

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

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 45B, Personnel Services, expires on July 28, 2015. See: 43 N.J.R. 1203(a).

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Chapter 45B, Private Employment Agencies, was repealed and a new Chapter 45B, Personnel Services, was adopted as R.1992 d.357, effective September 21, 1992.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of Temporary Help Exempt from N.J.S.A. 34:8-43 et seq., and Subchapter 9, Registration for Consulting Firms, were repealed by R.1995 d.106, effective February 21, 1995.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.

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**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.