

Human Resources
807 Union Street
Schenectady, NY 12308-3107

Telephone: 518-388-6108
Fax: 518-388-6529
<http://www.union.edu>

EMPLOYEE BACKGROUND CHECKS

The College desires to provide to the students, faculty, and staff a reasonably safe and secure environment and to provide reasonable protection for the financial and material assets of the College. As a condition of employment, all administrative and staff applicants and current employees transferring into sensitive, financial, or student-oriented positions and all faculty applicants who have been offered a faculty position are required to sign a Release of Information Form authorizing the College to conduct a thorough background check. All administrative and staff applicants will be required to complete an employment application, and all faculty applicants who have been offered a position will also be required to complete a separate form, attesting that the information provided in the application dossier is accurate. The background check is necessary to determine that the applicant or employee has the required academic credentials, skills or competencies, has a history of safe driving (if applicable), has no job-relevant criminal conviction history, has no job-related financial difficulties, and has no history of sexual abuse/sexual misconduct that may jeopardize the safety or welfare of the College's employees, students, or operations.

The existence of a criminal history in and of itself is not a bar to employment at Union College. The College abides by New York State Law in the protections offered to job applicants against misuse or unnecessary disclosure of criminal history information.

To authorize your post offer background check, please complete and return to Human Resources, Page 4 (Authorization for Post Offer Background Check), and Page 5 (Identifying Information).

Notice to New York Applicants:

Under Article 25 Section 380-c (b) (2) of the New York General Business Law, you have the right, upon written request, to be informed of whether or not an investigative consumer report was requested.

Under Article 25 Section 380-g of the New York General Business Law, should a consumer report received by an employer contain criminal conviction information, the employer must provide to the applicant or employee who is the subject of the report, a printed or electronic copy of Article 23-A of the New York Correction Law, which governs the employment of persons previously convicted of one or more criminal offenses.

ACCURATE INFORMATION SYSTEMS, INC.

871 Venetia Bay Blvd., Ste. 210
Venice, Florida 34285
Phone: 1-800-295-7109, Fax: 1-941-412-0005
www.accurateinformationsystems.com

NEW YORK CORRECTION LAW ARTICLE 23-A LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

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§750. Definitions.

For the purposes of this article, the following terms shall have the following meanings:

- (1) "Public agency" means the state or any local subdivision thereof, or any state or local department, agency, board or commission.
- (2) "Private employer" means any person, company, corporation, labor organization or association which employs ten or more persons.
- (3) "Direct relationship" means that the nature of criminal conduct for which the person was convicted has a direct bearing on his fitness or ability to perform one or more of the duties or responsibilities necessarily related to the license, opportunity, or job in question.
- (4) "License" means any certificate, license, permit or grant of permission required by the laws of this state, its political subdivisions or instrumentalities as a condition for the lawful practice of any occupation, employment, trade, vocation, business, or profession. Provided, however, that "license" shall not, for the purposes of this article, include any license or permit to own, possess, carry, or fire any explosive, pistol, handgun, rifle, shotgun, or other firearm.
- (5) "Employment" means any occupation, vocation or employment, or any form of vocational or educational training. Provided, however, that "employment" shall not, for the purposes of this article, include membership in any law enforcement agency.

§751. Applicability. The provisions of this article shall apply to any application by any person for a license or employment at any public or private employer, who has previously been convicted of one or more criminal offenses in this state or in any other jurisdiction, and to any license or employment held by any person whose conviction of one or more criminal offenses in this state or in any other jurisdiction preceded such employment or granting of a license, except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct. Nothing in this article shall be construed to affect any right an employer may have with respect to an intentional misrepresentation in connection with an application for employment made by a prospective employee or previously made by a current employee.

NEW YORK CORRECTION LAW
ARTICLE 23-A
LICENSURE AND EMPLOYMENT OF PERSONS PREVIOUSLY
CONVICTED OF ONE OR MORE CRIMINAL OFFENSES

§752. Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited.

No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual's having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of "good moral character" when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless:

- (1) There is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or
- (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.

§753. Factors to be considered concerning a previous criminal conviction; presumption.

1. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall consider the following factors:

- (a) The public policy of this state, as expressed in this act, to encourage the licensure and employment of persons previously convicted of one or more criminal offenses.
- (b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person.
- (c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.
- (d) The time which has elapsed since the occurrence of the criminal offense or offenses.
- (e) The age of the person at the time of occurrence of the criminal offense or offenses.
- (f) The seriousness of the offense or offenses.
- (g) Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.
- (h) The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.

2. In making a determination pursuant to section seven hundred fifty-two of this chapter, the public agency or private employer shall also give consideration to a certificate of relief from disabilities or a certificate of good conduct issued to the applicant, which certificate shall create a presumption of rehabilitation in regard to the offense or offenses specified therein.

§754. Written statement upon denial of license or employment.

At the request of any person previously convicted of one or more criminal offenses who has been denied a license or employment, a public agency or private employer shall provide, within thirty days of a request, a written statement setting forth the reasons for such denial.

§755. Enforcement.

