



**Consumer
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Employment Agency Law: How to Comply with Laws Enforced by DCA

This presentation summarizes some of the laws and rules applicable to licensed employment agencies in New York City. It is not intended to be a comprehensive guide of all of the laws and rules that apply to licensed employment agencies. Employment agencies are responsible for knowing and complying with all applicable local, state, and federal laws.

PURPOSE OF THE PRESENTATION

- Review legal obligations of employment agencies.
- Help you prepare for DCA inspections.
- Review the requirements of settlement agreements.



PRESENTATION TOPICS

- DCA Overview
- Fees
- Required Signs
- Contracts, Receipts, and Other Documents
- Record Keeping
- Prohibited Practices
- Settlement Agreement
- License Application Self-Certification



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DCA OVERVIEW

DEPARTMENT OF CONSUMER AFFAIRS (DCA)

Established in 1969 to ensure a fair and vibrant marketplace.

- **LICENSING** more than 80,000 businesses in 55 industries.
- **ENFORCING** the City's landmark Consumer Protection Law and other related City and state laws.
- **MEDIATING and RESOLVING** consumer complaints.
- **EDUCATING** consumers about their rights and businesses about their responsibilities.
- **IMPLEMENTING** NYC's Paid Sick Leave Law.
- **IMPROVING** the financial stability of New Yorkers with low incomes.

SOURCES OF DCA'S AUTHORITY

- **New York City Charter**
Amendments to the Charter expand DCA's "hearing authority" (2010) and charge DCA with "enforcement authority" over the Paid Sick Leave Law (2014).
- **New York City Administrative Code**
- **Rules of the City of New York**
- **State Law**
- **Federal Law**

City, State, and Federal Law and Rules

- Laws of the City of New York (Public Access Portal)
- New York State Legislature Laws of New York portal
- New York Codes, Rules, and Regulations
- New York State Agriculture and Markets Laws and Rules
- Federal Trade Commission (Statutes relating to consumer protection)
- United States Code
- Federal Regulations

Key Laws

Note: Some documents linked to from this page are in PDF format. [Download the free Adobe Reader](#)

Licensing Law by Industry

Sections of the New York City Licensing Law (and Rules, if enacted) are available as a downloadable handout.

- License Enforcement (general Licensing Law and Rules)
- Amusement Arcade

The relevant laws and rules are available on the DCA website by clicking ABOUT, LAWS, KEY LAWS.





LAWS AND RULES: EMPLOYMENT AGENCIES

- **Title VII of the Civil Rights Act of 1964**
 - Beginning at Section 2000e [Section 701]
- **Article 11 of the New York General Business Law (GBL)**
 - Beginning at Section 170
- **New York City Administrative Code**
 - Sections 8-102, 8-107, and 8-107.1
 - Sections 20-700 to 20-706
 - Sections 20-770 to 20-774
- **Executive Law Article 15 Human Rights Law**
 - Sections 292, 296, and 296-b
- **Title 6 of the Rules of the City of New York**
 - Chapter 1
 - Chapter 5, Sections 5-06 to 5-12, 5-21, 5-24, and 5-241 to 5-258



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FEEES

ADVANCE FEES

- May only charge an advance fee for Class A and A1 applicants.
- If the applicant does not obtain employment, you must refund the advance fee.
- If the applicant does not accept the position, you must refund the advance fee.
- No registration/application fee.
- Must subtract your advance fee from the total fee. The advance fee is NOT a separate fee.



FEES

- Can only keep your placement fee after the applicant obtains and accepts the position.
- No fee for incidental goods and services.
 - **Examples:** uniforms, interviews, resume review, photographs, training
- Must apply the advance fee toward the total fee.

FEES – CLASS A

Class A Employment includes domestics, household employees, unskilled or untrained manual workers, including agricultural workers.

The agency may not charge a fee greater than:

- **18%** of first full month's salary where three meals and lodging per working day are provided.
- **14%** where two meals per working day are provided.
- **12%** where one meal per working day is provided.
- **10%** where no meals or lodging are provided.



FEES – CLASS A1

Class A1 Employment includes non-professional trained or skilled industrial workers or mechanics.

The agency may not charge a fee of more than:

- One week's wages if parties agree at the start of employment to an employment period of 10 weeks or more.

OR

- 10% of wages if parties agree at the start of employment to a period of less than 10 weeks.

