

Preparing Youth With Criminal Justice Involvement For Jobs, Education And More

Understanding Legal Charges, Records, Rights and Addressing Barriers Caused by a Conviction History



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Eligibility criteria for youth in WIOA programs includes youth who are or have been involved in the criminal justice system. These youth may require some additional services to assist them in preparing for employment, education and more. Today we will address a range of topics from legal charges and the records documenting them to legal rights and tools to assist in addressing barriers to employment. Following the webinar, we will also provide you with information on legal services across the state that can assist this group of youth. We will also provide resources regarding a variety of topics we will review this morning.

Joining us on today’s webinar is Alea Boulton who is a Staff Attorney with the Legal Aid Society of Northeastern New York.

Alea Boulton
Staff Attorney



- | | |
|---------------------------|------------------------------------|
| Housing Eviction | Foreclosure Prevention |
| Public Benefits | Family Law |
| Consumer Law Clinic | Low Income Tax Clinic |
| Children’s Law Project | Domestic Violence Legal Assistance |
| HIV/AIDS Legal Consortium | Immigration Law Project |
| Reentry Project | Medical-Legal Partnership |
| Senior Legal Services | Nutrition Outreach and Education |

We have a lot of ground to cover today so we are going to ask you to place questions that you have into the chat section or write them down if you would like to present them live at the end of the webinar.,

We have poll questions throughout the webinar so please join us in answering them.

First question.....

What challenges do you face when working with youth with criminal history? (Select All that Apply)

- Youth do not generally disclose their legal history
- Youth do not understand their legal history enough to discuss it
- My staff are afraid to work with youth who have legal history
- Staff are not familiar with the (juvenile) criminal justice system
- Staff are unsure how they can assist these youth
- We are not familiar with Legal Services in our local area
- Other challenges....(Write in Chat)



What percent of all the youth your local area serves have been involved with the criminal justice system?

- < 5%
- 5 – 15%
- 16 – 30%
- 31 – 50%
- > 50%



Content of Workshop

Youthful Offender Categories

Probation and Parole

“Conditions” of Probation/Parole

RAP Sheets: Obtaining and Correcting



- Why is it important that we review the topic of legal involvement and youth ?
- Information we will review is not common knowledge
- WIOA staff are not always aware of legal issues and supports
- Youth are not always familiar with the details of their specific legal history
- Youth are not always comfortable discussing their legal history
- There are several tools/activities that can make a huge difference in employment outcomes for these youth
- Know Alea's expertise / My experience/expertise in this area:
 - Working with individuals with legal history for 9 years in a previous role
 - Worked last two years in youth office at DOL
 - Obtained OWDS (Offender Workforce Development Specialist) certification last spring

Content of Workshop

Sealing Legal Records

Certificates of Rehabilitation

Rights and Legal Protections

Legal History and the Job Search

Reducing Barriers Created by a Legal History



Definitions

I want to begin by reviewing a few legal definitions- so we all on an even playing field. We will be referring to many of these terms during today's webinar.

Probation

A sentence of the court imposed for a specific time

Permits the offender to remain in the community under supervision

Can be given in addition to or instead of incarceration

-Probation is a county function in New York State –except in NYC where it is under the jurisdiction of city government.

-Conditions are set by the county and Probation Officers

-Sometimes probation only / sometimes incarceration AND probation

Parole

The conditional release of an inmate from a federal or state correctional facility prior to the completion of a conviction sentence

Parole is granted by a decision of an administrative body – The Parole Board

- Parole is a function of the state
- Conditions are set by courts and Parole Officers
- General Conditions of Community Supervision

Examples: Remain in the state, Report changes in work/residence, Reply to communication by community supervision officer.....

- Specific Conditions of Community Supervision

Examples: Avoid specific work environments, Curfews, Pay fines or restitution, Participate in a specific

treatment program: substance abuse, anger management, domestic violence, mental health etc.

Why is this important? – to understand needs of the youth, to understand any restrictions placed on the youth that would impact the kind of employment the youth chooses (curfew, fraternization with others with criminal history, participation in school/training, required programs and time commitment)

If any of an individual's conditions are violated there could be different repercussions including incarceration.

Offense

Infraction = a non-criminal offense charged in the form of a summons which does not require arrest

Violation = a non-criminal offense that can be charged in the form of a summons, arrest, or incarceration (jail) of 15 days or less

There are two different types of offenses – neither of these is a criminal charge but could show up on an individual's record

Infraction – Ex. a traffic or parking ticket – summons to court

Violation – Ex. disorderly conduct or trespassing

Misdemeanor

Crime punishable by a fine and/or time in county jail for 15 days up to a year

Misdemeanors are tried in the lowest courts

There are three classes of misdemeanors:
A, B, and U (Unclassified)

Examples: shoplifting, public intoxication, reckless driving

Felony

Serious crime characterized under federal and state law as an offense punishable by death or incarceration of one year or more in prison

There are five classes of felonies:
A, B, C, D, & E

Felonies mean that an individual has done **at least** one year of prison.
Examples: homicide, kidnapping, rape, arson
An A class felony is the most serious category

Adjudication

A formal finding by a juvenile court (judge) after a hearing or by entering of a plea of guilt or admission.

After the adjudication, a disposition hearing determines the services and/or sanctions that a youth will receive.

