

MINUTES

COMMITTEE: COMMERCE

DATE: Wednesday, March 7, 1973

MEMBERS PRESENT: Chairman Prince, Dr. Robinson, Messrs Demers, Wittenberg, Bickerstaff, Hafen, Torvinen, and Dini

MEMBERS ABSENT: Mr. Capurro

GUESTS:	<u>Name</u>	<u>Representing</u>
	Susan Jacobsen	U of N intern
	Keith Henrikson	Employment agencies
	Stan Jones	Nevada Labor Commissioner
	John Ciardella	Dept. of Motor Vehicles
	Ron Cassingham	" " "
	Stan Warren	Nevada Bell
	Earl Landrus	snowmobiler
	Tom Newton	U.S. Snowmobile Assn.
	Dennis Steiner	snowmobiler
	John Rhodes	"
	Alex Glock	Ormsby Sportsmen
	Woodruff Bartram	Nev. Off-Road Runners Assn.
	Steve Kaylor	" " " "
	Vaun Bradley	" " " "
	Bob Heidersman	Reno Four-Wheelers Assn.
	E. A. Hollingsworth	Nev. Miners & Prospectors
	Richard Garish	" " "
	Glen Rock	--
	June Young	--
	John Flanders	Carson City Snowmobilers
	Fred Davis	Nev. Off-Road Runners Assn.
	Keith Ashworth	Assembly Speaker
	Jim Gredt.	A P

The meeting was called to order by Chairman Prince at 4:00 p.m. He asked for discussion on AB 340 which makes certain changes in employment agencies. Mr. Keith Henrikson stated that he opposed the bill and has amendments. He stated the purpose of the bill is to increase employment agency fees and to change the method of payment by the applicant to the agencies. His amendments, as proposed are attached hereto as Exhibit "A". He also presented to the Committee a list of states whose employment agency fees are less than or equal to those of Nevada. (Exhibit "B") In Exhibit "C" he illustrated the fees schedule under the proposed AB 340 and stated that these changes would help halt the present practice of sending persons to jobs they are not qualified to handle

Messrs Wittenberg and Henrikson gave examples of harrassment by agencies to employees and employers.

Mr. Stan Jones, Nevada Labor Commissioner, read a resolution from AFL-CIO opposing AB 340 , stating that he wants to keep fees down to prospective employees looking for work, as "Nevadans are hard-working people", and he asked the Committee to withhold any action on this bill until a bill\* comes out of the Senate regarding the same matter. He presented this bill presently in the bill drafter's office and it is attached as Exhibit "D"..

Mr. Wittenberg asked Mr. Jones why labor is taking a position against this bill; that no one forces a person to go to an employment agency. Mr. Jones stated that he doesn't think labor hires people from private employment agencies.

Dr. Robinson asked Mr. Jones if the Committee amended the bill by increasing fees from 25% to 30% and added Mr. Henrikson's amendments, would this be acceptable to him. Mr. Jones stated that he felt applicants needed more protection than this would allow and again asked that we wait for his bill to be presented to the Senate.

Mr. Wittenberg asked what union dues amount to and if labor is against this bill because they have their own union halls for placing their members. Mr. Jones stated that dues for union members can vary from \$2.50 per month to \$25.00 a month and that he is not at the meeting as a union advocate. Mr. Jones continued reading other aspects of his bill, including prohibition of a registration fee, prohibition of fee-splitting with an employer or anyone else; limiting babysitting agencies to a 15% fee. Mr. Henrikson acknowledged the problems Mr. Jones presented and approved of his bill, excepting that portion which regulates the return of fees paid by the applicant.

Regarding AB 268, Chairman Prince asked if there were any witnesses in favor of the bill. ~~There were none.~~ In opposition, Mr. Ron Cassingham of the Department of Motor Vehicles and the Nevada Highway Patrol stated that though he was not in complete opposition to the bill, and that it had merit, he stated that there would be considerable difficulty in that the statutes' present definition of "motor vehicle" would include snowmobiles. Therefore every law applicable to motor vehicles would also apply to snowmobiles, including licensing provisions.

Chairman Prince stated that this bill was a concurrent referral from the Environment and Public Resources Committee;

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that they had recommended it be passed with amendments.

Mr. Cassingham continued reciting the motor vehicle laws which would effect snowmobiles and conflict with this bill, i.e., directions of traffic, use of roadways, equipment requirements, registration laws, etc.

