

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?

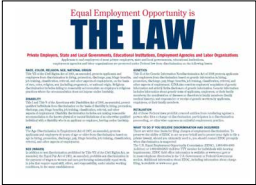

Does your business find employment or engagements for artists for a fee?

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.

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

Requirement	Do you meet this requirement?
Licenses	
<p>1 Your business must have a valid DCWP Employment Agency license.</p> <p>Tip: The following businesses do not need an Employment Agency license:</p> <ul style="list-style-type: none"> <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. <i>Theatrical Personal Manager:</i> Your primary business is managing artists. Tip: 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. <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. Tip: If you fit this category, you do not need a license, but you must comply with all sections of the New York State Employment Agency Law relating to Employer Fee Paid Agencies. <p>NY GBL §171, NY GBL §172</p>	<input type="checkbox"/> Yes
<p>2 DCWP’s combined license and complaint sign must be posted where all customers can see it.</p> <p>6 RCNY §1-03(a), 6 RCNY §5-251</p>	<input type="checkbox"/> Yes
<p>3 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 DCWP license number.</p> <p>6 RCNY §1-05</p>	<input type="checkbox"/> Yes

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<p>Signs</p> <p>For all sign placements, “main room” means the main reception or waiting area or, where no reception or waiting area exists, the main entrance to the agency.</p>	
<p>4</p> <p>A sign containing all of the following sections of the NY GBL must be clearly posted in the main room:</p> <ul style="list-style-type: none"> • GBL §178 (Action on bond) • GBL §181 (Contracts, statements of terms and conditions, and receipts) • GBL §185 (Fees) • GBL §186 (Return of fees) <p>The sign must be at least 12 inches by 18 inches and posted in all languages the employment agency does business, if DCWP has made the sign available in those languages.</p> <p>Use DCWP’s New York Employment Agency Laws poster at nyc.gov/BusinessToolbox.</p> <p>NY GBL §188(1); 6 RCNY §§5-250(b) and (d)</p>	<p><input type="checkbox"/> Yes</p>
<p>5</p> <p>All of the following signs must be clearly posted in the main room:</p> <p>U.S. Anti-Discrimination Poster</p>  <p>New York State Anti-Discrimination Poster</p>  <p>Tip: If you need one of the required Anti-Discrimination posters, call 311 and ask to be transferred to DCWP with a question about your existing Employment Agency license.</p>	<p><input type="checkbox"/> Yes</p>
<p>Title VII of the Civil Rights Act of 1964, SEC. 2000e-10. [Section 711]; N.Y. Executive Law, Article 15. Human Rights Law</p>	

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<p>6 A sign that contains the following information must be clearly posted where all customers can see it:</p> <ul style="list-style-type: none"> • Employment agency’s name as it appears on its DCWP license • DCWP license number • Instructions on contacting DCWP to file a complaint <p>Tip: DCWP’s combined license and complaint sign, sized 8.5 inches by 11 inches, may satisfy this requirement if you copy it at an enlarged size of at least 12 inches by 18 inches.</p>	<input type="checkbox"/> Yes
<p>6 RCNY §5-250(a)</p>	
<p>7 DCWP’s Job Hunter’s Bill of Rights sign must be clearly posted in the main room. The sign must be at least 8.5 inches by 11 inches and posted in all languages the employment agency does business, if DCWP has made the sign available in those languages.</p> <p>Download Job Hunter’s Bill of Rights at nyc.gov/BusinessToolbox.</p>	<input type="checkbox"/> Yes
<p>6 RCNY §§5-250(c) and (d)</p>	
<p>Fees</p>	
<p>8 It is illegal to require any applicant to pay a deposit or advance fee.</p>	<input type="checkbox"/> Yes
<p>NY GBL §185(3)</p>	
<p>Contracts and Applications</p>	
<p>9 Written contracts must be provided to every person who applies for employment.</p>	<input type="checkbox"/> Yes
<p>NY GBL §181(1)</p>	
<p>10 Copies of contracts must be kept by employment agencies for three years and must be immediately available for inspection. Copies of contracts may be shown in electronic form.</p>	<input type="checkbox"/> Yes
<p>NY GBL §181(5)</p>	
<p>11 Each contract must include provisions of NY GBL Section 185 (Fees) and Section 186 (Return of Fees).</p> <p>Tip: Use DCWP’s Model Contract at nyc.gov/BusinessToolbox.</p>	<input type="checkbox"/> Yes
<p>NY GBL §181(1)</p>	
<p>12 DCWP’s “Terms and Conditions” form must be given to every person who applies for employment as an attachment to the negotiated contract. The form must be in the language in which the applicant’s contract was negotiated, if DCWP has made the form available in that language.</p> <p>Download Terms and Conditions at nyc.gov/BusinessToolbox.</p> <p>Tip: The form does not have to be given to applicants who apply for Class “C” theatrical employment. Relevant definitions are available here: https://www.nysenate.gov/legislation/laws/GBS/A11</p>	<input type="checkbox"/> Yes
<p>NY GBL §185(4); 6 RCNY §5-259</p>	

