

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

339.1014 Type B personnel agency; contract with client for services; waiver; fee receipt; maintenance of files.

Sec. 1014.

(1) A type B personnel agency shall enter into a written contract with each client for services to be rendered for which a charge is to be made to the client by the agency. The contract shall embody all terms and conditions of the agreement between the agency and the client and shall include, but not be limited to, the following:

(a) The licensed name, address, and telephone number of the personnel agency and the name and address of the client.

(b) A notice that the contract should not be signed until the client has read, signed, and dated the required applicable waiver.

(c) A notice that the agency is licensed, bonded, required to operate under the laws of the state of Michigan, and regulated by the department.

(d) The agency's fee schedule as it applies to the client.

(e) The terms under which the fee is to be paid.

(f) A complete list of the services offered and a description of those services.

(g) A description of the place and manner in which the services will be provided.

(h) The contract execution date and the duration of the client's obligations under the terms of the contract.

(i) The terms under which a client may receive a refund.

(j) The signatures of the client and the agency employee executing the contract.

(2) If the type B personnel agency does not provide job listing services to its clients, the contract shall be accompanied by the following waiver. The waiver shall be printed in 14-point type on a piece of paper 8-1/2 inches by 11 inches in size. The waiver shall be read, signed, and dated by the client prior to the execution of the contract and made a part of the contract, and shall read: "Notice: We are not an employment agency and are not permitted under the terms of this contract to schedule interviews or to in any way put you in direct contact with potential employers. This waiver must be read, signed, and dated by the client prior to the signing of the contract." A type B personnel agency which provides job listings shall comply with section 1015 and use the waiver set forth in that section.

(3) A type B personnel agency shall provide 1 copy of the signed contract to the client and shall maintain 1 copy in the agency's file relating to that client.

(4) A type B personnel agency shall give each client from whom a fee is received a receipt bearing the name and address of the agency, the name of the client, the amount of the payment, the date the payment was received, the name of the individual receiving the payment, and the reason for the payment. The original of the receipt shall be given to the client and a copy shall be filed by the agency in the same place as the contract under which the payment was made.

(5) A type B personnel agency shall maintain the client file, containing the contract, a record of services rendered and payments received, and receipts of payment, for at least 3 years following the last payment or refund.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980 ;-- Am. 1992, Act 253, Imd. Eff. Nov. 19, 1992

Popular Name: Act 299