

**YOUR CONVICTION HISTORY SHOULDN'T
PREVENT YOU FROM GETTING A JOB
YOU ARE QUALIFIED FOR.**

A Fair [The Fair Chance Act is a NYC law that says employers have to look at qualifications first — and conviction history last — when deciding whether to hire someone.] Chance



Find out how it makes the hiring process more fair for you...

**MAKING
POLICY
PUBLIC**

It's **illegal** for employers to ask [JOB ADS can't mention conviction history. JOB APPLICATIONS can't have questions about conviction history. JOB INTERVIEWS can't include questions about conviction history. BACKGROUND CHECKS can't happen until after you've been offered a job.] about conviction history **before** offering you [If you are turned down for a job after a background check, the employer has to tell you why — and give you a chance to respond.] a job.

Here are some examples of what's illegal:

Job ads or applications that include:

- “Must pass background check”
- “Must have clean background”
- “No felonies”
- Any questions about conviction history

HEADS UP! The Fair Chance Act doesn't apply to some jobs like police officers or work with children or the elderly. It does NOT clear your record.



TALKING ABOUT YOUR CONVICTION HISTORY WITH AN EMPLOYER IS YOUR CHOICE.

You don't have to talk about your conviction history in a job application or interview. In some cases, it might make sense for you to talk about it. But everyone's situation is different. Here's a breakdown of what's illegal for employers to do, plus some tips on how to show your strengths in the hiring process:

In your resume or job application

It's illegal for employers to ask questions like these on job applications:

- "Have you ever been convicted of a crime?"
- "Have you ever plead guilty to a crime?"
- "Have you ever been arrested?"

Get a professional reentry organization to help you put together a resume that:

- Organizes your resume around the skills you have rather than a timeline of when you did what.
- Describes places you worked without mentioning correctional facilities.

In your job interview

It's illegal for an employer to ask you any questions about your conviction history until after they offer you a job. This includes questions like:

- "Have you ever been convicted of anything?"
- "You will pass a background check if we hire you, right?"
- "Do you have any kind of police record?"

Tips for talking to an employer:

- If you decide to talk about your conviction history, focus on the positive—like the skills you developed.
- If you're uncomfortable answering, say "I don't feel comfortable talking about that."
- Don't lie about your past.
- Get advice from a reentry professional on how to best talk about your qualifications for the job you're interviewing for.

Get Help

A reentry professional can help you figure out the best way to talk about your skills and experience. See the back page for organizations that can help.

If you see something that breaks the law, take a photo and send it to [VOCAL](mailto:info@vocal-ny.org).

They'll notify the employer that they are breaking the law without identifying you. info@vocal-ny.org

If an employer asks you something illegal, file a complaint with the Human Rights Commission! (See the poster on the other side.)



How the Fair Chance Act [The Fair Chance Act makes it illegal for employers to ask about your conviction history in job ads, applications, or interviews.] Works

An employer is only allowed to run a **background check AFTER they've offered you a job.** This is called a "conditional job offer." But being rejected after a background check doesn't mean it's over... You have the right to tell your side of the story.

IF YOU'RE REJECTED,

The employer has to prove **they didn't discriminate against you.**

THEY HAVE TO FILE A FORM WITH THE NYC HUMAN RIGHTS COMMISSION AND GIVE YOU A COPY OF IT. CHECK THE FORM TO MAKE SURE THEY CONSIDERED ALL OF THESE THINGS FAIRLY:

Is the job related to your conviction?



Did your offense happen a long time ago? Were you much younger?



Did the employer misunderstand your charge?



Have you made positive changes in your life?



Could employing you be a "legitimate" threat to people or property?



You have the right to respond to a rejection!

- The employer has to hold the job open for you **for three business days** to give you a chance to respond.
- The employer should tell you how to respond. If they don't, call them right away and ask how you should do it.

You have the right to check the information the employer used to make their decision.

The employer has to give you a copy of your background check and any other information they looked at. The information on a background check might come from anywhere, not just official sources. If something is wrong or missing, point it out in your response.

If the employer got something wrong on the form — or if they didn't consider the specifics of your case — point that out in your response.

You can get help from a reentry organization.

Reentry organizations can give you advice and help you respond in a way that addresses the specifics of your situation. See the back page to find out how to contact one.

If your rights are violated, file a complaint.

It's important to file a complaint if you are discriminated against — not just for yourself, but to keep the employer from discriminating against other job-seekers too.

IF YOUR RIGHTS ARE VIOLATED,

Take action! File a complaint!

How to file a complaint:

- Call 311 and ask to make a human rights complaint.
- A lawyer from the the NYC Commission on Human Rights will call you back with next steps.
- Be prepared to wait, sometimes it takes a while.

- Get help from your own lawyer or a legal service provider if you need to file a lawsuit.
- Don't give up! Remember, by holding employers responsible to the Fair Chance Act, your complaint helps other people too.

The Fair Chance Act makes it illegal for employers to ask about your conviction history before offering you a job.

FIND HELP!

If you are navigating the application process, these reentry organizations can help:

VOCAL-NY:

718.802.9540
vocal-ny.org

FORTUNE SOCIETY:

212.691.7554
fortunesociety.org

THE OSBORNE ASSOCIATION:

Bronx: 718.707.2600
Brooklyn: 718.637.6560
osborneny.org

MAKING POLICY PUBLIC is a program of the Center for Urban Pedagogy (CUP). CUP partners with policy advocates and graphic designers to produce foldout posters that explain complicated policy issues, like this one.

makingpolicypublic.net

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THE CENTER FOR URBAN PEDAGOGY (CUP) is a nonprofit organization that uses the power of design and art to increase meaningful civic engagement.
welcometocup.org



VOICES OF COMMUNITY ACTIVISTS & LEADERS (VOCAL-NY) is a statewide grassroots membership organization building power among low-income people affected by HIV/AIDS, the drug war, and mass incarceration. vocal-ny.org

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