

POST-CONVICTION EMPLOYMENT

New York State Law prohibits unfair discrimination against people with prior criminal convictions. The purpose of the law is to encourage the employment of people with prior convictions. The law generally prohibits employers from denying employment to a person because of that person's prior criminal convictions.

What Do Employers Have to Consider In Order to Deny Employment to Someone Based on a Prior Conviction?

Employers must consider several factors in order to deny employment to a person based on a prior conviction. For example, employers must consider the effect the prior conviction would have on the specific duties of the job. Employers must also consider the time that has passed since the conviction, your age when you committed the crime, and the seriousness of the crime.

In addition, if you have a certificate of relief from disabilities or a certificate of good conduct, the employer must presume your rehabilitation.

What Are Some of the Reasons An Employer Can Deny Employment Based on a Prior Conviction?

You can be denied employment when there is a direct relationship between your prior conviction and the job you are applying for. A direct relationship exists when the crime you were convicted of directly affects your fitness or ability to perform the job duties. For example, if you were convicted of bank robbery, you might be denied employment as a bank teller.

You can also be denied employment when the safety or welfare of people or property would be put at unreasonable risk if you were hired. For example, if you were convicted of drug possession, you might be denied a job working in a pharmacy.

What Happens If I Am Denied Employment Because of a Prior Conviction?

If you believe you were denied a job because of a prior conviction, you may request that the employer provide you with a written statement of the reasons you were denied employment. The employer must provide you with this statement within 30 days of your request. The employer must be able to show that it considered the factors required by the law when it made its decision not to hire you because of your prior conviction.