

REQUIREMENTS FOR LICENSE - EMPLOYMENT AGENCY

Access this form via website at: cca.hawaii.gov/pvl

Retain this sheet for future reference.

Every employment agency is required to hold an employment agency license. Every licensed employment agency is required to have in its employ a currently licensed principal agent. Two licenses must be in force at all times, one for the agency and one for the principal agent. Should two new applications for license be submitted, one for the agency and one for the principal agent, licenses will be issued when requirements for both licenses have been met.

APPLICATION Complete the on-line fillable application form, "*Application for License - Employment Agency*", or print legibly in dark ink.

- **Failure to provide all the requested information will delay the processing of your application.**

ENTITY REGISTRATION: CORPORATION/PARTNERSHIP/LLC or LLP If the application is for a corporation, partnership, LLC or LLP we will require the following proof to show that the entity is properly registered with the Business Registration Division (BREG), Department of Commerce and Consumer Affairs, State of Hawaii, P.O. Box 40, Honolulu, 96810. (Please write to them for the proper forms, call (808) 586-2727, or visit their website at: cca.hawaii.gov/breg to order Certificates of Good Standing, forms, etc.):

If the entity has been registered in this State for LESS THAN ONE (1) YEAR, **ATTACH** a "*filed-stamped*" copy of the document filed with BREG; or one of the certificates mentioned below.

If the entity has been registered in this State for MORE THAN ONE (1) YEAR, **ATTACH** a **current** "*Certificate of Good Standing*" or "*Certificate of Qualification*" issued not more than one (1) year ago.

TRADE NAME If the employment agency will be using a trade name, **ATTACH** a **current** "*filed-stamped*" copy of the "Application for Registration of Trade Name" approved by the Business Registration Division. You may contact them at: (808) 586-2727.

FEES **ATTACH** the appropriate fees. Make check payable to: **COMMERCE & CONSUMER AFFAIRS**. (check must be in U.S. dollars and be from a U.S. financial institution).

If you expect to be licensed from July 1 of an even-numbered year to June 30 of an odd-numbered year, pay \$315
(Application fee - \$50* + License fee - \$90 + Compliance Resolution Fund - \$100 + 1/2 Renewal - \$75)

If you expect to be licensed from July 1 of an odd-numbered year to June 30 of an even-numbered year, pay \$190**
(Application fee - \$50* + License fee - \$90 + Compliance Resolution Fund - \$50)

*Application fee is not refundable.

**License subject to renewal by June 30 of an even-numbered year.

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NOTE: One of the numerous legal requirements that you must meet in order for your new license to be issued is the payment of fees as set forth in this application. You may be sent a license certificate before the payment you sent us for your required fees is honored by your bank. If your payment is dishonored, you will have failed to pay the required licensing fee and your license will not be valid, and you **may not** do business under that license. Also, a \$25.00 service charge shall be assessed for payments that are dishonored for any reason.

If for any reason you are denied the license you are applying for, you may be entitled to a hearing as provided by Title 16, Chapter 201, Hawaii Administrative Rules, and/or Chapter 91, Hawaii Revised Statutes. Your written request for a hearing must be directed to the agency that denied your application, and must be made within 60 days of notification that your application for a license has been denied.

PRINCIPAL AGENT

Provide information regarding your principal agent on the application form. If your principal agent is also a new applicant, licenses for the agency and principal agent will be issued together when requirements for both licenses have been met.

If principal agent is currently inactive, **attach** a completed "Reactivation Application", applicable fees **and** a letter of employment from the agency who will be hiring you.

If principal agent is not licensed, please be advised that an employment agency is REQUIRED to have in its employ a licensed principal agent. The application and instructions for the principal agent license are available on our website at: cca.hawaii.gov/pvl.

SURETY BOND

For an employment agency that **collects fees from applicants**, have your insurance company complete the attached bond form. **Attach** completed bond form to your application.

NOTE: Only commercial employment agencies **that collect fees from applicants** are required to post the \$5,000 statutory bond. Indicate your agency's status on the application form.

CONTRACT AGREEMENT

For an employment agency **that collects fees from applicants**, **attach two (2)** copies of the applicant's contract agreement. Upon approval of the agreement, one copy will be sent back to you. See Hawaii Administrative Rules, Title 16, Chapter 108, Subchapter 9 for content requirements.