1. In relation to actions by public agencies, the provisions of this article shall be enforceable by a proceeding brought pursuant to article seventy-eight of the civil practice law and rules.

2. In relation to actions by private employers, the provisions of this article shall be enforceable by the division of human rights pursuant to the powers and procedures set forth in article fifteen of the executive law, and, concurrently, by the New York city commission on human rights.

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AUTHORIZATION FOR POST OFFER BACKGROUND CHECK
(Consumer Report/Investigative Consumer Report – Disclosure and Release of Information Authorization)

In connection with my application for employment and at anytime during my employment at Union College, I hereby authorize Union College and Accurate Information Systems, Inc., a consumer-reporting agency, to retrieve information from all personnel, educational institutions, government agencies, companies, corporations, credit reporting agencies, law enforcement agencies at the federal, state or county level, relating to my past activities; and I authorize these entities to supply any and all information concerning my background. The information received may include, but is not limited to, academic, residential, achievement, job performance, attendance, litigation, personal history, credit reports, driving records, and criminal history records. I understand some or all of this information may be transmitted electronically and authorize such transmission.

I understand a Consumer Report or Investigative Consumer Report (“Consumer Report”) may be prepared summarizing this information. If my prior employers and/or references are contacted, the report may include information obtained through personal interviews regarding my character, general reputation, personal characteristics, and mode of living. I may request a copy of any report that is prepared regarding me and may also request the nature and substance of all information about me contained in the files of the consumer-reporting agency. I understand I have the right to inspect those files with reasonable notice during regular business hours and I may be accompanied by one other person. The consumer-reporting agency is required to provide someone to explain the contents of my file. I understand proper identification will be required and I should direct my request to: Accurate Information Systems, Inc., 871 Venetia Bay Blvd., Ste. 210 Venice, Florida 34285 Phone: 1-800-295-7109, Fax: 1-941-412-0005

In accordance with the Family Educational Rights and Privacy Act (“FERPA”), I have the right to have my education records treated as confidential, subject to my authorization to release the same. I hereby consent to Union College obtaining my education records at all academic institutions I attended.

I authorize without reservation, any party, agency or agency representative contacted by Union College to obtain the above information and reports.

I authorize without reservation, any party, agency or agency representative contacted by Union College, their agent or agency representative to furnish the above mentioned information or reports.

I hereby consent to Union College obtaining the above mentioned information and reports through their agent, and agree to indemnify, hold harmless, and release from all liability, Union College and their agent or agency representative for record content, errors or omissions.

I understand that Under Article 25 Section 380-c (b) (2) of the New York General Business Law, I have the right, upon written request, to be informed of whether or not an investigative consumer report was requested.

I understand that Under Article 25 Section 380-g of the New York General Business Law, should a consumer report received by an employer contain criminal conviction information, the employer must provide to the applicant or employee who is the subject of the report, a printed or electronic copy of Article 23-A of the New York Correction Law, which governs the employment of persons previously convicted of one or more criminal offenses.

I hereby certify all the statements and answers set forth on the application form, resume and/or authorization for post offer background check are true and complete to the best of my knowledge, and I understand that if subsequent to employment any such statements and/or answers are found false or information has been omitted, such false statements or omissions will be just cause for the termination of my employment. Further, I understand that by requesting this information, no promise of employment is being made.

** I understand and agree that a photocopy of this authorization should be accepted with the same authority as the original; and that if employed by Union College, this authorization will remain in effect throughout such employment.*

Signature

Date

IDENTIFYING INFORMATION FOR POST OFFER BACKGROUND CHECK (PLEASE PRINT CLEARLY)

** Please note that the following information is requested for identification purposes only and is not considered a part of your application for employment.*

Name: _____ Social Security Number: _____ Date of Birth: _____
(last) (first) (m.i.)

List any other LAST NAMES you used during the previous 7 years: _____

List any other LAST NAMES under which you received your GED, high school diploma, or other degrees: _____

Current Address: _____ City: _____ State: _____ Zip Code: _____ County: _____ How Long? _____ Yrs

Telephone: Country Code: _____ Area Code/Number: _____

Past Addresses: _____ City: _____ State: _____ Zip Code: _____ County: _____ How Long? _____ Yrs
(during previous 7 years)

_____ City: _____ State: _____ Zip Code: _____ County: _____ How Long? _____ Yrs

_____ City: _____ State: _____ Zip Code: _____ County: _____ How Long? _____ Yrs

_____ City: _____ State: _____ Zip Code: _____ County: _____ How Long? _____ Yrs

Degrees Attained (Starting with most recent degree completed, please include degree attained, name & location of school, year graduated, and other name(s) under which you received your degree – attach additional sheets as necessary).

Drivers License: Number: _____ State or Province: _____ Expires on: _____

_____ Please initial here to acknowledge receipt of:

- 1) Employee Post Background Check Information,
- 2) Authorization for Post Offer Background Check Form, and
- 3) Information regarding Article 23-A of the New York Correction Law.

Applicant's Signature: _____ Date: _____

Being considered for the Position of: _____ Req. #: _____ (if known)