Dr. Robinson suggested that the statutes covering motor vehicles exclude snowmobiles. Mr. Cassingham stated that there would still be some conflicts, but that it would definitely help. Mr. Ciardella, also of the Motor Vehicle Department agreed.

Mr. Flanders who distributes snowmobiles stated that they are not made for driving on the road; that they are damaged by such use and that in the four years he has worked with snowmobiles at Hope Valley, there have been no problems with the machines crossing the roads. He cited a case in Los Angeles where a snowmobiler was cited for trespassing on private property and the court dismissed the case on the grounds that unless the property is posted, it is impossible for a snowmobiler to be able to tell when he is on private property. He stated that it is very difficult to tell when you are on private property and that if snowmobilers know in advance that a property owner does not want them trespassing, they stay away from his property.

Mr. Noel A. Clark, Chairman of the Public Service Commission stated that unless snowmobiles are excepted, they "might become common carriers, for-hire operators" and subject to PSC regulations. Speaking as a private citizen, he agreed that the act has much merit, but that there are more snowmobilers who do not abuse property than those who do, but as a sportsman who enjoys getting out in the air and away from the telephone, he feels there are many provisions of the act that he and other sportsmen cannot abide by. The provision on operating on private property is totally unenforceable and worse than no law at all and that the requirements regarding operating on snow depths of a certain height would require the use of a ruler.

He also discussed the prohibition of altering a machine, stating that many alterations made by an owner are an improvement over factory specifications and that the provisions is impractical and that the roadway use provisions could be easily misinterpreted.

Mr. Vaun Bradley of the Nevada Off-Road Vehicles Association endorsed Mr. Clark's remarks and stated his opposition to parts of the bill, including roadway use, trespassing provisions, adding that the property should be posted.

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Mr. Wittenberg asked Mr. Bradley if anybody posts his property. Mr. Bradley stated that there are No Trespassing signs posted in the Tahoe Meadows area, where he spends most of his time.

Mr. Demers asked Mr. Cassingham if these provisions would effect rescue operations? Mr. Cassingham stated that law enforcement or peace officers were excluded, but Mr. Demers differed with him.

Dr. Robinson suggested that the provisions regarding trespassing be taken out of the bill. Mr. Bradley stated: "This would be fine. We would all be very happy if it was completely deleted".

Mr. Ed Hollingsworth of the Nevada Miners and Prospectors presented a map to the Committee designating privately owned land, railroad property and Federal property; he also stated that there was very little fenced land; that many other statutes prohibit trespassing on private property. He felt that the provision permitting trespassing only if an emergency is declared by a governmental agency very impractical. A general discussion followed regarding the criminal penalties provided in the last section of the bill. Mr. Hollingsworth adamantly opposed this section, stating that there is no intent to commit a crime if snowmobilers violate any of these provisions, and "don't give them a criminal record".

Mr. Billy Don of Reno stated that snowmobiles were a very important vehicle in his business of timbering and that any restrictions on their use would be unconstitutional. He completely opposes the bill.

Mr. Don Wilson, speaking on his own behalf feels that legislation at this time is unnecessary and doesn't feel there are enough problems with snowmobiles to require these laws. There are existing laws governing situations covered in this bill such as noise, smog and trespass and snowmobilers are a self-policing group.

Mr. Wittenberg asked if many people are injured or killed using snowmobiles. Mr. Wilson stated that the injury rate is very low and that in four years of activity with snowmobiles he knew of only one fatality caused by an avalanche; that there are more problems with skiers and stranded motorists.

Mr. Tom Newton felt that the bill would create more problems than it would solve; that snowmobiles are a unique piece of equipment and that enforcement would be impossible unless

an act took place right on the highway.

Mr. Garrison of the Nevada Miners and Prospectors stated that he doesn't want the State saying that "no one can go on his property; it's un-American and undemocratic and we don't need it".

Mr. Bickerstaff moved, Mr. Hafen seconded, a motion to kill the bill. The vote was unanimous. Mr. Capurro and Mr. Dini were absent for this vote.

The Committee agreed to discuss AB 340 at their next meeting.

The meeting was adjourned at 6:15 p.m.

