

# Inspection Checklist: Employment Agencies

Do you own an employment agency or a talent agency?

Does your business find employment for job applicants or help employers find employees for a fee?




Does your business find employment or engagements for artists 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.

<b>KEY</b>
<p><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</p>

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 are the employer and you contract out your employees, all of whom receive a W-2 form from you at the end of the year and you meet the criteria of an employer.</li> <li><i>Theatrical Personal Manager:</i> Your primary business is managing artists. <ul style="list-style-type: none"> <li><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.</li> </ul> </li> <li><i>Certain Executive Search Firm and 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. <ul style="list-style-type: none"> <li><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.</li> </ul> </li> </ul> <p><b>NY GBL §171, 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
<p><b>3</b> All printed matter that is given to customers (e.g., advertisements, business cards, flyers, receipts, contracts, correspondence) must have the license number and the license number must be identified as a DCA license number (for example, “Department of Consumer Affairs License #1234567-DCA”).</p> <p><b>6 RCNY §1-05</b></p>	<input type="checkbox"/> Yes

# Inspection Checklist: Employment Agencies

Requirement	Do you meet this requirement?
<p><b>4</b> All of the following signs must be clearly posted in the main room: DCA's <a href="#">New York Employment Agency Laws Poster</a></p>  <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 Laws Poster. 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(1)</b></p>	<input type="checkbox"/> Yes
<b>Fees</b>	
<p><b>5</b> It is illegal to require any applicant to pay a deposit or advance fee.</p> <p><b>NY GBL §185(3)</b></p>	<input type="checkbox"/> Yes
<b>Contracts and Applications</b>	
<p><b>6</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>7</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 §181(5)</b></p>	<input type="checkbox"/> Yes

# Inspection Checklist: Employment Agencies

Requirement	Do you meet this requirement?
<p><b>8</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 (Fees) and Section 186 (Return of Fees)</li> <li>• Kind of service applicant will perform</li> <li>• Employment agency's fee</li> <li>• Name and address of the person to whom applicant is to apply for the job (i.e., potential employer)</li> </ul> <p><b>Tip:</b> Use DCA's Model Contract at <a href="http://nyc.gov/BusinessToolbox">nyc.gov/BusinessToolbox</a>.</p> <p><b>NY GBL §181(2)</b></p>	<input type="checkbox"/> Yes
<p><b>Receipts</b></p>	
<p><b>9</b> Written receipts must be given to the applicant for all fees, deposits, or any other payments.</p> <p><b>NY GBL §181(4)</b></p>	<input type="checkbox"/> Yes
<p><b>10</b> Copies of all receipts must be kept by employment agencies for three years and must be available for immediate inspection.</p> <p><b>NY GBL §181(5)</b></p>	<input type="checkbox"/> Yes
<p><b>11</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 of payment</li> <li>• Amount of the fee</li> <li>• Reason for the fee</li> <li>• Signature of staff member who received the payment</li> </ul> <p><b>Tip:</b> Use DCA's Model Receipt at <a href="http://nyc.gov/BusinessToolbox">nyc.gov/BusinessToolbox</a>.</p> <p><b>NY GBL §181(4)</b></p>	<input type="checkbox"/> Yes
<p><b>Register Book</b></p>	
<p><b>12</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</li> <li>• Amount of the fee charged to the applicant</li> <li>• Service for which each fee was charged</li> </ul> <p><b>NY GBL §179</b></p>	<input type="checkbox"/> Yes

# Inspection Checklist: Employment Agencies

Requirement	Do you meet this requirement?
<p><b>13</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 OR to whom a 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 charged to the employer</li> <li>Agreed wages or compensation for the jobs</li> </ul> <p><b>Tip:</b> Employer and applicant information can be in two separate registers or combined as one register.</p> <p><b>NY GBL §179</b></p>	<input type="checkbox"/> Yes
<b>Other</b>	
<p><b>14</b> Agencies that place domestic or household workers must provide each applicant and their prospective employer with DCA’s “Domestic or Household Employees: Statement of Employee Rights and Employer Responsibilities.”</p> <p><b>Tip:</b> Download Statement 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>15</b> Agencies that place domestic or household workers must provide each applicant with a “Job Description Form (Statement of Job Conditions)” that includes all of the following:</p> <ul style="list-style-type: none"> <li>Name and address of the person to whom applicant must apply for the job (i.e., potential employer)</li> <li>Name and address of the person authorizing the hiring of the position</li> <li>Wages</li> <li>Hours of work</li> <li>Kind of service applicant will perform</li> <li>Employment agency’s fee</li> </ul> <p><b>NYC Code §20-772(a)</b></p>	<input type="checkbox"/> Yes
<p><b>16</b> Copies of the Job Description Form (Statement of Job Conditions) must be kept by employment agencies for three years and must be immediately available for inspection.</p> <p><b>NYC Code §20-772(b)</b></p>	<input type="checkbox"/> Yes