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LEGAL ALERT



## Legal Alert: New York Employers Must Comply with New Law on Criminal Background Checks

1/23/2009

Effective February 1, 2009, all New York employers must post New York State Correction Law Article 23-A in a "visually conspicuous manner." Additionally, employers must provide an individual subject to a background check with a copy of Article 23-A. Article 23-A requires both public and private employers to consider a number of factors before taking an adverse action against, or denying employment to, an individual who has been convicted of a crime. These factors include:

- whether the criminal offense has any bearing on the person's ability to perform the functions of the job;
- how much time has elapsed since the conviction;
- the person's age at the time of conviction;
- the seriousness of the crime;
- the employer's interest in protecting its property and the safety of specific individuals or the public; and
- any information submitted by the person regarding his or her rehabilitation or good conduct.

If you have any questions regarding this new law or other employment related issues, please contact the Ford & Harrison attorney with whom you usually work or Alyson Bruns, an attorney in our New York City office at [abruns@fordharrison.com](mailto:abruns@fordharrison.com) or 212-453-5907.