Adjudications apply to youth ONLY and they are NOT convictions. However, they do come with specific requirements and restrictions for youth

	Juvenile Delinquent (JD)	Juvenile Offender (JO)	Youthful Offender (YO)
What is it?	Adjudication	Conviction	Adjudication
Where is it received?	Family Court	For the most part, in Supreme Court	Adult Criminal Court
Who receives it?	Youth between 7-16 years of age who committed an act that would be considered criminal if committed by an adult	Youth between the ages of 13 – 15 years old who have committed a serious or violent felony, such as murder, rape, arson, etc.	Typically, youth between the ages of 16 – 18 who have been granted this to be spared having an adult criminal record. In some cases, a YO adjudication may be granted to younger offenders who would otherwise be convicted as a juvenile offender.
What is the consequence?	May be placed in a juvenile facility up to the age of 18, or 21 with the consent of the youth	Detained in a juvenile facility until considered an adult (usually at 16 years old) , at which point the youth is transferred to an adult facility	For youth 16 and older, sentence is served in an adult facility. Younger youth who would otherwise be convicted as JO are held in juvenile facilities until 16.
Can it be sealed?	Yes – it is not considered a conviction	No – it is a conviction and can never be sealed	Yes – it is not considered a conviction.

Juvenile Delinquent (JD) – youth between 7 and 16 who committed an act that would be considered criminal if committed by an adult. Leads to Adjudication and record can be sealed.

Youthful Offender (YO) –youth between the ages of 16 and 18 who have been granted this status to be spared having an adult criminal record. (A YO adjudication may be granted by a judge to younger offenders who would otherwise have an adult record.) Leads to Adjudication and record can be sealed.

Juvenile Offender (JO) – youth between 13 and 15 who have committed a serious or violent felony such as murder, rape or arson etc. This IS a conviction and the record will not be able to be sealed.

Alea:

Discuss the “Raise the Age” legislation in New York State which will change the facility that youth will be housed in.

RAP Sheets

Talk about what a RAP sheet is and why they are important to obtain and understand.
Record of an individual's legal history

Story: RSD Employment Program

- Participant had previously lived in California and had a Misdemeanor charge there
- He had obtained RAP sheet from California and it was incorrect and impacting employment
- Referred him to legal services where they assisted him in getting RAP sheet corrected

Important because the error would show up on a background check done by an employer

What is a RAP sheet?

“RAP” = Record of Arrest and Prosecution

RAP sheet is a record containing every arrest, prosecution, and disposition (outcome) of a legal case

Today we are talking about RAP sheets in New York State (every state has them)
FBI RAP sheet exists

Cycle 1

Arrest/Charge Information

Arrest Date: [REDACTED]

Name: [REDACTED]

Date of Birth: [REDACTED]

US Citizen: [REDACTED]

Sex: [REDACTED]

Race: [REDACTED]

Age at time of crime/arrest: [REDACTED]

Address: [REDACTED]

Fax Number: [REDACTED]

Place of Arrest: Town of Colonie, Albany County, NY

Date of Crime: [REDACTED]

Place of Crime: Town of Colonie, Albany County, NY

Criminal Justice Tracking No.: [REDACTED]

Arresting Agency: Colonie Town Police Department

Arrest Number: [REDACTED]

Arrest Charges:

- Petit Larceny
- FL155.25 Class A Misdemeanor Degree 0 NCIC 2399

Court Case Information

- Court: Colonie Town Court Case Number: Unknown

January 11, 1978

Adjourned In Contemplation Of Dismissal CPL170.55

January 11, 1979

Dismissed After Adjournment In Contemplation Of Dismissal CPL170.55

- Petit Larceny

FL155.25 Class A Misdemeanor NCIC 2399

Not sealed

Other History Related Information

There is no Other History Related Information associated with this history.

Job/License Information

There is no Job/License Information associated with this history.

Cycle 23

Arrest/Charge Information

Arrest Date: [REDACTED]

Name: [REDACTED]

Date of Birth: [REDACTED]

US Citizen: [REDACTED]

Sex: [REDACTED]

Race: [REDACTED]

SSN: [REDACTED]

Age at time of crime/arrest: [REDACTED]

Address: [REDACTED]

Place of Arrest: City of Albany, Albany County, NY

Arrest Type: Crime In Progress

Date of Crime: [REDACTED]

Place of Crime: City of Albany, Albany County, NY

Criminal Justice Tracking No.: [REDACTED]

Arresting Agency: Albany City Police Department

Arresting Officer ID: [REDACTED]

Arrest Number: [REDACTED]

Arraignment: Albany City Court

Arrest Charges:

- Criminal Sale Controlled Substance-3rd Narcotic Drug
- PL20.39 Sub 01 Class B Felony Degree 3 NCIC 1199

No Court Reported Information

Missing disposition

Court Case Information

- Court: Niskayuna Town Court Case Number: [REDACTED]

Initial Report Of Docket Number: [REDACTED]

Bench Warrant Issued

- Court: Niskayuna Town Court Case Number: [REDACTED]

Initial Report Of Docket Number: [REDACTED]

Arrested

- Petit Larceny

FL155.25 Class A Misdemeanor NCIC 2399

Bench Warrant Issued

Dismissed

- Petit Larceny

FL155.25 Class A Misdemeanor NCIC 2399

* Sealed Upon Termination Of Criminal Action In Favor Of The Accused CPL160.50

Bench warrant not vacated

This is an example of a RAP Sheet. Information included on it includes:

- Identifying information (name, DOB, sex, race, address...)
- Arrest/Charge Information
- Date of Crime
- Place of Crime
- Charges (Type of crime and class)
- Court Information
- Disposition

We will identify some of the common errors found on this particular RAP sheet in a moment.

