

Employment Agency Law Fact Sheet for Domestic, Household Employees, Unskilled or Untrained Manual Workers and Laborers

Employment Agencies Must be Licensed:

An employment agency is any person who, for a fee, obtains or attempts to obtain employment for persons seeking employment. The law requires all employment agencies to be licensed by the Commissioner of Labor, or if the employment agency is located in New York City, by the New York City Department of Consumer Affairs. Employment agencies are required by law to prominently display their license.

The Law Limits the Fees Employment Agencies may Charge:

Employment agencies may charge a fee, and in the case of domestics, household employees, unskilled or untrained manual workers and laborers, may require a deposit or advance fee. The law limits the amount of money that an employment agency may legally charge.

For domestics, household employees, unskilled or untrained manual workers and laborers, the total fee, including any deposit charged, may not exceed the following:

- 10% of the first full month's salary or wages;
- 12% of the first full month's salary or wages if one meal per working day is provided;
- 14% of the first full month's salary or wages if two meals per working day are provided;
- 18% of the first full month's salary or wages if three meals and lodging per working day are provided.

Any deposit or advance fee charged may not under any circumstances exceed these amounts and must be offset against any other fee charged once employment is obtained. If an applicant does not obtain employment through the employment agency, then any deposit or advance fee paid by the job seeker must be returned immediately upon demand.

Employment Agencies are Required to Provide Receipts for all Fees:

Employment agencies must provide applicants with a receipt for any fee or deposit paid. The receipt must state the name of the applicant, the name and address of the employment agency, the date and amount of the fee or deposit. The receipt must also state the purpose of the fee or deposit and must be signed by the person who received the fee or deposit.

Employment Agencies are Required to Provide Copies of all Contracts:

Employment agencies must also provide applicants with a copy of any contract entered between the employment agency and the applicant.

It is Illegal for an Employment Agency to Refer an Applicant to a Job that Pays Less Than the Minimum Wage or does not Pay Overtime:

It is illegal for an employment agency to knowingly refer an applicant to a job that pays less than the minimum wage. The current federal and state minimum wage, which covers most workers, is \$5.15 per hour. It is also illegal for an employment agency to knowingly refer an applicant to a job that does not pay overtime.

The Human Rights Law is Applicable to Employment Agencies

It is a violation of the law for an employment agency to inquire about an applicant's nationality, age, number of children, or marital status.

Prohibition against Retaliation:

It is against the law to discharge, penalize, or in any other manner discriminate against an employee for making a complaint to the Attorney General's Office, or other appropriate government agencies.

If you have questions about this fact sheet, please contact the Labor Bureau of the New York State Attorney General's Office at (212) 416-8700 or you can contact us on our website at www.ag.ny.gov