

THEATRICAL EMPLOYMENT AGENCY SELF-CERTIFICATION

Compliance with Theatrical Employment Agency Laws

This Self-Certification includes four parts:

- PART I (general information)
- PART II (information about Employment Agency Manager)
- PART III (relevant laws and rules and checklists)
- PART IV (signature and penalty for false statements)

Note: This Self-Certification is for agencies that place or attempt to place artists in theatrical engagements only. If you place or attempt to place job applicants in any other type of employment, you must complete the “Employment Agency Self-Certification” instead. This form is available at nyc.gov/BusinessToolbox.

The owner (e.g., sole proprietor, general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock) of your agency must complete this form.

If the owner is not also the Employment Agency Manager, then the Employment Agency Manager must complete and certify PART II.

PART I

Legal Name of Business:	
Business's Trade or Doing-Business-As (DBA) Name, if applicable:	
Employment Agency Address: <i>(Building Number, Street Name, Unit, e.g., Floor, Suite)</i>	
Name of Owner: <i>(e.g. sole proprietor, general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock)</i>	
Name of Employment Agency Manager:	
Employment Agency Manager Home Address:	

I certify the following:

1. I am authorized (e.g., owner, sole proprietor, general partner, director, corporate officer, member, or shareholder owning 10% or more of company stock) to complete and sign this Theatrical Employment Agency Self-Certification on behalf of the business named on page 1.
2. I have read and understand that I am responsible for complying with the following laws and rules:
 - Article 11 of the New York General Business Law (GBL) beginning at Section 170
 - Article 37 of the Arts and Cultural Affairs Law (ACA) beginning at Section 37.01
 - Title 20 of the New York City Administrative Code (Code) at Chapter 1 beginning at Section 20-101 and Chapter 5 Sections 20-700 to 20-706 and 20-770 to 20-774
 - Title 6 of the Rules of the City of New York (6 RCNY) at Chapter 1 beginning at Section 1-01 and Chapter 5 Sections 5-06 to 5-12, 5-21, 5-24, and 5-241 to 5-259
 - Title 8 of the Code Sections 8-102, 8-107, and 8-107.1
 - Title VII of the Civil Rights Act of 1964 beginning at Section 2000e [Section 701]
 - Executive Law Article 15 Human Rights Law Sections 292, 296, and 296-b
 - All relevant federal, state, and City laws which apply to my business

I understand that I can access the above laws and rules via **nyc.gov/BusinessToolbox**. (Scroll to section “Important Information for Certain Business Types” and select Employment Agencies.)

3. I understand that I am responsible for knowing and complying with the most current laws, including any amendments and updates made to the laws that are relevant to my business.

PART II

Information about Employment Agency Manager

Employment Agencies must have an Employment Agency Manager who is responsible for directing and operating the placement activities of the employment agency. This person can be the owner. **The person (either the owner or another individual) who will act as the agency's manager must complete and certify Part II.**

The Department of Consumer and Worker Protection (DCWP) will consider this Self-Certification incomplete if you do not complete and certify PART II.

Practical Experience: State your experience as a placement employee, vocational counselor, or in related activities that indicate your competence to operate the placement activities of this agency. Attach additional papers as necessary.

Name of Employer	Address	Telephone	Start/End Dates	Position and Duties

Educational Experience:

Name of School	Address	Start/End Dates	Type of Coursework / Degree / or Certification Obtained

While you previously managed, owned, operated, or had a financial interest in an employment agency, was the agency's license denied, suspended, or revoked by the New York City Department of Consumer and Worker Protection (DCWP, formerly Consumer Affairs, DCA) or by the New York State Department of Labor?

☐ Yes

☐ No

If you answered Yes, please enter requested information below.

Legal Name of Employment Agency:	
Employment Agency Address: <i>(Building Number, Street Name, Unit, e.g., Floor, Suite)</i>	
DCWP License Number:	
Relationship to Business:	

By signing below, I, the Employment Agency Manager, certify that the statements in PART II are true and correct.

If you submit this form as an electronically filled-in PDF, you may type your name in the signature field.

Signature

Print Name

Print Position/Title

Date

PART III

This part of the Self-Certification covers New York State and City laws relevant to theatrical employment agencies. Please read each section carefully. Included in each section are checklists. You must check each requirement that applies to your agency to certify that you understand and will comply with the requirement.

Important: If you submit an incomplete Self-Certification, your application will be denied or DCWP may request additional information.

Section 1: Class C Employment

GBL Section 185

GBL Section 181(2)(a)(2)

- ☐ I will place or attempt to place artists (e.g., actors, singers, models, directors, writers, musicians) in theatrical engagements, including but not limited to, in motion pictures, radio, television, and on stage.

