## **Applying for Jobs in New York: Legal Protections for People with Arrest and Conviction Records**



lac.org / (212) 243-1313

This chart applies to most NY employers.

In NYC and other cities with "banthe-box" laws,\* employers MAY **NOT** ask about your conviction record or open cases on a job application, in an interview, or refer to these cases in a job posting.

**Application** 

## **Conditional** Offer

After a conditional job offer, employers in ban-the-box cities may ask you about convictions and open cases, but **NOT** sealed or confidential cases.

Other NY employers may ask about convictions and open cases at any time, but NOT sealed or confidential cases.

**Employers** need your written permission before running a background check on you.

**Background** Check

## **Considering Arrests & Convictions**

Employers may not deny you a job because of your conviction record or open cases without first considering 8 factors, including evidence of rehabilitation (often called a "23-A analysis").

Before employers decide not to hire vou because of your record or open cases, they must give you a "pre-adverse action notice." and copy of the background report. In NYC, they must also give you a "Fair Chance Notice" and hold the job open for at least 5 days.

**Job Denial** 

## It is important to DOCUMENT the application process. This gives you a paper trail if you believe discrimination occurred.

- √ Copy applications/take pictures of illegal questions
- √ Save emails

- ✓ Save paper mail and the envelopes
- √ Keep voicemails
- √ Save texts

- √ Take notes when you are on phone calls
- √ Keep forms and notices you receive

\*For a list of these cities and more information about workplace rights, see Criminal Records and Employment, available at www.lac.org/resources.