

4. An employment agency is not permitted to conduct business at an unlicensed location, unless the agency holds a special permit for an activity, pursuant to N.J.A.C. 13:45B-3.1(b) and pays a fee of \$10.00 as set forth in N.J.A.C. 13:45B-7.1; and

5. Job seekers are clearly informed in writing that a particular position is temporary or permanent.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

13:45B-4.7 Employment agency providing temporary help

An employment agency providing temporary help shall comply with all requirements in this chapter that apply to employment agencies. All personnel acting as representatives for an employment agency, who are soliciting business, furnishing help or employment, or furnishing information as to where help or employment may be obtained, or who manage, operate or carry on the business of an employment agency are required to be licensed.

Amended by 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

Authority

N.J.S.A. 34:8-54 and 56:8-1 et seq.

Source and Effective Date

R.1996 d.191, effective April 15, 1996.
See: 27 N.J.R. 3910(a), 28 N.J.R. 2078(a).

13:45B-5.1 Consulting firm providing temporary help services

(a) A consulting firm that provides temporary help services as defined in N.J.A.C. 13:45B-1.2 pursuant to N.J.S.A. 34:8-64g shall not be required to register as both a consulting firm and a temporary help service firm. Such firm shall annually register as, and pay the registration fee for, a consulting firm.

(b) A consulting firm that provides temporary help services pursuant to N.J.S.A. 34:8-64g shall be required to post a bond of \$1,000 with the Attorney General to secure compliance with N.J.S.A. 56:8-1 et seq., the Consumer Fraud Act. The Director may waive such bond for any corporation or entity having a net worth of \$100,000 or greater. In order to obtain such a waiver, the consulting firm must provide a copy of a certified financial report prepared by a certified public accountant or licensed accountant establishing that the firm has a net worth of \$100,000 or greater.

SUBCHAPTER 6. ENTERTAINMENT AGENCIES

13:45B-6.1 Purpose and scope

(a) The rules contained in this subchapter implement the Bureau of Employment and Personnel Services Act,

N.J.S.A. 34:8-43 et seq., and supplement rules in this chapter that govern the operation of entertainment agencies and agents, under which booking agencies and employment agencies and agents who procure, obtain, offer, promises or attempts to procure or obtain employment or engagements for actors, actresses, performing artists, vocalists, musicians or models in this State.

(b) This subchapter shall apply to all persons, as defined in N.J.A.C. 13:45B-1.2, operating entertainment agencies located in New Jersey, or agencies wherever located that place performing artists in temporary or permanent positions located in New Jersey, or that engage in single or repeated acts of solicitation to employees or job seekers resident in New Jersey, whether by mail, newspaper, magazine, telephone, sales/TV, radio/TV, poster, billboard, or any other media, or in person.

13:45B-6.2 Definitions

For the purposes of this subchapter, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

“Booking agency” means any person which procures, offers, promises or attempts to procure employment for performing artists or athletes not under the jurisdiction of the Athletic Control Board and which collects a fee for providing such employment; a booking agency is licensed as an employment agency.

“Booking agent” means any person, as defined in N.J.S.A. 56:8-1(d), who performs any solicitation or recruiting function for or on behalf of any booking agency; a booking agent is licensed as an employment agent.

“Entertainment” agency means a booking agency or an employment agency which procures, obtains, offers, promises or attempts to procure or obtain employment or engagements for actors, actresses, performing artists, vocalists, musicians or models.

“Performing artists” means musical, theatrical, vaudeville, film, television, or radio performers, as well as models, whether employed or engaged individually or as a group, and athletes not under the jurisdiction of the Athletic Control Board.

13:45B-6.3 Entertainment agency licenses; posting

(a) In every entertainment agency operated and conducted under the Act and this chapter, the license under which the entertainment agency is conducted and operated shall be displayed in a prominent place where it may be easily seen and read by all persons visiting the entertainment agency.

(b) Each person required to have an agent’s license shall display such license in such place and manner as to make it

readily visible and legible by persons doing business with such licensee.

(c) There shall be posted in each entertainment agency the agency's schedule of fees, as well as a certified abstract of the Act and this chapter. Such posting shall be in a manner and place as to be readily visible and legible by persons doing business with the agency. The entertainment agency shall also have full copies of the Act and this chapter available for any job seeker's or employer's review. The certified abstract shall be available from the Bureau for a fee of \$5.00.

13:45B-6.4 Entertainment agency contracts

(a) Each performing artist shall be supplied with a copy of any contract with the entertainment agency signed by the artist.

(b) Each entertainment agency shall file a copy of the form(s) of any contract used or to be used by the agency with the Regulated Business Section of the Office of Consumer Protection, 124 Halsey Street, P.O. Box 45028, Newark, New Jersey 07102.

(c) Copies of all executed contracts between the entertainment agency and performing artists shall be maintained by the agency in a form suitable for inspection by the Section. These copies shall be made available for inspection by representatives of the Section.

