

Legal Services Programs

Statewide Legal Services: (Entry point for the legal services network in Connecticut). **860-344-0380** Central CT area or **1-800-453-3320**.

Other Legal Services Programs:

Hartford, Hartford County:

Greater Hartford Legal Aid

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5000
FAX: (860) 541-5050

Greater New Haven Area:

New Haven Legal Assistance Association, Inc.

426 State Street
New Haven, CT 06510
(203) 946-4811
TDD: (203) 946-4811
FAX: (203) 498-9271

Visit us on the internet:

www.slsct.org
www.ghla.org
www.nhlegal.org
www.connlegalservices.org
www.larcc.org

This pamphlet was produced by the Legal Assistance Resource Center of CT in cooperation with Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this pamphlet is based on the laws in CT as of February 2009. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please call Statewide Legal Services (see above) or contact an attorney.

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Throughout Connecticut:

Connecticut Legal Services:

Administrative Office: (860) 344-0447

Offices:

211 State Street
Bridgeport, CT 06604
(203) 336-3851

16 Main Street
New Britain, CT 06051
(860) 225-8678

153 Williams Street
New London, CT 06320
(860) 447-0323

20 Summer Street
Stamford, CT 06901
(203) 348-9216

85 Central Avenue
Waterbury, CT 06702
(203) 756-8074

872 Main Street
Willimantic, CT 06226
(860) 456-1761

CLS Satellite Offices:

Danbury (203) 348-9216
Meriden (860) 225-8678
Middletown (860) 225-8678
Norwalk (203) 899-2451
Norwich (860) 447-0323
Rockville 1-800-413-7796
Torrington 1-800-413-7797

AIDS Legal Network for CT

999 Asylum Avenue
Hartford, CT 06105
(860) 541-5027 or 1-888-380-3646

Is Your Criminal Record Keeping You from Working?



Don't give up hope of getting a job even if you have a criminal record. This pamphlet describes your rights when applying for (and keeping) a job, and explains how your criminal record can affect your ability to get certain jobs and licenses. (For example, you will be automatically disqualified from getting a job as a taxi driver if you have a certain criminal record.) If you have any questions, call Statewide Legal Services at 1-800-453-3320 or 860-344-0380.

What information about my criminal record is an employer allowed to know?

Employers or potential employers can get information about your criminal record from a credit report, the state police and/or from a record check on a national level. In most cases, the employer must first get your permission in writing. In general, the employer can find out about:

- Arrests during the last seven years, and
- Any convictions (no matter when it occurred).

What is an employer NOT allowed to know about my criminal record?

Employers cannot ask an applicant or current employee to tell about any arrest, charge or conviction that was “**erased**”. “Erased” means that the record is kept in a secure place and the information cannot be given out (disclosed). This means that if you are asked on the application or in an interview whether you have ever been arrested, charged, or convicted, you can answer “**NO**” if your record has been erased. Also, an employer in Connecticut cannot refuse to hire, fire, or discriminate against an applicant/employee solely because of a charge or conviction that was erased.

Some of the charges that should be **erased** are those...

- that have been dismissed;
- for which you were found not guilty;
- that were nulled at least 13 months ago; (But not when there are several charges from one arrest, and some charges are nulled while the others ended in convictions).



- that were continued at least 13 months ago, and;
- for which you completed probation in an accelerated rehabilitation program.

See the section below called “*Can I ever get charges removed...*”

How do I answer questions about my record?

You must be truthful. If you lie, you risk losing your job—not because of your record, but because you *lied* about it. **Read/listen to the question very carefully and answer only what is asked.** For example, do not volunteer information about a misdemeanor if you are only asked about felonies. You may also want to explain what you learned from your experience and how you are different now.

Erased Records: If an employer asks whether you have ever been arrested, charged, or convicted, you can truthfully answer “**NO**” if your record has been erased.

Learn the questions that are usually asked and prepare answers. You can get a list of common questions at a public library and on the Department of Labor website (*Interview Questions:* www.ctdol.state.ct.us/progsupt/jobsvrce/interviews-questions.htm).

Write down your job history. Include the company name and address, your job duties, the dates you worked, and why you left.

Prepare explanations for times when you did not have a job.

Prepare explanations of your record or why you were fired.

Get a copy of your personnel file from past employers. If you ask for it in writing, your employer must give it to you. (See Legal Aid's flyer, *Personnel & Medical Files.*) If you disagree with something in your file, write a statement to be added to your file.

