

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 involved 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.