

**94A.4 Prohibitions.**

1. A person shall not require an employee to pay a fee as a condition of application with an employer or an employment agency.
2. An employee shall not be required to pay a fee to an employer as a condition of hire.
3. An employer shall not require an employee to reimburse the employer for a fee the employer paid to an employment agency or other person or entity when the employee was hired.
4. An employment agency shall not do any of the following:
  - a. Send an employee or an application of an employee to an employer who has not applied to the employment agency for help or labor.
  - b. Through false notice, advertisement, or other means, fraudulently promise or deceive a person seeking help or employment with regard to the service to be rendered by the employment agency.
  - c. Divide a fee received from an employee with an employer or any member of an employer's staff. The division of fees between one or more employment agencies that provided services is not prohibited.
  - d. Charge an employee any fee greater than the fee schedule on file with the commissioner without prior consent of the commissioner.
  - e. Charge a fee greater than fifteen percent of the employee's annual gross earnings.
  - f. Require an employee to pay a fee in advance of earnings. If an employee wishes to pay a fee in advance of earnings, the contract between the employee and employment agency shall state that any advance payment by the employee is voluntary. If an employee works less than one year at the referred employment, the employment agency shall refund any amount in excess of fifteen percent of the employee's gross earnings from the referred employment.

[99 Acts, ch 130, §4](#)