Section 2: Agency Name and Printed Matter

GBL Section 187(3) and 187(11)

6 RCNY Section 1-05

- ☐ I will not use a name or display signs and advertisements with a name that may be confused with the name of a government agency.
- ☐ I will include in all contracts, receipts, application forms, advertisements, letterhead, correspondence, business cards, and other printed matter all of the following:
 - ☐ My agency's DCWP license number AND
 - ☐ My agency's name and address AND
 - ☐ The word "agency"

Section 3: Contracts, Audition/Interview Information, and Receipts

GBL Section 181

ACA 37.03

6 RCNY 1-05

Contracts

- ☐ I understand that the contract must be a separate document from any other form I give to artists. I will not combine the contract with a job application form.
- ☐ I will give each artist a contract with conditions and provisions that are equitable between the parties, do not unreasonably restrict business, and include all of the following:
 - ☐ Sections 185 and 186 of the GBL AND
 - ☐ The word "Contract" or "Agreement" written or printed clearly at the top AND

- ☐ Name, address, telephone number, and DCWP license number of my agency AND
- ☐ Name and title of the individual executing the contract on behalf of my agency AND
- ☐ Name of the artist AND
- ☐ Type of work the artist will perform AND
- ☐ Gross commission or fees the artist will pay to my agency AND
- ☐ All terms and conditions associated with the artist's payment of such commission or fees

Audition/Interview Information

- ☐ I understand that the Audition/Interview information must be provided separate from the contract document.
- ☐ At the time of each audition or interview for specific employment, I will give each artist the following information by paper or electronic communication:
 - ☐ Name and address of the person to whom the artist is to apply for employment AND
 - ☐ Type of work the artist will perform AND
 - ☐ Anticipated rate of compensation, where it is known prior to the audition or interview AND
 - ☐ Other material terms and conditions of the employment known by my agency prior to the audition or interview

Receipts

- ☐ I will give each artist who pays a fee a receipt that includes all of the following:
 - ☐ Name of the artist AND
 - ☐ Name, address, and DCWP license number of my agency AND
 - ☐ Date and amount of the fee AND
 - ☐ Reason for the fee AND
 - ☐ Signature, printed name, and title of the person receiving the fee or other charge on behalf of my agency AND
 - ☐ A notice that states:

A THEATRICAL EMPLOYMENT AGENCY MAY NOT CHARGE YOU, THE ARTIST, A FEE BEFORE REFERRING YOU TO A JOB THAT YOU ACCEPT. A THEATRICAL EMPLOYMENT AGENCY MAY CHARGE YOU, THE ARTIST, A FEE AFTER AN AGENCY REPRESENTS YOU IN THE NEGOTIATION OR RENEGOTIATION OF AN ORIGINAL OR PRE-EXISTING EMPLOYMENT CONTRACT. IF YOU PAY A FEE THAT OTHERWISE VIOLATES THE LAW, YOU MAY DEMAND A REFUND, WHICH SHALL BE REPAID WITHIN SEVEN DAYS.

Maintenance of Contracts, Audition/Interview Information, and Receipts

- ☐ I will maintain at my agency and have available for inspection by DCWP all completed contracts, audition/interview information, and receipts I issued for three years.

Section 4: Application Forms

GBL Section 187(3)

6 RCNY Sections 1-05, 1-16, and 5-248

- ☐ I understand that an application form must be a separate document that I cannot combine with my agency's contract. I will give a copy of the completed job application form to each artist who applies for my services.
- ☐ My agency's job application form will include all of the following:
 - ☐ The words "Application Form" written or printed clearly at the top AND
 - ☐ Name of the artist AND
 - ☐ Name, address, telephone number, and DCWP license number of my agency AND
 - ☐ The word "agency"
- ☐ My agency's job application form will not directly or indirectly inquire about an artist's age, race, creed, color, national origin, religion, sex, sexual orientation, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence, sex offence, or stalking. If the application form directly or indirectly inquires about any of this information, the form will also clearly state how the information relates to a legitimate job qualification.
- ☐ I will maintain at my place of business and have available for inspection by DCWP all completed job application forms I issued for three years.
- ☐ Section 4 does not apply to my agency because my agency will not use an application form.

