

5200.0500 DEFINITIONS.

Subpart 1. **Scope.** For purposes of those provisions of law relating to fee employment agencies including Minnesota Statutes, sections 184.21 to 184.38, the following terms shall have the meaning given to them.

Subp. 2. **Accept.** "Accept" means that the applicant has agreed with the employer on a specific position, wages, hours, working conditions, and a specific starting date, and has signed an acceptance form in which the agency has designated the terms of the acceptance. The applicant may withdraw the acceptance provided that the applicant did not actually start the job.

Subp. 3. **Fee status.** "Fee status" is the designation on the job order which describes the fee liability. The designated fee status for job listing services shall be limited to concurrent fee arrangement. The designated fee status for liability for placement shall be limited to one of the following terms:

A. "Fee paid" or "employer-paid fee" means that the employer has agreed to pay the entire fee directly to the agency.

B. "Fee reimbursed" means that the applicant shall pay the fee to the agency and shall subsequently be paid back by the employer. If reimbursement is to be only partial, it must be so specified.

C. "Split fee" means that the applicant and employer shall each pay a specified proportion of the fee to the agency.

D. "Applicant-paid fee" means that the entire fee shall be the responsibility of the applicant.

E. "Fee negotiable" means that the employer and the applicant will confer to settle the matter of fee responsibility prior to the acceptance of a job.

F. "Conditional fee paid" means that the employer has agreed to pay the fee but will require a separate fee liability agreement with the applicant.

Subp. 4. **Method of payment.** "Method of payment" means the specific procedure for paying the agency's placement fee after the placement is made. Method of payment must be stated in boldface type on the contract and be consistent with the disclosure requirements of the federal Truth-In-Lending Act, regulation Z.

Subp. 5. **Misconduct.** "Misconduct" is defined as a willful action involving assault and battery, an immoral act, the malicious destruction of property, the theft of money or property, or other conduct which markedly interferes with and adversely affects the individual's employment. The following also constitutes misconduct:

A. excessive absenteeism;

- B. excessive tardiness;
- C. refusal to comply with orders of superiors;
- D. violation of known and acknowledged company rules;
- E. falsification of records;
- F. drinking on the job; and
- G. sleeping on the job.

Statutory Authority: *MS s 184.24*

History: *13 SR 2868*

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