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

7204

2013-2014 Regular Sessions

I N A S S E M B L Y

May 7, 2013

Introduced by M. of A. PEOPLES-STOKES, MOSLEY -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, PERRY, WRIGHT -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to prohibiting employers from inquiring about an applicant's criminal arrests or convictions during the application process

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

Section 1. The labor law is amended by adding a new section 201-g to read as follows:

S 201-G. PROHIBITION AGAINST UNFAIR DISCRIMINATION AGAINST APPLICANTS FOR LICENSING OR FOR EMPLOYMENT PREVIOUSLY ARRESTED OR CONVICTED OF CRIMINAL OFFENSES. 1. IN CONNECTION WITH THE LICENSING OR EMPLOYMENT OF ANY PERSON, NO EMPLOYER SHALL KNOWINGLY AND INTENTIONALLY:

A. MAKE ANY INQUIRY ABOUT OR TAKE ANY ADVERSE ACTION AGAINST ANY PERSON ON THE BASIS OF ANY ARREST OR CRIMINAL ACCUSATION MADE AGAINST SUCH PERSON, WHICH IS NOT THEN PENDING AGAINST THAT PERSON AND WHICH DID NOT RESULT IN A CONVICTION; OR

B. REQUIRE ANY PERSON TO DISCLOSE OR REVEAL ANY ARREST OR CRIMINAL ACCUSATION MADE AGAINST SUCH PERSON WHICH IS NOT THEN PENDING AGAINST THAT PERSON AND WHICH DID NOT RESULT IN A CONVICTION.

2. IN CONNECTION WITH THE LICENSING OR EMPLOYMENT OF ANY PERSON, NO EMPLOYER SHALL KNOWINGLY OR INTENTIONALLY:

A. MAKE ANY INQUIRY REGARDING OR REQUIRE ANY PERSON TO DISCLOSE OR REVEAL ANY CRIMINAL CONVICTIONS DURING THE APPLICATION PROCESS. THE APPLICATION PROCESS SHALL BEGIN WHEN THE APPLICANT INQUIRES ABOUT THE EMPLOYMENT BEING SOUGHT AND SHALL END WHEN AN EMPLOYER HAS ACCEPTED AN EMPLOYMENT APPLICATION; OR

B. MAKE ANY INQUIRY REGARDING OR REQUIRE A PERSON TO DISCLOSE OR REVEAL ANY CRIMINAL CONVICTIONS AGAINST SUCH PERSON BEFORE AND DURING THE FIRST INTERVIEW. IF AN EMPLOYER CONDUCTS AN INTERVIEW, THE EMPLOYER

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

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IS PROHIBITED FROM MAKING ANY INQUIRIES OR GATHERING ANY INFORMATION REGARDING THE APPLICANT'S CRIMINAL CONVICTIONS. IF THE APPLICANT VOLUNTARILY DISCLOSES ANY INFORMATION REGARDING HIS OR HER CRIMINAL CONVICTIONS AT THE INTERVIEW, THE EMPLOYER MAY DISCUSS THE CRIMINAL CONVICTION DISCLOSED BY THE APPLICANT.

S 2. This act shall take effect immediately.