

SENATE JUDICIARY COMMITTEE

MINUTES

Meeting was called to order on February 24, 1969 at 10:20 a.m. by Chairman Monroe.

Committee members present: Senator Monroe, Chairman
 Senator Hug
 Senator Swobe
 Senator Christensen
 Senator Young (in at 10:35 a.m.)
 Senator Bunker

Guests: Virginia Pendleton, Personnel
 Placement Service, Las Vegas, Nev.
 Mr. and Mrs. Ed Whittaker, Manager
 American Employment Agency, Reno,
 Nevada.

Chairman Monroe introduced Mr. Ed Whittaker, Manager of the American Employment Agency in Reno, Nevada who would like to be heard on AB 147 (Increases amount of fees authorized to be charged and collected by private employment agencies.)

Mr. Whittaker: I would like to give you a brief background on the employment agencies and when they first came into being. In the early 1900's New York and California set up the first rules for the agencies and it was not until 1919 Nevada set up the controls for these agencies. New York and California amended theirs and Nevada first amended in 1947. Nevada patterned her legislation after the New York and California laws. That has been 22 years ago and there have been no changes regarding the fees since that time.

There are no fees earned or due until after the employee is placed in their position. If the employee quits work the agencies lose considerable money on the earned fees. Due to the rising costs in operation and the increase of the number of employees there is a definite need for increased fees. California, New York and Texas have all increased their fees recently. California now charges from 30% to 50% up to \$500.00.

(Mr. Whittaker read a statement from the Nevada Association of Employment Agencies) Copy attached.

We want to allow the agencies to progress. I would be very happy to answer any questions you gentlemen have.

Senator Swobe: How is this handled in Idaho, Utah and Arizona:

Mrs. Pendleton: I do not know about Idaho and Utah but in Arizona they charge from 33½% to 100 % for employment fee and then they collect 10% of the annual fee.

Senator Swobe: Do you collect any fees from the employer?

Mr. Whittaker: We do not stress the employer paid fee. We have been the personal service for the applicant.

Senator Christensen: I certainly am in favor of this and feel the agencies would do a better job if they could earn more money.

Chairman Monroe: Are you under the control of the Employment Security Department? I see you have passed a copy of a letter from them to the members of the committee.

Mr. Whittaker: The letter was presented merely to show there is no disagreement between the Employment Security Department and the agencies as to the work they are doing. We have no opposition. We are under the direction of the State Labor Commissioner and are licensed by that department.

Senator Swobe: Actually you take a load off of the Employment Security Department.

Mr. Whittaker: Yes, we screen the applications and send only the qualified people to an employer. They do not have to waste a lot of hours interviewing people that are not qualified for the job.

Chairman Monroe: I think you have made a very good presentation, and we thank you for coming.

Mr. Whittaker: Thank you for giving us the chance to present our proposal.

(Mr. and Mrs. Whittaker and Mrs. Pendleton left the meeting.)

Chairman Monroe asked Senator Swobe to present his amendments on SB 139.

Senator Swobe: I have discussed these amendments with Cliff (Young) and he is now satisfied with the two changes. On line 3 we have removed "It is unlawful for any person to commit any act" and inserted "No person may commit any act". On line 11 we have inserted "Subsection 2" as well as subsection 1.

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If they interfere with orderly process and they do not disburse after they are asked to, then it would be a misdemeanor.

There was considerable discussion as to adding Section 2 on line 11. It was mentioned that it should be "and Subsection 2" instead of "or Subsection 2". Senator Swobe advised he had discussed this with Mr. Daykin and he stated the "may" in line 3 was all right, however he felt it should be "and" instead of "or" on line 11. They wanted to leave the responsibility in the hands of the University and that would definitely place it there.

After further discussion it was decided to change line 11 to "prohibited by subsection 2" and leave out subsection 1 and this would accomplish what they intended.

Senator Young moved this be amended and do pass.
Senator Swove seconded the motion.
Motion carried.

Chairman Monroe announced he had asked Lew Mastos to be present tomorrow to explain how he felt on the Uninsured Motorist Bill.

The discussion went back to AB 147 and Chairman Monroe advised Senator Young who was absent for the presentation by Mr. Whittaker what he had said. All expressed the fact that they thought this was a good bill.

Senator Christensen moved this be passed.
Senator Young seconded the motion.
Motion carried.