Section 5: Job Orders and Registers

GBL Sections 179 and 187

- ☐ I will only send or refer artists to an employer after I have obtained a bona fide job offer, except that I may attempt to sell the artist's services to an employer without a bona fide job offer as long as I disclose this fact to the artist before I direct the artist to the employer. Alternatively, I may refer artists to employers who have previously requested in writing that they be regularly sent artists for interviews.
- ☐ I will maintain at my agency and have available for inspection by DCWP for three years from the date of the last entry an Employer Register and a Job Applicant Register. Entries will be in the English language and may be maintained electronically.
- ☐ The Employer Register will include all of the following:
 - ☐ Name and address of every employer who pays a fee AND
 - ☐ Name and address of every employer to whom I refer any artist paying a fee AND
 - ☐ Date each employer requested or agreed to the supply of artists AND
 - ☐ Kind of positions for which artists are requested AND
 - ☐ Names of the artists paying a fee who were sent to the employer, including a designation of the artist hired AND

- ☐ Amount of the fee charged AND
- ☐ Rate of wages or compensation agreed upon
- ☐ The Job Applicant Register will include all of the following:
 - ☐ Date of application for employment AND
 - ☐ Date the artist started work AND
 - ☐ Name and address of every artist who is charged a fee AND
 - ☐ Amount of the fee charged AND
 - ☐ Service for which the fee was charged

Section 6: Premises

GBL Section 187
6 RCNY Section 5-245

(Check A, B, or C.)

- A. ☐ I will not operate my agency in the same space as another business.
- B. ☐ I will operate my agency in the same space as an unrelated business and will comply with all of the following requirements:
- ☐ My agency's signs will make clear that my agency is a separate business. AND
 - ☐ My agency will be separated from the other business by a partition or wall or other barrier. AND
 - ☐ My agency will not directly or indirectly suggest to an artist that the artist purchase the services or products of the other business. AND
 - ☐ My agency will not share proceeds or profits in any form with the other business. AND
 - ☐ My agency will not have any officers, directors, partners, shareholders, principals, managers, executives, administrators, salespersons, or job placement counselors in common.
- C. ☐ I will operate my agency in the same space as a related employment agency and will make sure my agency complies with all of the following requirements:
- ☐ My agency's signs will make clear that my agency is a separate business. AND
 - ☐ My agency will be separated from the other business by a partition or wall or other barrier. AND
 - ☐ The related employment agency will only engage in the business of operating an employment agency. AND
 - ☐ My agency will not directly or indirectly suggest to an artist that the artist purchase the services or products of the other business. AND
 - ☐ My agency will maintain separate contracts, receipts, application forms, registers, advertisements, letterhead, correspondence, business cards, and all other records and printed matter from the other employment agency.

Section 7: Signs

GBL Sections 174 and 188

6 RCNY Sections 1-03 and 5-250

Sec. 2000e-10 [Section 711] of Title VII of the Civil Rights Act of 1964

Executive Law Article 15. Human Rights Law

- ☐ I will post all of the signs listed below in the reception or waiting area or, if no waiting area, the main entrance to the agency where all artists can see them.
 - ☐ DCWP's combined license and complaint sign provided by DCWP
 - ☐ New York Employment Agencies Law poster containing Sections 178, 181, 185, and 186 of the New York General Business Law in the languages in which my agency does business
Note: You can get copies of the poster in English at the DCWP Licensing Center and in 11 languages online at nyc.gov/BusinessToolbox.
 - ☐ DCWP's Job Hunter's Bill of Rights sign provided by DCWP
Note: You can get copies of the sign in English and Spanish online at nyc.gov/BusinessToolbox.
 - ☐ U.S. Anti-Discrimination Poster provided by DCWP
 - ☐ New York State Anti-Discrimination Poster provided by DCWP

Section 8: Advertisements

GBL Section 187

Code Section 20-700

- ☐ I will not print or distribute any false, fraudulent, or misleading information, representation, promise, notice, or advertisement. Advertisements include, but are not limited to, promotional materials, mailings, flyers, handouts, brochures, business cards, classified ads, text messaging, social media, and print, television, Internet, or radio advertisements.
- ☐ I will not advertise that I can "guarantee" jobs or placement.
- ☐ I will not advertise "no fee."
- ☐ I will not post any signs, notices, or advertisements at my agency stating I "guarantee" jobs or placement, "no fee," or any other false, fraudulent, or misleading information and representation.

Section 9: Prohibited Discriminatory Practices

6 RCNY 5-248

Title VII of the Civil Rights Act of 1964

Executive Law Article 15. Human Rights Law Section 296

Title 8 of the Code, Chapter 1 Sections 8-107 and 8-107.1

- ☐ I will not discriminate against any artist because of age, race, creed, color, national origin, religion, sex, sexual orientation, military status, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence, sex offence, or stalking when providing my services, including, but not limited to, referring artists to employers.
- ☐ I will not directly or indirectly inquire about an artist's age, race, creed, color, national origin, religion, sex, sexual orientation, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence, sex offence, or stalking. If I directly or indirectly inquire about any of this information, I will also clearly state how the information relates to a legitimate job qualification.
- ☐ I will not print or circulate any statement, advertisement, or publication, or use an application form that requires, directly or indirectly, an artist's age, race, creed, color, national origin, religion, sex, sexual orientation, disability, predisposing genetic characteristics, marital status, or status as a victim of domestic violence, sex offence, or stalking. If I print or circulate any statement, advertisement, or publication that directly or indirectly inquires about any of this information, the statement, advertisement, or publication will also clearly state how the information relates to a legitimate job qualification.