FEES – CLASS B

Class B Employment includes commercial, clerical, executive, administrative, and professional employment; all employment outside the continental United States; and all other employment not included in classes A, A1, C, and D.

The agency may not charge a fee greater than the following percentage of the first full month's salary or wages:

- If first month's wage is less than \$750..... 25%
- At least \$750 but less than \$950..... 35%
- At least \$950 but less than \$1,150..... 40%
- At least \$1,150 but less than \$1,350..... 45%
- At least \$1,350 but less than \$1,500..... 50%
- At least \$1,500 but less than \$1,650..... 55%
- \$1,650 or more..... 60%



FEES – CLASS C

Class C Employment includes any engagement or employment of an artist.

The agency may not charge a fee of more than:

- 20% of the compensation payable to the applicant for employment or engagement with an orchestra, opera, or concert.

OR

- 10% of the compensation payable to the applicant for all other artistic engagements or employment.

FEES – CLASS D

Class D Employment includes nursing engagements as defined in article 139 of the education law.

The agency may not charge a fee greater than 5% of each week’s salary for a maximum of 10 weeks for private nursing.

For all other nursing duties, the agency may charge the amount of the first week’s wages unless the annual salary is more than \$2,500. **If the annual salary is more than \$2,500, then the gross annual fee may not exceed the following:**

- Where the salary is at least \$2,500 but less than \$3,000..... 2.5%
- At least \$3,000 but less than \$3,500..... 3%
- At least \$3,500 but less than \$4,000..... 3.5%
- At least \$4,000 but less than \$4,500..... 4%
- At least \$4,500 but less than \$5,000..... 4.5%
- \$5,000 or more..... 5%

REFUND OF FEES

An agency must return the following fees within seven (7) days of a refund request:

- An advance fee if the agency has not placed the applicant in a job.
- An advance fee if the applicant does not accept employment.
- Any fee amount in excess of the legally permissible fee.

REFUND OF FEES

If applicant fails to report to job after accepting employment:

- Gross fee shall not exceed 25% of the maximum fee.
 - **Exception:** If applicant remains with previous employer, gross fee to the applicant shall not exceed 50%.
- MAY NOT charge the employer any fee.



REFUND OF FEES

If applicant is terminated without fault:

- Gross fee to applicant shall not exceed 10% of the salary and wages received by the applicant.
- Gross fee to employer shall not exceed 10% of the salary and wages received by the applicant.

AND

- If the applicant is a domestic or household employee recruited from outside the state, then the employer's fee may be no more than 33.3% of wages and salary earned.



REFUND OF FEES

All other terminations:

- Gross fee to applicant shall not exceed 50% of the salary and wages received by the applicant.
- Gross fee to employer shall not exceed 50% of the salary and wages received by the applicant.

AND

- Neither fee may exceed the maximum fee.



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REQUIRED SIGNS



REQUIRED SIGNS AND POSTERS

The employment agency must conspicuously post:

- DCA License
- New York Employment Agencies Law Poster in “large type” and in every language in which the agency conducts business.
 - Sections 178 (Bond), 181,185 (Fees) and186 (Return of Fees) of the General Business Law
- Federal and New York State Anti-Discrimination Posters



Consumer Affairs



NEW YORK STATE DIVISION OF HUMAN RIGHTS WWW.DHR.NY.GOV ANDREW M. CUOMO, GOVERNOR

DISCRIMINATION REALLY HURTS. IF YOU SEE IT OR EXPERIENCE IT, CALL US. WE'RE HERE. (718) 741-8400 (888) 392-3644 TTD (718) 741-8300

THIS ESTABLISHMENT IS SUBJECT TO THE NEW YORK STATE HUMAN RIGHTS LAW (EXECUTIVE LAW, ARTICLE 15)

ESTE ESTABLECIMIENTO ESTÁ SUJETO A LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK (LEY EJECUTIVA, ARTÍCULO 15)

DISCRIMINATION BASED ON AGE, RACE, CREED, COLOR, NATIONAL ORIGIN, SEXUAL ORIENTATION, MILITARY STATUS, SEX, DISABILITY, DOMESTIC VIOLENCE VICTIM STATUS, OR MARITAL STATUS IS PROHIBITED BY THE NEW YORK STATE HUMAN RIGHTS LAW IN:

