

Article 23-A of the New York State Correction Law

In sum, Article 23-A provides the following:

No application for employment shall be denied or acted upon adversely by reason of an individual's having been previously convicted of one or more criminal offenses unless: (1) there is a direct relationship between the criminal offenses and the specific employment sought or held by the individual; or (2) the continuation or granting of the employment would involve an unreasonable risk to property or the safety or welfare of specific individuals or the general public.

In making an employment-related determination concerning an individual who has a criminal offense in his/her background, an employer shall consider such factors as the following:

- the public policy of New York State to encourage the employment of persons previously convicted of one or more criminal offenses;
- the specific duties and responsibilities of the employment sought or held by the person;
- the bearing the criminal offense(s) will have on the individual's fitness or ability to perform job responsibilities;
- the time that has elapsed since the occurrence of the criminal offense or offenses;
- the age of the individual at the time of occurrence of the criminal offense or offenses;
- the seriousness of the crime(s) respecting there was a conviction;
- any information presented in regard to the individual's rehabilitation and good conduct; and
- the legitimate interest of the employer in protecting property, and the safety and welfare of individuals or the general public.

At the request of any person previously convicted of a criminal offense, who has been denied a license or employment, the employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such a denial.

Article 23-A is enforceable by the New York State Division of Human Rights.