Get references. Try to find someone you trust from one of your jobs who will give you a good reference (say good things about you). Ask what he or she would say about you if a potential employer calls. Also ask if you may use him or her as a reference.

Don't lie. If you lie about certain information and are later fired for lying, you may not be able to get unemployment or welfare benefits. And, with some jobs—for example, at a day care center—lying about a criminal record is a *criminal* offense.

Can I ever get charges removed from my record?

You may be able to get a charge removed from your criminal record if the charge is wrong or if you apply for and are granted an “absolute” pardon for that charge. (*See below for more on pardons*).

If there are charges on your record that you believe are wrong, do not try to persuade the employer that the record is wrong. Instead, get the record changed. First, get a copy of your criminal record from the state police (*see below*). There is a \$25 fee. If it is wrong or it lists charges you think should have been erased, send a letter to the state police specifically stating the problem and include proof that there is a mistake. You must receive a written answer within 60 days. You have the right to appeal the decision.

Send requests for records and letters disputing your record to:
Department of Public Safety, State Police Bureau of Identification,
1111 Country Club Road, Middletown, CT 06457.

What is a “pardon” and how do I get one?

A pardon means that you have been *officially excused* for your crime, *but you are not cleared of guilt* for the crime. There are two types of pardons: **Expungement** (*total*) and **Provisional** (*partial*). If you are granted an expungement pardon for any conviction, that charge will be removed/erased from your record.

You can apply for a pardon if at least 5 years have passed since your last felony conviction (3 years for a misdemeanor conviction). To apply, you must complete a long application (there are very strict deadlines) and you may have to go to a hearing. In Connecticut, applications are accepted and hearings are held throughout the state at least once every three months.

To request an application for a pardon, contact: Board of Pardons and Paroles, 55 West Main St., Waterbury, CT 06702. Phone: (203) 805-6605. *Or go to the Department of Corrections website (www.ct.gov/doc) then link to Board of Pardons.*

For help or questions about mistakes in your criminal record, or about the pardons process, call Statewide Legal Services.

What can I do if I lost a job because of my record?

If you think you have been denied a job or fired because of your *criminal record*, your first step should be to ask the employer if your criminal record played a part in the decision. (Connecticut state agencies must notify you in writing.) If you are denied a job because of information in your *credit report*, you must be told so and be given the name and address of the credit agency that gave the report.

If you are Black or Latino/a, and your criminal record was the reason for the employer’s decision, you may have been discriminated against. **Your next step:** File complaints with two agencies: (1) The Connecticut Commission on Human Rights & Opportunities (1-800-477-5737) and (2) the U.S. Equal Employment Opportunity Commission (1-800-669-4000). You only have 180 days from the date the employer discriminated against you to file a complaint. You can file these complaints without a lawyer. See also the Legal Aid flyer: *Q & A: Job Discrimination*.

Are there jobs or licenses that I cannot get because of my criminal record?

Sometimes, but it depends on who the employer is and the type of criminal record you have. Some criminal records automatically disqualify you from certain jobs or licenses. And, sometimes it is up to the licensing agency. *See below for more details*. Remember, if your record has been **erased**, you do not have to say anything about erased records. When a background check is done, erased records should not appear on your record and should not affect employment.

Connecticut laws say: *State agencies* cannot have absolute policies against hiring people with criminal records. The state agency must consider how long ago you were convicted, the seriousness and type of offense, the nature of the job, and efforts at rehabilitation. But, the state agency **can** refuse to hire those with a criminal record for safety and security-sensitive positions, including jobs in nursing homes and in day care centers. **Private companies** are encouraged (but not required) to hire anyone who is qualified, including those with criminal records.



The following pages describe the impact of a criminal record on certain jobs and/or licenses. This list only includes a sample of the jobs and/or licenses that are impacted by a criminal record; it is not a complete list. It is becoming more common for employers to require criminal record checks, which means that there may be other jobs and/or licenses that you may not be able to get if you have a criminal records.

