

# WE ARE YOUR DOL



A proud partner of the American Job Center network

## WORK FOR SUCCESS

### SAVING YOUR BUSINESS TIME AND MONEY

Did you know that every year, thousands of employable men and women are released from prison in New York State? Many of them are already working. You want your business to succeed. They want to succeed and help you succeed, too.

The policy of New York State and Governor Andrew M. Cuomo is to help reduce recidivism, promote economic development and improve public safety throughout New York State by helping people with prior criminal convictions find employment.

### BENEFITS TO EMPLOYERS

#### FREE HUMAN RESOURCES SERVICES

The Work for Success program matches qualified, trained job applicants who have criminal convictions to your open job orders at no cost to you.

#### APPLICANT TRAINING

Work For Success ensures that the job applicants we send to your business have already received training or have experience in applicable job skills. Department of Labor staff can also work with your business to create a specific training program for any new or existing positions.

#### NO-COST FEDERAL BONDING

You and your business can be insured for free by the federal government for up to \$25,000 for any loss of money or property.

#### WORK OPPORTUNITY TAX CREDIT (WOTC)

Your business can earn the WOTC federal tax credit when you hire disadvantaged candidates. This includes when you hire a new employee with a previous felony conviction. The maximum tax credit for each new hire is \$2,400. To be eligible for the full credit, the employee must work at least 400 hours during the tax year. You may be eligible for a partial credit for eligible employees who work at least 120 hours.

You can get the WOTC for employees with either federal or state convictions. If the new employee was convicted of a misdemeanor or lesser offense, the employee may still be eligible under a different WOTC category.

To claim the credit, your business must submit Form 5884 with your normal federal tax return.

For more information and to apply, visit: [doleta.gov/business/incentives/opptax](https://doleta.gov/business/incentives/opptax) or contact the Department of Labor's Business Engagement Call Center at **888-708-6712**.

### GET STARTED TODAY!

Contact us today to interview and hire a well-trained, dedicated, formerly incarcerated individual.

Businesses should call: 888-708-6712  
Visit: [workforsuccess.ny.gov](https://workforsuccess.ny.gov)

### WHAT BUSINESSES ARE SAYING

"You're really making a difference in people's lives. I strongly recommend giving it a try."

—Ron Bergamini, Action Carting

"We feel very lucky to have had the employees we've had join our team."

—Agatha Kulaga, Ovenly

"We're actively challenging those preconceptions and removing the stigma from folks who have been previously incarcerated."

—Rachel Love, Vice Media

"Most of them do it not to escape their past, but to start their future."

—Elvin Brogsdale, Construction Staffing Solutions

"We work together. That's how we go forward. You go forward. I go forward."

—Anthony Giumenta, Architectural Grille

## THE FACTS

- By law, an employer cannot have a blanket policy against hiring anyone with a criminal record
- Research shows no higher incidence of workplace crime, violence, dishonesty or theft committed by people with a criminal record
- One in four adults of working age have a criminal record
- Two in three men were working and paying taxes before they were incarcerated
- The overwhelming majority of workplace violence is committed by outsiders, not employees

## NEW YORK STATE LAW

Employers cannot ask about arrests or criminal accusations:

- That were resolved in an individual's favor
- That were resolved by a youthful offender adjudication
- That resulted in a sealed conviction

Employers can ask about:

- An arrest or criminal accusation that is currently pending
- Arrests or criminal accusations that were not resolved in an individual's favor

However, you cannot not refuse to hire someone because he or she has been previously convicted of one or more criminal offenses, or because of a belief that a conviction record indicates a lack of "good moral character," unless:

- There is a direct relationship between one or more of the previous criminal offenses and the employment sought or held
- Employing or continuing to employ the person would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public

The New York State Human Rights Law applied throughout the state protects:

- People with prior arrest records that were favorably resolved or resulted in sealed convictions or youthful offender adjudications
- People with prior criminal conviction records

The employer's obligations under these protections are in separate sections of the Human Rights Law, which impose different requirements.

- Employers should consult with their own attorneys about the specific application of the law. Employers should be aware that some municipalities have

separate requirements for businesses within their jurisdictions. Therefore, employers should also consult local law about whether, and under what circumstances, it is permissible to ask applicants and employees about their criminal history. For more information, please visit [workforsuccess.ny.gov](http://workforsuccess.ny.gov) and click: "Know the Law."

## INFORMATION FOR JOB SEEKERS

To learn how the Work For Success program can help you find a job, visit a Department of Labor Career Center today. Visit: [www.labor.ny.gov/career-center-locator](http://www.labor.ny.gov/career-center-locator) to find your closest Career Center.

### KNOW YOUR RIGHTS WHEN YOU'RE LOOKING FOR A JOB

If you have prior convictions, youthful offender adjudications or sealed records, please visit [workforsuccess.ny.gov](http://workforsuccess.ny.gov) and click: "Know the Law" for more information about your rights when looking for a job.

## CONTACT US

### NEW YORK STATE DEPARTMENT OF LABOR

Harriman State Office Campus, Building 12  
Albany, NY 12240  
Businesses: **888-708-6712**  
Job seekers: **518-457-9000**  
Toll Free: **888-469-7365**  
TTY/TTD: **800-662-1220**  
Website: [labor.ny.gov](http://labor.ny.gov)

### NEW YORK STATE DIVISION OF HUMAN RIGHTS

One Fordham Plaza, 4th Floor  
Bronx, NY 10458  
Telephone: **718-741-8400**  
Toll Free: **888-392-3644**  
Email: [InfoBronx@dhr.ny.gov](mailto:InfoBronx@dhr.ny.gov)  
Website: [dhr.ny.gov](http://dhr.ny.gov)

### NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES

Alfred E. Smith Building  
80 South Swan St.  
Albany, NY 12210  
Telephone: **518-457-5837**  
Toll-Free: **800-262-3257**  
Website: [dcjs.ny.gov](http://dcjs.ny.gov)