True or False?

If a youth has been arrested they have a RAP sheet.



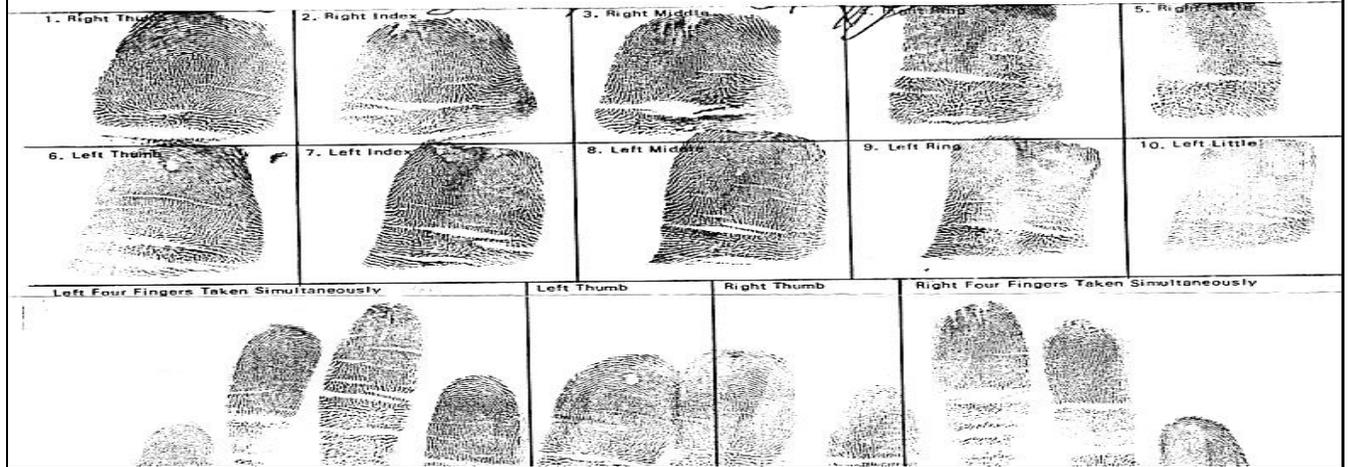
Reads Poll Question

**If a youth has been arrested
they have a RAP sheet.**



Reads Poll Question

Youth have a RAP sheet if they have been arrested and fingerprinted



RAP Sheets

Two types of RAP sheets obtained through
Department of Criminal Justice Services (DCJS):

Suppressed – does not contain sealed information

Unsuppressed – contains sealed information

Who can get an unsuppressed RAP Sheet?

1 - Youth

2 - Criminal Justice/Law Enforcement agencies and staff

Police Departments

Courts

Prosecutors

Defense Attorneys

Parole and Probation Departments

Correctional Officials

Judges

3 - Some employers/agencies

Clarify employers/agencies obtaining RAP Sheets

What is found in a RAP Sheet?

Name and NYSID Number

Arrest Information

Prosecution Charges

Arrest Warrants Issued

Dispositions

What is found in a RAP Sheet?

Incarceration and Parole and/or Probation Information

Determination if Case Has Been Sealed

Certificate of Relief from Disabilities Received

Certificate of Good Conduct Received

True or False?

A plea of guilty counts as a conviction.



Reads Polling question

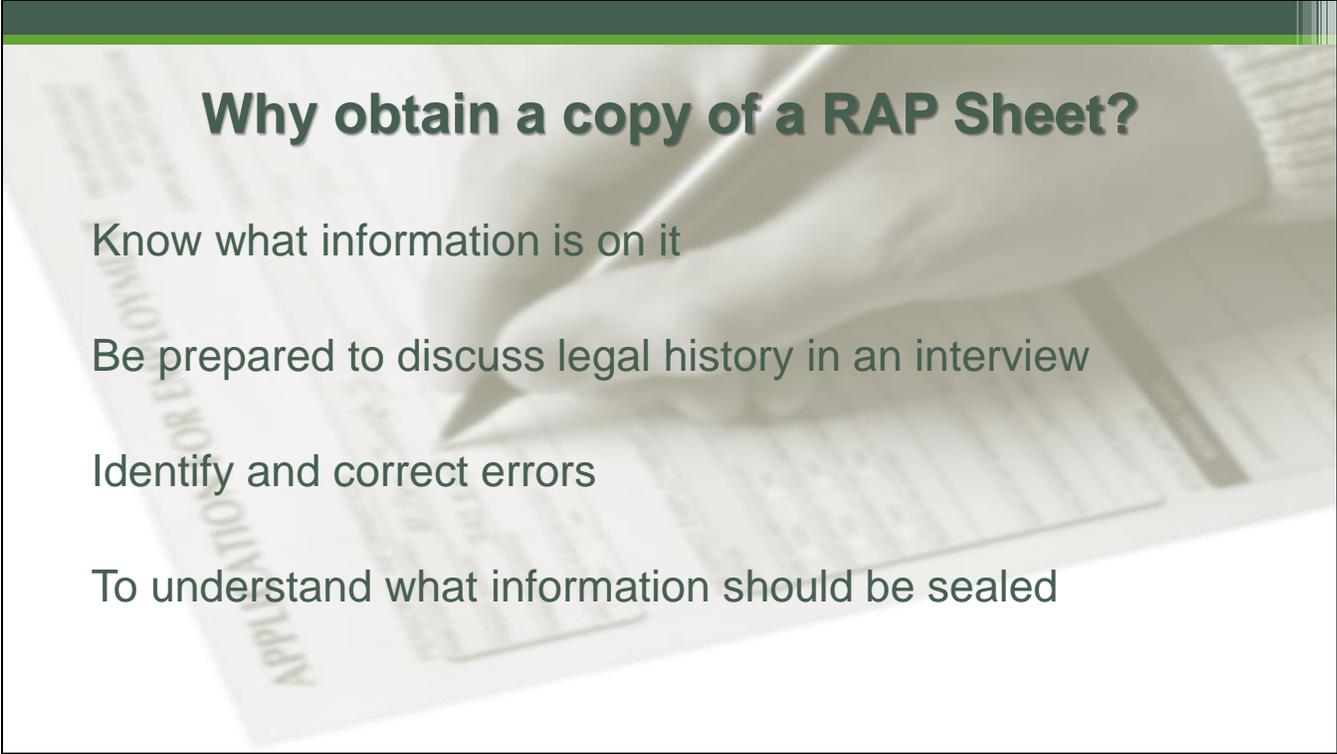
**A plea of guilty counts
as a conviction.**