(d) If the entertainment agent's contract with the performing artist includes products, such as, but not limited to, photographs or a photographic publication, the contract shall state the exact quantity, quality, and cost of the item(s) to be supplied, and the date of delivery or publication.

(e) If date of delivery or publication is more than 60 days following the date of the contract, no more than one-third of any fee, charge or commission shall be collected by the licensed entertainment agency for its products prior to delivery.

(f) If the entertainment agency fails to deliver products or services by the date of delivery as specified in the contract, the job seeker is entitled to a full refund of monies paid for the promised service and/or product. The job seeker may waive the right to a refund by acknowledging and waiving the right in writing.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

13:45B-6.5 Entertainment agency advertising

(a) All advertisements shall contain the name, address as it appears on the license, and license number of the entertainment agency.

(b) Copies of all entertainment agency advertisements shall be maintained by the agency for two years following publication or dissemination in a form suitable for inspection by the Division, and made available for inspection by representative of the Division.

(c) While performing the functions of an entertainment agent, a booking agent shall carry and provide to job seekers and employers a business card containing his or her license number.

13:45B-6.6 Information required

(a) Information required by N.J.S.A. 34:8-43 et seq. and this subchapter shall be provided to the Regulated Business Section, Office of Consumer Protection, 124 Halsey Street, Newark, New Jersey 07102 (Mailing address: P.O. Box 45028, Newark, New Jersey 07101) on January 1 of each year. Where the entertainment agency begins operation after January 1, the information required by N.J.S.A. 34:8-43 et seq. and this subchapter shall be provided with the agency's application. Application forms shall be supplied by the Section.

(b) Completed forms shall be accompanied by the fee required under N.J.S.A. 34:8-50 and the bond required pursuant to N.J.S.A. 34:8-49.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 7. FEES AND EXPIRATION DATES

13:45B-7.1 Fee schedule

The following fees shall be charged by the Office of Consumer Protection, Regulated Business Section:

Employment agency annual license	\$250.00
Consulting firm annual registration	\$175.00
Career consulting or outplacement firm annual registration	\$250.00
Health care service firm annual registration, each primary location	\$500.00
Job listing service and registration	\$250.00
Prepaid computer job matching service annual registration	\$250.00
Temporary help service firm annual registration, primary location	\$175.00
Temporary help service firm, permit for operation of each other location	\$10.00
Agent's annual license	\$25.00
Agent's conditional license	\$25.00
Transfer of agent's license	\$10.00
Agent-registrants	\$25.00
Fee for abstract of law	\$5.00
Examination fee	\$25.00
Late fee for renewals	\$25.00
Special (off-premises) permit	\$10.00

Amended by R.1995 d.190, effective April 3, 1995.

See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

Amended by R.1996 d.191, effective April 15, 1996.

See: 27 N.J.R. 3910(a), 28 N.J.R. 2078(a).

Decreased fees for consulting firms and temporary help service firms (primary location).

13:45B-7.2 License and registration expiration

(a) All licenses shall expire on January 1 of the year following their issuance.

(b) All registrations shall expire on July 1 of each year.

SUBCHAPTER 8. OUT-OF-STATE BUSINESSES

13:45B-8.1 Application

All provisions of N.J.A.C. 13:45B-1 through N.J.A.C. 13:45B-13 shall apply to any person engaging in any of the activities regulated by N.J.S.A. 34:8-43 et seq. in New Jersey including persons whose residence or principal place of business is located outside of this State.

13:45B-8.2 Registered agent

Each out-of-State holder of a New Jersey employment agency license, or out-of-State entity required to be registered under the Act, shall register with the Executive Director the name and address of a New Jersey agent for service of process and other matters.

Amended by R.1995 d.190, effective April 3, 1995.

See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 9. (RESERVED)

SUBCHAPTER 10. REGISTRATION FOR CAREER CONSULTING OR OUTPLACEMENT ORGANIZATIONS

13:45B-10.1 Registration process

(a) The following entities are required to be registered with the Regulated Business Section of the Office of Consumer Protection in order to operate within New Jersey:

1. Career consulting or outplacement organizations, as defined in N.J.A.C. 13:45B-1.2, and every agent authorized and empowered by the owner of the registered organization to solicit business or otherwise act as an agent of the organization.

(b) An application for registration and an abstract of the law covering statutory requirements for the operation in New Jersey of registered services, shall be supplied by the Section upon request.

(c) The application form shall include, but not be limited to:

1. The name and business address of each primary location of the registered service and any fictitious or trade name used;

2. The category of registered service and the types of products and employment and personnel services it will offer;

3. The names and home addresses of the principal owners or officers of the service; and

4. A disclosure statement covering conviction of crime as set forth in N.J.S.A. 34:8-44, if any, of any principal owner or officer or any agent of the service.

(d) Upon application for registration, a prospective registrant shall file with the Section a copy of the form(s) of contract used or to be used by the registrant in providing services to job seekers.

