

Oklahoma Department of Labor

Oklahoma Administrative Code
Title 380 – Department of Labor
Chapter 10 – Personnel Employment Agencies



Mark Costello
Commissioner of Labor

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Table of Contents

380:10-1-1.	Purpose	1
380:10-1-2.	Definition	1
380:10-1-3.	Prospective employers	1
380:10-1-4.	Required clauses	1
380:10-1-5.	Percent service fee	2
380:10-1-6.	Interest on credit	2
380:10-1-7.	Corporate residency.....	2
380:10-1-8.	General manager.....	2
380:10-1-9.	Attorney General's opinion.....	2
380:10-1-10.	Application for license	3

380:10-1-1. Purpose

The purpose of the rules of the Department of Labor found in Chapter 10 is to provide guidance to Personnel Employment Agencies in the regulations and requirements for licensing their operations in the State of Oklahoma as mandated by State law.

380:10-1-2. Definition

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context already indicates otherwise:

"Employment" means the date the employee is placed on the payroll.

380:10-1-3. Prospective employers

If anywhere within the confines of an employment contract, any mention is made wherein the applicant is asked to disclose to the agency a list of prospective employers to whom he shall previously have been referred by other agencies, the clause must also contain language to the effect that it is optional on the part of the applicant to disclose said information.

380:10-1-4. Required clauses

All employment contracts shall contain the following clauses:

- (1) **CLAUSE #1:** Employment agency laws are administered by the State Department of Labor.

- (2) **CLAUSE #2:** All contracts shall contain a clause regarding refunds as follows: "in all instances wherein employment is terminated within sixty (60) days, if a refund is requested by the employee, the agency shall have ten (10) days to request verification of the inclusive dates of employment and the total gross earnings of the employee and shall make all refunds within ten (10) days of verification."

380:10-1-5. Percent service fee

If anywhere within the confines of an employment contract a mention is made to the effect that the Department of Labor administers the law with regard to the percent to be charged as a service fee, the agency shall also publish a sentence within the contract regarding the limits of the earning and percentages not regulated by this Department; and in no way shall any be misleading in regard to the portion or upper limits of earning not regulated by this Department.

380:10-1-6. Interest on credit

When an employment agency procures employment for a client and extends individual credit for the payment of the fee, the employment agency may not charge interest on the credit so extended.

380:10-1-7. Corporate residency

Under the provisions of Title 40, Oklahoma Statutes, Section 53(b), which requires in the case of corporate applicants, that at least one of the incorporators and one of the principle officers thereof, together with the person who is to be responsible for the general management of the office, meet the requirements as to residence and experience, it is possible for one individual to meet all the requirements of the statute.

380:10-1-8. General manager

Under the provision of Title 40, Oklahoma Statutes, Section 53(i), the same person is not prohibited from being the general manager of a number of separate employment agency offices.

380:10-1-9. Attorney General's opinion

The Department of Labor was asked to request an Attorney General's Opinion clarifying certain portions of the Private Employment Agency law. In answer to this request, the Attorney General has issued Opinion No. 79-300, dated October 22, 1979, which basically states the following:

- (1) Agencies operating on an employer paid fee basis only are included within the definition of a private employment agency and are required to obtain a state license.
- (2) Where the employment procured pays \$500.00 or more per month, the statute requires the fee to be determined by written

agreement between all parties concerned. This includes the employer, the employment agency and the applicant.

- (3) Any employer who pays a fee is entitled to a refund as provided in the statutes.

380:10-1-10. Application for license

In order to expedite an application for a private employment agency license, the following materials should be included with the application:

- (1) A license fee of \$100.00.
- (2) Surety Bond.
- (3) Notarized statement from the licensee of the agency or agencies where applicant has been employed, containing inclusive dates of employment and job title.
- (4) On the last page of the application, applicant is required to list three personal references. Submit NOTARIZED reference letters with the application, or the Department will request the reference letters by mail upon receipt of the application.
- (5) If submitting a corporate application, include a copy of the Articles of Incorporation and Organizational Minutes. The Minutes should reflect that the applicant is an incorporator, an officer of the corporation and General Manager of the agency.
- (6) Please direct all inquiries to the Employment Standards Division. The number to call in Oklahoma City is (405) 528-1500. The number in Tulsa is (918) 581-2400.