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Requirement		Do you meet this requirement?
13	Copies of “Terms and Conditions” forms must be kept by employment agencies for three years and must be immediately available for inspection. Copies of forms may be shown in electronic form.	<input type="checkbox"/> Yes
	NY GBL §181(5)	
Receipts		
14	Written receipts must be given to the applicant for all fees, deposits, or any other payments.	<input type="checkbox"/> Yes
	NY GBL §181(4)	
15	Copies of all receipts must be kept by employment agencies for three years and must be available for immediate inspection. Copies of receipts may be shown in electronic form.	<input type="checkbox"/> Yes
	NY GBL §181(5)	
16	Each receipt must include all of the following: <ul style="list-style-type: none"> • Name of the applicant • Name of the employment agency • Address of the employment agency • Date of payment • Amount of the fee • Reason for the fee • Signature of staff member who received the payment <p>Tip: Use DCWP’s Model Receipt at nyc.gov/BusinessToolbox.</p>	<input type="checkbox"/> Yes
	NY GBL §181(4)	
Register Book		
17	A register book must be kept with all of the following information, written in English, about every applicant: <ul style="list-style-type: none"> • Date of application for employment • Date the applicant started work • Name and address of every applicant who is charged a fee • Amount of the fee charged to the applicant • Service for which each fee was charged 	<input type="checkbox"/> Yes
	NY GBL §179	

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18	<p>The register book must also include all of the following information, written in English, about employers:</p> <ul style="list-style-type: none"> Name and address of every employer who pays a fee OR to whom a paying applicant is referred Date each employer requested or agreed to accept applicants Type of positions for which applicants are requested Names of paying applicants who were sent to the employer Amount of the fee or deposit charged to the employer Agreed wages or compensation for the jobs <p>Tip: Employer and applicant information can be in two separate registers or combined as one register.</p>	<input type="checkbox"/> Yes
NY GBL §179		
19	<p>Employment agencies must keep the register book for three years following the last date of entry and make the register book available for immediate inspection. Register book may be shown in electronic form.</p>	<input type="checkbox"/> Yes
NY GBL §§179 and 189(2)		
Other		
20	<p>Agencies that place domestic or household workers must provide each applicant and their prospective employer with DCWP’s “Domestic or Household Employees: Statement of Employee Rights and Employer Responsibilities.”</p> <p>Tip: Download Statement at nyc.gov/BusinessToolbox.</p>	<input type="checkbox"/> Yes
NYC Code §20-771(a)		
21	<p>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"> Name and address of the person to whom applicant must apply for the job (i.e., potential employer) Name and address of the person authorizing the hiring of the position Wages Hours of work Kind of service applicant will perform Employment agency’s fee 	<input type="checkbox"/> Yes
NYC Code §20-772(a)		

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Requirement		Do you meet this requirement?
22	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.	<input type="checkbox"/> Yes
	NYC Code §20-772(b)	

For more information: **Visit** nyc.gov/BusinessToolbox | **Contact 311** (212) NEW-YORK (Outside NYC)

This document is provided for informational purposes only, is not exhaustive, and does not constitute legal advice. New York City businesses must comply with all relevant federal, State, and City laws and rules. Businesses are responsible for knowing and complying with current regulations that affect their business.