

**AUTHORIZATION & DISCLOSURE FOR BACKGROUND CHECK**

I have read the *Archdiocesan Policy on Background Checks* and “*A Summary of Your Rights Under the Fair Credit Reporting Act*,” understand my rights as outlined in that document and, in connection with my work with children or youth in the Archdiocese of New York, authorize the agency where I am applying or currently serve in the Archdiocese, its affiliates, agents, and independent contractors, to make the following background checks during the application/screening process and during the course of my employment/service: criminal history, sex offender registration, and social security number verification. Further, the information received in connection with this background checks is strictly confidential and will not be released except to the personnel specified in the *Archdiocesan Policy on Background Checks*. Unless I so authorize in writing, the Archdiocese and its independent contractors will not disclose or distribute the information generated from the background checks listed above. Law enforcement, judicial, and governmental agencies are authorized to release all written information about me in connection with the above-authorized background checks. To the extent permitted by law I release all individuals, companies, corporations and agencies from any and all liability, claims, and or damages relating to the above-authorized background checks.

**PLEASE PRINT CLEARLY** The following information is true and correct to the best of my knowledge:

**Institution #:** \_\_\_\_\_ **Parish/School/Agency/Institution Name:** \_\_\_\_\_ **City** \_\_\_\_\_  
 (e.g. 001 ) (e.g. Cathedral of St. Patrick Church or St. Mary’s School) (e.g. New York City)

**Check ONE** for the program you facilitate the *MOST* at the Parish/School/Institution that you listed above:

- |  |  |   |   |
|--|--|---|---|
| <input type="checkbox"/> Parish              | <input type="checkbox"/> Boys High School  | <input type="checkbox"/> Pre-school (stand alone) | <input type="checkbox"/> Agency         |
| <input type="checkbox"/> Religious Education | <input type="checkbox"/> Co-Ed High school | <input type="checkbox"/> CYO-Sports               | <input type="checkbox"/> Misc           |
| <input type="checkbox"/> Elementary School   | <input type="checkbox"/> Girls High School |   | <input type="checkbox"/> Outside Vendor |

**Position** in that program: \_\_\_\_\_  
 (e.g., Catechist, Catechist Aide, Teacher, Teacher’s Aide, CYO-Basketball, CYO-Baseball, Admin Asst, Other-Parish, Maintenance)

**Check ONE:**  Employee  Volunteer  Clergy-Summer  Clergy-Extern  Clergy-Relig Order  Clergy-Diocesan

**Legal Name:** \_\_\_\_\_  
 Prefix(e.g. Mr, Mrs, Ms) First Middle Last Suffix

Other name used (e.g., maiden name) \_\_\_\_\_ **Email:** \_\_\_\_\_

\_\_\_\_\_  
**Current Address (NO PO Boxes)** Apt City State Zip

\_\_\_\_\_  
**Prior Address (NO PO Boxes)** Apt City State Zip

**Date of Birth\***    |\_\_| |\_\_|    |\_\_| |\_\_|    |\_\_| |\_\_| |\_\_| |\_\_|  
 Month Day Year

\*Date of Birth is **REQUIRED**; information is used for identification purposes only. Age is in no way used as a qualification for employment or volunteer service.

**Social Security# (U.S. Issued Only):** |\_\_| |\_\_| |\_\_| - |\_\_| |\_\_| - |\_\_| |\_\_| |\_\_| |\_\_|

\*\*SSN is **REQUIRED**; If the individual is a foreign citizen and does not have an SSN, leave blank & attach a government issued picture ID to this form .

Daytime Telephone Number: (\_\_\_\_\_) - \_\_\_\_\_ (in case we can’t read your hand writing)  
 Area Code Number

**Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Parent's Signature (if the person above is under 18yrs): \_\_\_\_\_

## Addendum

**If the answers to any of the following questions is “yes”, please explain on a separate sheet:**

1. Have you ever been convicted of a crime? (Please note that the Archdiocese will comply with all relevant federal, state and local laws regarding the use of information about criminal convictions for employment purposes) \_\_\_\_\_
2. Has a civil or criminal complaint ever been filed against you alleging child neglect or abuse of any kind? \_\_\_\_\_
3. Have you ever been terminated or disciplined in your employment for reasons relating to allegations of physical abuse or sexual misconduct by you? \_\_\_\_\_
4. Have you ever been accused of or investigated for an act of sexual abuse or harassment of any kind? \_\_\_\_\_

I hereby certify that the information I have provided in this document, and any attached documents, is complete, true, and correct to the best of my knowledge. I also agree that if any event occurs that would change the answers given above, I will report that immediately to my supervisor.

