

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): _____



SAFE ENVIRONMENT PROGRAM

ARCHDIOCESE OF NEW YORK

SAFE ENVIRONMENT QUESTIONNAIRE

FOR ALL PERSONS WORKING WITH MINORS

All applicants, both for paid and volunteer positions, who will be in regular contact with minors must complete this questionnaire.

1. Name: _____
(Please print) Last First Middle Maiden

2. Address: _____

Home Phone: _____

3. Position Sought: _____

4. Current or Last Employer: _____

Address: _____

Supervisor's Name: _____ Phone No.: _____

5. List all paid and volunteer positions involving work with or around minors you have held, either with Church or non-Church organizations (e.g., Boy Scout leader, religious education instructor, youth minister, coach, etc.). Include dates of service and the names of sponsoring organizations.

6. Give the names and contact information of two personal references and their relationship to you (please note: these persons may be contacted by the Archdiocesan institution you are seeking to work for). If you already provided references in an application for employment, you do not have to supply them here.

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

7. Has a complaint ever been filed against you with child protection authorities, alleging child neglect or abuse? _____
8. Have you ever been terminated or disciplined in your employment for reasons relating to allegations of physical abuse or sexual misconduct by you? _____
9. 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 the Safe Environment Questionnaire, and any attached documents, is complete, true, and correct to the best of my knowledge.

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.

Signed

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.



ARQUIDIOCESIS DE NUEVA YORK

DIRECTIVAS SOBRE CONDUCTA SEXUAL PROHIBIDA

SUMARIO

Introducción

En junio de 2002 la Conferencia de Obispos Católicos de los Estados Unidos (*United States Conference of Catholic Bishops "USCCB"*) promulgó el *Charter for the Protection of Children and Young People* para tratar el tema del abuso sexual de menores por parte del clero (*conocido como el "Bishops' Charter"*). El *Bishops' Charter*, modificado por la *USCCB* en Noviembre de 2002, fue reconocido por la Santa Sede y se transformó así en ley particular de la iglesia para los Estados Unidos.

La Arquidiócesis de Nueva York ha adoptado las Directivas sobre conducta sexual prohibida. Las Directivas, resumidas a continuación, proveen orientación, ayudan a prevenir conductas sexuales prohibidas y ayudan al personal Arquidiocesano a responder a las acusaciones de conducta sexual prohibida, si alguna ocurriera.

Ciertas conductas sexuales son prohibidas por ser contrarias a los principios cristianos y constituyen una violación de las condiciones de empleo para todo el personal –remunerado o no- de la Arquidiócesis. Por lo tanto, todo el personal arquidiocesano debe cumplir con las leyes canónicas y civiles aplicables, y con los requerimientos de estas Directivas, relativos a incidentes reales o sospechados de conducta sexual prohibida.

Se entiende que la conducta sexual prohibida comprende el acoso sexual prohibido por las leyes federales y estatales, y que la realización de la conducta sexual prohibida por parte del personal Arquidiocesano será considerada causa de suspensión o terminación del empleo, o de cualquier participación en la labor de la Arquidiócesis, ya sea que ocurra durante el transcurso del trabajo o no.

¿Cómo se define la conducta sexual prohibida?

La conducta sexual prohibida incluye cualquier acción o palabra de naturaleza sexual que sea contraria a la doctrina moral, las enseñanzas y el derecho canónico de la iglesia católica, y estén proscritas por leyes federales, estatales o locales, o causen daño a otro. El acoso sexual está incluido en la categoría de conducta sexual prohibida y se refiere a avances sexuales inoportunos, pedidos de favores sexuales y otras conductas de naturaleza sexual, verbales o físicas, que explícita o implícitamente se ponen como término o condición de empleo de un individuo, o como base para tomar decisiones en el empleo que afecten al individuo, o cuyo propósito o efecto es interferir sustancialmente en el desempeño del trabajo de un individuo, o crear un ambiente de trabajo intimidatorio, hostil u ofensivo.

¿Quién debe denunciar la conducta sexual prohibida y a quién?

Si alguien del personal de la Arquidiócesis recibe una denuncia de supuesto abuso sexual de un menor por parte de cualquier miembro del personal de la Arquidiócesis, deberá avisar a la persona (o sus padres o guardianes) que inmediatamente haga la denuncia del incidente al fiscal del distrito correspondiente, y deberá notificarlo a la Oficina de asuntos legales (*Legal Affairs*) o a la Oficina para un entorno seguro (*Safe Environment*). Si la denuncia es hecha por la supuesta víctima o un miembro de su familia, deberá también referir la persona directamente al Coordinador Arquidiocesano de asistencia a la víctima (*Archdiocesan Victim's Assistance Coordinator*). La Arquidiócesis tomará todas las medidas que sean necesarias para proteger a los menores mientras el asunto esté bajo investigación, luego de consultar a los fiscales de distrito.