LA DISCRIMINACIÓN BASADA EN EDAD, RAZA, CREDO, COLOR, NACIONALIDAD, ORIENTACIÓN SEXUAL, ESTADO MILITAR, SEXO, DISCAPACIDAD, ESTADO COMO VÍCTIMA DE VIOLENCIA DOMÉSTICA, O ESTADO CIVIL ESTÁ PROHIBIDA BAJO LA LEY DE DERECHOS HUMANOS DEL ESTADO DE NUEVA YORK EN:

EMPLOYMENT, BY EMPLOYERS OF FOUR OR MORE PEOPLE, EMPLOYMENT AGENCIES, LABOR ORGANIZATIONS AND APPRENTICESHIP TRAINING PROGRAMS

EL EMPLEO, POR PARTE DE EMPLEADORES CON UN PERSONAL DE CUATRO PERSONAS O MÁS, EN SINDICATOS Y PROGRAMAS DE ADiestRAMIENTO Y CAPACITACIÓN

Also prohibited: discrimination in employment on the basis of Sabbath observance or religious practices; prior arrest or conviction record; predisposing genetic characteristics.

También se prohíbe: La discriminación en el empleo basado en la observación del Sabat y otras prácticas religiosas, por previos arrestos o antecedentes criminales, por predisposición genética.

Reasonable accommodations for persons with disabilities may be required. A reasonable accommodation is an adjustment to a job or work environment that enables a person with a disability to perform the essential functions of a job in a reasonable manner.

En casos de personas con discapacidades físicas se puede exigir que se le proporcionen ajustes necesarios y razonables. Un ajuste razonable es una modificación en el lugar o ambiente de trabajo que permita que una persona con discapacidades pueda desempeñar sus funciones de forma razonable.

RENTAL, LEASE OR SALE OF HOUSING, LAND AND COMMERCIAL SPACE

ALQUILER, CONTRATO DE ALQUILER, VENTA DE VIVIENDAS, TIERRAS O ESPACIOS COMERCIALES

Exceptions:

Excepciones:

- (1) rental of an apartment in an owner-occupied two-family house
(2) restrictions of all rooms in a housing accommodation to individuals of the same sex
(3) rental of a room by the occupant of a house or apartment
(4) sale, rental, or lease of accommodations of housing exclusively to persons 55 years

- (1) el alquiler de un apartamento en una casa para dos familias en la que reside el propietario
(2) la restricción de todas las habitaciones de una propiedad residencial para alojamiento de individuos del mismo sexo
(3) el alquiler de una habitación por el ocupante de una casa o apartamento
(4) la venta, alquiler, contrato de alquiler o viviendas, casa alojamiento exclusivo de personas



Equal Employment Opportunity is **THE LAW**

Private Employers, State and Local Governments, Educational Institutions, Employment Agencies and Labor Organizations

Applicants to and employees of most private employers, state and local governments, educational institutions, employment agencies and labor organizations are protected under Federal law from discrimination on the following bases:

RACE, COLOR, RELIGION, SEX, NATIONAL ORIGIN

Title VII of the Civil Rights Act of 1964, as amended, protects applicants and employees from discrimination in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment, on the basis of race, color, religion, sex (including pregnancy), or national origin. Religious discrimination includes failing to reasonably accommodate an employee's religious practices where the accommodation does not impose undue hardship.

DISABILITY

Title I and Title V of the Americans with Disabilities Act of 1990, as amended, protect qualified individuals from discrimination on the basis of disability in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. Disability discrimination includes not making reasonable accommodation to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, barring undue hardship.

AGE

The Age Discrimination in Employment Act of 1967, as amended, protects applicants and employees 40 years of age or older from discrimination based on age in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment.

SEX (WAGES)

In addition to sex discrimination prohibited by Title VII of the Civil Rights Act, as amended, the Equal Pay Act of 1963, as amended, prohibits sex discrimination in the payment of wages to women and men performing substantially equal work, in jobs that require equal skill, effort, and responsibility, under similar working conditions, in the same establishment.

GENETICS

Title II of the Genetic Information Nondiscrimination Act of 2008 protects applicants and employees from discrimination based on genetic information in hiring, promotion, discharge, pay, fringe benefits, job training, classification, referral, and other aspects of employment. GINA also restricts employers' acquisition of genetic information and strictly limits disclosure of genetic information. Genetic information includes information about genetic tests of applicants, employees, or their family members; the manifestation of diseases or disorders in family members (family medical history); and requests for or receipt of genetic services by applicants, employees, or their family members.

