

WHY HIRE AN EX-OFFENDER?

I. Federal Bonding Program

1. Fidelity Bonding?

Insurance issued to employers as a protection against employee theft or dishonesty. Full-time employees who handle money or valuable tools or goods are covered. Fidelity bonds are provided to employers for job applicants who are denied coverage by commercial carriers because of a record of arrest, conviction, or imprisonment.

Costs

Coverage is provided at no cost to the employer or job applicant.

Amount & Duration of Bonds

Bonds are either \$5,000 or \$10,000 for a 6 month duration. Bonds are automatically issued for \$5,000, unless the State Bonding Coordinator approves request for \$10,000.

Coverage

Coverage is provided by the Travelers Property Casualty Insurance Company through the Federal Bonding Program, which is administered by the State Employment Security Agency. Coverage begins on the first day of work for the new employee. The bond is mailed to the employer by Travelers.

Application

To obtain a bond, the employer applies at any New York State Labor Department Office and shows that a valid job exists, the ex-offender meets the job qualification, and that the bond is needed for the ex-offender to keep the job.

2. Unicor Bonding Program

A \$5,000 fidelity bond for employed ex-federal prisoners who worked in Federal Prison Industries (UNICOR) for at least 6 months during incarceration.

II. Tax Credits

1. Work Opportunity Tax Credit (WOTC)

*A federal tax credit available to employers who hire ex-felons within one year after their release or conviction

*Full Benefit - 40% of the 1st \$6,000 in wages with minimum retention 400 hours - maximum tax credit is \$2,400 per qualified new employee

*Partial Benefit - 25% of the 1st \$6,000 in wages with minimum retention 120 hours - maximum tax credit is \$1,500 per new employee

2. Workers With Disabilities Employment Tax Credit (WETC)

Employers can claim a state tax credit of up to \$2,100 for employing a New Yorker who: a) has a disability that constitutes or results in a substantial barrier to employment, and b) who has completed or is receiving services under an approved individualized written vocational rehabilitation plan, and c) who works for the employer on a full-time basis, for at least 180 days to 400 hours.

APPLICATION PROCESS FOR WOTC & WETC

1. Complete the page 1 of the **IRS Form 8850 "Pre-Screening Notice & Certification Request for the Work Opportunity Tax Credit"** within 28 days of work.
2. Complete either:
 - a) **USDOL ETA Form 9062** "Conditional Certification Form" if provided to the job seeker by a participating agency OR,
 - b) **USDOL ETA Form 9061** "Individual Characteristics Form" if new hire has not been given a conditional certification AND,
3. Mail the signed IRS & ETA forms to:

**New York State Department of Labor
Economic Development Services Unit
Building 12, Room 200
State Office Building Campus**

WEBSITES

1. www.doleta.gov/business/Incentives/opptax
2. www.labor.state.ny.us/businessservices/EDSU/EDSU%20WOTC.shtm

Contact Michelle A. Powell
Workforce Development Coordinator
U.S. Probation Department
Eastern District of New York
147 Pierrepont Street
Brooklyn, NY 11201-2712
(347) 534-3400



**EMPLOYER INCENTIVES
& BENEFITS**

**AIM
HIRE**

THE IMPORTANCE OF EMPLOYING AN EX-OFFENDER

Employment is a public safety issue. Without jobs, ex-offenders seeking to reintegrate into our communities, struggle to financially support themselves and their families. If ex-offenders are unable to work, they are more likely to re-offend.



LEGAL TERMS ASSOCIATED WITH AN APPLICANT'S PRIOR CRIMINAL RECORD

Violation - an offense punishable of no more than 15 days in jail. A violation is not a criminal conviction.

Misdemeanor - a minor criminal offense which can include a sentence of up to one year in jail.

Felony - a serious criminal offense which can result in prison of more than one year.

Offense - conduct which can result in state imprisonment, jail, probation, etc

Disposition - explanation about how the arrest was resolved.

CERTIFICATES OF REHABILITATION

As a result of felony convictions, there are some legal bars to licenses and employment. Certificates of Rehabilitation remove the automatic bars to occupational licensing and restore certain legal rights. The certificates are issued from the:

NYS Division of Parole
97 Central Avenue Albany, NY 12206
Telephone Number (518) 474-2121

CERTIFICATE OF RELIEF FROM DISABILITIES

Available to individuals convicted of any number of misdemeanor, but not more than one felony. Technically, two or more felony convictions resulting from the same indictment count as one felony.

CERTIFICATE OF GOOD CONDUCT

Available to individuals convicted of more than one felony conviction. The ex-offender must demonstrate 3-5 years of good conduct after completion of their sentence.

LAWS WHICH PROHIBIT DISCRIMINATION AGAINST AN EX-OFFENDER APPLICANT

1. New York law permits employers to ask applicants if they have been convicted of a criminal offense.
2. Corrections Law 752 - employers can deny employment to a qualified applicant who has a criminal record only if:
 - a) there is a direct relationship between the applicant's criminal offense and the specific employment sought
 - OR,
 - b) employing the applicant would involve an unreasonable risk to the safety of property or persons.
3. Corrections Law 753 - set forth factors employers must consider in assessing an applicant under Correction Law 752, including:
 - a) the State's public policy in favor of hiring individuals with a criminal record;
 - b) the specific duties related to the employment sought;
 - c) the bearing the applicant's criminal record will have on his/her ability to perform the job;
 - d) the age of the applicant at the time of the crime;
 - e) the amount of time that has passed since the crime;
 - f) the seriousness of the crime;
 - g) information about rehabilitation the applicant provides;
 - h) the employer's interest in protecting property and people;
 - i) any Certificate of Rehabilitation the applicant has obtained.

Failure to comply with Correction Law 752& 753 could subject the employer to an investigation and proceedings by the New York State Division of Human Rights and/or lawsuit by the applicant.