(e) Registrants shall be under a continuing obligation to inform the Section of any change or addition in the application information, such as change of address or conviction of a crime, within 30 days of that change or addition.

(f) The registration fee as set forth in N.J.A.C. 13:45B-7.1 shall be due on July 1, 1991, and annually thereafter.

(g) Upon initial registration with the Section and annually thereafter, every career consultant or outplacement organization and every prepaid computer job matching or listing service shall deposit with the Director an original bond in the sum of \$10,000 with a duly authorized surety company as surety, to be approved by the Director. The bond shall be payable to the State of New Jersey and shall provide that the person applying for registration will comply with the Act and this chapter and will pay all damages occasioned to any person by reason of any misrepresentation, deceptive or misleading act or practice or any unlawful act or omission of any licensed or registered person, agents, or employees, while acting within the scope of their employment, made, committed or omitted in the business conducted under the license or registration or caused by any violation of this act in carrying on the business for which the license or registration is granted. In case of a breach of the condition of any bond, application may be made to the Director by the person injured by the breach for leave to sue upon the bond, which leave shall be granted by the Director if it is proven to his or her satisfaction that the condition of the bond has been breached and the person has been injured. The person obtaining leave to sue shall be furnished with a certified copy of the bond and shall be authorized to

institute suit on the bond in their name for the recovery of damages sustained by the breach.

1. If at any time, in the opinion of the Director, the surety on any bond shall become fiscally irresponsible, the person holding the license or registration shall, upon notice from the Director, by registered mail, return receipt requested, provide a new bond, subject to the provisions of this section. The failure to provide a new bond within 10 days after such notice shall, at the direction of the Director, operate as revocation of the registration. The 10 days shall begin to run on the day following the surety's receipt of the notice. However, revocation may be stayed at the discretion of the Director.

2. If the surety contemplates cancellation of the bond, the surety shall be withdrawn upon 60 days advance written notice by registered mail to the Director. The 60 days shall begin to run from the day following the Director's receipt of the notice. A provision regarding this notice of withdrawal shall appear in the bond.

3. The bond shall be retained by the Section until 90 days after either the expiration or revocation of the registration, as appropriate.

(h) The requirements of this section shall not apply to any person that receives no prepayment for services or products from a job seeker and that:

1. Provides services or products strictly on an hourly basis, with no financial obligation required of the job seeker beyond the hourly fee for services or products rendered; or

2. Provides outplacement services exclusively as part of a job seeker's benefit or severance package with a current or former employer.

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 11. PREPAID COMPUTER JOB MATCHING OR JOB LISTING SERVICES

13:45B-11.1 Registration process

(a) The following entities are required to be registered with the Section in order to operate within New Jersey:

1. Prepaid computer job matching or job listing services, as defined in N.J.A.C. 13:45B-1.2, and every agent authorized and empowered by the owner of the registered organization to solicit business or otherwise act as an agent of the organization.

(b) An application for registration and an abstract of the law, covering statutory requirements for the operation in New Jersey of registered services, shall be supplied by the Section upon request.

(c) The application form shall include, but not be limited to:

1. The name and business address of each primary location of the registered service and any fictitious or trade name used;

2. The category of registered service and the types of products and employment and personnel services it will offer;

3. The names and home addresses of the principal owners or officers of the service; and

4. A disclosure statement covering conviction of crime as set forth in N.J.S.A. 34:8-44, if any, of any principal owner or officer or any agent of the service.

(d) Upon application for registration, a prospective registrant shall file with the Section a copy of the form(s) of contract used or to be used by the registrant in providing services to job seekers.

(e) Registrants shall be under a continuing obligation to inform the Section of any change or addition in the application information, such as change of address or conviction of a crime, within 30 days of that change or addition.

(f) The registration fee as set forth in N.J.A.C. 13:45B-7.1 shall be due on July 1, 1991, and annually thereafter.

(g) Upon initial registration with the Section and annually thereafter, every prepaid computer job matching or listing service shall deposit with the Director an original bond in the sum of \$10,000 and shall be subject to all bonding requirements set forth in N.J.A.C. 13:45B-10.1(g).

Amended by R.1995 d.190, effective April 3, 1995.
See: 26 N.J.R. 4316(a), 27 N.J.R. 1430(a).

SUBCHAPTER 12. ADVERTISING AND SOLICITATIONS

13:45B-12.1 Advertisements and solicitations

(a) All advertisements offering employment or personnel services or products shall include the advertiser's business name and address as they appear on the license or registration form of the licensed or registered firm. Advertisements for positions within the licensed or registered firm shall also include the advertiser's business name and address as they appear on the license or registration form of the firm.

(b) No person shall misrepresent the identity of an individual or the identity of a company in an advertisement or in a personal, telephoned, telecopied, or mailed solicitation. All advertising and solicitations by any person must disclose the name of the company offering the employment services or products.