I understand that it is my responsibility to comply fully with the Safe Environment Requirements of the Archdiocese of New York within 45 days of commencing my service with an Archdiocesan institution. I understand that these requirements include submitting to a background check and completing the appropriate Safe Environment Training program. I also understand that full compliance with these requirements is a condition of any volunteer service or employment with an Archdiocesan institution that involves regular contact with minors, and that failure to comply will result in my being barred from any contact with minors in any Archdiocesan institution.

I further acknowledge that I have received the Summary of the Archdiocese of New York’s Policy on Sexual Misconduct and the Code of Conduct. I understand their meaning, and agree to conduct myself in accordance with their terms. I acknowledge that the Policy is not intended to create any contractual obligations, express or implied, on the part of the Archdiocese of New York or its affiliated entities.

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Signed

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Date



## ARCHDIOCESE OF NEW YORK

### CODE OF CONDUCT FOR WORKING WITH MINORS

The conduct of those working or volunteering in Archdiocesan parishes and affiliated agencies and programs must reflect the mission of the Church to teach Christ's truth and extend His love and care to all. In addition, there is a heightened concern that those working with minors recognize the importance of legal, professional, and responsible conduct.

In my work with minors in the Archdiocese of New York, I solemnly promise to:

- Engage only in positive behavior and maintain appropriate physical and emotional boundaries in my relationship with minors. This includes but is not limited to the following behaviors:
  - Not engaging in any covert or overt sexual behaviors with any minor; avoiding any sexual innuendo, sexual or indecent comments; not showing any indecent material or images to minors.
  - Being attentive to warning signs of the potential violation of sexual boundaries or the abuse of minors.
  - Not meeting alone with minors in an unsupervised or private setting.
  - Not engaging in grooming behavior (i.e., conduct intended to build trust with a child and the adults around them to create opportunities to be alone with and sexually abuse the child).
  - Not permitting any minor in my personal private space, such as sleeping quarters, living areas, and vehicles.
  - Not giving gifts to a minor that shows undue favoritism or suggests a special relationship.
  - Avoiding any inappropriate physical contact with a minor, particularly any touch of a sexual nature.
  - Not having private or inappropriate contact with a minor through electronic communication or social media.
  - Not using or being under the influence of alcohol or drugs (including cannabis) when working with minors.
  - Not possessing or distributing any indecent images of minors (including simulated or computer-generated images), particularly child sexual abuse images (so-called "child pornography").
  - Ensuring that I always interact with minors according to my position and not as if I were their peer.
- Abide by all applicable Archdiocesan policies regarding child protection and sexual misconduct.
- Report all suspected cases of abuse or neglect of minors according to civil law and Archdiocesan policy.

- Notify my supervisor of any violations of this code or of any Archdiocesan policy, any violations of appropriate boundaries, and any information necessary to prevent a minor being harmed.
- Cooperate fully with any investigation into any allegation of suspected abuse or neglect of a minor.
- Participate in training sessions required by the Archdiocese to foster a safe environment and to prevent the sexual abuse of children and young people.
- Submit to a background check, according to Archdiocesan policy.
- Work within the limits of my position, professional competence, and, if applicable, licenses, certifications, etc.; abide by the codes of conduct of these positions and professions; seek appropriate referrals and consultations when issues arise that need the assistance of other professionals; and readily seek the advice of supervisors when appropriate.

I understand that any violation of this Code may result in disciplinary action up to and including removal from my position. Such disciplinary action will be taken in accord with the personnel policies of the Archdiocese or the parish or agency where I work or serve, and any applicable collective bargaining agreements.

I understand that it is the express policy of the Archdiocese to alert appropriate civil authorities of any suspected inappropriate or criminal behavior towards minors and to cooperate fully with any investigations of such suspected behavior by any competent authority.

I understand that under Archdiocesan policy, the term "minor" means a person who has not yet attained eighteen years of age; an adult who habitually lacks the use of reason; a person of any age who lacks the capacity to give consent due to a mental or developmental condition or disability; or a person in a state of infirmity, physical or mental deficiency, or deprivation of personal liberty which, in fact, even occasionally, limits their ability to understand or to want or otherwise resist an offense.



