

■ EMPLOYMENT AGENCY LAW

TERMS:

Licensing — With few exceptions, it is illegal for anyone to charge a fee for arranging jobs for workers, or for supplying workers to employers, without first obtaining an employment agency license from the state. Among other licensing conditions, the applicant must post a bond covering damages that may result from any misrepresentation, fraud or other illegal act committed by the employment agency or agent while conducting employment-related activities.

Limitation on Fees — An employment agency may not charge or accept a fee for its services until after a worker has actually been placed on the job. The total fee for placing a worker in agricultural employment of less than a month's duration is limited to 10 percent of the wages received by the worker over the term of the job, or 12 percent when one meal per working day is provided, 14 percent for two meals per day, and 18 percent for three meals and housing. For a job lasting longer than a month, these same fee limits apply only to the first full month's salary or wages.

Recordkeeping — For every worker referred to a job, the employment agent must keep a record of the date of the application, the start date of the job, and the fee charged for the agent's services. Similar information on the employers served by the agent must also be maintained.

Prohibited Acts — Among other illegal acts, it is unlawful for an employment agency to circulate any false or misleading job-related information, to knowingly refer a worker to employment which violates state or federal minimum wage or child labor laws, or to refer a worker to a workplace where a labor dispute is in progress without notifying the worker of that fact in writing.

ENFORCEMENT: *Division of Labor Standards, New York State Department of Labor, Albany, New York 12240 (518-457-4256; toll-free 888-469-7365).* A worker who has been recruited or referred to a job by an employment agency or agent in apparent violation of these provisions may file a complaint with the Department.