

Employment Agencies and the Law

Contracts

In New York City, **Employment Agencies** are required by law to describe, in writing, all jobs available for agency referral. The description must include the employer's name and address, the wages, work hours, services you are expected to perform, and the agency fee. If this information does not exist call 311.

Employment Agencies CANNOT guarantee that they will find you a job. If they promise that you will be hired, they are violating the law. You can only be sure of a job if it's offered directly by an employer, not promised by an outside agent.

Employment Agencies CANNOT refer you to a job that pays less than minimum wage. They CANNOT refer you to a job that does not pay overtime.

Employment agencies CANNOT ask about your nationality, age, number of children or marital status.

If you are looking for domestic work, agencies are required to give you a statement of your rights and the employer's responsibilities.

Fees

An employment agency can charge you a fee in certain cases, but if it does, it must refund the fee if you choose to end your contract with them BEFORE the agency has found you a job. Employment agencies can also charge another fee after finding you a job. This placement charge would be a percentage of your new salary. If an advance fee is charged, it must be deducted from the placement charge.

An employment agency's placement fee cannot be more than the maximum amount set by law for the type of employment that the agency has helped you to find. The fee maximums for each type of employment are set forth in the New York State General Business Law.

Placement fees for weekly wage-earners are usually paid in equal installments at the end of each pay period during the first ten weeks on the job. Agencies aren't allowed to demand a faster fee schedule.

Read the fine print in the contract to make sure the agency states in writing that it will make good on refund offers.

Any agreement you make with an employment agency must be in writing, must include all the promises made to you, and must be signed by you and the agency.

Employment Agencies must show you the whole contract before you sign. Read the contract carefully to make sure that what you are agreeing to in writing is the same as the deal you accepted verbally -- no less, no more. *Fees in the contract cannot exceed the fees that are legally permitted.*

Look for these details in the contract...

- » What services does the employment agency promise?
- » What does the agency require you to do to prepare for the job hunt?
- » Does the agency ask to get paid when you are offered a job you can accept, when you actually accept the job, or after you've worked for a pre-set time period?
- » What happens if you don't accept a job offer from an employer?
- » Will the agency give you a detailed description of each potential employer, including the name, address, kind of work, job title, wages or compensation, hours, length of the job?
- » Does the agency do a background check to see if the potential employer has a good track record for paying it's employees?
- » If you are hired and then fired, or if you quit, what happens to the fee?
- » Will the agency help you find another job?
- » Does the contract allow you to use another agency at the same time?
- » Do you get a refund if you become disabled and can no longer work?

**Before signing a contract, get the agency to answer all your questions, in writing.*

**The agency is not required to deliver any promise that is not in the contract.*