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EMPLOYMENT AGENCIES—SUPERVISION — RESPONSIBILITY, INCLUDING ISSUANCE AND REVOCATION OF LICENSES OF PRIVATE EMPLOYMENT AGENCIES, VESTED IN BUREAU OF UNEMPLOYMENT COMPENSATION AS SUCCESSOR TO UNEMPLOYMENT COMPENSATION COMMISSION—SECTION 1345-15 G. C.—OPINION 6458, OCTOBER 20, 1943, PAGE 574, MODIFIED AS TO THIS RULING.

SYLLABUS:

Pursuant to the provisions of Section 1345-15, General Code, the responsibility for the supervision of employment agencies, including the issuance and revocation of licenses of private employment agencies, is vested in the Bureau of Unemployment Compensation as successor to the Unemployment Compensation Commission; and opinion No. 6458 rendered October 20, 1943, is modified in accordance with this ruling.

Columbus, Ohio, November 29, 1943.

Hon. George A. Strain, Director, Department of Industrial Relations,
Columbus, Ohio.

Dear Sir:

I acknowledge receipt of a communication from your department, requesting my opinion regarding the responsibility of enforcing the statutes of Ohio governing private employment agencies.

In an opinion which I rendered to the Industrial Commission on October 20, 1943, being Opinions of Attorney General for 1943, No. 6458, I showed that the licensing and supervision of private employment agencies, originally reposed in the Industrial Commission pursuant to Sections 886 to 896 of the General Code, had been by Section 154-45, General Code (being a part of the state administrative code of 1921), transferred to the Department of Industrial Relations. The question presented to me at that time was whether an amendment of Section 894, General Code, by the 95th General Assembly had by the language of that amendment again vested that responsibility so far as the revocation of licenses is concerned, in the Industrial Commission, or whether it was left in the hands of the Director of Industrial Relations. I held that upon a proper construction of the amendment it was not the intention of the Legislature to reimpose this duty upon the Industrial Commission. In stating that conclusion, to which I still adhere, it was inadvertently remarked that this function was left in the hands of the Director of Industrial Relations.

In so stating I did not note the fact that by other enactments this responsibility had been transferred out of the hands of the last named officer.

There is involved a consideration of Section 871-22 of the General Code, enacted in 1913 which made general provision for the licensing and supervision of private employment agencies and devolved that duty upon the Industrial Commission. This section reads in part as follows:

“It shall also be the duty of the industrial commission, and it shall have full power, jurisdiction and authority: * * *

(9) To establish and conduct free employment agencies, and on and after the first day of September, 1913, to *license and supervise the work of private employment offices*, to do all in its power to bring together employers seeking employes and working people seeking employment, to make known the opportunities for self employment in this state, to aid in inducing minors to undertake promising skilled employments, and to encourage wage earners to insure themselves against distress from unemployment. * * *” (Emphasis added.)

Section 1345-15, General Code, being a part of the act passed December 16, 1936, establishing the Unemployment Insurance Commission of Ohio, later known as the Unemployment Compensation Commission, provided in part as follows:

“The Ohio state employment service is hereby transferred to the commission as a division thereof, which shall establish and maintain free public employment offices in such number and in such places as may be necessary for the proper administration of this act for the purpose of performing such duties as are within the purview of the act of congress entitled ‘An act to provide for the establishment of a national employment system and for cooperation with the states in the promotion of such system, and for other purposes’, approved June 6, 1933 (48 Stat. 113; U. S. C., title 29, sec. 49 (c), as amended.) * * *

The provisions of this section and of section 16 of this act shall take effect on July 1, 1937, and thereupon all records, files, office equipment, supplies, and property of employment offices maintained, operated and/or supervised by the department of industrial relations, which are the property of the state of Ohio, shall be transferred to the unemployment compensation commission and *the powers and duties enumerated in paragraph (9) of section 871-22 and in section 154-45b and 154-45c of the General Code shall be transferred to and vested in the commission on July 1, 1937.*” (Emphasis added.)

The above quoted provision, therefore, had the effect of transferring the supervision of private employment agencies and the licensing thereof to the Unemployment Compensation Commission.

By an act passed February 22, 1939 (118 O. L., 32) there was created the Bureau of Unemployment Compensation headed by an administrator, to whom were transferred the general powers and duties of the Unemployment Compensation Commission, including the licensing and supervision of private employment agencies. This act is codified as Sections 1346 to 1346-5, General Code.

It is therefore my opinion that pursuant to the provisions of Section 1345-15, General Code, the responsibility for the supervision of employment agencies, including the issuance and revocation of licenses of private employment agencies, is vested in the Bureau of Unemployment Compensation, as successor to the Unemployment Compensation Commission; and opinion No. 6458 rendered October 20, 1943, is modified in accordance with this ruling.

Respectfully,

THOMAS J. HERBERT,
Attorney General.