A plea of guilty has the same weight as a finding of guilt by a judge or jury



Story: Here experience with individuals who plea guilty for specific reasons



Why obtain a copy of a RAP Sheet?

Know what information is on it

Be prepared to discuss legal history in an interview

Identify and correct errors

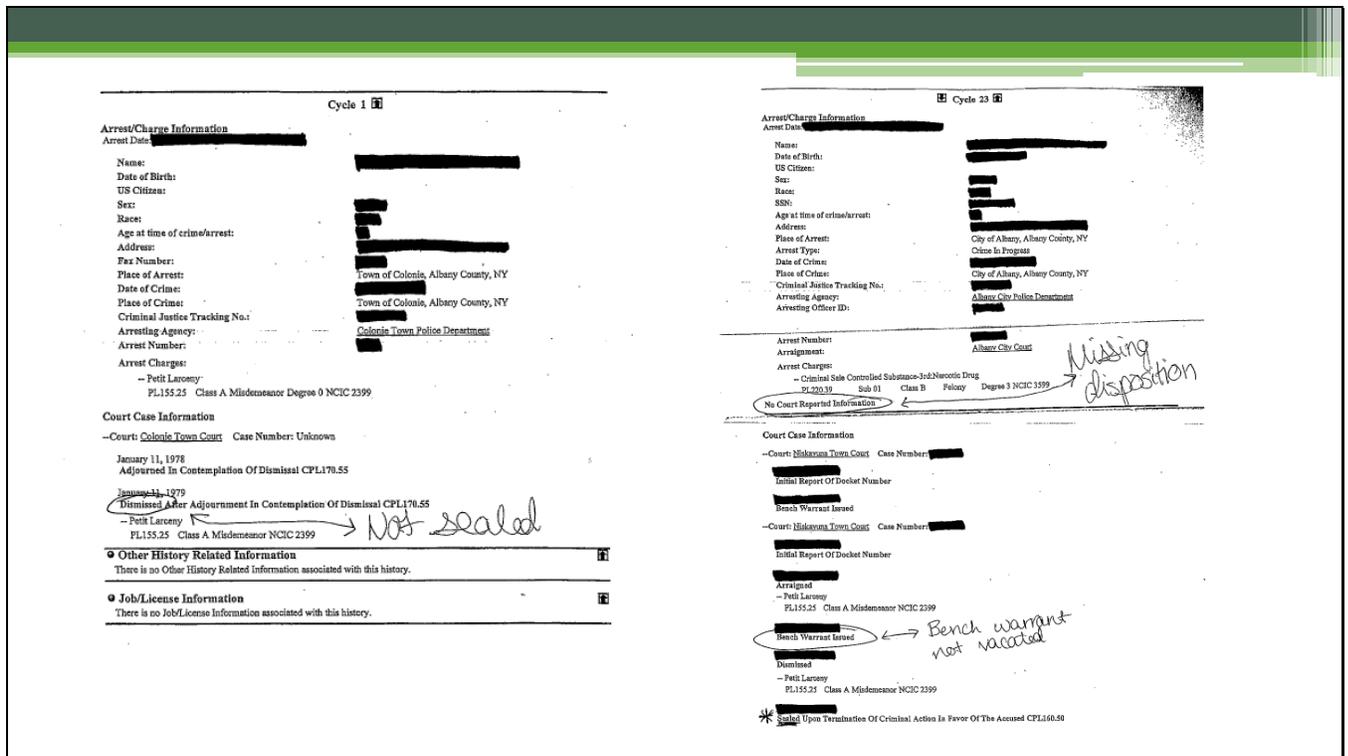
To understand what information should be sealed

Story: Information not sealed on individual's record / Domestic Violence example

Common RAP Sheet errors

Incomplete entries	(arrest but no disposition)
Incorrect entries	(Penal Code <u>12</u> 5.25 murder vs. <u>15</u> 5.25 petit larceny)
Double entries	(same charge entered twice)
Open warrants	(warrant was not vacated)
Information that should be sealed	(Adjudications)

Story: Warrant never vacated on an Individual's RAP Sheet



There are three RAP sheet errors on this slide

- 1- The first error involves a case that was dismissed – this charged should have been sealed and should not have appeared on this RAP Sheet
- 2- The second error involves lack of a disposition (outcome) on a charge. It simply states “No court reported Information”
- 3- Last, there is no indication that a bench warrant is not active. The bench warrant is not vacated (closed) on this RAP sheet which would lead someone reading it to believe that it is still in place.

