

MINUTES - COMMERCE COMMITTEE - 56TH ASSEMBLY - March 1, 1971

Present: McKissick, Lingenfelter, Ashworth, Poggione, Capurro

Absent: Dini, Hafen, Branch, Hilbrecht

Others present: O.A. "Buck" Pendleton, State of Nev. Employment Assoc., Inc.  
 Fullmer Barlow, Management Recruiters, Las Vegas  
 Senator Stanley Drakulich  
 Marianne Crumley, Academy and Sparks Employment Agencies  
 Gary Keating, Acme Personnel Service, Reno  
 Bill Wilhite, Nevada Employment, Las Vegas  
 Mildred Smith, JOBS  
 Ed Whitaker, American Employers  
 Chris Cook, Cook Personnel  
 Bruce Brisbee, Snelling & Snelling, Las Vegas  
 Ruth Barnett, JOBS (counselor)

Chairman McKissick reconvened the Commerce Committee meeting on A.B. 263 at 3:15 P.M. He called upon Mr. Pendleton to resume his testimony.

Mr. Pendleton continued by stating that he was opposed to an advisory board because employment agencies are handled and policed by the labor commissioners to the fullest extent. He also complained that the Committee should look into the records at the attorney general's office to check on complaints of applicants that if they do not accept employment and go to work where they are placed, they cannot get a refund of the fee they paid in advance. He stated that this is in violation of NRS 611.250. Mr. Pendleton asked if there were any member of the Commerce Committee who owns a private employment agency or a franchise for an employment agency. If so, he asked, who stood to gain by passage of this bill. McKissick replied, "Chair rules your questions out of order unless someone on Commerce Committee wants to answer."

Pendleton asked who is the author of A.B. 263. McKissick replied, "The Commerce Committee"- it was discussed three times, repaired once and then redone twice more.

Mr. Pendleton said that it is questionable as to who is going to be gainful over the passage of this bill - large agencies will sell franchises and he stated that the small agencies will not gain.

Mr. Pendleton question Sec. 9 and 10 of the proposed bill, as he interprets it employment counselors would have to pass an examination given by the board and would have to be licensed. McKissick stated that placement employees should have expertise in this field but he would get an opinion from the bill drafter.

Marianne Crumley appeared and stated that the 25% fee which is charged now is already working a hardship on job seekers. She stated the fees were high enough. Lingenfelter stated that 25% was the ceiling that could be charged and asked her if she sometimes did charge a lower fee. Mrs. Crumley stated she sometimes took a lower fee. She stated that they do give a cash discount when the fee is paid in advance.

Capurro asked that in cases of short term employment placement, did the applicant pay the fee when he is after a second job because his was terminated? Mrs. Crumley said they can charge the fee after 30 days

Mr. Pendleton read N.R.S. 611.250 which states that if an applicant does not actually go to work, he is entitled to refund of his fee if he paid it in advance.

Mr. Capurro asked Mr. Pendleton if he was an owner of an employment agency. He replied that his wife had an agency. He was asked if he currently had interest in it and he said he was retired so did. He retired as deputy labor commissioner in southern Nevada. He was asked if he inspected and regulated his wife's employment agency when he was with the Labor Commission, and replied that he did.

Mr. Lingenfelter said that if an applicant is placed in a position by an employment agency but did not go to work, he felt that the agency had done the service so should receive the fee.

Gary Keating of Acme Personnel Service in Reno said they need a raise in fees as Nevada is growing and progress would be hindered if they could not provide this service properly.

Bill Wilhite of Nevada Employment and Mildred Smith of JOBS went on record as favoring this bill.

Ed Whitaker of American Employers stated the last legislature made a sound regulation for agencies but some changes to the bill could be of merit. He said fees should be raised as cost of living goes up.

Chris Cook of Cook Personnel, introduced herself.

Bruce Brisbee of Snelling and Snelling, Las Vegas, said it is very difficult to compete on a national scale unless the bill goes through and agencies as he represents can furnish good qualified people.

Ruth Barnett, a counselor at JOBS, said the workload and conditions were heavy and they need a raise in fees to give applicants the special attention they deserve. Pendleton objected to her testimony but was informed that anyone had a right to speak.

Ashworth asked Pendleton if there was an amendment on the fees if he would think the bill had merit. Mr. Pendleton told him the bill was a bad bill, he was against the fees, advisory board and counselors having to take examinations.

The meeting adjourned at 3:50 P.M.

*Corrected:*

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