

1874

2011-2012 Regular Sessions

I N S E N A T E

January 13, 2011

Introduced by Sen. ESPAILLAT -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the general business law, in relation to requiring employment agencies in the city of New York to conspicuously post and provide a copy of a job seekers bill of rights

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The general business law is amended by adding a new section
2 188-a to read as follows:

3 S 188-A. JOB SEEKERS BILL OF RIGHTS. EVERY EMPLOYMENT AGENCY IN THE
4 CITY OF NEW YORK SHALL POST IN A CONSPICUOUS PLACE IN THE MAIN ROOM OF
5 SUCH AGENCY AND PROVIDE A BROCHURE WHICH INCLUDES THE JOB SEEKERS BILL
6 OF RIGHTS ESTABLISHED BY THIS SECTION. SUCH CONSPICUOUS NOTICE AND
7 BROCHURE SHALL BE PRINTED IN THE LANGUAGE WHICH PERSONS COMMONLY DOING
8 BUSINESS WITH SUCH AGENCY CAN UNDERSTAND. THE FOLLOWING SHALL CONSTITUTE
9 THE "JOB SEEKERS BILL OF RIGHTS".

10 "JOB SEEKERS BILL OF RIGHTS

11 1. MAKE SURE YOU'RE VISITING A LEGITIMATE COMPANY. ONLY USE A LICENSED
12 EMPLOYMENT AGENCY. TO CONFIRM PROPER LICENSING CALL 311 OR GO TO NEW
13 YORK CITY'S DEPARTMENT OF CONSUMER AFFAIRS' WEBSITE: NYC.GOV/CONSUMERS.

14 2. AVOID EMPLOYMENT AGENCIES THAT GUARANTEE JOBS. BY LAW EMPLOYMENT
15 AGENCIES CANNOT GUARANTEE THEY WILL FIND YOU A JOB. IN ADDITION, EMPLOY-
16 MENT AGENCIES CANNOT REFER YOU TO A JOB THAT PAYS LESS THAN MINIMUM WAGE
17 OR DOES NOT PAY OVERTIME.

18 3. MAKE SURE THE AGENCY IS APPROVED TO PROVIDE TRAINING. CHECK WITH
19 THE NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS TO MAKE SURE THAT THE
20 EMPLOYMENT AGENCY IS APPROVED TO PROVIDE ANY TYPE OF TRAINING.

21 4. GET A JOB DESCRIPTION IN WRITING. EMPLOYMENT AGENCIES ARE REQUIRED
22 TO DESCRIBE, IN WRITING, ALL JOBS AVAILABLE FOR AGENCY REFERRAL. THE
23 DESCRIPTION MUST INCLUDE THE EMPLOYER'S NAME, ADDRESS, WAGE RATE, WORK

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 HOURS, SERVICES YOU ARE EXPECTED TO PERFORM AND THE AGENCY FEE. IF YOU
2 ARE NOT PROVIDED THIS INFORMATION, CALL 311.

3 5. KNOW YOUR WAGE RIGHTS. AGENCIES MAY REFER YOU ONLY TO JOBS THAT ARE
4 CURRENT AND AVAILABLE AND PAY AT LEAST THE MINIMUM WAGE AS SET BY NEW
5 YORK STATE AND FEDERAL LAW.

6 6. KNOW YOUR CONTRACT RIGHTS. EMPLOYMENT AGENCIES MUST SHOW YOU THE
7 ENTIRE CONTRACT BEFORE YOU SIGN IT. YOU MUST BE GIVEN A COPY OF ANY
8 CONTRACT YOU SIGN. READ THE CONTRACT CAREFULLY TO MAKE SURE THAT WHAT
9 YOU ARE AGREEING TO IN WRITING IS THE SAME AS THE DEAL YOU ACCEPTED
10 VERBALLY. BEFORE SIGNING THE CONTRACT, GET THE AGENCY TO ANSWER ALL OF
11 YOUR QUESTIONS, IN WRITING. CONTRACTS NEGOTIATED IN SPANISH MUST ALSO BE
12 WRITTEN IN SPANISH. FEES IN THE CONTRACT CANNOT EXCEED THE FEES THAT ARE
13 LEGALLY PERMITTED. YOU MUST ALSO BE GIVEN A RECEIPT EACH TIME YOU MAKE A
14 PAYMENT OR DEPOSIT. KEEP ALL COPIES IN A SAFE PLACE.

15 7. KNOW YOUR FEE AND REFUND RIGHTS. EMPLOYMENT AGENCIES CAN ONLY
16 CHARGE A FEE FOR PLACING A PERSON IN A JOB. THEY CANNOT CHARGE AN APPLI-
17 CATION OR AN INTERVIEW FEE. ONLY JOB APPLICANTS SEEKING A JOB AS A
18 DOMESTIC WORKER, HOUSEHOLD WORKER, AGRICULTURAL WORKER, INDUSTRIAL WORK-
19 ER OR MECHANIC, MAY BE CHARGED ADVANCE FEES. IF YOU SUSPECT FRAUDULENT
20 BEHAVIOR YOU COULD BE ENTITLED TO A REFUND. CALL 311 TO ISSUE A
21 COMPLAINT AND APPLY FOR RESTITUTION REGARDLESS OF IMMIGRATION STATUS."

22 S 2. This act shall take effect on the ninetieth day after it shall
23 have become a law.