Respectfully submitted,

PHYLLIS BERKSON, Assembly Attache

AGENDA FOR COMMITTEE ON COMMERCE

Date Wed., March 7 Time 4:00 p.m Room 222

<u>Bills or Resolutions to be considered</u>	<u>Subject</u>	<u>Counsel requested*</u>
AB 340	Changes certain provisions relating to employment agency fees;	
AB 268	Regulates operation of snowmobiles;	

\*Please do not ask for counsel unless necessary.

Proposed Amendments to A.B. 340:

611.260 Delete P-2 Lines 14 through 18 and insert:

2. Where the applicant is employed and the employment lasts less than (7) 30 days by reason of the discharge of the applicant, the employment agency shall charge the applicant only that portion of the fee owed by him to the employment agency. The agency may charge one-thirtieth of the fee for each day between employment and discharge of the applicant.
3. Applicants fees are due and payable, on the one-thirtieth pro-rata basis, on the 1st, 2nd, 3rd, and 4th payday, as applicable.

Section 5. This act shall become effective on passage and approval.

As of February 7, 1972, the following states restricted fees according to the information available to us:

- Massachusetts -- 25% to 60% of the first month's salary
- New York -- 25% to 60% of the first month's salary
- Louisiana -- a sliding scale ranging from 30% of the first month's salary to 12% of the first years's salary
- Iowa --80 % of annual salary
- South Dakota -- 25% to 50% of the first month's salary
- Wisconsin -- 50% to 120% of the first month's salary
- Kansas -- \$2
- Oklahoma -- 15% to 45% of the first month's salary up to \$499.99 per month
- Texas -- 4% to 7% of the first year's salary up to \$8,000.00
- Alaska -- 10% to 25% of the first month's salary
- Nevada -- 25% of the first month's salary

It is our belief, although we cannot be certain of this, that all of the fee restrictions are by statute rather than by administrative authority.

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AB 340 - Example: Based upon \$400.00 Salary per Month

If person is sent to job and hired and stays on job for:		Present Schedule @ 25% Fee	Proposed Schedule @ 40% Fee
3 Days	Amount owed to agency	\$16.00	
7 Days	"	\$100.00	37.31
14 Days	"	100.00	74.62
21 Days	"	100.00	111.92
25 Days	"	100.00	133.25
30 Days	"	100.00	160.00

The proposed bill AB 340 would thus halt the present practice of sending persons to a job they are not qualified to handle. It would require those employment agencies not doing so now, to implement testing and personal screening procedures to insure that someone sent to a job is reasonably certain to remain there or the agency would collect a much reduced fee. The increase of the fee charged is necessary in order for agencies to implement these procedures which would undoubtedly require an increase in their own personnel as well as increasing the time spent with each client.

As illustrated above - this bill would also halt the practice of some employment agencies who harass a person - demanding their full fee - after only his first week on the job. The newly employed person would only OWE (in this example) the agency \$37.31 out of his first weeks pay. NOT \$100.00.

## FREE PUBLIC EMPLOYMENT OFFICES

611.010 FREE PUBLIC EMPLOYMENT OFFICES: ESTABLISHMENT AND MAINTENANCE. The executive director of the employment security department shall establish and maintain free public employment offices as provided in chapter 612 of NRS.

## PRIVATE EMPLOYMENT AGENCIES

611.020 DEFINITIONS. As used in NRS 611.020 to 611.340, inclusive:

1. "Employment agency" means and includes the business of conducting, as owner, agent, manager, contractor, subcontractor, or in any other capacity, an intelligence office, domestic and commercial employment agency, general employment bureau, hotel, or any other agency for the purpose of procuring or attempting to procure help or employment for persons seeking employment, or for the registration of persons seeking such employment or help, or for giving information as to where and of whom such help or employment may be secured, where a fee or other valuable consideration is exacted or attempted to be collected for such services.
2. "Labor commissioner" means the labor commissioner of the State of Nevada.
3. "Person" means and includes any individual, firm, company, corporation, association, manager, contractor, subcontractor, or their agents or employees.