# ARCHDIOCESE OF NEW YORK

## POLICY RELATING TO SEXUAL MISCONDUCT

### SUMMARY

#### **Introduction**

On June 2002, the United States Conference of Catholic Bishops (“USCCB”) promulgated the *Charter for the Protection of Children and Young People* in order to address the issue of clergy sexual abuse of children and young people (the “Bishops’ Charter”). The Bishops’ Charter, as amended, was given recognition by the Holy See and became particular church law for the United States.

The Archdiocese of New York has adopted a policy relating to sexual misconduct. The policy, summarized here, provides guidelines to help prevent sexual misconduct and to help Archdiocesan personnel in responding to allegations of sexual misconduct, if any do occur.

Sexual misconduct is contrary to Christian principles and is in violation of the conditions of employment of all paid and unpaid personnel of the Archdiocese. Therefore, all Archdiocesan personnel must comply with applicable civil and canon law regarding incidents of actual or suspected sexual misconduct and with the requirements of this policy.

It is understood that sexual misconduct encompasses sexual harassment which is prohibited by Federal and state law; and that sexual misconduct by any personnel of the Archdiocese, whether in the course of work or not, will be considered grounds for suspension or termination of employment or involvement with the work of the Archdiocese.

#### **How is Sexual Misconduct Defined?**

Sexual misconduct means any actions or words of a sexual nature which are contrary to the moral doctrine, teachings and canon law of the Catholic Church and are proscribed by Federal, State or local law or cause harm to another. Sexual harassment, included in the category of sexual misconduct, refers to unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature which explicitly or implicitly becomes a term or condition of an individual’s employment or a basis for employment decisions affecting the individual or whose purpose or effect is to interfere substantially with an individual’s work performance or to create an intimidating, hostile or offensive working environment.

#### **Who is Required to Report Sexual Misconduct and to Whom?**

If any Archdiocesan personnel receives a report of alleged sexual abuse of a minor by any Archdiocesan personnel, they shall advise the person (or their parent or guardian) to immediately report the incident to the appropriate District Attorney’s Office, and should notify the Office of Legal Affairs or the Safe Environment Office immediately. If the report is received from an alleged victim or family member, they shall also refer the person directly to the Archdiocesan Victim’s Assistance Coordinator. The Archdiocese will take whatever steps are necessary to protect children and minors while the matter is under investigation after consultation with the district attorneys.

If any Archdiocesan personnel receives a report of alleged child abuse or neglect that occurred outside of an Archdiocesan program, they shall immediately report the incident to their supervisor, who should report it to the New York State Child Abuse Hotline and to the appropriate local police agency. If they can't confirm that the supervisor has called the Hotline, they should do so immediately themselves.

### **How Will the Reports be Handled?**

When accusations are made of sexual misconduct involving personnel of the Archdiocese, contact by a representative of the Archbishop with the alleged victim and family, if applicable, will be promptly initiated. Medical, psychological and spiritual assistance, and, in appropriate circumstances, economic assistance may be offered in the spirit of Christian justice and charity.

### **What About the Accused Person?**

The accused person will be assisted in obtaining legal advice. If the alleged claim appears substantiated, the accused person may be relieved from the exercise of any function or responsibility or ministry and/or employment in the Archdiocese and placed on administrative leave pending the outcome of the internal and any outside investigation, such leave to be with or without pay and/or benefits, as competent diocesan authorities may decide.

Any personnel of the Archdiocese who admit to, do not contest, or are found guilty of an incident of sexual misconduct shall be relieved immediately from the exercise of any function or responsibility of ministry and/or employment in the Archdiocese of New York. Subject to the conditions of any applicable contracts or terms of employment and at the discretion of diocesan authorities, such personnel may be assisted with any required rehabilitative or convalescent care.

### **Do We Need More Education on this Topic?**

Yes, we certainly do. To help support each adult's responsibility for his or her own sexual growth and maturity, the Archdiocese, from time to time, may be able to arrange programs providing additional information and training concerning this sensitive topic.

### **What About False Accusations and Unsubstantiated Claims?**

There is always the possibility of false accusations or unsubstantiated claims made for whatever reason. Civil law provides penalties for the crime of falsehood in which individuals become victims of false denunciations and calumny. The courts often impose financial reparations in such cases. Canon law also makes provision for canonical sanctions in various cases of falsehood and calumny.

**Please note:** This document is a summary of the policy relating to sexual misconduct for the Archdiocese of New York. It is designed to make you aware of the existence of the policy but does not give you all of the details. All employees and volunteers of the Archdiocese of New York are urged to read and become familiar with the policy as a whole. The full policy is available from your agency, and can also be found at [www.archny.org/pastoral/safe-environment-program/safe-environment-policies](http://www.archny.org/pastoral/safe-environment-program/safe-environment-policies).