NOTE: Only commercial employment agencies **that collect fees from applicants** are required to submit the contract agreement. Indicate your agency's status on the application form

SCHEDULE OF PLACEMENT FEES

Attach a copy of the "Schedule of Placement Fees." See Hawaii Administrative Rules, Title 16, Chapter 108, Subchapter 9 and 12 for content requirements.

EMPLOYMENT RECORD

Attach on a separate sheet, the business or occupation of the applicant, each officer and director of a corporation, partners, or managers, for the preceding 3 years.

RELEASE OF INFORMATION

If an agency or individual is assisting you with the licensure process, we will not be able to release any information to them unless you provide us with authorization. If you wish to do so, please complete the portion on "**Release of Information to Third Party**", sign, and date it.

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**BOARD'S
ADDRESS**

Mail all required items to:

Deliver to office location at:

Commercial Employment Agencies
DCCA, PVL, Licensing Branch
P.O. Box 3469
Honolulu, HI 96801

OR

335 Merchant Street, Room 301
Honolulu, HI 96813
Phone: (808) 586-3000

Incomplete applications will not be accepted.

**BRANCH
OFFICE**

An employment agency is no longer required to have separate licenses for each branch office.

GENERAL INFORMATION

**ABANDONMENT
OF APPLICATION**

Pursuant to HRS §436B-9 your application shall be considered abandoned and shall be destroyed if you fail to provide evidence of continued efforts to complete the licensing process for two consecutive years. The failure to provide evidence of continued efforts includes but is not limited to: (1) failure to submit any required information and documents requested by the licensing authority within two consecutive years from the last date the documents and information were requested, or (2) failure to complete any additional requirements for licensure that remain after approval of your application, such as attempting to complete an exam requirement, within two consecutive years from the date your application was approved, or (3) failure to provide the licensing authority with any written communication during two consecutive years indicating that you are attempting to complete the licensing process. If an application is deemed abandoned, the applicant shall be required to reapply for licensure and comply with the licensing requirements in effect at the time of the reapplication.

**SOCIAL
SECURITY
NUMBER**

Your Social Security Number is used to verify your identity for licensing purposes and for compliance with the below laws. **For a license to be issued, you must provide your Social Security Number or your application will be deemed deficient and will not be processed further.**

The following laws require that you furnish your Social Security Number to our agency:

FEDERAL LAWS:

42 U.S.C.A. §666(a)(13) requires the Social Security Number of any applicant for a professional license or occupational license be recorded on the application for license; and
If you are a licensed health care practitioner, **45 C.F.R., Part 61, Subpart B, §61.7** requires the Social Security Number as part of the mandatory reporting we must do to the Healthcare Integrity and Protection Data Bank (HIPDB), of any final adverse licensing action against a licensed health care practitioner.

HAWAII REVISED STATUTES ("HRS"):

§576D-13(j), HRS requires the Social Security Number of any applicant for a professional license or occupational license be recorded on the application for license; and
§436B-10(4), HRS which states that an applicant for license shall provide the applicant's Social Security Number if the licensing authority is authorized by federal law to require the disclosure (and by the federal cites shown above, we are authorized to require the Social Security Number).

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**LAWS & RULES
PUBLICATION**

To obtain a copy of the laws and rules relating to commercial employment agencies, send a written request to: *Commercial Employment Agencies, Commerce and Consumer Affairs, P.O. Box 3469, Honolulu, Hawaii 96801*. In addition, Chapter 436B, Hawaii Revised Statutes, the Professional and Vocational Licensing Act should be read in conjunction with the above statutes and rules.

The laws and rules are also posted on our website at: cca.hawaii.gov/pvl. Click on "Employment Agency", then click on "Statute/Rule Chapter".

**MAINTENANCE
OF LICENSE**

An employment agency is required to have in its employ a currently licensed principal agent. An employment agency **that collects fees from applicants** is required to have a current bond in force at all times.

You are required to keep the department informed in writing of any address changes, change of officers, or change of principal agent.

**BIENNIAL
RENEWAL**

All licenses, regardless of issuance date, **are subject to renewal by June 30 of even-numbered years**. If you have not received a renewal notice 30 days prior to the expiration date printed on your license card, write to us at the Board's address or call us at: (808) 586-3000.

APPLICANTS ARE SUBJECT TO REQUIREMENTS IN EFFECT AT TIME OF FILING.

