

# **Everything you need to know about** Criminal History Background Checks for Employment or Volunteer Service

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# **Everything you need to know about Criminal History Background Checks for Employment or Volunteer Service**

## **Why you may be subject to a criminal history background check:**

If you have applied for employment or to volunteer with a mental health provider, in a position that will involve regular and substantial unsupervised or unrestricted physical contact with the provider's clients, a criminal history background check is required. This legal requirement applies to many human service agencies.

OMH obtains the criminal history information it reviews from the NYS Division of Criminal Justice Services and the FBI. Each person's criminal history is evaluated individually. We take into account several factors, including the nature of the offense, how long ago the offense occurred, your age at the time of the offense, and the type of position for which you are applying. It is important to note that most people that have criminal histories will not be denied employment.

## Potentially Disqualifying Criminal Histories:

The law specifically requires OMH to closely examine criminal history information which reveals a felony conviction at any time for a sex offense, a felony conviction within the past 10 years involving violence, a conviction for endangering the welfare of an incompetent or physically disabled person, or a similar offense in any other jurisdiction (outside of New York State). If you have one of these convictions on your record, you should expect that OMH will contact you to request additional information in support of your application. If, upon receipt of the information you provide, OMH determines that approval of your application for employment or volunteer service will not in any way jeopardize the health, safety or welfare of clients of the provider of mental health services, OMH will not direct the provider to deny employment or volunteer service.

Please keep in mind that even if your criminal history *does not include* one of the convictions stated above, OMH will individually evaluate your criminal history to determine whether you may pose a risk to the property, safety, or welfare of the clients of the provider of mental health services. Based on our individual review, OMH may contact you to request additional information in support of your application. **Please do not assume that because you do not have one of the criminal convictions stated above, that you do not need to respond to the letter.**

## Requests for Evidence of Rehabilitation and Good Conduct:

If OMH determines that your criminal history information *may* disqualify you from employment or volunteer service with your prospective employer, OMH will afford you an opportunity to explain in writing why your application for employment or volunteer service should not be denied. It is to your benefit to provide as much detail and supporting documentation as possible, so we can conduct a detailed review of your application.

If you receive a letter from OMH requesting evidence of rehabilitation and good conduct, your help in providing information will enable us to more thoroughly review your situation. The public policy of New York State is to encourage the employment of persons who have been previously convicted of criminal offenses, so any information that you can provide that demonstrates your rehabilitation and good conduct will be considered.

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## Time Frame for Responding:

If you receive a letter requesting evidence of rehabilitation and good conduct and you would like OMH to proceed with a review of your application for employment or volunteer service, *it is very important that you respond to the letter within 10 calendar days of the date the letter was mailed.*

If you need more time to prepare your response, OMH may provide you with an additional 5 days to do so, but you still must contact OMH within 10 calendar days of the date the letter was mailed to let us know more time is needed. If OMH does not receive a response from you, we will have no alternative but to advise your prospective employer that your application must be disqualified.

**In order to ensure timely delivery of the letter, it is important that you provide an accurate and detailed mailing address (including an apartment number) to your prospective employer. Failure to provide a complete and accurate address to the prospective employer may result in extended delays to the review process.**

If there is a delay in the delivery of OMH's request for evidence of rehabilitation and good conduct to your mailing address, and/or you feel that you need additional time to respond to the request, please contact BCHI at (518) 402-4723 to request a 5 day extension.

## Resources:

The following resources may be helpful if you need help responding to OMH's request for evidence of rehabilitation and good conduct:

- ◆ If you currently make use of mental health services, you may wish to request help from your service provider.
- ◆ If you are currently enrolled in a program for ex-offenders, you may wish to request help from the program.
- ◆ If you have an existing relationship with your prospective employer, you may wish to request help from them.

You may wish to submit the following information in support of your application for employment.

- ◆ Letter(s) or document(s) showing your participation in, or completion of, a course of mental health therapy.
- ◆ If you are applying for a position as a peer counselor or peer advocate, a statement from you or your prospective employer explaining how your experience may relate to the position for which you are applying.

### **Some Examples of Evidence of Rehabilitation and Good Conduct:**

The list below contains a few examples of the type of documents that you can submit to OMH as evidence of rehabilitation and good conduct. Please submit as many as you think are important for OMH to consider.

- ◆ A Certificate of Relief or a Certificate of Good Conduct.
- ◆ Letter(s) of recommendation from your prospective employer.
- ◆ Letter(s) of recommendation from any other individual who may be able to attest to your rehabilitation and/or good conduct.
- ◆ Letter(s) or document(s) showing your participation in an ex-offender program.
- ◆ Letter(s) or document(s) showing any of your educational and/or training achievements.
- ◆ Letter(s) or document(s) showing any of your professional achievements.
- ◆ Letter(s) or document(s) showing your participation in any community service programs or showing any community service achievements.
- ◆ Letter(s) or document(s) showing your participation in, and completion of, a drug and/or alcohol treatment or rehabilitation program.

- ◆ Letter(s) or document(s) showing your participation in, and completion of, an anger management or similar program.
- ◆ Letter(s) or document(s) showing your work experience.

### **What you should do if your application is disqualified:**

If OMH advises your prospective employer that your application must be disqualified, you are encouraged to re-apply in the future for a position with a mental health provider. As circumstances change, OMH will re-review your application, taking into account the responsibilities of the position for which you are applying and any additional information you provide in support of your application.

If your application is disqualified on the basis of your criminal history, the provider with whom you were seeking a position must advise you that you can obtain a summary of that information from them. If you believe the information on your criminal history report is not correct, you can learn how to obtain a copy of it, and request that it be corrected, by contacting the New York State Division of Criminal Justice Services Record Review Unit at (518) 485-7675.

### **Contact Information:**

If you have questions regarding the letter you receive from the Bureau of Criminal History Information (BCHI) of the New York State Office of Mental Health (OMH), please contact your prospective employer or you may contact BCHI at (518) 402-4723.

You can also learn more by visiting our website at:  
<http://www.omh.state.ny.us/omhweb/fingerprint/>