RETALIATION

All of these Federal laws prohibit covered entities from retaliating against a person who files a charge of discrimination, participates in a discrimination proceeding, or otherwise opposes an unlawful employment practice.

WHAT TO DO IF YOU BELIEVE DISCRIMINATION HAS OCCURRED

There are strict time limits for filing charges of employment discrimination. To preserve the ability of EEOC to act on your behalf and to protect your right to file a private lawsuit, should you ultimately need to, you should contact EEOC promptly when discrimination is suspected:

The U.S. Equal Employment Opportunity Commission (EEOC), 1-800-669-4000 (toll-free) or 1-800-669-6820 (toll-free TTY number for individuals with hearing impairments). EEOC field office information is available at www.eeoc.gov or in most telephone directories in the U.S. Government or Federal Government section. Additional information about EEOC, including information about charge filing, is available at www.eeoc.gov.



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CONTRACTS, RECEIPTS, AND OTHER DOCUMENTS

CONTRACT REQUIREMENTS

The employment agency must give each applicant a contract that includes the following:

- General Business Law Sections 185 (Fees) and 186 (Return of Fees)
- Agency's name, address, and DCA license number
- Name and title of agency representative who signs the contract
- Type of work the applicant will perform
- Agency's fee and the fee payment schedule



MODEL CONTRACT

<h2>Contract</h2>
Employment Agency Information
Name of Employment Agency _____
Telephone Number _____ License Number _____
Name of Agency Staff or Salesperson _____
Address _____
Job Applicant Information
Name of Job Applicant _____
Telephone Number _____
Address _____
Type of Work and Fees (Check only one and complete section.)
<u>Agency can only charge a fee for job placement.</u> This means the Agency can only charge you a fee after it gets you a job. Agency CANNOT charge a fee for:
<ul style="list-style-type: none">▪ setting up interviews▪ reviewing resumes▪ photographs▪ trainings▪ any services besides placing Applicant in a job
<input type="checkbox"/> Domestic/household work and unskilled/untrained manual work (Classes A, A*,A**, A*** depending on whether Agency recruited Applicant in another state or country)

RECEIPTS

- **Separate document from the Contract.**
- **The agency must give a receipt to each applicant who pays a fee.**
- **The receipt must include the following:**
 - Applicant's name
 - Agency's name, address, and DCA license number
 - Date and amount of the fee
 - Purpose for the fee
 - Name and signature of the person receiving the fee



SAMPLE RECEIPT

Receipt		
Employment Agency Information (to be completed by Employment Agency)		
Name of Employment Agency _____		
Telephone Number _____		License Number _____
Name of Agency Staff or Salesperson _____		
Address _____		
Name of Applicant:		Date:
Name of Employer (if known):		
Address of Employer:		Telephone:
E-mail Address, if available:		
Job Title:	Salary:	Employment Class:
Amount of Fee:		
Purpose of Fee:		
<p>It is against the law for the employment agency to charge a registration or application fee. The agency can only collect a deposit if you are applying for certain types of jobs. YOU ARE ENTITLED TO A REFUND. IF A REFUND IS NOT MADE WITHIN SEVEN (7) DAYS OR YOU HAVE A COMPLAINT OR NEED MORE INFORMATION, CALL 3-1-1.</p>		
Applicant's Signature _____		Date _____
<p><u>I confirm that any and all fees the Employment Agency requires Applicant to pay are consistent with the law.</u></p>		
Employment Agency Representative's Signature _____		Date _____

- Agency's Name
- Agency's Address
- DCA License Number
- Name of Person Receiving the Fee
- Applicant's Name
- Date
- Amount of the Fee
- Purpose for the Fee
- Signature of the Person Receiving the Fee



REQUIRED STATEMENT OF EMPLOYEE RIGHTS AND EMPLOYER RESPONSIBILITIES

- Must provide to applicants AND prospective employers of domestic workers before job placement is arranged.
- Must keep a copy signed by the employer of each applicant that agency has placed for at least three (3) years.
- The statement includes information about City, state, and federal laws that pertain to domestic and household employees in New York City, including, but not limited to:
 - **Minimum Wage**
 - **Social Security**
 - **Unemployment Insurance**
 - **Overtime**
 - **Paid Sick Leave**



REQUIRED STATEMENT OF EMPLOYEE RIGHTS AND EMPLOYER RESPONSIBILITIES



Domestic or Household Employees: Statement of Employee Rights and Employer Responsibilities

This handout describes some of the basic rights of domestic or household employees and some responsibilities that their employers must fulfill under New York City, New York State, and federal law. Please note that this document does not list every employee right or employer responsibility. For more information about a specific right or responsibility, you should contact the relevant agency listed on the back.