APPLICATION FOR LICENSE - EMPLOYMENT AGENCY

Access this form via website at: cca.hawaii.gov/pvl

Please read the "Requirements for License - Employment Agency"

Name of Applicant (Sole owner: First-Middle-LAST; or name of corporation, partnership, LLC or LLP): Trade Name (If one will be used): Hawaii Business Address (Include suite no., city, state & zip code): Mailing Address (ONLY if different from above): Social Security No. (If sole owner): Phone No. (days): General Excise Tax No. (Issued by the State Dept. of Taxation): Residence Address of Applicant who is applying as a Sole Owner: Residence Phone No.:		FOR OFFICE USE ONLY	
		Approved Contract & Schedule sent:	
		Date Effective:	License No. EMA -
		AGENCY STATUS	Indicate the agency's status: <input type="checkbox"/> Employer - paid fee agency <input type="checkbox"/> Applicant - paid fee agency <input type="checkbox"/> Both
		PRINCIPAL AGENT	Name of Principal Agent: Lic. No. of Principal Agent or Date Agent Passed the exam:
INDIVIDUAL APPLICANT			BUSINESS ENTITY
		Indicate the type of BUSINESS ENTITY: <input type="checkbox"/> Individual (sole owner) <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> LLC <input type="checkbox"/> LLP	

The following questions pertain to the applicant and any persons, officers, directors, managers, partners, etc. responsible for the employment agency. Check answers and provide details and attach pertinent documentation if required:

1. Are you a U.S. citizen, a U.S. national, or an alien authorized to work in the United States? YES NO
2. Has the applicant, any officers of the corporation, partners, or managers ever been associated in any capacity in the operation or business of an employment agency? YES NO
3. Has the applicant, any officers of the corporation, partners, or managers ever had any license or permit revoked, suspended, or otherwise subject to disciplinary action? YES NO
4. Is any disciplinary action pending or any license being investigated? YES NO

(SIGNATURE REQUIRED ON PAGE 2)

APPLICATION FOR EMPLOYMENT AGENCY

Print Name of Applicant: _____

Date: _____

5. Has the applicant, any officers, directors, partners, managers or members ever been convicted of a crime in which the conviction has not been annulled or expunged? YES NO

6. Will the agency's business be conducted in connection with any other business? YES NO

If you responded "YES" to any questions 2 through 6, please provide an explanation on a separate sheet and attach pertinent documentation.

IF APPLICATION IS FOR A CORPORATION, PARTNERSHIP, LLC, OR LLP, THE FOLLOWING MUST BE COMPLETED.

	Names	Residence Addresses (Include Apt. No., City, State & Zip Code)	Residence Phone Nos.
CORPORATION, PARTNERSHIP, LLC or LLP	President, Partner or Manager		
	Vice-President, Partner or Manager		
	Secretary, Partner or Manager		
	Treasurer, Partner or Manager		
	Manager or Partner		

AFFIDAVIT OF APPLICANT:

I hereby certify that the statements, answers and representations made in this application and in the documents submitted are true and correct. I understand that any misrepresentation is grounds for refusal or subsequent revocation of license (Section 710-1017, Hawaii Revised Statutes). I further certify that I have read and will abide by the provisions of Hawaii Revised Statutes Chapter 373 and Hawaii Administrative Rules Chapter 16-108.

_____ Date

_____ Signature of Applicant

_____ Print Applicant's Name

_____ Title (owner, president, partner, manager)

Release of Information to Third Party:

To assist me in the licensing process, I authorize DCCA's staff to release any and all information regarding my application (including, but not limited to, application status) to the following third party:

Print Name of individual who is assisting you: _____

_____ Signature of Applicant

_____ Date

IMPORTANT NOTICE

PRINCIPAL AGENTS (and COMMERCIAL EMPLOYMENT AGENCIES)

New License Requirement

Effective June 17, 2003 and pursuant to Hawaii Revised Statutes section 436B-10 and federal law, it is the policy of the State of Hawaii ("**State**") Department of Commerce and Consumer Affairs ("**Department**") Principal Agents (of Commercial Employment Agencies) licensing program that, in addition to meeting the education, experience, and examination requirements for licensure, an applicant for a Hawaii commercial employment agency or principal agent's license is required to be either **a United States citizen, a United States national, or an alien authorized to work in the United States.**

This means that, even if an applicant meets the education, experience, and examination requirements for licensure, that applicant shall not be issued a license if that applicant is not a U.S. citizen, a U.S. national, or an alien authorized to work in the U.S.

