Information for patient/employers

13:45B-13.8 Uncertified and unlicensed individuals providing home-based services

SUBCHAPTER 14. PLACEMENT OF HEALTH CARE
PRACTITIONERS

13:45B-14.1 Definitions

13:45B-14.2 Application form; minimum information required

13:45B-14.3 General duties

13:45B-14.4 Duty to refer only licensed individuals

13:45B-14.5 Duty to match credentials to need

13:45B-14.6 Duty to verify work history

13:45B-14.7 Homemaker-home health aides and agencies

13:45B-14.8 (Reserved)

13:45B-14.9 Duties relating to placements in home care settings

SUBCHAPTER 15. ADVERTISING AND SOLICITATIONS

13:45B-15.1 Advertisements and solicitations

13:45B-15.2 through 15.9 (Reserved)

SUBCHAPTER 16. VIOLATIONS

13:45B-16.1 Violations

13:45B-16.2 (Reserved)

SUBCHAPTER 1. PURPOSE AND SCOPE;
DEFINITIONS**13:45B-1.1 Purpose and scope**

(a) The rules contained in this chapter implement N.J.S.A. 34:8-43 et seq. and N.J.S.A. 56:8-1.1, and regulate the operation of persons offering, promising, attempting to procure and/or supplying, procuring, obtaining or assisting in procuring or obtaining employment or personnel services or products in the State of New Jersey.

(b) This chapter shall apply to any person engaging in any of the activities regulated by N.J.S.A. 34:8-43 et seq. or N.J.S.A. 56:8-1.1, including persons whose residence or principal place of business is located outside of this State.

Amended by R.2008 d.254, effective August 18, 2008.

See: 40 N.J.R. 1762(a), 40 N.J.R. 4819(a).

In (b), inserted "or N.J.S.A. 56:8-1.1".

13:45B-1.2 Definitions

The following words and terms, when used in this chapter and in license application forms and licenses, shall have the following meanings unless the context clearly indicates otherwise:

"Accepting employment" means that a job seeker has entered into an agreement with an employer which includes:

1. The terms and conditions of employment;
2. The salary or wages and any benefits to be paid to the job seeker as compensation for employment; and
3. The date, time and place employment will commence.

"Act" means P.L. 1989, c.331, (N.J.S.A. 34:8-43 et seq.), an Act regulating certain employment agencies, services and firms, supplementing Title 52 of the Revised Statutes and repealing P.L. 1951, c.337 and Section 6 of P.L. 1981, c.500.

"Advertisement" means any advertisement as defined by N.J.S.A. 56:8-1(a) of any service or product, including any statement appearing in a newspaper, periodical, pamphlet, circular, or other publication, in direct mail literature, on a display or any exterior or interior sign, or radio or television broadcast, or transmitted by telecopier, telex, telephone, any other electronic medium, or delivered to or through any computer, that offers a service or product for sale, whether or not the statement includes a price.

"Agent" means any individual who performs any function or activity for or on behalf of any person, the purpose of which is to provide services or products to individuals seeking employment, career guidance or counseling, or employment-related services or products.

"Agent-registrant" means a person authorized and empowered by the owner of a service registered pursuant to N.J.S.A. 34:8-43 et seq. to solicit business or otherwise act as an agent of the registered service.

"Applicant" means any person applying for licensing or registration under the Act or N.J.S.A. 56:8-1.1.

"Bona fide job order" means an accurate written or recorded description of a job or jobs to be filled, with an address or location where the job is to be performed, the range of salary, the conditions of employment offered, the date of order, the name of the individual placing the order, and the name of the interviewer to be contacted by the job seeker.

"Booking agency" means any person who procures, offers, promises, or attempts to procure employment for performing artists, or athletes, not under the jurisdiction of the Athletic Control Board, and who collects a fee for providing those services. Under N.J.S.A. 34:8-43 et seq., a booking agency is licensed as an employment agency.