611.030 LICENSE: PROCUREMENT FROM LABOR COMMISSIONER; POSTING; PENALTY FOR DOING BUSINESS WITHOUT LICENSE.

1. No person shall open, keep, operate or maintain an employment agency in this state without first obtaining a license therefor as provided in NRS 611.020 to 611.340, inclusive, from the labor commissioner. No employment agency shall do business unless it shall have first obtained a license from the labor commissioner who shall issue such license or a renewal thereof upon finding after investigation that the premises in which the business will be conducted are suitable for use as an employment agency and that the applicant is of good moral character and has complied with or is willing and able to conform to the provisions of this act and the requirements, rules, and regulations thereunder, and upon the payment of a fee of \$100.00 by the employment agency.
2. Any person who shall open, keep, operate or maintain an employment agency without first procuring a license shall be guilty of a misdemeanor.

611.040 APPLICATION FOR LICENSE.

1. A written application for a license shall be made to the labor commissioner. Th

application for a license shall contain such information and be in such form as the labor commissioner may by regulation prescribe, and shall state:

(a) The name and address of the applicant.

(b) The street and number of the building or place where the business is to be conducted.

(c) The business or occupation engaged in by the applicant for at least 2 years immediately preceding the date of the application.

Each license issued hereunder shall be valid only as to the person and place or places named therein. Such license shall be effective from the date specified therein and shall remain in effect for one year from such date unless suspended or revoked. In accordance with such procedure as the labor commissioner may by regulation prescribe, an employment agency shall make annual application for the renewal of its license. Such application must be filed with and received by the labor commissioner not less than 15 days prior to the expiration date. Pending administrative action on an application for the renewal of the license, such license may be continued in effect for a period not to exceed 60 days beyond the expiration date of the license.

2. The application shall be accompanied by affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character.

611.050 POWER OF LABOR COMMISSIONER TO REFUSE LICENSE. The labor commissioner may, upon reasonable notice and opportunity to be heard, deny, suspend, or revoke the license of an employment agency after finding that there has been a failure to comply with any provision of this act or any rule, regulation, or order issued thereunder.

611.060 FEES FOR LICENSES AND RENEWALS. Every person licensed under the provisions of NRS 611.020 to 611.340, inclusive, to carry on the business of an employment agency shall pay to the labor commissioner a fee of \$100.00 before the license is issued, and thereafter he shall pay an annual fee of \$100.00 on or before the 1st day of each calendar year.

611.070 BOND: DEPOSIT WITH LABOR COMMISSIONER; NOTICE OF CANCELLATION. Before a license is issued, the applicant shall deposit with the labor commissioner a bond in the penal sum of \$1,000 with two or more sureties or a duly authorized surety company as surety, which bond shall be first approved by the labor commissioner. A notice of 30 days shall be given to the labor commissioner before cancellation of such bond. The bond shall be further conditioned that the suspension, revocation, surrender, or

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expiration of a license to operate an employment agency shall not affect the coverage of such bond as to a claim arising out of acts which occurred prior to the date of such suspension, revocation, surrender, or expiration. The labor commissioner may at any time notify the licensee to file a new or supplementary bond, in a form and amount to conform with the provisions of this section, whenever the labor commissioner shall deem the surety of such bond to be unsatisfactory, or the amount of such bond to have become insufficient to satisfy all claims accrued or contingent against the licensee. In the event the bond is secured by cash, the cash shall not be released for a period of 90 days following the date of suspension, revocation, surrender, or expiration of the license.

Any person suffering loss or damage by reason of failure of an employment agency to comply with any provision of this act or any rule, regulation, or order issued thereunder, shall be entitled to an action on such bond for the recovery of the amount of such loss or damage. Action on such bond may be maintained in the name of the State of Nevada and in any court of competent jurisdiction by any one or more persons suffering such loss or damage for and on behalf of himself or themselves or by an agent designated by such person or persons, or by the labor commissioner for the use of such person or persons; provided that suit be commenced within 90 days after the cause of action arises. The jurisdiction of the court shall not be limited by the amount of the bond.

611.080 BOND: PAYABLE TO WHOM; CONDITIONS. The bond shall be payable to the people of the State of Nevada.

611.090 BOND: FAILURE TO FILE NEW BOND AFTER DEMAND; REVOCATION OF LICENSE. If at any time the sureties or any of them shall become irresponsible, the licensee shall, upon receipt of notice from the labor commissioner, give a new bond, subject to the provisions of NRS 611.080. The failure to give a new bond within 10 days after such notice shall operate as a revocation of the license. The license shall thereupon be returned to the labor commissioner, who shall destroy the same.

