



Jonathan Mintz
Commissioner

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██████████
nyc.gov/consumers

February 21, 2013

BY E-MAIL

██████████
(email response to: ██████████)

RE: Temporary Babysitting Services as Employment Agency

Dear ██████████,

This is in response to your email in which you ask whether you are required to obtain a license from the Department of Consumer Affairs (“Department”) for your business. As you’ve described it, your business will provide babysitters to families who need them on a temporary basis. The business will charge the family a fee, but will not charge the babysitter a fee.

The answer to your inquiry is that you must obtain an Employment Agency License from the Department for your business.

Section 172 of the New York General Business Law (“GBL”) requires employment agencies in New York City to be licensed by the Department. GBL Section 171(2)(a) defines an employment agency as “any person...who, for a fee procures or attempts to procure: (1) employment or engagements for persons seeking employment or engagements...or (2) employees for employers seeking the services of employees.” Although certain employment agencies in which the employer, rather than the job applicant, pays the fee are exempt from the license requirement, your business would not fall within this exemption because you will be placing job applicants in “Class A” employment, which is defined by GBL Section 185 to include “domestics” and “household employees,” and which is not exempted from the licensing requirement.

Visit the Department’s website at nyc.gov/consumers to apply for a license online.

Thank you for your inquiry.

Sincerely,

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██████████

Staff Attorney