Impact of Criminal Record on Employment

■ **State and local police officers, correctional personnel, and court house security:** Any law enforcement agency can refuse to hire you based on your criminal record. State law requires a criminal record check for all who apply for such jobs. For instance, the Department of Correction uses the following guidelines:

DEPARTMENT OF CORRECTION:	
<i>Type of Criminal Offense</i>	<i>Impact on Employment</i>
Felony conviction	Automatic disqualification
Failure to disclose your criminal record on a job application	Automatic disqualification
Single misdemeanor for which you did not serve prison time	Disqualified if it has been less than 2 years since you completed your punishment
Single misdemeanor for which you did serve prison time	Disqualified if it has been less than 3 years since you completed your time in prison
Multiple misdemeanors for which you did not serve prison time	Disqualified if it has been less than 5 years since you completed your punishment
Multiple misdemeanors for which you did serve prison time	Disqualified if it has been less than 7 years since you completed your prison time



You will be automatically disqualified from getting the following jobs and/or licenses:

■ **Private detective and private security personnel:** You will be denied a private detective’s license if you have been convicted of a felony; if in the prior 7 years you have been convicted of illegal narcotics possession, criminally negligent homicide, 3rd degree assault, 2nd degree threatening, 1st degree reckless endangerment, 2nd degree unlawful restraint, 1st or 2nd degree riot, inciting to riot, or 2nd degree stalking; if you have been convicted of any offense involving moral turpitude; or if you have been discharged from military service

under conditions that demonstrate questionable moral character. You cannot work for a licensed private detective, guard, or security officer if you have been convicted of a felony, any sexual offense, any crime that would question your honesty and integrity, or if you have been denied a private detective’s license.

■ **Bail enforcement agent or bail bond agent:** You will be denied a license to work as a bail enforcement or bail bond agent if you have been convicted of a felony, illegal narcotics possession, criminally negligent homicide, 3rd degree assault, 2nd degree threatening, 1st degree reckless endangerment, 2nd degree unlawful restraint, 2nd degree failure to appear, 1st or 2nd degree riot, inciting to riot, or 2nd degree stalking.

■ **Taxi driver, livery driver, or bus driver:** To get a commercial driver’s license (CDL) to transport passengers, to drive a taxi, livery cab, activity vehicle, school or public bus or van, you must provide evidence that you have no criminal record and that you have not been convicted of driving under the influence within five years of the date of your application. You may also be denied a CDL if you have been convicted of certain driving violations (usually involving drugs, alcohol, felonies, and serious traffic violations), even if it occurred while you were driving your own personal vehicle.

■ **Firearms sales:** You cannot be hired to sell firearms in a retail store if you have been convicted of a felony, illegal narcotics possession, criminally negligent homicide, 3rd degree assault, 2nd degree threatening, 1st degree reckless endangerment, 2nd degree unlawful restraint, 1st or 2nd degree riot, inciting to riot, or 2nd degree stalking. You may work in another department in the store, as long as the store does not mainly sell firearms.

■ **Pawnbroker:** You cannot get a license to be a pawnbroker if you have been convicted of any felony. Your fingerprints will be taken and a criminal background check done when you apply for such a license.

■ **Jewelry sales:** You cannot get a license to have a business that buys gold, silver, platinum, watches, precious stones, or coins if you have been convicted of a felony. Your fingerprints will be taken and a criminal background check will be done when you apply.

■ **Airport personnel:** You cannot work as a security screener or in other airport jobs with direct access to airplanes and secure airport areas if in the prior 10 years you were convicted of (or found not guilty by reason of insanity) certain crimes involving aircraft and/or navigation; murder; assault with intent to murder; espionage; sedition; treason; rape; kidnapping; unlawful possession, sale, distribution or manufacture of an explosive or weapon; extortion; armed or felony unarmed robbery; distribution of, or intent to distribute, a controlled substance; a felony involving a threat; a felony involving willful destruction of property; importation or manufacture of a controlled substance; burglary; theft; dishonesty; fraud; or misrepresentation; possession or distribution of stolen property; aggravated assault; bribery; illegal possession of a controlled substance (if punishable by more than 1 year); any felony involving placing contraband on an aircraft for money; or conspiracy to commit any of the crimes mentioned above.

■ **Armored car crew member:** You cannot work as an armored car crew member if you were convicted of any crime that would disqualify you from getting a firearm license or permit.

■ **Employee benefit plans:** You cannot work in any job involving employee benefit plans for 13 years after conviction or end of imprisonment for offenses including robbery, embezzlement, bribery, extortion, fraud, grand larceny, burglary, arson, felonies involving controlled substances, murder, rape, kidnapping, perjury and others unless a court specifically orders otherwise.

■ **Unlicensed home child care provider:** You cannot receive payment from the state for providing unlicensed child care if you have been convicted of any crime involving sexual assault of a minor or serious physical injury to a minor. The state will not pay you for providing child care if you have been convicted of a felony involving the use, attempted use, or threatened use of physical force against another person; cruelty to persons; injury or risk of injury to or impairing morals of children; abandonment of child under 6; any felony where the victim is under 18; any sexual assault. A check of the state child abuse registry is also required and payment will be denied if there is a substantiated report of child abuse.