Si un integrante del personal recibe una denuncia de que un supuesto abuso o maltrato de menores ocurrió afuera de un programa arquidiocesano, deberá inmeditamente denunciar el incidente a su supervisor, quien deberá a su vez denunciarlo a la Línea de Emergencia del Estado de Nueva York (*New York State Child Abuse Hotline*) y a la agencia de policía correspondiente. Si no puede asegurarse de que el supervisor ha llamado a la Línea de Emergencia, él o ella deberá hacerlo inmeditamente por sí mismo/a.

¿Como se manejarán las denuncias?

Cuando se presenten acusaciones de conducta sexual prohibida que involucren al personal de la Arquidiócesis, un representante del Arzobispo iniciará prontamente contacto con la supuesta víctima y su familia, según sea el caso. Asistencia médica, psicológica y espiritual, y asistencia económica en circunstancias apropiadas, podrán ser ofrecidas en un espíritu de justicia y caridad cristianas.

¿Qué ocurre con la persona acusada?

La persona acusada será asistida en la obtención de asistencia legal. Si la supuesta denuncia parece justificada, la persona acusada podrá ser relevada del ejercicio de cualquier función, responsabilidad o ministerio y/o empleo en la Arquidiócesis y colocada en ausencia administrativa mientras el resultado de las investigaciones interna y externa esté pendiente, tal ausencia será con o sin sueldo y/o beneficios, según lo decidan las autoridades diocesanas competentes.

Cualquier integrante del personal de la Arquidiócesis que admita, no impugne, o sea declarado culpable de un incidente de conducta sexual prohibida será relevado inmeditamente del ejercicio de cualquier función o responsabilidad del ministerio y/o empleo en la Arquidiócesis de Nueva York. Tal persona podrá ser asistida con cuidados de rehabilitación o convalecencia requeridos según sean las condiciones del contrato o los términos de empleo aplicables, y a discreción de las autoridades Arquidiocesanas.

¿Necesitamos una mayor educación sobre este tema?

Sí, ciertamente. Para ayudar a sostener la responsabilidad de cada adulto por su propio/a crecimiento y madurez sexual, la Arquidiócesis -de tanto en tanto- tratará de organizar programas para proveer información adicional y entrenamiento con respecto a este tema tan delicado.

¿Qué ocurre con las falsas acusaciones y las denuncias sin fundamento?

Siempre existe la posibilidad de que falsas acusaciones o denuncias sin fundamento sean hechos por cualquier motivo. La ley civil provee penalidades por el crimen de falsedad, en el que la persona es víctima de falsas denuncias y calumnias. En esos casos los tribunales a menudo imponen reparaciones económicas. El derecho canónico también provee sanciones canónicas en varios casos de falsedad y calumnias.

Nota: Este documento es un resumen de las Directivas de la Arquidiócesis de Nueva York sobre conducta sexual prohibida. Está diseñado para hacer tomar conciencia sobre la existencia de las Directivas, pero no intenta darles todos los detalles importantes. Por lo tanto, todos los empleados y voluntarios de la Arquidiócesis de Nueva York son urgidos a leer y familiarizarse con las Directivas en su totalidad. Las Directivas completas están disponibles en su agencia, y pueden también obtenerse en www.archny.org/pastoral/safe-environment-program/safe-environment-policies.

Para información en español, visite www.consumerfinance.gov/learnmore o escribe a la Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.

A Summary of Your Rights Under the Fair Credit Reporting Act

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to www.consumerfinance.gov/learnmore or write to: Consumer Financial Protection Bureau, 1700 G Street N.W., Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
 - a person has taken adverse action against you because of information in your credit report;
 - you are the victim of identity theft and place a fraud alert in your file;
 - your file contains inaccurate information as a result of fraud;
 - you are on public assistance;
 - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.consumerfinance.gov/learnmore for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See www.consumerfinance.gov/learnmore for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to www.consumerfinance.gov/learnmore.
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-5-OPTOUT (1-888-567-8688).
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE

You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization. The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit www.consumerfinance.gov/learnmore.

States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:

TYPE OF BUSINESS:	CONTACT:
<p>1. a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street, N.W. Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group 1301 McKinney Street, Suite 3450 Houston, TX 77010-9050</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. FDIC Consumer Response Center 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection (OCFP) Division of Consumer Compliance Policy and Outreach 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Asst. General Counsel for Aviation Enforcement & Proceedings Aviation Consumer Protection Division Department of Transportation 1200 New Jersey Avenue, S.E. Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Proceedings, Surface Transportation Board Department of Transportation 395 E Street, S.W. Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Administration area supervisor</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Deputy Administrator for Capital Access United States Small Business Administration 409 Third Street, S.W., Suite 8200 Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street, N.E. Washington, DC 20549</p>
<p>8. Federal Land Banks, Federal Land Bank Associations, Federal Intermediate Credit Banks, and Production Credit Associations</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue, N.W. Washington, DC 20580 (877) 382-4357</p>

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.