Requesting a RAP Sheet

Fingerprints are required to obtain a RAP Sheet

Cost for RAP Sheet and fingerprints = \$ 61.75
\$50.00 DCJS Fee and \$11.75 Fingerprint Charge

Request Suppressed or Unsuppressed RAP Sheet

Requesting a Fee Waiver

Fee Waiver:

Complete Notarized Financial Statement OR provide a copy of a public assistance benefits card (Medicaid or SNAP card) for fee waiver

Email to get a copy of the fee waiver application packet go to:

RecordReview@dcjs.ny.gov

Get Fingerprints:

Schedule with MorphoTrust/USA: <https://uenroll.identogo.com/>

\$11.75 for fingerprints

Requesting a RAP Sheet

www.criminaljustice.ny.gov/ojis/recordreview.htm

New York State Division of Criminal Justice Services

Record Review Unit

Alfred E. Smith Building

80 Swan Street

Albany, New York 12210

Email: RecordReview@dcjs.ny.gov

Correcting RAP Sheet Errors

The New York State Division of Criminal Justice Services (DCJS) can correct mistakes on a RAP sheet



Contact a Legal Services Office to assist with obtaining and correcting a RAP Sheet

Reference:

<https://lac.org/wpcontent/uploads/2014/12/Your New York State Rap Sheet 2013.pdf>

Sealed Cases

True or False?

If enough time has passed since a conviction, a record can be expunged.



Reads Poll question:

If enough time has passed since a conviction, a record can be expunged.



NO expungement in New York

Certain types of cases can be sealed

If a case is sealed, that means that the information is hidden but not removed from a record

Most cases that can be sealed are automatically sealed, but obtaining a RAP sheet is the best way to make sure that cases that should be sealed actually are

What kinds of cases can be sealed?

Cases that ended in an individual's favor:

Dismissal

Declination to prosecute

Acquittal

Adjourned in Contemplation of Dismissal or ACOD

(After the adjournment period has ended)

What kinds of cases can be sealed?

Violations

“Non-criminal offenses”

Examples:

- ✓ Disorderly Conduct
- ✓ Trespassing
- ✓ Loitering

What kinds of cases can be sealed?

Certain substance abuse related felonies and misdemeanors under Rockefeller Drug Law Reform

To qualify:

- ✓ An individual must have completed a court-sanctioned substance abuse treatment program;
- ✓ Individual must have completed any other sentence imposed following that treatment program; **and**
- ✓ Individual must have no pending charges

What kinds of cases can be sealed?

✓ Juvenile Delinquency (JD) Adjudications

and

✓ Youthful Offender (YO) Adjudications

What kinds of cases cannot be sealed?

Some Violations

- ✘ Driving While Ability Impaired
- ✘ Loitering for the Purpose of Prostitution

NYS Sealing Law: Corrections Law 160.59

Who is eligible?

- ✓ Individuals who have been convicted of up to two crimes
- ✓ Individuals who have only 1 felony conviction
- ✓ Individual has had a clean record for 10 years
- ✓ If this criteria is met record will be eligible for sealing 10 years after the most recent conviction or release from incarceration, whichever is most recent

Why is this important to youth?

What is happening to adults with previous legal history (10 or more years old) today?
Individuals call about the Federal Bonding Program. Previous convictions still preventing entry into employment even with recent work history and references.

NYS Sealing Law: Corrections Law 160.59

Certain offenses will NOT be eligible for sealing:

- ✘ Sex Offenses
- ✘ Homicide
- ✘ Violent Felony Offenses
- ✘ Class A Felonies
- ✘ Conspiracy or attempt to commit an exempted felony offense
- ✘ Offenses that require registration as a Sex Offender

How does someone get this done?

We will provide information/forms for this after the webinar.

Rights and Legal Protections

True or False?

If an individual has a felony conviction, they permanently lose the right to vote.



If an individual has a felony conviction, they permanently lose the right to vote.



Youth do not permanently lose right to vote in New York State

- ✓ Youth are unable to vote if they have a felony conviction AND are still serving time or still on parole
- ✓ As soon as a sentence is over or the individual completes parole (whichever comes later) the right to vote is automatically restored
- ✓ The ability to vote can be restored sooner if an individual obtains:

Certificate of Relief from Disabilities

OR

Certificate of Good Conduct

Certificate of Relief from Disabilities Certificate of Good Conduct

Certificates of Rehabilitation restore rights that are lost due to a conviction

Examples: the right to serve on a jury, getting certain types of employment, certain occupational licenses.....