611.100 LICENSE FEES DEPOSITED IN STATE'S GENERAL FUND. At the end of each month the labor commissioner shall make an itemized account of all moneys received by him as license fees under the provisions of NRS 611.020 to 611.340, inclusive, and shall pay the moneys to the state treasurer. Such moneys shall accrue to the general fund in the state treasury.

611.110 CONTENTS OF LICENSE. Each license shall contain:

1. The name of the licensee.

2. A designation of the city, street and number of the location in which the licensee is authorized to carry on the employment agency.

3. The number and date of issuance of the license.

611.120 PERSONS AND PLACES PROTECTED. No license shall protect any other than the person to whom it is issued nor any places other than those designated in the license.

611.130 POSTING OF LICENSE AND LAW IN EMPLOYMENT AGENCY. The license and a copy of NRS 611.020 to 611.340, inclusive, shall be posted in a conspicuous place in the employment agency.

611.140 ACTIONS AGAINST LICENSEES: WHERE AND IN WHOSE NAME BROUGHT; ASSIGNMENT; JURISDICTION. All claims or suits brought in any court against any licensee may be brought in the name of the person damaged upon the bond deposited with the labor commissioner by the licensee, and may be assigned as other claims for damages in civil suits. The amount of damages claimed by the plaintiff, and not the penalty named in the bond, shall determine the jurisdiction of the court in which the action is brought.

611.150 ACTIONS AGAINST LICENSEES: SERVICE OF SUMMONS. When a licensee has departed from the state with intent to defraud his creditors or with intent to avoid a summons in an action brought under NRS 611.140, service shall be made upon the surety as prescribed in the Nevada Justices' Courts Rules of Civil Procedure or the Nevada Rules of Civil Procedure. A copy of the summons shall be mailed to the last-known post office address or the residence of the licensee and also to the place where he conducted the employment agency as shown by the records of the labor commissioner. Service shall be deemed to be made when not less than such number of days shall have intervened between the dates of service and the return of the same as provided by the rules of the particular court in which suit is brought.

611.160 RECORDS: ENTRIES; FALSE ENTRIES.

1. Every licensee shall keep a register in which shall be entered:

(a) The date of each application for employment.

(b) The name and address of the applicant to whom employment is promised or offered, or to whom information or assistance is given in respect to such employment.

(c) The amount of the fee received.

(d) Whenever possible, the names and addresses of former employers or persons to whom such applicant is known.

2. The licensee shall also enter in the same or in a separate register:

- (a) The name and address of every applicant for help.
  - (b) The date of the application.
  - (c) The kind of help requested.
  - (d) The conditions of employment.
  - (e) The hours of labor required.
  - (f) The rate of wages to be paid.
3. No licensee shall make any false entry in such registers.

611.170 BOOKS, RECORDS OPEN TO INSPECTION; FURNISHING COPIES; REPORTS.

1. All registers, books, records and other papers kept by the licensee pursuant to NRS 611.020 to 611.340, inclusive, shall be open at all reasonable hours to the inspection of the labor commissioner.
2. Every licensee shall furnish to the labor commissioner on request a true copy of such registers, books, records and papers, or any portion thereof, and shall make such reports as the labor commissioner may prescribe.

611.180 RECEIPT TO BE GIVEN TO APPLICANT FOR EMPLOYMENT: CONTENTS. Every licensee shall give to every applicant for employment from whom a fee shall be received a receipt in which shall be stated:

1. The name and address of the employment agency.
2. The name and address of the person to whom the applicant is sent for employment.
3. The name of the applicant.
4. The date.
5. The amount of the fee.
6. The kind of work or service to be performed.
7. The general conditions of employment, including, among other things, the hours of service, the rate of wages or compensation, whether or not board or lodging is to be furnished, the cost of transportation and whether or not it is to be paid by the employer, the time of such service if definite and if indefinite to be so stated, and the name of the person authorizing the hiring of such applicant.

611.190 RECEIPT: STATEMENT AS TO LICENSING OF AGENCY. There shall be printed on the face of the receipt in prominent type the following: "This Agency Is Licensed by the Labor Commissioner of Nevada."

611.200 RECEIPTS: NUMBERING, SIGNING AND DISPOSITION OF COPIES. All receipts shall be made and numbered in original and duplicate. The original shall be given to the

applicant paying the fee and the duplicate shall be kept on file at the employment agency.

