

TIPS FOR YOUR JOB SEARCH

Make Sure Your Information Is Accurate: Employers perform criminal background checks. These reports can have mistakes. Review the background report to make sure it is accurate. Having your RAP sheet will enable you to correct any errors.

Develop a Functional Résumé: If you have gaps in your employment history, consider a résumé that lists your knowledge, skills, and experience, not dates. There is no reason to put your criminal record on your résumé.

Build References: Prepare a list of people who can speak positively about your career goals, skills, and positive changes you have made.

Prepare Your Interview Answers: You will be asked to explain your criminal record or gaps in employment. Be honest, direct, and accept responsibility. Focus on lessons learned, personal strengths, and skills you have. Explain that you are a different person now.

Have Interview Clothes Ready: Look for organizations in your area that provide free interview attire. Check with local reentry and community-based organizations for recommendations.

Make Transportation Plans: Check out your transportation options and look for jobs in areas that you can get to on time. Punctuality and reliability are key to getting and keeping a job.

Stay Positive: Your criminal record is in the past and you are now working toward the future. You applied for a job because you have the skills, talents, and abilities to successfully perform the required tasks.

The Labor and Employment Law Program (LEL) established the Criminal Justice and Employment Initiative (CJEI), which has been in the forefront of joining diverse constituencies for dialogue, education, and research on reducing barriers to employment for people with criminal records. The CJEI analyzes and proposes best practices on the issues of evaluating candidates with criminal records, employment of justice-involved individuals, criminal records education, and occupational licensing. Its work has included national conferences, focus groups, educational public programs, direct training of individuals with criminal records, employers and advocates, outreach, and the development of resources including the website:

www.ilr.cornell.edu/labor-and-employment-law-program

87% OF EMPLOYERS

CONDUCT BACKGROUND CHECKS AND HAVING EVEN A
MINOR CRIMINAL RECORD CAN
PRESENT MAJOR OBSTACLES TO EMPLOYMENT

**OVER 150 CITIES
AND COUNTIES**

ACROSS THE COUNTRY HAVE ENACTED
BAN THE BOX POLICIES

***NYS offers financial incentives to many employers
to hire justice-involved individuals.***

**This brochure is made possible by a grant from the
NYS Assembly Labor Committee.**

These materials are provided for informational purposes only. Neither Cornell nor the ILR Labor and Employment Law Program are liable for any loss caused by errors or omissions in this brochure. This brochure does not constitute legal advice. If you need legal advice, please contact an attorney.



Cornell University
ILR School

**Criminal Justice and
Employment Initiative**

**KNOW YOUR
EMPLOYMENT
RIGHTS IN
NEW YORK
STATE**

**ADVANCING THE WORLD OF WORK
THROUGH LAW**

You are looking to move on with your life and get past your criminal record. While many employers are open to hiring you for your knowledge, skills, and experience, some employers are required by law to consider certain convictions in their hiring process. Before beginning your job search, learn about your legal rights and documents that might help you in obtaining employment.

LEGAL RIGHTS

Ban the Box/Fair Chance Act: Eliminates questions about involvement in the criminal justice system on employment applications and prohibits employers from asking about your criminal record until later in the hiring process.

NYS Human Rights Laws: Prevents employers from discriminating against you solely on the basis of having a criminal record.

NYS Correction Law Article 23-A: Requires employers to do an 8-step analysis in order to determine your fitness for employment, including proof of positive change (see section on Certificates).

Fair Credit Reporting Act: Sometimes an employer will do a background check. Under federal law, employers must notify you in writing and get your consent before they request a background check. You can challenge an inaccurate report. For more information:

www.ftc.gov/enforcement/rules/rulemaking-regulatory-reform-proceedings/fair-credit-reporting-act

CRIMINAL RECORD OVERVIEW

RAP Sheet: “Record of Arrests and Prosecutions” is a list of your contacts with the criminal justice system.

4 Sources of Criminal Records: FBI Identity History Summary; NYS Division of Criminal Justice Services (DCJS); NYS Office of Court Administration (OCA); and Criminal History Background Check through a Consumer Reporting Agency (CRA).

How to Get Your FBI RAP Sheet: Go to www.fbi.gov/resources and fill out the Applicant Information Form. Submit with fingerprints and \$18 fee.*

How to Get Your NYS DCJS RAP Sheet: Go to www.criminaljustice.ny.gov/ojis/recordsreview and fill out the application. Submit with fingerprints and \$62 fee.*

How to Get Your NYS OCA Record: Go to www.courts.state.ny.us/apps/chrs/ and fill out the Criminal History Search Application Form. Submit with a \$65 fee*.

Important: Contact an attorney before getting your fingerprints taken if you might have any open warrants or immigration issues.

HOW TO FIX A RAP SHEET

Know Your Record: Errors on your record may prevent you from getting a job, keeping a job, or being promoted.

Correct Your Record: Start a challenge process with the NYS DCJS Record Review Unit. For more information: www.criminaljustice.ny.gov/ojis/documents/FAQs-CHRI-Access.pdf

Sealing: Sealing does not erase your record, but it does hide your record. Most related documents are destroyed or returned to you. For more information: www.nycourts.gov/courthelp/Criminal/sealedRecords.shtml

*Fee waivers are available.

CERTIFICATES

Certificate of Relief from Disabilities (CRD): Removes restrictions from gaining certain types of employment and/or from getting some occupational licenses for people convicted of any number of misdemeanors and up to one felony.

Certificate of Good Conduct: Removes restrictions from gaining certain types of employment and/or from getting some occupational licenses for people convicted of two or more felonies and may restore your right to hold public office.

Applying for a Certificate through the NYS Department of Corrections and Community Supervision (DOCCS): Complete and submit an application; then an officer will be assigned to investigate. A parole board will determine if you should receive a certificate. For more information: www.doccs.ny.gov/certrelief.html

Applying for a Certificate through the Courts: Apply to the court where your case was handled. Fill out the application form, indicating your offense, the certificate you want, and include proof of positive change. For more information: www.nycourts.gov/Courthelp/Criminal/CRD.shtml