Minimum Wage: All employees are entitled to be paid at least the minimum wage of \$8 per hour.

Overtime: Employees who work overtime are entitled to be paid at one and one-half times the regular rate of pay. An employee who does not live in the employer's home is entitled to this overtime rate after working 40 hours per week. An employee who lives in the employer's home is entitled to this overtime rate after working 44 hours per week.

Timely Payment: Employees must be paid their full salary on a weekly basis, and within seven calendar days of the concluding workweek. Employers must also provide a statement that shows the employee's gross wages, deductions, and net wages.

Time Off: Employees are entitled to at least one day of rest (24 consecutive hours) every week and at least three days of paid rest after one year of work for the same employer.

Paid Sick Leave: Employees who have worked for the same employer for at least one year and who work more than 80 hours a calendar year in New York City are entitled to two days of paid sick leave. Paid Sick Leave is in addition to the three days of paid rest required under New York State Labor Law.

Meals and Lodging: There are minimum standards for meals and lodging which, in part, provide that employees who work a six-hour shift are entitled to a meal break of at least 30 minutes during the course of the shift.

Notice: Employers must notify employees at the time of hiring of the rate of pay and regular payday. Employers must give employees the required Notice of Employee Rights created by the Department of Consumer Affairs (DCA). The notice outlines employees' minimum rights under New York City's Paid Sick Leave Law. Additionally, employers must notify employees in writing of the employer's policy on sick leave, vacation, personal leave, holidays, and hours of work. Employers must also notify employees in writing of the date of termination from employment and the date of cancellation of employee benefits, not more than five working days after the date of termination from employment.

STATEMENT OF JOB CONDITIONS

- Employment agencies placing applicants in positions as domestic or household employees must provide the applicant with a Statement of Job Conditions that provides:
 - **Name and Address of the Employer**
 - **Wages and Hours of Work**
 - **Kind of Services to be Performed**
 - **Employment Agency's Fee**
- Employment agency must keep a copy of the Statement of Job Conditions for at least three years.



STATEMENT OF JOB CONDITIONS

Domestic or Household Employees: Job Description Form (Statement of Job Conditions)

An Employment Agency must give a completed Job Description Form with all of the information below to every job applicant the Agency refers to a position as a Domestic or Household Employee.

Date ____/____/____

Amount of Fee \$ _____

Employment Agency Information

Name of Employment Agency _____
Name of Agency Staff _____
Telephone Number _____ DCA License Number _____
Address _____

Job Information

Name of Employer _____
Telephone Number _____ Email Address _____
Address _____

Hourly Pay Rate \$ _____
(minimum \$8/hour)

Lodging: Live In Live Out

Employer will provide (check box that applies):

- No meals
- One meal per working day
- Two meals per working day
- Three meals per working day

Start Date ____/____/____

____ Hours/Day

Employment Status (check all that apply):

- Part-time
- Full-time
- Temporary
- Permanent

Weekly Schedule (check all that apply):

- Monday
- Tuesday
- Wednesday
- Thursday
- Friday
- Saturday
- Sunday

Description of Duties _____



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RECORD KEEPING (REGISTERS)

APPLICANT REGISTER

- **The employment agency must maintain a register, including:**
 - Date of application for employment
 - Date the applicant started work
 - Full name and address of every applicant who is charged a fee
 - Amount of the fee charged
 - Service for which the fee was charged
- **Information in the register must be in legible English.**

EMPLOYER REGISTER

The agency must maintain an Employer Register that includes all of the following:

- Name and address of every employer who pays a fee
- Name and address of every employer to whom a fee-paying applicant is referred
- Date each employer requested or agreed to the supply of applicants
- Kind of positions for which applicants are requested
- Names of the applicants paying a fee who were sent to the employer, including a designation of the applicant hired
- Amount of the fee charged
- Rate of wages or compensation agreed upon



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RECORD KEEPING (OTHER RECORDS)

NURSE REGISTRY

- May only send out licensed nurses to practice nursing.
- Must investigate each person's educational qualifications, licensure, and current registration.
- Must provide a card identifying the nurse, the nurse's credentials, and a statement that qualifications are on file and available for review.
- Records of the agency's investigation of the nurse's credentials and a copy of all cards must be kept by the agency and available for inspection.



