

New York Article 23-A Notice

Notice to New York applicants and employees regarding rights under Article 23-A of the New York Correction Law.

New York State Correction Law Article 23-A governs the licensure and employment of persons previously convicted of one or more criminal offenses. In accordance with New York General Business Law §380-c(b), you are entitled to a copy of Article 23-A upon request.

Key provisions of Article 23-A

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

Factors considered

In determining whether either exception applies, the employer must consider all of the following factors:

- (a) The public policy of the state to encourage employment of persons previously convicted of criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought.
- (c) The bearing, if any, the criminal offense(s) will have on the applicant's fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense(s).
- (e) The age of the applicant at the time of the criminal offense(s).
- (f) The seriousness of the offense(s).
- (g) Any information produced by the applicant, or produced on their behalf, regarding their rehabilitation and good conduct.
- (h) The legitimate interest of the employer in protecting property, and the safety and welfare of specific individuals or the general public.

A Certificate of Relief from Disabilities or a Certificate of Good Conduct issued to the applicant creates a presumption of rehabilitation in regard to the offense(s) specified.

For questions about the consumer report that will be prepared, you may contact **SafestHires** at admin@safesthires.com.