

# Inspection Checklist: Employment Agencies

Do you own an employment agency or a talent agency?

Does your business find jobs or engagements for artists, or help employers find employees for a fee?

Use this checklist to learn what our inspectors look for and help avoid violations. For your convenience, each Requirement includes the relevant section of law and/or rule, so you can refer to it for more information. The KEY below describes the legal citations and symbols used in this checklist.

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| <b>KEY</b>                                 |
| <b>NYC Code:</b> NYC Administrative Code   |
| <b>RCNY:</b> Rules of the City of New York |
| <b>NY GBL:</b> NY General Business Law     |
| <b>§:</b> Section                          |

| Requirement  | Do you meet this requirement? |
|--|-------------------------------|
| <b>Licenses</b>  |                               |
| <p><b>1</b> Your business must have a valid DCA <a href="#">Employment Agency</a> license.</p> <p><b>Tip:</b> The following businesses do not need an Employment Agency license:</p> <ul style="list-style-type: none"> <li>• <i>Temporary Employment Agency:</i> You employ the workers you place in temporary jobs (i.e., you pay their salaries, provide them with benefits, etc.)</li> <li>• <i>Theatrical Personal Manager:</i> Your primary business is managing artists, and any employment services you provide are incidental to your management of the artists.</li> </ul> <p><b>Tip:</b> If your primary business is finding employment or engagements for artists for a fee, then you are a “theatrical employment agency” and must be licensed.</p> <ul style="list-style-type: none"> <li>• <i>Certain Employer Fee Paid Agencies:</i> Your agency places only commercial, clerical, executive, administrative, and professional applicants, and never charges the applicant a fee of any kind.</li> </ul> <p><b>Tip:</b> If you fit this category, you do not need a license, but you must comply with all sections of the New York State <a href="#">Employment Agency Law</a> relating to Employer Fee Paid Agencies.</p> <p><b>NY GBL §172</b></p> | <input type="checkbox"/> Yes  |
| <p><b>2</b> DCA’s combined license and complaint sign must be posted where all customers can see it.</p> <p><b>6 RCNY §1-03(a)</b></p>   | <input type="checkbox"/> Yes  |

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|---|-------------------------------|
| <p><b>3</b> The business name, address, and “Department of Consumer Affairs” or “DCA” license number must be on all of the following:</p> <ul style="list-style-type: none"> <li>• Contracts</li> <li>• Receipts</li> <li>• Advertisements</li> <li>• Letterhead</li> <li>• Correspondence</li> <li>• Business cards</li> <li>• Other printed materials</li> </ul> <p><b>6 RCNY §1-05</b></p> | <input type="checkbox"/> Yes  |
| <p><b>4</b> The business must use the word “agency” to describe its business on all of the following:</p> <ul style="list-style-type: none"> <li>• Contracts</li> <li>• Receipts</li> <li>• Advertisements</li> <li>• Letterhead</li> <li>• Correspondence</li> <li>• Business cards</li> <li>• Other printed materials</li> </ul> <p><b>NY GBL §187(3)</b></p>                               |                               |
| <p><b>5</b> You cannot use a name, sign, or advertisement that would cause consumers to confuse your business with a government agency.</p> <p><b>NY GBL §187(11)</b></p>   | <input type="checkbox"/> Yes  |

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| <b>Signs</b>   |                               |
| <p><b>6</b> All of the following signs must be clearly posted in the main room or reception area:</p> <p>DCA's <a href="#">New York Employment Agencies Law Poster</a> in English and other languages customers can understand</p> <div style="display: flex; justify-content: space-around;">   </div> <p><a href="#">U.S. Anti-Discrimination Poster</a></p>  <p><a href="#">New York State Anti-Discrimination Poster</a></p>  <p><b>Tip:</b> Call 311 to order DCA's Employment Agency Law Poster, which is currently available in English and Spanish. If you need one of the required Anti-Discrimination posters, call 311 and ask to be transferred to DCA with a question about your existing Employment Agency license.</p> <p><b>NY GBL §188</b></p> | <input type="checkbox"/> Yes  |
| <b>Contracts and Applications</b>  |                               |
| <p><b>7</b> Written contracts must be provided to every person who applies for employment.</p> <p><b>NY GBL §181(1)</b></p>  | <input type="checkbox"/> Yes  |
| <p><b>8</b> Copies of contracts must be kept by employment agencies for three years and must be immediately available for inspection.</p> <p><b>NY GBL §179</b></p>  | <input type="checkbox"/> Yes  |

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| <p><b>9</b> Each contract must include all of the following:</p> <ul style="list-style-type: none"> <li>• Provisions of New York General Business Law Section 185 and Section 186</li> <li>• Name of the employment agency</li> <li>• Address of the employment agency</li> <li>• Kind of work that will be done</li> <li>• Employment agency's fee</li> <li>• Name of the employment agency staff person who places the applicant in the job</li> </ul> <p><b>Tip:</b> Use DCA's Model Contract available in <a href="#">English</a> and <a href="#">Spanish</a> at <a href="http://nyc.gov/BusinessToolbox">nyc.gov/BusinessToolbox</a>.</p>  | <input type="checkbox"/> Yes  |
| <p><b>NY GBL §181(1)-(2)</b></p>  |                               |
| <p><b>Receipts</b></p>  |                               |
| <p><b>10</b> Written receipts must be given to the applicant for all fees, deposits, or any other payments.</p>   | <input type="checkbox"/> Yes  |
| <p><b>NY GBL §181(3)</b></p>  |                               |
| <p><b>11</b> Copies of all receipts must be kept by employment agencies for three years and must be available for immediate inspection.</p>   | <input type="checkbox"/> Yes  |
| <p><b>NY GBL §179</b></p>   |                               |
| <p><b>12</b> Each receipt must include all of the following:</p> <ul style="list-style-type: none"> <li>• Name of the applicant</li> <li>• Name of the employment agency</li> <li>• Address of the employment agency</li> <li>• Date</li> <li>• Amount of the fee, deposit, or other payment</li> <li>• Reason for the fee</li> <li>• Signature of staff member who received the payment</li> <li>• <i>(For all out-of-state applicants for domestic or household employment)</i> Copy of New York General Business Law Section 184 printed on or attached to the receipt</li> </ul> <p><b>Tip:</b> Use DCA's Model Receipt available in <a href="#">English</a> and <a href="#">Spanish</a> at <a href="http://nyc.gov/BusinessToolbox">nyc.gov/BusinessToolbox</a>.</p> | <input type="checkbox"/> Yes  |
| <p><b>NY GBL §181(3)</b></p>  |                               |
| <p><b>Register Book</b></p>   |                               |
| <p><b>13</b> A register book must be kept with all of the following information, written in English, about every applicant:</p> <ul style="list-style-type: none"> <li>• Date of application for employment</li> <li>• Date the applicant started work</li> <li>• Name and address of every applicant who paid a fee or deposit</li> <li>• Amount of the fee or deposit paid</li> <li>• Service for which each fee or deposit was paid</li> </ul>   | <input type="checkbox"/> Yes  |
| <p><b>NY GBL §179</b></p>   |                               |

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| <p><b>14</b> The register book must also include all of the following information, written in English, about employers:</p> <ul style="list-style-type: none"> <li>• Name and address of every employer who pays a fee</li> <li>• Name and address of every employer to whom every paying applicant is referred</li> <li>• Date each employer requested or agreed to accept applicants</li> <li>• Type of positions for which applicants are requested</li> <li>• Names of paying applicants who were sent to the employer</li> <li>• Amount of the fee or deposit</li> <li>• Agreed wages or compensation for the jobs</li> </ul> <p><b>NY GBL §179</b></p> | <input type="checkbox"/> Yes  |
| <b>Other</b>   |                               |
| <p><b>15</b> Agencies that place domestic or household workers must provide them with a “Domestic or Household Employees: Statement of Employee Rights and Employer Responsibilities.”</p> <p><b>Tip:</b> Download Statement in <a href="#">English</a> or <a href="#">Spanish</a> at <a href="http://nyc.gov/BusinessToolbox">nyc.gov/BusinessToolbox</a>.</p> <p><b>NYC Code §20-771(a)</b></p>  | <input type="checkbox"/> Yes  |
| <p><b>16</b> Agencies that place nurses must issue cards to nurses that contain each of the following:</p> <ul style="list-style-type: none"> <li>• Nurse applicant’s name, address, and salary</li> <li>• Whether the applicant is a Registered Professional Nurse (RPN) or a Licensed Practical Nurse (LPN)</li> <li>• Number of current Department of Education registration certificate</li> <li>• That the nurse applicant’s educational qualifications and experience are on file in the registry and can be provided to the employer</li> </ul> <p><b>NY GBL §182</b></p>   | <input type="checkbox"/> Yes  |