FINANCIAL RECORDS

- Employment agencies are required to maintain their financial records on a monthly or quarterly basis.
- The records must be updated within 30 days after the end of each month or quarter.
- Financial records must be kept for at least three years and made available for inspection by DCA.



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PROHIBITED PRACTICES



REPRESENTATIONS

Agencies MAY NOT make any false, fraudulent, or misleading statements.

EXAMPLES:

- “Job placement guaranteed”
- “No Fee” (unless the employer pays the fee)
- “No Refunds”
- “Fee is good for only 2 referrals”

JOB ORDERS

- May not refer applicants to an employer without first obtaining a job order or verifying with the employer that the job opening is current.
- May not refer applicants to prospective employment which violates City, state, or federal laws.
 - **Examples:** Wage and Hour; Discrimination
- Must keep a record of each job order received for one year from the date it is received.



DISCRIMINATION

- Employment agencies may not discriminate against any job applicant because of **age, race, creed, color, national origin, religion, gender, disability, marital status, partnership status, sexual orientation, alienage or citizenship status.**
- Employment agencies may not make an inquiry about a job applicant or print or circulate any statement, advertisement, or publication that expresses a discriminatory limitation or specification unless it relates to a legitimate job qualification.

Examples:

- Asking for an applicant's age on a form or during an interview
- Advertising that an employer is seeking a Russian electrician



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LABOR STANDARDS VIOLATIONS

May not refer applicants to prospective employment that violates Labor Standards.

- Pays Less than the Minimum Wage.
- Withholds Pay Illegally.
- Deducts Illegal Kickbacks.
- Violates Meal and Rest Period Regulations.
- For more details, visit:

http://labor.ny.gov/workerprotection/laborstandards/labor_standards.shtm



EMPLOYMENT AGENCY PREMISES

- The employment agency may not engage in any business on the premises other than operating an employment agency or the business of providing staffing services.
- The employment agency can share the premises, but only with unrelated entities.



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SETTLEMENT AGREEMENT

SETTLEMENT AGREEMENT REQUIREMENTS

If you previously entered into a settlement agreement with DCA, you may be required to:

- Use DCA's Model Contract and Model Receipt.
- Keep a log of all refunds provided to job applicants.
- Provide all documents and forms (for example, contracts, receipts, applications, etc.) in English and in any other language the employment agency conducts business with consumers.

AND

- Post a Job Hunter's Bill of Rights on the business premises.



JOB HUNTER'S BILL OF RIGHTS

Job Hunter's Bill of Rights

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

Your Rights:

- You have the right to earn at least **MINIMUM WAGE** at any job an employment agency refers you.
 - New York State minimum wage:
 - 2015 = \$8.75 per hour
 - 2016 = \$9.00 per hour
- You have the right to a copy of your **CONTRACT**. Do not sign the contract if you do not understand it.
- 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 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).

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

Employment Agencies Must:

- 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.
- Apply your advance fee or deposit toward your total fee.
- Refer you only to employers that are hiring.
- Provide you with a **CONTRACT**, separate from any other document, and a **RECEIPT** for each of your payments.
- Provide domestic workers with a **STATEMENT OF EMPLOYEE RIGHTS AND EMPLOYER RESPONSIBILITIES** and a **STATEMENT OF JOB CONDITIONS** (job description form).

Provides consumer tips, in plain language, about what employment agencies can and cannot do when dealing with applicants.



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LICENSE APPLICATION SELF-CERTIFICATION

SELF-CERTIFICATION FORM

Employment agencies must complete and submit an Employment Agency Self-Certification form with every license renewal application.

An employment agency must certify specific facts regarding its business practices, including that the agency:

- Complies with all employment agency laws and rules.
- Will make all reasonable efforts to resolve any consumer complaints.
- Will cooperate with any DCA investigation or inspection.

AND

- Will pay all fees and fines owed to DCA.



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42 Broadway, New York, NY 10004

www.nyc.gov/consumers