611.210 RECEIPTS, RECORDS AND REPORTS: LABOR COMMISSIONER TO PRESCRIBE FORM. The labor commissioner shall prescribe the form of receipts to be issued, records to be kept and reports to be made. Each licensee shall provide the necessary blanks and other supplies at his own expense.

611.220 EMPLOYMENT FEES: LIMITATION. No person licensed pursuant to the terms of NRS 611.020 to 611.340, inclusive, shall charge, accept or collect from any applicant for employment as a fee for securing such employment any sum or sums of money in excess of 30 percent of the first month's gross cash wage received or paid for such employment except babysitting placements and then the fee shall not be in excess of 15 percent of the gross cash wage received or paid for such employment.

1. The fee is not due in full until the last day of the first month of employment following the applicants referral by the agency.

611.230 POSTING OF NOTICE OF LIMITATION OF EMPLOYMENT FEES. Every employment agency shall keep posted in a conspicuous place in its office or place of business a card or cards, furnished by the labor commissioner, upon which shall be printed in large blackfaced type the following: "No fee shall be charged an applicant for employment which shall exceed 30 percent of the first month's salary or compensation."

611.240 BONA FIDE ORDER FOR EMPLOYMENT: REQUIREMENT. No licensee shall accept a fee from any applicant for employment or send out any applicant for employment without having obtained orally or in writing a bona fide order therefor.

611.250 REPAYMENT OF FEE. If the applicant paying a fee fails to obtain employment, the employment agency shall repay the amount of the fee to the applicant upon demand being made therefor.

611.260 REIMBURSEMENT OF APPLICANT'S EXPENSES; RETURN OF FEE WHERE EMPLOYMENT LASTS LESS THAN 30 DAYS.

1. In cases where the applicant paying a fee is sent beyond the limits of the city in which the employment agency is located, the employment agency shall, in addition to repaying any fee paid, reimburse the applicant for any actual expenses incurred in going to and returning from any place where the applicant has been sent.

2. Where the applicant is employed and the employment lasts less than 30 days by

reason of the discharge of the applicant, the employment agency shall return to the applicant the fee paid by him to the employment agency within 3 days,

3. Where, due to no fault of such applicant or because the employment is other than as represented by the employment agency, an applicant for employment who has paid a fee fails to secure or refuses to accept employment, such fee shall be returned in cash within three (3) days after demand.

611.270 PUBLICATION OF FALSE, FRAUDULENT OR MISLEADING INFORMATION; ADVERTISEMENTS.

1. No employment agency shall publish or cause to be published any false, fraudulent or misleading information, representation, notice or advertisement.

2. All advertisements of an employment agency, by means of cards, circulars, signs, or in newspapers and other publications, and all letterheads, receipts, and blanks shall be printed and contain the licensed name and address of the employment agency.

3. No licensee shall give any false information or make any false promise or false representation concerning an engagement or employment to any applicant who shall register or apply for employment or help.

611.280 CHILDREN: ACCEPTING APPLICATION BY, OR PLACING OR ASSISTING IN PLACING, IN VIOLATION OF LAW. No employment agency shall accept any application for employment made by or in behalf of any child, or shall place or assist in placing any such child in any employment whatever, in violation of the provisions of chapter 609 of NRS.

611.290 PROHIBITED ACTS. No employment agency licensed under this act shall:

1. Impose any fees for the registration of applicants for employees or employment or any fee except for furnishing employees or employment obtained directly through the efforts of such agency.

2. Charge a fee greater than that stated in section 611.220 of this act.

3. Engage or attempt to engage in the splitting or sharing of fees with an employer, an agent or other employee of an employer, or other person to whom employment service has been furnished, or any other person not authorized to charge a fee under this act.

4. Make, give, or cause to be made or given to any applicant for employees or employment any false promise, misrepresentation, or inaccurate or misleading statement or information if such agency had knowledge or should have had knowledge of such falsity, misrepresentation, or inaccurate or misleading statement or information.

5. Procure or attempt to procure the discharge of any person from his employment.

6. Unduly influence an employee to quit his employment for the purpose of obtaining other employment through such agency.



7. Require applicants for employees or employment to subscribe to any publication or incidental service or contribute to the cost of advertising.

8. Refer any person to employment deleterious to health or morals if the agency had knowledge or should have had knowledge of such conditions.

