



Jonathan Mintz
Commissioner

42 Broadway
8th Floor
New York, NY 10004

nyc.gov/consumers

October 23, 2013

BY EMAIL

RE: Employer Paid Nanny Referral Agency

Dear [REDACTED]

This is in response to your inquiry in which you ask whether your nanny referral agency must be licensed as an Employment Agency by the Department of Consumer Affairs (“DCA”). As you have described it, your agency will be placing nannies in private family homes for a placement fee charged to the families. The short answer is yes. For your reference, attached is a letter the DCA issued addressing a similar question.

You also stated that your agency will train nannies in first aid and CPR procedures. Article 11 of the New York General Business Law (“GBL”) Section 187(8) prohibits employment agencies from engaging in any business other than operating an employment agency on its premises. This includes the business of conducting trainings and/or offering courses in first aid and CPR procedures. Thus, if your agency offers these services, the services must be conducted at a separate location. Additionally, GBL Section 187(10) prohibits employment agencies from requiring “applicants for employees or employment to subscribe to any...incidental service.” Thus, you may not require applicants to pay for your training services as a condition to receiving or to qualify for job placement assistance.

Visit the Department’s website at nyc.gov/BusinessToolbox to reference laws and rules relevant to employment agencies and to apply for an Employment Agency License online.

Thank you for your inquiry.

Sincerely,

[REDACTED]
[REDACTED]
[REDACTED]