Now we will talk about Certificates of Rehabilitation:

- Restore rights that are lost
- Represent rehabilitation
- Individuals are eligible for one or the other depending on their legal history

Certificate of Relief from Disabilities Certificate of Good Conduct

- ✓ These certificates create a “presumption of rehabilitation” and **must** be considered by businesses and government agencies in deciding whether to hire or grant a license to an individual
- ✓ These certificates will show up on a RAP sheet and background check if obtained

Why is it beneficial to obtain one of these certificates:

- 1 – Employers will inquire as to whether someone has one
- 2 – Must be taken into consideration by businesses and agencies
- 3 – Will show up on a RAP sheet

Certificate of Relief from Disabilities Certificate of Good Conduct

It is possible that Certificates may not be needed if:

- ✓ A youth has no misdemeanor or felony convictions
- ✓ All youth offenses and convictions are sealed
- ✓ All charges have been dismissed

There are youth that may not need a certificate.

	Certificate of Relief from (Civil) Disabilities	Certificate of Good Conduct
Who can apply?	An individual with at maximum (1) felony and any number of misdemeanor convictions may apply (includes individuals that only have misdemeanor convictions)	An individual with more than (1) felony and any number of misdemeanor convictions
What is the minimum waiting period to apply?	None is specified, but it is suggested that an applicant wait a sufficient period of time from his or her release from incarceration or supervision to demonstrate personal rehabilitation.	Individuals whose most serious felony conviction is Class C, D, or E must wait at least 3 years from release from incarceration or supervision to apply. Individuals whose most serious felony conviction is Class A or B must wait at least five years from the date of release from incarceration or supervision to apply.
Who issues the certificate?	The court(s) of sentencing	The Department of Corrections and Community Supervision (DOCCS)
Other information	An individual on community supervision may receive a temporary certificate that becomes permanent after completing his or her period of supervision. Individuals convicted of federal or out-of-state offenses can qualify.	In special cases, this certificate may be required for certain public office jobs (including law enforcement) even if an individual has (1) or no felony convictions.

There are differences in eligibility:

Certificate of Relief from Disabilities

- 1 felony and any number of misdemeanors
- Misdemeanors only
- No mandated waiting period / Recommended wait to demonstrate personal rehabilitation
- Provided by sentencing court

Certificate of Good Conduct

- 2 or more felonies and any number of misdemeanors
- Waiting period of 3-5 years depending on the class of felony conviction
- Provided by Department of Corrections and Community Supervision (DOCCS)

Certificate of Relief from Disabilities (CRD)

Apply for a CRD if **one felony conviction** and/or any number of misdemeanors or misdemeanors only

Must apply for separate CRDs for each conviction received (If convicted of two felonies in the same case, that will count as one conviction for these purposes)

Youth can apply for a CRD at the time of sentencing

A judge can issue a Certificate of Relief from Disabilities at the time of sentencing. CRD remains temporary until sentence is completed.

Certificate of Good Conduct (CGC)

Apply for a CGC if **2 or more felony convictions** and/or any number of misdemeanors

The waiting period begins from the date of release from prison, OR the date of the last criminal conviction, whichever was most recent

- For A and B felonies → waiting period is 5 years
- For C,D, and E felonies → waiting period is 3 years

CGCs cover all convictions in one certificate



Certificates of Rehabilitation

www.doccs.ny.gov/certrelief.html

- ✓ Frequently Asked Questions on both certificates
- ✓ Application and Instructions for both certificates
- ✓ Contact Legal Services to assist with obtaining certificates of rehabilitation

Some Legal Services will assist with the application process, however, individuals can do this on their own.

Evidence of Rehabilitation

Without a Certificate of Rehabilitation:

Youth can still improve chances of getting a job or overcoming barriers by gathering evidence of rehabilitation

This is a way to show details of the positive changes someone has made since a previous conviction or incarceration

Evidence of Rehabilitation

- ✓ Transcripts from schools attended or Resume
- ✓ Licenses or certifications obtained
- ✓ Letters from a job training program, volunteer work, or employment
- ✓ Letters from parole or probation officer noting compliance with program requirements
- ✓ Letters from a religious leader/character reference about positive involvement in the community
- ✓ Documentation of successful completion of treatment programs: substance abuse, anger management, mental health, etc.

These are a few examples of how rehabilitation can be indicated.

Following the webinar we will provide a handout with a very comprehensive list of examples of evidence of rehabilitation.

Laws that offer protections to people with criminal records

NYS Corrections Law Article 23-A

NYS Executive Law Article 15 (Human Rights Law)

NYS General Business Law Article 25 (NYS Fair Credit Reporting Act)

15 USCA 1681 (Federal Fair Credit Reporting Act)

First two – Employment and Licensing

Last two – Protections Regarding Background Checks

Legal History and Employment

True or False?

Youth are required to tell employers about past arrests if asked.