Chairman Monroe asked that Russ McDonald be asked to come in for the discussion on AB 116 (Includes vehicle theft within crime of grand larceny)

Russ McDonald: I went back and tried to dig out as to just what happened on this with the joy riding. In the 1967 Criminal Code it was recommended and passed that the penalty of grand larceny be excluded as far as motor vehicles were concerned and there was included in a separate section on motor vehicles giving the District Attorney a choice of penalties. The Supreme Court ruled this was illegal as it sets no standards.

I have prepared amendments for 205.274 by making it a misdemeanor and adding back the joy riding bill which makes the first offence a misdemeanor and the second time up it would be a felony.

Senator Young: This would give the District Attorney a chance to tell the youngster to plead guilty to joy riding or he would slap a felony charge on him. I have seen this done. I think a felony is a stiff penalty for joy riding.

Russ McDonald: The joy-riding bill is defined as "any person taking a vehicle for temporary use without the attempt to steal it." You could state three penalties or you could make all the times a misdemeanor and not give two different penalties.

Senator Dodge: I feel that if the prosecutor does the proper job the first time a kid is brought in there should be no second time for him.

Senator Young: It could be amended to the first time is a misdemeanor, the second time a gross misdemeanor and the third time a felony.

Senator Swobe moved it be amended to 1. Misdemeanor, 2. Gross misdemeanor and 3. Felony and should pertain to the joy riding portion only, and to pass.

Senator Christensen seconded the motion.
Motion carried.

The meeting was adjourned at 11:00 a. m.

Respectfully submitted,

Jeanne M. Smith, Secretary

Approved: _____

THE NEVADA ASSOCIATION OF EMPLOYMENT AGENCIES

The prime concern of an employment agency is to match applicants as closely as possible with the qualifications employers have given us in their job listings. When we take job listings from the employers, we know exactly what they want, and in this manner, confusion and time waste are avoided for the employers.

In most cases, the employment agency fee is paid by the person seeking employment.

Applicants are tested, screened, and proved by different types of tests to fully qualify for various types of positions. In the event the agency does not have a job listing for any particular type of applicant, numerous telephone calls are then made to employers in an effort to obtain employment for the individual. Sometimes this involves as high as 20 or 25 calls or even more. The average telephone calls per applicant usually runs in the neighborhood of 10 to 15 calls; this includes making appointments with the employers, calling the applicant back and any other calls necessary for the job placement. In case the applicant does not have a telephone, a messenger is sent out to inform him of his appointment.

After the person is placed, a check is made with either the employee or the employer as to the starting date and the salary which has been agreed upon. The next step is to make up an accounts receivable card and record the placement in the State Book. Next is the matter of collection which takes a good number of manpower hours.

At the end of each month, a report is made up of the name, address and place of the job referral for each applicant applying for employment. This report also gives the salary and total fee charged for persons placed.

We, as members of the Nevada Association of Employment Agencies, feel we are performing a service to the employer by saving his valuable time and also the cost of screening and testing a future employee. The service we give to the applicant in finding him a position which is best suited to his qualifications, we feel makes him a much better citizen for our growing communities.

PAUL LAXALT
Governor

STATE OF NEVADA

A. G. DONDERO
Executive Director

EMPLOYMENT SECURITY DEPARTMENT

NEVADA STATE
EMPLOYMENT SERVICE



UNEMPLOYMENT COMPENSATION
SERVICE

January 21, 1969

Reply to 500 East Third Street
Carson City
Nevada 89701

Miss Virginia Healy Pendleton
Personnel Placement Service
2419 Las Vegas Boulevard South
Las Vegas, Nevada

Dear Miss Pendleton:

This is to confirm our recent conversation regarding the Nevada State Association of Employment Agencies proposed legislation to amend NRS 611.220 and 611.230. This proposed legislation will enable private employment agencies to raise their fees from 15% to a maximum of 30%.

I have discussed this proposed legislation with members of our Employment Service staff. Their reaction to the proposal was consistent with my presentation to you several weeks ago.

Though we have no comments on the merits or demerits of the proposed percentage raise, we have no objections to the amendment to NRS 611.220 and 611.230 as it was presented to me. Also, we recognize the need for both private and public agencies to work cooperatively in attempting to find jobs for people. With more and more emphasis being placed on public agencies to devote their resources to the development of jobs for hardcore unemployed there is an ever increasing need for private agencies to assist professional people who become unemployed.

If I can be of further assistance please do not hesitate to contact me.

Best wishes.

Sincerely,

A. G. Dondero
Executive Director

AGD:mlt