You may be able to get these jobs and/or licenses—it is up to the licensing agency.

■ **Day care center, group day care, or family day care home operator/employee:** The Department of Public Health (DPH) requires all employees who provide child care at a day care center, group day care or family day care home to submit to a criminal record check and to a check of the state child abuse registry. DPH may refuse to grant a license to own or operate a day care if you or any employee who provides child care has been convicted of a felony involving the use, attempted use or threatened use of physical force against another; cruelty to persons; injury or risk of injury to or impairing the morals of children; abandonment of a child under 6; or any felony where the victim is a child under 18; sexual assault; or has a criminal record that the commissioner reasonably believes renders you unsuitable to provide such child care.

Note: *Youthful Offender Status--Determination of youthful offender status does not prevent a person from obtaining any license.*

In addition to the above, family day care home operator/employees: may be denied a license to own or operate because of conviction of the illegal manufacture, distribution, sale, prescription, dispensing, administration or possession of controlled substances. If your license is revoked you are ineligible to apply for a license for one year from the effective date of the revocation.

■ **School bus and van driver:** The Department of Motor Vehicles requires anyone applying for a license to operate a school bus or van to submit to a criminal record check. It will deny such licenses to those with criminal records. A law is being proposed in CT which will also require a check of the state child abuse registry.

■ **Public health licenses:** The Department of Public Health can deny licenses, certifications or permits to nurse's aides, dental hygienists, nutritionists, barbers, hairdressers, nail technicians, etc. for felony convictions.

■ **Auto sales and repair licenses:** The Department of Motor Vehicles may deny auto sales and repair licenses if in the prior 5 years you have been convicted of any law pertaining to the business

of selling or repairing motor vehicles, or any violation involving fraud, larceny, deprivation, or misappropriation of property.

✓ **Your Right to a Hearing.** Generally, you have a right to written notice if you are denied a license and you have a right to a hearing to challenge the denial. If you are not given the chance for a hearing or if you want advice, call Statewide Legal Services at 1-800-453-3320 or 860-344-0380.

Do all employers require a criminal background check?

No. Most private employers have a choice as to whether they want to conduct a criminal background check. Some will run a criminal background check on you, and others will not. Since it has become very easy for employers to do such a search through credit reporting agencies, it is becoming more common for employers to require criminal record checks. (See page 1 “What information about my criminal record is an employer allowed to know?”). However, in certain professions, the private employer is required by law to do a criminal background check if you apply for a job. See the list below for some examples (again, this is not a complete list).



Criminal background checks are required for the following jobs:

■ **Public school employee:** To be a public school employee, you must state on your job application whether you have ever been convicted of a crime or whether criminal charges are pending. A state and national criminal record check, including fingerprinting, will be done. You can be fired if a school board gets notice of a conviction you did not disclose.

■ **Nurse and Nurse’s aide:** To be a nurse or nurse’s aide, you must state on your job application whether you have ever been convicted of a felony, cruelty to persons, assault of a victim 60 years or older, or have been subject to disciplinary action by the licensing agency of any state. It is a class A misdemeanor to make a false written statement on your job application regarding a prior criminal conviction or disciplinary action.

■ **Lottery, casino, horse or dog racing, or off-track betting personnel:** Your fingerprints will be taken and a criminal record check will be done when you apply for a license to be an employee at a gaming facility (which includes concessionaires and vendors), and when you apply for an occupational license for employment with the Connecticut Lottery Corporation. A law is being proposed in Connecticut that would require criminal record checks for all applicants seeking a license as a lottery sales agent.

■ **Child day care center or group day care operator/employee:** To be an employee at a child day care center or group day care home, your fingerprints will be taken and criminal record and child abuse registry checks will be done.

■ **Direct care worker for the Department of Developmental Services:** A state criminal background check will be done for anyone applying for a job in a Department of Developmental Services (DDS) program that provides direct services to persons with mental retardation. No applicant will be hired until the criminal check has been completed. A background check may be required by private companies providing services for DDS.

■ **Licensed home child care provider:** The state conducts criminal background checks on all individuals who are not related to the child and are licensed to provide child care services to the child in the child’s home.

After I turn in my job application, will my criminal record be available to everyone at the job?

No. According to state law, the information your employer gets on your criminal record may only be used by the person in charge of hiring decisions or by the personnel department during the interview process. This means that your criminal record should never be made available to other employees or be used against you after you have been hired.



Questions?

Call Statewide Legal Services
1-800-453-3320 or 860-344-0380