Section 10: Fees and Refunds

GBL Sections 185, 186, and 187

6 RCNY Section 1-15

Prohibited Conduct

I will not engage in any of the following prohibited conduct:

- ☐ Require artists to pay for or subscribe to any service other than for job placement (e.g., headshots, photographs, uniforms, setting up interviews, reviewing résumés, trainings, publications, advertising)
- ☐ Charge registration fees

Refunds

I will provide refunds in all of the following circumstances:

- ☐ I will return immediately any amount I collect above the maximum fee.
- ☐ If the artist accepts employment and does not report to work, I will return immediately any portion of the fee the artist is due.

- ☐ If the artist is employed and is later terminated for any reason, I will return immediately any portion of the fee the artist is due.
- ☐ If a court or the NYC Office of Administrative Trials and Hearings (OATH) orders my agency to provide a refund, I will provide a refund.

Section 11: Collection of Fees for Class C Placements

GBL Section 185

- ☐ I will give each artist who pays a fee Sections 185 and 186 of Article 11 of the New York General Business Law.
- ☐ I will only collect a fee in accordance with the terms of a written contract, except that I may collect a fee absent a written contract only after I have made a referral and as a result of the referral the artist is employed, and/or upon negotiation or renegotiation of an original or preexisting contract and as a result of the negotiation or renegotiation the artist enters into an original or preexisting contract.
- ☐ I will not charge a gross fee that exceeds, for a single engagement, 10% of the compensation payable to the artist. *Exception:* For employment or engagements for orchestras and for employment or engagements in the opera and concert fields, I will not charge a gross fee that exceeds 20% of the compensation payable to the artist.

Section 12: Financial Records

6 RCNY Section 5-241

- ☐ I will maintain at my agency and have available for inspection by DCWP my agency's financial records on a monthly or quarterly basis. The records will be updated within 30 days after the end of each month or quarter.

Section 13: Inspections, Investigations, and Consumer Complaints

GBL Section 189(2)

Code Section 20-114

6 RCNY Sections 1-12, 1-14, and 1-16

- ☐ I will cooperate with all DCWP inspections and investigations of my agency.
- ☐ I will produce all books, records, registers, and documents I am required to maintain for inspection by DCWP, upon request. Records may be produced electronically.
- ☐ I will comply with and respond to any *subpoena duces tecum* DCWP issues to my agency.
- ☐ I will make all reasonable efforts to resolve any complaints that consumers file with DCWP and will respond in writing to DCWP within 20 days of receiving notice of a complaint.

Additional Comments

If you feel that you need to provide more information for any of your answers in the preceding sections, please use the space below to do so. Attach additional sheets as necessary.

[illegible]

PART IV

Certification:

I am authorized to complete and submit this Self-Certification. I have reviewed the entire Self-Certification. To the best of my knowledge, this Self-Certification is true, correct, and complete.

If any of the information in this Self-Certification changes, the employment agency must inform the Department of Consumer and Worker Protection of those changes in writing.

This certification shall be deemed executed in the City and State of New York and shall be governed by and construed in accordance with the laws of the State of New York (notwithstanding New York choice of law or conflict of law principles) and the laws of the United States.

FAILURE TO RETURN OR FULLY COMPLETE THIS SELF-CERTIFICATION:

If you do not return or fully complete this Self-Certification, the Department of Consumer and Worker Protection may deny your license.

PENALTY FOR FALSE STATEMENTS:

It is against the law to make a statement in this Self-Certification that you know is false. If you make a statement that you know is false, you may be punished.

Under Sections 210.45 and 175.30 of the New York Penal Law, you may be:

- fined up to \$1000 and / or
- sent to jail for up to one year

Under Section 175.35 of the New York Penal Law, you may be punished if you:

- make a statement that you know is false and / or
- make the statement because you intend to mislead the Department of Consumer and Worker Protection

Under Section 175.35 of the New York Penal Law, you may be:

- fined up to \$5000 or
- fined an amount that is twice the amount of money you received by making the false statement and / or
- sent to jail for up to 4 years

The Department of Consumer and Worker Protection may also punish you for making a false statement on this Self-Certification. These punishments may include:

- fines or penalties of up to \$500 for each false statement
- permanent loss (revocation) of your license

By signing below, I certify that the statements in this Self-Certification are true and correct.

If you submit this form as an electronically filled-in PDF, you may type your name in the signature field.

Signature

Print Name

Print Position/Title

Date

Please submit the signed original to DCWP and make a copy for your records.

All laws and rules of the City of New York, including the New York City Consumer Protection Law and Rules, are accessible via nyc.gov/dcwp .
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