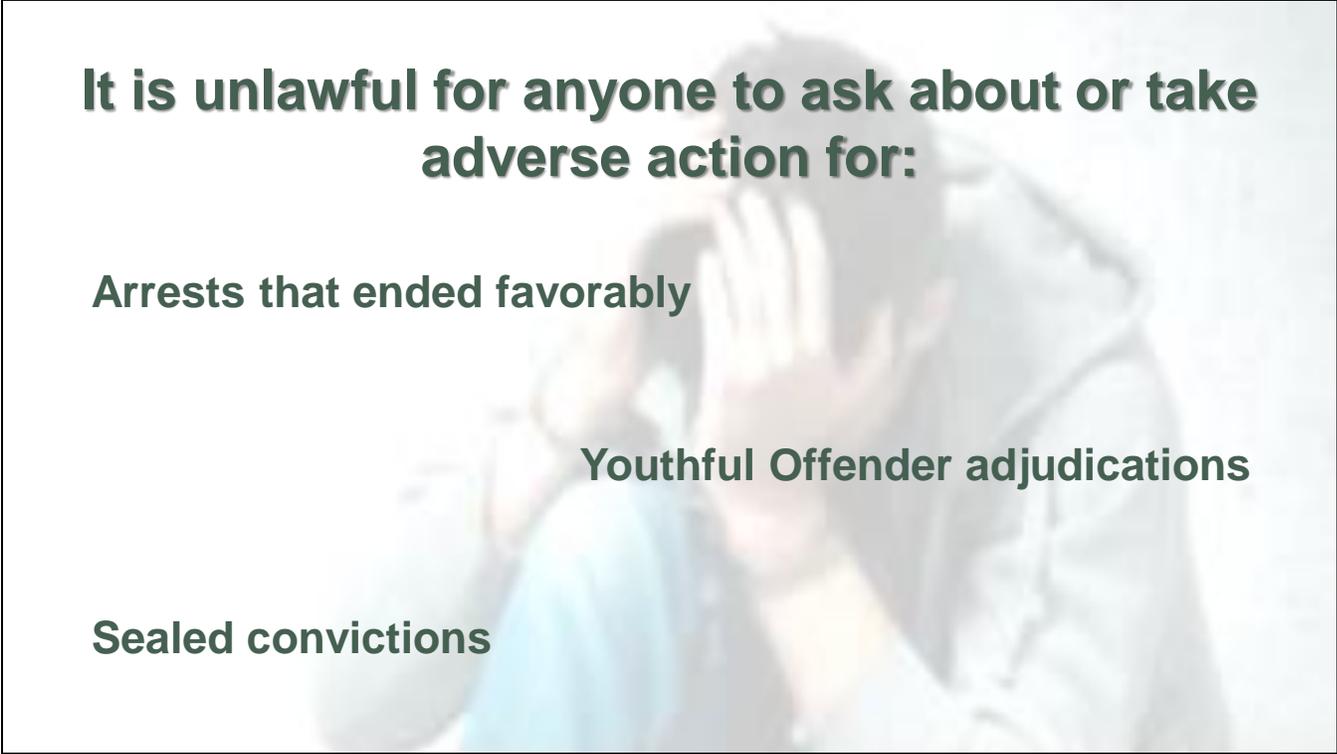
Youth are required to tell employers about past arrests if asked.



Disclose only arrests that led to conviction

This is true on applications and in interviews - throughout the employment or licensing process

Courts have held that if an employer asks about an arrest (and the case did not lead to a conviction), it is **legal** and **appropriate** to answer NO!



It is unlawful for anyone to ask about or take adverse action for:

Arrests that ended favorably

Youthful Offender adjudications

Sealed convictions

I have seen situations where individuals were denied employment regarding a previous arrest that never led to a conviction.

Prohibited Discrimination (Article 23-A)

Employers and licensing agencies are not permitted to deny an application for any occupational license or employment, or to treat someone adversely, based on that person's criminal record unless:

- ✓ There is a **direct relationship** between a conviction and the specific occupational license or employment sought;
- OR
- ✓ Granting or continuing the license or employment would create an **unreasonable risk to property or persons**

Evidence of rehabilitation becomes very valuable

Employers and licensing agencies are required to consider:

NYS public policy to encourage the licensure and employment of people with criminal histories

Specific duties and responsibilities related to the license or employment, and the bearing, if any, of conviction(s) on a person's ability to perform such duties or responsibilities

Period of time since a conviction(s)

Employers and licensing agencies are required to consider:

An individual's age at the time of the offense(s)

Seriousness of the offense(s)

Interest in protecting property or persons

Evidence of rehabilitation

Certificates of Rehabilitation obtained

Please discuss criminal record

- ✓ Youth should be prepared to discuss all unsealed misdemeanor and/or felony convictions with prospective employers
- ✓ **It is important to be honest** about convictions due to protections from discrimination for people with criminal records. Protections are lost if one lies or does not disclose. In addition this can be grounds for being denied a job or being terminated from a job.



Often individuals will call about the Federal Bonding program stating that they cannot get hired. After asking some questions, it becomes clear that the individual is not disclosing any legal history on an application or in an interview. It then comes up on a background check and the individual is not hired.

Please discuss your criminal record

- ✓ It is best for youth to explain the circumstances around what happened and anything that might help the employer understand the youth's perspective
- ✓ Inform the interviewer of any activity considered proof of rehabilitation such as: school, training, employment, volunteer work, involvement in the community, etc.



