



Legislation Text

File #: Res 1095-2011, **Version:** *

Res. No. 1095

Resolution calling on the New York State Legislature to pass, and for the Governor to sign, A.8183-A, which would increase protections for limited English proficient New Yorkers seeking work through employment agencies by requiring contracts in English and the language in which they were negotiated, requiring conspicuous disclosure of the right to a refund, and increasing agency bond requirements.

By Council Members Dromm, Brewer, Chin, Eugene, Garodnick, James, Lander, Mendez, Palma, Rose, Rodriguez and Mark-Viverito

Whereas, Immigrants account for approximately 36 percent of New York City's population and approximately 43 percent of its workforce; and

Whereas, Unfortunately, some immigrants have difficulty obtaining employment in New York because of either their lack of English proficiency or their undocumented status; and

Whereas, Due to their limited options, many immigrant New Yorkers turn to for-profit employment agencies seeking work; and

Whereas, The New York State General Business Law defines an employment agency as "any person... who, for a fee, procures or attempts to procure (1) employment or engagements for persons seeking employment or engagements, or (2) employees for employers seeking the services of employees"; and

Whereas, Although the industry is governed by the General Business Law, employment agencies operating in New York City are licensed and regulated by the Department of Consumer Affairs (DCA); and

Whereas, According to immigrant advocates, there are over 1,000 businesses operating as employment agencies in New York City, far in excess of the 349 that are currently licensed by DCA; and

Whereas, Less scrupulous employment agencies have been known to require non-English speakers to sign contracts that are written in English, robbing these prospective employees of the knowledge that they are

legally entitled to a number of rights and protections relating to wages, working conditions, types of work performed and rights to a refund; and

Whereas, Employment agencies rank among DCA's top ten complaint categories, and the industry's rate of compliance with state law has averaged below 50 percent for the past five years; and

Whereas, Although DCA has the authority to enter into settlement agreements requiring those employment agencies that violate state law to produce contracts in the languages of their original negotiation, the General Business Law does not require contracts to be drafted in any language other than English; and

Whereas, If passed, A.8183-A, introduced by Assembly Member Karim Camara in the 2010-2011 legislative session, would address this issue by protecting prospective workers with limited English proficiency; and

Whereas, Specifically, A.8183-A would require that contracts used by employment agencies for prospective jobs be printed in both English and the language in which they were negotiated; and

Whereas, A.8183-A would also require employment agencies to conspicuously disclose the fact that all clients have the right to a refund in a box immediately above the signature line of such contract and on the receipt for any transaction with the agency; and

Whereas, Finally, because current bond requirements are inadequate to cover the high fines and restitution that are frequently assessed against the industry, A.8183-A would quadruple the existing \$5,000 bond for employment agencies and \$10,000 bond for modeling and au pair agencies; and

Whereas, A.8183-A passed the New York State Assembly on June 16, 2011 but has not passed in the Senate; and

Whereas, Immigrant New Yorkers are the lifeblood of this city and this state, and it is imperative that we take whatever steps are necessary to protect their well-being; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and for the Governor to sign, A.8183-A, which would increase protections for limited English proficient New

Yorkers seeking work through employment agencies by requiring contracts in English and the language in which they were negotiated, requiring conspicuous disclosure of the right to a refund, and increasing agency bond requirements.

DMB
LS# 2618
10/14/11