

LEGAL UPDATE



New Background Screening Legislation Affects All New York Employers

The state of New York recently passed new legislation regarding the use of criminal background checks.

Who does this law affect?

This legislation impacts all New York employers and companies hiring for positions in New York who are receiving criminal background checks on job applicants and employees from third party background screening companies, such as Accurate Background.

When does this law go into effect?

February 1, 2009

Is there additional documentation our organization needs to provide to the applicant or employee as part of the background screening process?

Yes, under this new legislation, companies must provide those individuals who are subject to criminal background checks with a copy of [Article 23-A](#) of the Corrections Law titled, "Licensure and Employment of Persons Previously Convicted of One or More Criminal Offenses."

New York employers must provide a copy of the above document to the applicant:

- Before a criminal history report is requested from Accurate Background AND
- If the employer receives a background screening report reflecting a criminal conviction

Are there additional regulations?

Yes, this document identifies a list of nine factors an employer must consider before making an employment decision on the basis of an individual's criminal background. These factors include:

- The bearing the criminal offense will have on the individual's ability to perform the job duties or responsibilities
- The period of time that has elapsed since the occurrence of the crime
- The age of the person at the time of the offense
- The seriousness of the offense

This legislation also requires employers to post a copy of [Article 23-A](#) of the Corrections Law and related regulations clearly in the workplace.

How can Accurate Background help?

We have added a service to our list of compliance products to help your organization fulfill this requirement. If a criminal conviction is revealed on the background screening report, Accurate Background can save your organization time by distributing the Article 23-A document to the applicant or employee on your behalf. A [sample notification letter](#) created to meet this requirement is also available on our website. This letter should be sent in conjunction with the [Article 23-A](#) document.

For more information regarding our compliance products or to add this service to your account, please contact Customer Service at 800.784.3911.