Story: Foster Grandparent Application

Employment and Occupational Licensing

Department of Health and Department of Education

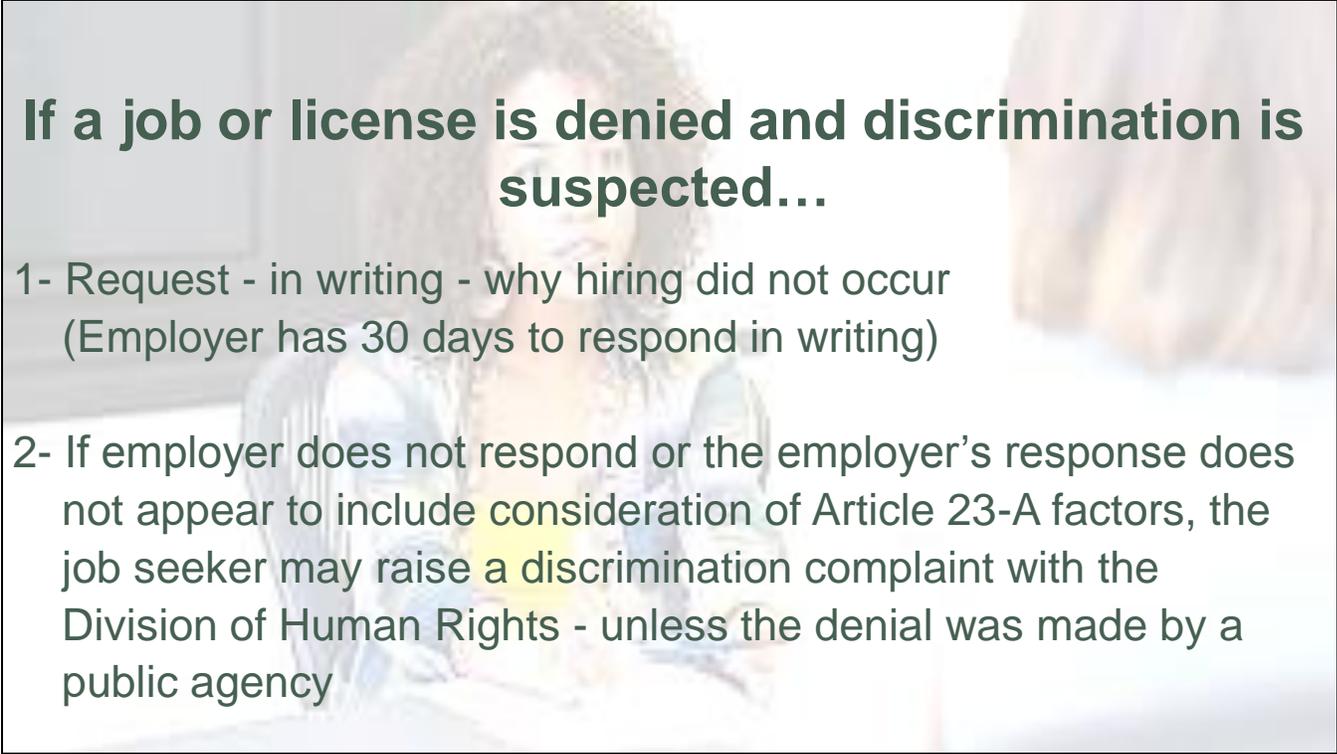
Each have their own criminal history review process

Each allow the individual an opportunity to provide information and documentation of why their criminal record should not prevent them from getting licensed

Best to have certificate of rehabilitation and **LOTS** of evidence of rehabilitation if looking in these areas

- DOE and DOH have their own review process
- Tend to be stricter regarding convictions due to the nature of the jobs (children, vulnerable individuals)
- Do allow individuals to contest decisions

Story: Individual wanting to be a Teachers Aide



If a job or license is denied and discrimination is suspected...

- 1- Request - in writing - why hiring did not occur
(Employer has 30 days to respond in writing)
- 2- If employer does not respond or the employer's response does not appear to include consideration of Article 23-A factors, the job seeker may raise a discrimination complaint with the Division of Human Rights - unless the denial was made by a public agency

File a Complaint

www.dhr.ny.gov/how-file-complaint

New York State Division of Human Rights
1-888-392-3644

- If an individual is denied a job by a private employer, they can file a discrimination complaint with the N.Y.S. Division of Human Rights. <https://dhr.ny.gov/how-file-complaint> **(same as above)**
- If an individual is denied a job or occupational license by a public agency, it would be best to contact an attorney for assistance.

Federal Bonding Program

\$5,000 to \$25,000

The Federal Bonding Program is a unique hiring incentive to help a number of “at-risk” job seekers. There are several categories of people who are eligible:

- felony or misdemeanor conviction
- active recovery from substance abuse
- youth who have been in a summer/year round employment program
- little or no work history
- receiving public assistance
- poor credit history or declared bankruptcy
- dishonorable discharge from military

If an individual is hired, the hiring business receives a free, six-month fidelity bond that that protects an employer from any loss of money or property at the workplace or offsite depending on the job.

Fidelity Bonds Cover → theft, forgery, larceny, embezzlement

Theft of: Cash, Product, Equipment

Not covered: liability , injury , accidents (Not a bail, license, contract or performance bond)

The bonding that is issued through the FBP typically cannot be secured by an employer through private insurance (hires were considered too risky). Bonding can be issued starting at

\$5,000.00. There is no cost to the hiring business (not even a deductible) and no paperwork to be done. In most cases, bonding can be extended for an additional 6 months if the employer requests it.

Individuals who are self-employed are not eligible for the bonding program.

The bonding process begins by having the job seeker meet with a Local Bonding Coordinator at a local Career Center. Almost every Career Center has a Bonding Coordinator. Information on the program will be provided following the webinar.

Resources

Resources

- ✓ Legal Aid Services in New York State
- ✓ Occupational Licensing Guide
- ✓ RAP Sheet Error Examples
- ✓ Examples of Evidence of Rehabilitation

Resources

- ✓ NYSDOL Website Resources
- ✓ NYS Record Sealing Law
- ✓ The Federal Bonding Program
- ✓ Preparing Youth for Interviews



Questions??

Open it up to anyone who wants to pose a question live then we will move to all questions in our chat box.

Contact

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