

Friday, May 11, 2007

BEST CHOICE EMPLOYMENT AGENCY LICENSE REVOKED AS PART OF SETTLEMENT WITH DEPARTMENT OF CONSUMER AFFAIRS

DCA Action Secures \$20,000 in Restitution for Consumers

New York City Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz today announced an agreement with Best Choice Employment Agency, Inc. to settle the Department's charges that Best Choice deceived job seekers, most of whom spoke limited English or were workers with low incomes. As part of the settlement, Best Choice has agreed to surrender its license to operate, to pay \$20,000 into a consumer restitution fund, and is barred permanently from operating an employment agency in New York City. DCA will be returning deposits and fees to more than 70 consumers and will ensure that Best Choice runs ads in local newspapers to alert consumers that they are out of business, directing them to DCA with any complaints.

"It is unacceptable to prey upon people who are struggling to get by. Best Choice went after immigrant New Yorkers and those with low incomes who were spending vital dollars to pay for job placements that were never available," said Commissioner Mintz. "We are very pleased to be able to get money back for these consumers; we are also confident that by taking away Best Choice's license to do business in the city, we are sending a clear message that employment agencies must operate legally and truthfully."

DCA charged that Best Choice, despite signing a prior agreement last year, continued to engage in deceptive business practices ranging from enticing would-be job seekers with advertisements for non-existent job opportunities, to refusing consumer refunds of \$100 advance fees.

DCA continues to aggressively pursue deceptive business practices at employment agencies citywide, including consumer restitution and license revocation from the owners of Fast Finders, Inc. – another employment agency charged with deceiving job seekers. A hearing date for this case is scheduled for May 17th before an administrative judge.

Employment agencies that secure jobs within New York City must obtain a license from DCA. By law, employment agencies cannot guarantee that they will find you a job. Depending on the type of employment, they may not be able to charge an advance fee, or one that is above the maximum amount allowed. If an advance fee is charged, consumers have the right to a refund before the agency has found them a job.

DCA licenses 55 different categories of businesses in New York City, including employment agencies, and enforces the City's Consumer Protection Law prohibiting deceptive practices. To file a complaint against an employment agency or to check if an agency is licensed, call 311 (or 212-NEW-YORK outside of the five boroughs). In addition, information including DCA's free guide, *What You Need to Know about Employment Agencies*, is available in English, Spanish, Russian, Hindi, Haitian Creole, traditional Chinese, Bengali, and Korean online at www.nyc.gov/consumers.

EMPLOYMENT AGENCY TIPS

- **Only Use a Licensed Employment Agency.**
Employment agencies operating within New York City must be licensed by DCA. Check to see if the employment agency is licensed by calling 311 or online at www.nyc.gov/consumers.
- **Avoid Employment Agencies That Guarantee Jobs.**
By law, employment agencies *cannot* guarantee that they will find you a job. In addition, they cannot refer you to a job that pays less than minimum wage or does not pay overtime.
- **Get Job Description in Writing.**
By law, employment agencies are required to describe, in writing, all jobs available for agency referral. The description must include the employer's name, address, the wages, work hours, services you are expected to perform, and the agency fee. If you are not provided this information, call 311.
- **Know Your Rights When It Comes to Advance Fees and Refunds.**
In some cases, an employment agency can charge you an advance fee for job placement. If the agency does charge a fee, they must refund that fee at any time if you choose to end your contract before they have found you a job.

Employment agencies may also charge a placement fee after finding you a job. The placement fee cannot exceed the maximum amount set by law, which varies depending on the type of employment and the salary amount. In addition, if an advance fee was charged, the amount must be deducted from the total placement fee.

- **Know Your Contract Rights.**
Employment agencies must show you the entire contract before you sign it. Read the contract carefully to make sure that what you are agreeing to in writing is the same as the deal you accepted verbally. Before signing the contract, get the agency to answer all of your questions, in writing. Fees in the contract cannot exceed the fees that are legally permitted. **Contracts negotiated in Spanish must also be written in Spanish.**