

12-27
December 16, 1933.



Messrs. Smith & Pearcy,
Suite 1554 Bell Telephone Building,
St. Louis, Missouri.

Gentlemen:

We are acknowledging receipt of your letter in which you offer suggestions as to why the Missouri State Nurses Association should not come within the provisions of the labor law requiring a license for employment agencies. You ask for a ruling upon this feature by this Department.

Section 13190, R. S. Mo. 1929, provides, among other things, as follows:

"No person, firm or corporation in this state shall open, operate or maintain an employment office or agency for hire, or where a fee is charged to either applicants for employment or for help, without first obtaining a license for the same from the state commissioner of labor and industrial inspection.* **

It appears from your letter and the by-laws that the object of this Association is to establish and maintain ethical standards among nurses; to promote the educational and social standing of the nursing profession; to conduct a Central Directory for Registered Nurses; to operate a club house and for the general well-being of the members of the Association. Dues are required from members of the Association.

It appears that this incorporated Association does maintain a Directory for Registered Nurses, and that one of the objects of the Association is to assist the members in finding employment. No fee is required from the nurses by the Association as a perquisite to finding employment, nor does the applicant for help pay any compensation to the Association for supplying their demand for a nurse. The fee entitles the nurse to full membership in the Association and the Association, in consideration of that fee, furnishes a great list of services and advantages to the nurse which are separate and distinct from the service of assisting in finding employment for them.

As we interpret the above section we construe it to mean that a license shall be paid by agencies whose substantial business is furnishing employment to applicants and which

agencies receive a fee for the purpose of furnishing such employment. We do not believe that it was within the contemplation of the law-makers that organizations or associations such as yours, who furnish a great variety of advantages to its members, should come within the provisions of this Section. It is true that assisting in the finding of employment for nurses is one of the objects of this association but it appears that it is only incidental. The same may be said of many voluntary organizations existing among various classes of persons. We believe that the whole purpose of the association must be considered in determining whether or not they are an employment agency, and that the mere fact alone that they assist in finding employment will not bring it within the purview of the above section.

We are therefore of the opinion that the Missouri State Nurses Association is not an employment agency within the purview of the above section, and that such being true they should not be required to pay a license fee as an employment agency.

Very truly yours,



Assistant Attorney General.

APPROVED:

Attorney General.

FWH:S