However, the Board will issue the applicant a **conditional approval** that signifies that the applicant has met the education, experience, and examination requirements for licensure; provided that this conditional approval shall **not** be considered a license to engage in the profession and shall **not** authorize the applicant to work in our State. To obtain authorization to work in our State, the applicant shall be required to contact the United States Citizenship and Immigration Services ("**USCIS**"). In addition, federal law [45 U.S.C. 666 (a)(13)(A)] requires that once an applicant is authorized by the USCIS to work in the U.S., the applicant must supply his/her Social Security Number ("**SSN**") so that states can use this information for child support enforcement purposes.

Once the applicant submits evidence to the Board that the USCIS has authorized the applicant to work in the U.S. (without conditions or other encumbrances), **provides a SSN** and meets all of the licensing requirements in effect at that time (including, but not limited to, the requirement that the applicant has not been convicted of any crime that is directly related to the profession), the applicant shall be issued a full and unrestricted license.

This conditional approval shall be valid for two (2) years. An applicant must obtain the appropriate USCIS authorization within this two (2) year period in order to have a license issued. If the applicant is unable to meet this deadline, the applicant may be required to reapply for licensure and meet all of the requirements in effect at that time.

IMPORTANT ANNOUNCEMENT

FOR

LICENSED COMMERCIAL EMPLOYMENT AGENCIES and PRINCIPAL AGENTS

Changes to Chapter 373, Hawaii Revised Statutes ("HRS"), relating to Commercial Employment Agencies, were approved by the Governor on April 12, 2002. Act 22, SLH 2002, makes amendments to the law which repeal unnecessary regulatory requirements, clarify licensing requirements, and align the program with current administrative practices for regulatory licenses.

The main provisions of Act 22 are:

- **Only commercial employment agencies that collect fees from applicants are required to post the \$5000 statutory bond**
This change promotes regulatory effectiveness by requiring only those agencies that collect fees from applicants (consumers) to post a bond, since only these agencies may pose a risk for consumers;
- **Licensure of branch offices is repealed**
The Act reduces regulatory and financial burdens on businesses by repealing licensure of branch offices without compromising consumer protection, since licensure of branch offices offers no enhanced regulatory benefit to consumers, and since amended language clarifying a principal agent's supervision responsibilities over the agency's employees will preserve consumer protection;
- **Annual filing of Placement Fee Schedule is repealed**
The repeal of this requirement reduces the regulatory burden on the licensee. It is sufficient to make an initial filing followed by updated filings as needed;
- **No business shall be conducted from a home, apartment, hotel room, or other place that may be considered not in the public interest**
Act 22 codifies this practice currently in the administrative rules and emphasizes its importance. This statutory amendment provides a more direct authority to achieve the desired result;
- **An applicant's resume is an extension of the applicant**
The Act clarifies that, as such, prohibitions against agencies sending an applicant for employment without a bona fide job order from a prospective employer likewise apply to the applicant's resume. Modern technology, including broadcast faxes and email make this clarification necessary to protect applicant consumers from having a resume sent to employers via broadcast emails or faxes without their knowledge and having to pay subsequent fees to the employment agency for a job the applicant believed was obtained by their own means;
- **Financial integrity, honesty, truthfulness, and fair dealing requirement**
Act 22 provides more specific legislative authorization by codifying long-standing licensing policies that applicants for licensure possess a reputation for honesty, truthfulness, financial integrity, and fair dealing, and shall not have been convicted of a felony directly related to the operation of a commercial employment agency unless the conviction has been annulled or expunged; and

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- **60 days to replace Principal Agent without jeopardizing agency license**

The Act provides a more flexible time frame for agencies when changing principal agents. The 60-day window will facilitate uninterrupted service by allowing agencies to remain open for business during the interim transition upon the death or dissociation of its principal agent.

***FOR COMPLETE INFORMATION ON THE CHANGES TO CHAPTER 373, HRS,
CHECK THE PROGRAM'S WEBSITE:***

cca.hawaii.gov/pvl/programs/employment

or **CALL THE PROGRAM'S OFFICE AT:** (808) 586-2696

FOR THE COMPLETE TEXT OF ACT 22, CHECK THE STATE LEGISLATURE'S WEBSITE:

www.capitol.hawaii.gov

Type "SB2734" in the "Bill Status/Measure Status" box.

***IN ADDITION,
TWO NEW ONLINE SERVICES ARE AVAILABLE FROM THE DEPARTMENT:***

www.ehawaii.gov/org/serv/pvl Search for professional and vocational licenses
www.ehawaii.gov/org/serv/rico Search for business and licensee complaints history