S T A T E O F N E W Y O R K

8027

2011-2012 Regular Sessions

I N A S S E M B L Y

May 27, 2011

Introduced by M. of A. MOYA -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the civil rights law, in relation to requiring state and local government agencies to provide notice to any applicant who has been denied employment of the reasons for such denial

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The civil rights law is amended by adding a new section 50-f to read as follows:

S 50-F. DISCLOSURE OF REASONS FOR DENIAL OF EMPLOYMENT BY STATE AND LOCAL GOVERNMENT AGENCIES. 1. DEFINITIONS. AS USED IN THIS SECTION,

A. "APPLICANT" MEANS ANY PERSON WHO HAS APPLIED FOR EMPLOYMENT WITH ANY STATE OR LOCAL GOVERNMENT AGENCY.

B. "BACKGROUND CHECK" MEANS AN INVESTIGATION CONDUCTED OR CAUSED TO BE CONDUCTED BY AN EMPLOYER WITH WHOM AN APPLICANT HAS APPLIED FOR EMPLOYMENT THAT RELATES TO THE APPLICANT'S PERSONAL HISTORY, INCLUDING HIS OR HER ACADEMIC OR PROFESSIONAL CREDENTIALS, MILITARY SERVICE RECORDS, CRIMINAL, DRIVING, FINANCIAL OR CREDIT RECORDS.

2. WRITTEN NOTICE. A. EVERY STATE AND LOCAL GOVERNMENT AGENCY SHALL PROVIDE WRITTEN NOTICE TO ANY APPLICANT FOR EMPLOYMENT, WHO HAS BEEN DENIED EMPLOYMENT AT SUCH AGENCY AS A RESULT OF THE STATE OR LOCAL GOVERNMENT'S REVIEW OF THE APPLICANT'S BACKGROUND CHECK, INDICATING:

(I) THE REASONS FOR SUCH DENIAL;

(II) ANY SPECIFIC BACKGROUND INFORMATION USED IN MAKING SUCH DENIAL; AND

(III) WHETHER THE APPLICANT IS ELIGIBLE FOR FUTURE EMPLOYMENT BY SUCH AGENCY.

B. SUCH NOTICE SHALL BE PROVIDED TO THE APPLICANT WITHIN SIXTY DAYS FROM THE DATE THE STATE OR LOCAL GOVERNMENT RECEIVES THE APPLICANT'S APPLICATION FOR EMPLOYMENT.

S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD10745-02-1