# SAFE ENVIRONMENT PROGRAM

## ARCHDIOCESE OF NEW YORK

### ARCHDIOCESAN POLICY ON BACKGROUND CHECKS FOR EMPLOYEES & VOLUNTEERS

#### RATIONALE:

The parishes and programs of the Archdiocese of New York are fully committed to providing the children and youth they serve with an environment that provides excellence in religious and spiritual formation and sensitivity in pastoral care while keeping them safe from those who might harm them. Archdiocesan policy requires a background check for any person who has regular contact with children and/or young people. Failure to allow a background check, or failure to provide all the required information, will mean that you will not be able to work with children and/or young people.

#### MATERIALS:

Along with this policy you should have received three documents: a “Summary of Your Rights Under the Fair Credit Reporting Act”, an “Authorization & Disclosure for Background Check”, and a copy of Chapter 23-A of the New York State Corrections Law (the provisions of which apply only to prospective employees).

Since the Archdiocese intends to conduct criminal background checks, its policy comes under the jurisdiction of the federal *Fair Credit Reporting Act*. Please read the “Summary of Your Rights Under the Fair Credit Reporting Act” document carefully before doing anything else. This law includes various features that protect you in this process.

Don’t be concerned about the word “credit”. **We do not ask for any financial information about you.** The scope of any background check is limited to the following items **only**:

1. Verification of Social Security Number
2. Criminal Records
3. Sexual Offender Registry

If you have any questions about the “Summary of Your Rights Under the Fair Credit Reporting Act” document, please contact the Archdiocesan Safe Environment Program ([safe@archny.org](mailto:safe@archny.org), 212-371-1011, x 2810).

#### PROCEDURE FOR BACKGROUND CHECKS:

The “Authorization & Disclosure” form must be fully completed and returned to the pastor or the administrator of the program in which you will be working. The Archdiocese has agreements with several independent contractors to perform the checks (including but not limited to LexisNexis, First Advantage, and Sterling Infosystems). Persons being considered for employment, employees, and

volunteers are not charged for this service.

Once a background check is completed, the background check contractor sends the results to the Director of the Safe Environment Program.

- If the information falls within the mandate of the *Bishops' Charter* (i.e., it relates to the sexual abuse or minors), the Director of the Safe Environment Program will notify the Archbishop, the Vicar General, the Office of Legal Affairs and the administrator of the program where you work or volunteer. *At the same time the background check contractor makes the same information available to you.*
- If the information does not fall under the *Bishops' Charter*, the Director of the Safe Environment Program will evaluate the information to determine if it suggests a risk to minors. This analysis will be made in a way that is consistent with Federal and New York State law. Your pastor and the administrator of your program are not necessarily informed of any negative information. They will only be informed of serious negative information that may affect your ability to work with children and/or young people.
- Any information that you provide to the Safe Environment Office, your pastor, or the administrator of your program or institution explaining the negative information will be a part of any assessment that is made.
- All matters will be handled with the utmost discretion and professionalism.

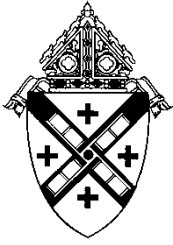
Note: Clergy who are coming to the United States from a foreign nation will also be required to consent to a criminal background check from their home country.

## QUESTIONS:

Should you have any questions concerning background checks, please contact the Safe Environment Program office:

- E-mail: [safe@archny.org](mailto:safe@archny.org)
- Telephone: (212) 371-1011, extension 2810.
- Mail: 1011 First Avenue (7<sup>th</sup> Floor) New York, New York 10022





## SAFE ENVIRONMENT PROGRAM ARCHDIOCESE OF NEW YORK

### **SOME FACTS ABOUT BACKGROUND CHECKS**

#### **Who's going to see the results of my report?**

According to the *Archdiocesan Policy on Background Checks for Parish Employees & Volunteers*, only the Director of the Archdiocesan Safe Environment Program will be able to access reports on parish employees and volunteers. If necessary, the Director will review any result with the Archdiocesan Office of Legal Affairs. The Director of the Safe Environment Program will only contact your pastor only if the information has a bearing on your fitness to serve children as an employee or volunteer.

#### **How can I obtain a copy of the report that was run?**

If you are interested in receiving a copy of your background report, contact the Safe Environment Office (by e-mail: [safe@archny.org](mailto:safe@archny.org)) for information on how to do so.

