

GENERAL ASSEMBLY OF NORTH CAROLINA  
1993 SESSION

CHAPTER 202  
HOUSE BILL 533

AN ACT TO ENSURE THE REIMBURSEMENT OF UNEARNED COMMISSIONS  
TO EMPLOYEES FROM PRIVATE PERSONNEL SERVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 95-47.4(h) reads as rewritten:

"(h) If a private personnel service places an applicant in a position of employment, the compensation of which is based, in whole or in part, on commission, the private personnel service ~~shall~~ shall:

- (1) ~~have~~ Have a written job order from the employer that includes the anticipated earnings upon which the private personnel service may base its ~~fee~~ fee, or
- (2) In lieu of the written job order required by subdivision (1) of this subsection, have a policy of providing the same fee reimbursement as may be available to applicants from employers under the provisions of G.S. 95-47.3A.

In no case may the applicant collect the same reimbursement from both the employer and the private personnel service. When the private personnel service elects to obtain the written job order from the employer and not have its own reimbursement policy as described in subdivision (2) of this subsection, the ~~The~~ private personnel service shall explain to the applicant and the employer how the fee for the placement is calculated, and shall inform in writing both the applicant and the employer of the provisions of G.S. 95-47.3A governing fee refunds from employers."

Sec. 2. This act is effective upon ratification and applies to job placements made on or after that date.

In the General Assembly read three times and ratified this the 23rd day of June, 1993.

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Dennis A. Wicker  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives