

Job Hunter's Bill of Rights

Finding a job through an employment agency? Know your rights!

Your Rights:

1. You have the right to earn at least **MINIMUM WAGE** at any job an employment agency refers you.

New York State minimum wage:

2016 = \$9.00 per hour

2. You have the right to a copy of your **CONTRACT**. Do not sign the contract if you do not understand it.

3. You have the right to refuse to pay illegal fees. **EMPLOYMENT AGENCIES CANNOT CHARGE A FEE:**

- Before they place you in a job
(Exception: Agencies can charge an advance fee if you are applying for Class A or A1 employment. See chart below.)
- To register or apply
- To schedule a job interview
- To refer you to another employment agency or training school
- For any additional items like training courses, photographs, or resume review
- More than the amount allowed by law

Employment Class	Employment Description	Maximum Fee Amount
A	Domestic or household employee, unskilled or untrained manual worker and laborer, including agricultural laborer	<ul style="list-style-type: none">• 10% of your first full month's wages if no meals or lodging are provided• 12% if one meal is provided per working day• 14% if two meals are provided per working day• 18% if three meals and lodging are provided per working day
A1	Non-professional trained or skilled industrial worker or mechanic	<ul style="list-style-type: none">• One week's wages if employment is 10 weeks or longer OR <ul style="list-style-type: none">• 10% of wages actually received if less than 10 weeks

To learn more, visit nyc.gov/consumers and download the Laws and Rules governing employment agencies. Refer to New York General Business Law, Sections 184, 184-a, 185, 186 (refunds), and 187 (prohibited conduct related to fees).

4. You have the right to a **FULL REFUND** of your advance fee **IMMEDIATELY** upon request, if the agency does not find you a job or you do not accept the job offer. This is true even if the agency refers you to 3 or more jobs.

5. You have the right to a **PARTIAL REFUND WITHIN 7 DAYS OF YOUR REQUEST** if:

- The agency charged you more than the amount required by law.
- You accept a job offer and do not report to work, depending on the fee you paid.
- You are fired after being hired, depending on the fee you paid and wages you earned.

6. You have the right to be **FREE FROM DISCRIMINATION**. Under New York City laws and rules, an employment agency cannot discriminate against you or ask questions about your age, race, creed, religion, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage or citizenship status, if they are not legitimate qualifications of the job.

7. You have the right to file a **COMPLAINT** regardless of your immigration status.

Employment Agencies Must:

1. Be licensed by the Department of Consumer Affairs (DCA) in order to operate. The agency must post its DCA license where you can see it.

2. Apply your advance fee or deposit toward your total fee.

3. Refer you only to employers that are hiring.

4. Provide you with a **CONTRACT**, separate from any other document, and a **RECEIPT** for each of your payments.

5. Provide domestic workers with a **STATEMENT OF EMPLOYEE RIGHTS AND EMPLOYER RESPONSIBILITIES** and a **STATEMENT OF JOB CONDITIONS** (job description form).