9. Refer any employee or applicant for employment to a place where a strike or lockout exists without furnishing such employee or applicant with a written statement as to the existence of such strike or lockout, if the agency had knowledge or should have had knowledge of such facts or conditions, a copy of which statement signed by the employee or applicant shall be kept on file for one year after the date thereof.

10. Make any referral to an employment or occupation prohibited by law.

11. Refer any applicant for employment except upon order therefor and except upon furnishing such applicant with such statement in respect to the employment as the labor commissioner may by rule or regulation prescribe.

12. Operate directly or indirectly in conjunction with the employment agency any lodging house, restaurant, small loan company, or any place where intoxicating liquors or beverages are sold or dispensed.

13. Except with the written consent of the labor commissioner, conduct an employment agency business in a room or rooms used for eating, sleeping, or other living purposes.

14. Make or cause to be made or use any name, sign, or advertising device bearing a name which may be similar to or reasonably be confused with the name of a government agency or previously licensed agency.

15. Receive or require any person to execute any paper or document relating to the liability of any applicant for employment except on such forms as shall have been approved by the labor commissioner; and every such document made or executed contrary to the provisions of this act shall be void and unenforceable both in law and in equity.

16. Use any contract form or other forms except as the labor commissioner may by rule or regulation prescribe or approve.

611.300 RULES AND REGULATIONS. The labor commissioner shall make rules and regulations to the extent necessary to effectuate the purposes of this act and the provisions thereof.

611.310 OTHER POWERS AND DUTIES OF THE LABOR COMMISSIONER. The labor commissioner shall make or cause to be made all necessary inspections and do all other things necessary to the proper effectuation and enforcement of this act. In the performance of such duties, the labor commissioner or his authorized representative may enter and inspect any premises where an employment agency carries on its business, and shall have access to, and the right to copy, information pertinent to the enforcement of this act, from

all records, documents, or other papers relating to the business of such agency and shall have the power to require by subpoena the production of all such documentary evidence relating to any matter under investigation. The labor commissioner is authorized to take an assignment of a claim arising under this act against any employment agency. The labor commissioner shall keep an account of all moneys coming into his possession by virtue of this act. Moneys or funds received, or recovered by the labor commissioner for the use of any claimant under this act shall be kept separately, subject to disbursement to such claimant, may be deposited in a separate account in the name of the labor commissioner. All other moneys shall be paid into the State treasury as provided by law.

611.320 HEARING; SUBPOENA; TESTIMONY; APPEAL; AND REVIEW.

1. In the administration of this act, the labor commissioner or his authorized representative may hold hearings without being bound by technical rules of evidence, prescribe rules of procedure therein, administer oaths, take depositions of witnesses, and issue subpoenas to compel the attendance of witnesses and the production of papers, books, accounts, payrolls, documents, records, and testimony. In the case of failure of any person to comply with any order of the labor commissioner or any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify as to any matter regarding which he may be lawfully interrogated, it shall be the duty of any district court, or the judge thereof, upon application of the labor commissioner or his authorized representative, to compel obedience by proceedings for contempt, as in the case of disobedience of a subpoena issued for such court or a refusal to testify therein.

2. Within 30 days after the effective date of a denial, suspension, or revocation of a license of any employment agency, such agency may commence an action in any district court of the State of Nevada against the labor commissioner as defendant for review of such order. The labor commissioner shall keep and upon notice of such action file with such court a full record of the testimony, evidence, and proceedings upon which the order complained of was based. The review of the court shall be limited to questions of law and the findings of fact of the labor commissioner shall be conclusive if supported by substantial evidence. Appeal from the decision of such court may be taken to the Nevada Supreme Court as provided by law for civil action.

611.330 PENALTIES; SEPARABILITY; REPEAL.

1. Any person failing to comply with any provision of this act or with any rule, regulation, or order issued thereunder, or interfering with, impeding, or obstructing in any manner the labor commissioner or his authorized representative in the performance

of their official duties under this act shall be guilty of a misdemeanor.

2. If any provision of this act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

611.340 ENFORCEMENT BY LABOR COMMISSIONER. The labor commissioner shall enforce NRS 611.020 to 611.340, inclusive, and when informed of any violations thereof he shall report the fact to the district attorney of the county in which such violation occurred. The district attorney shall prosecute the violator in accordance with law.