#### **What will show up if I decide to access my own credit report?**

It will note that the Archdiocese or the background check contractor has “obtained a copy” of your credit report. **This does not mean that anyone obtained financial information about you. We do not ask for or receive any financial information about you, under any circumstances.** It simply means that the part of your report containing name, Social Security Number, and address was checked to make sure that your name (or a nickname or a previous name) and address matches the Social Security Number you gave on the authorization form, along with residential addresses associated with that name(s) and Social Security Number.

#### **How often will a background check be done?**

An initial background check is required during the application/screening process, prior to a person beginning service that involves contact with children. The authorization form you complete will also permit the Archdiocese to conduct additional background checks during your time in employment or volunteer service. This will permit the Archdiocese to refresh background checks on staff. These additional checks will be done only after a certain period of time has passed since the last check, or if information is received regarding an incident or a criminal charge. In addition, if a current employee or volunteer applies for a position at a new institution, they will be required to complete a new authorization form, and a new background check will be conducted.

#### **What does the “release” on the authorization form mean?**

The release on the authorization form is a *limited* release. Federal law spells out the circumstances under which no consumer may bring certain actions in connection with a background check. Consistent with these circumstances, the release is limited by the language at the beginning of the sentence, “to the extent permitted by law,” to those actions barred by the statute. You are not being asked to give up any rights under applicable law.

### **Where will my records be kept?**

The background check contractor stores all background check results in a confidential and secure archive. Original signed authorization forms will be kept in a confidential personnel file at your parish. A copy of your form will be kept in a secure file at the Archdiocesan Safe Environment Program Office.

### **Why do you need my Social Security Number, and how will it be used?**

Without a Social Security Number, The background check contractor has no way of differentiating your records from other people who have the same name and date of birth. Since the background check contractor checks criminal records nationally, you would be surprised at how many potential records can turn up for one name with the same date of birth.

The Social Security Number allows us to verify that you are who you say you are. Also, it allows us to confirm that you are the only person using your Social Security Number. If your number appears with anyone else's name, The background check contractor will receive a record to that effect that they share with the Safe Environment Program.

### **How is my Social Security Number protected?**

Your parish and the Safe Environment Program office exercise great care regarding your Social Security Number.

First, access to authorization forms is strictly limited to those who do the checks. Second, parishes are required to maintain authorization forms in secure confidential files. The Safe Environment Program will periodically audit parishes from time to time on this key point. Third, the Safe Environment Program maintains its copy of the authorization forms in secure confidential files. Fourth, the background check contractor employs up to 128-bit encryption technology to protect individuals from the unauthorized use of the information sent to their server. Moreover, they follow industry standards by utilizing secure socket layers (SSL) and then encrypt the information before sending it across the Internet. This provides a secure transmission from the Safe Environment Program office to the the background check contractor servers

### **What if I don't have a Social Security Number?**

If you lack a valid Social Security Number (e.g., you are in undocumented immigration status), your supervisor (pastor, director of religious education, etc.) will verify your identity with some form of government-issued photo identification (e.g., a driver's license, a passport, a national identity card, etc.). You should still complete the background check authorization form, including your name, date of birth, and address, but you should leave the line for Social Security number blank.

### **What if I have other questions not addressed here?**

Before signing and submitting your authorization form, feel free to contact the Safe Environment Program office (by e-mail: [safe@archny.org](mailto:safe@archny.org) or by telephone: 212-371-1011, x 2810).



# SAFE ENVIRONMENT PROGRAM

## ARCHDIOCESE OF NEW YORK

### A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) is designed to promote accuracy, fairness, and privacy of information in the files of every "consumer reporting agency" (CRA). Most CRAs are credit bureaus that gather and sell information about you -- such as if you pay your bills on time or have filed bankruptcy -- to creditors, employers, landlords, and other businesses. You can find the complete text of the FCRA, 15 U.S.C. §§1681-1681u ([www.ftc.gov/os/statutes/fcra.htm](http://www.ftc.gov/os/statutes/fcra.htm).) The FCRA gives you specific rights, as outlined below. You may have additional rights under state law. You may contact a state or local consumer protection agency or a state attorney general to learn those rights.

- **You must be told if information in your file has been used against you.** Anyone who uses information from a CRA to take action against you -- such as denying an application for credit, insurance, or employment -- must tell you, and give you the name, address, and phone number of the CRA that provided the consumer report.
- **You can find out what is in your file.** At your request, a CRA must give you the information in your file, and a list of everyone who has requested it recently. There is no charge for the report if a person has taken action against you because of information supplied by the CRA, if you request the report within 60 days of receiving notice of the action. You also are entitled to one free report every twelve months upon request if you certify that (1) you are unemployed and plan to seek employment within 60 days, (2) you are on welfare, or (3) your report is inaccurate due to fraud. Otherwise, a CRA may charge you up to eight dollars.
- **You can dispute inaccurate information with the CRA.** If you tell a CRA that your file contains inaccurate information, the CRA must investigate the items (usually within 30 days) by presenting to its information source all relevant evidence you submit, unless your dispute is frivolous. The source must review your evidence and report its findings to the CRA. (The source also must advise national CRAs -- to which it has provided the data -- of any error.) The CRA must give you a written report of the investigation, and a copy of your report if the investigation results in any change. If the CRA's investigation does not resolve the dispute, you may add a brief statement to your file. The CRA must normally include a summary of your statement in future reports. If an item is deleted or a dispute statement is filed, you may ask that anyone who has recently received your report be notified of the change.
- **Inaccurate information must be corrected or deleted.** A CRA must remove or correct inaccurate or unverified information from its files, usually within 30 days after you dispute it. **However, the CRA is not required to remove accurate data from your file unless it is outdated (as described below) or cannot be verified.** If your dispute results in any change to your report, the CRA cannot reinsert into your file a disputed item unless the information source verifies its accuracy and completeness. In addition, the CRA must give you a written notice telling you it has reinserted the item. The notice must include the name, address and phone number of the information source.
- **You can dispute inaccurate items with the source of the information.** If you tell anyone -- such as a creditor who reports to a CRA -- that you dispute an item, they may not then report the information to a CRA without including a notice of your dispute. In addition, once you've notified the source of the error in writing, it may not continue to report the information if it is, in fact, an error.
- **Outdated information may not be reported.** In most cases, a CRA may not report negative information that is more than seven years old; ten years for bankruptcies.
- **Access to your file is limited.** A CRA may provide information about you only to people with a need recognized by the FCRA -- usually to consider an application with a creditor, insurer, employer, landlord, or other business.

-- Over --

- **Your consent is required for reports that are provided to employers, or reports that contain medical information.** A CRA may not give out information about you to your employer, or prospective employer, without your written consent. A CRA may not report medical information about you to creditors, insurers, or employers without your permission.
- **You may choose to exclude your name from CRA lists for unsolicited credit and insurance offers.** Creditors and insurers may use file information as the basis for sending you unsolicited offers of credit or insurance. Such offers must include a toll-free phone number for you to call if you want your name and address removed from future lists. If you call, you must be kept off the lists for two years. If you request, complete, and return the CRA form provided for this purpose, you must be taken off the lists indefinitely.
- **You may seek damages from violators.** If a CRA, a user or (in some cases) a provider of CRA data, violates the FCRA, you may sue them in state or federal court.

The FCRA gives several different federal agencies authority to enforce the FCRA:

FOR QUESTIONS OR CONCERNS REGARDING	PLEASE CONTACT
CRAs, creditors and others not listed below	Federal Trade Commission Consumer Response Center- FCRA Washington, DC 20580 * 202-326-3761
National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name)	Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 * 800-613-6743
Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks)	Federal Reserve Board Division of Consumer & Community Affairs Washington, DC 20551 * 202-452-3693
Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name)	Office of Thrift Supervision Consumer Programs Washington D.C. 20552* 800- 842-6929
Federal credit unions (words "Federal Credit Union" appear in institution's name)	National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 * 703-518-6360
State-chartered banks that are not members of the Federal Reserve System	Federal Deposit Insurance Corporation Division of Compliance & Consumer Affairs Washington, DC 20429 * 800-934-FDIC
Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission	Department of Transportation Office of Financial Management Washington, DC 20590 * 202-366-1306
Activities subject to the Packers and Stockyards Act, 1921	Department of Agriculture Office of Deputy Administrator-GIPSA Washington, DC 20250 * 202-720-7051

NEW YORK STATE CORRECTIONS LAW  
ARTICLE 23-A  
LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY  
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

Section 750. Definitions.

751. Applicability.

752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

753. Factors to be considered concerning a previous criminal conviction; presumption.

754. Written statement upon denial of license or employment.

755. Enforcement.

§ 750. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

(1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

(2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.

(3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.

(4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.

(5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§ 751. Applicability.

The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

§ 752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been 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 held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§ 753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his 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 or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§ 754. Written statement upon denial of license or employment.

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

§ 755. Enforcement.

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.
2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.