



# Buckeye International, Inc.

## APPLICATION FOR EMPLOYMENT

Applicants for all positions are considered without regard to race, color, religion, national origin, creed, gender, age, disability, marital or veteran status, or any other legally protected status. Applicants may request any needed accommodation to participate in the application process.

PLEASE PRINT AND COMPLETE ALL PAGES OF THIS FORM IN INK

TODAY'S DATE: \_\_\_\_\_

<b>Name</b>	_____		
	Last	First	Middle
<b>Address</b>	_____		
	Street	Apt. No.	City State Zip
<b>Phone No.</b>	<b>Email Address</b>		

How long have you been at this address?	
Last previous address _____	
	Street Apt. No. City State Zip
Are you 18 years of age or older? <input type="checkbox"/> YES <input type="checkbox"/> NO	Date available to start work?
Have you ever applied with this company before? <input type="checkbox"/> YES <input type="checkbox"/> NO If yes, when?	
How were you referred to Buckeye International?	
If hired, can you provide documentation that you are authorized to work in the United States? <input type="checkbox"/> YES <input type="checkbox"/> NO	
Will you now or in the future require sponsorship for employment visa status (e.g., H-1B status)? <input type="checkbox"/> YES <input type="checkbox"/> NO	

<b>Position Desired</b>	_____
Please state briefly why you are applying for this position:	
_____ _____	

<b>For Driving Positions Only</b>		
Do you have a valid driver's license? <input type="checkbox"/> YES <input type="checkbox"/> NO		
State	I.D. No.	Expiration Date

<b>For Manufacturing Positions Only</b>	
What days of the week are you available to work?	
What shift(s) are you available to work?	

## EDUCATION

School	Name & Location of School	Course of Study	Years Completed	Did You Graduate?	Diploma/Degree
High School					
College: Undergraduate					
Graduate					
Other (Please specify)					

If applicable, please list and describe any scholastic honors and extracurricular activities in school, including offices held, that are relevant experience for the position for which you are applying.

If applicable, list professional, trade, business or civic activities and offices held that are relevant experience for the position for which you are applying. *(Please exclude membership that would indicate race, color, national or ethnic origin, religion, gender, age, disability or other protected status.)*

Describe any special qualifications, training, licenses, education, skills or experience you feel warrant consideration by the Company because they are relevant to the position for which you are applying.

If applicable, list any computer software and/or business equipment operating abilities you have which are relevant for the position for which you are applying.

## MILITARY SERVICE

Were you in the Armed Forces? <input type="checkbox"/> YES <input type="checkbox"/> NO		<u>Length of Service</u>	
Branch		From	To
Rank at Discharge	Type of Work or Assignment		
<b>Describe any specialized or job-related training received in the United States military.</b>			

## EMPLOYMENT HISTORY

Please start with your present or most recent position. Include all jobs since high school and any military service assignments. Please use separate sheet of paper if necessary.		
Employer	<u>Dates Employed</u> From To	Describe Your Duties & Responsibilities
Address		
Phone Number(s)	<u>Salary</u> Starting Final	
Supervisor		
Starting/Present Job Title		
Reason for Leaving		
Employer	<u>Dates Employed</u> From To	Describe Your Duties & Responsibilities
Address		
Phone Number(s)	<u>Salary</u> Starting Final	
Supervisor		
Starting/Present Job Title		
Reason for Leaving		
Employer	<u>Dates Employed</u> From To	Describe Your Duties & Responsibilities
Address		
Phone Number(s)	<u>Salary</u> Starting Final	
Supervisor		
Starting/Present Job Title		
Reason for Leaving		
Employer	<u>Dates Employed</u> From To	Describe Your Duties & Responsibilities
Address		
Phone Number(s)	<u>Salary</u> Starting Final	
Supervisor		
Starting/Present Job Title		
Reason for Leaving		
Employer	<u>Dates Employed</u> From To	Describe Your Duties & Responsibilities
Address		
Phone Number(s)	<u>Salary</u> Starting Final	
Supervisor		
Starting/Present Job Title		
Reason for Leaving		

## PROFESSIONAL REFERENCES

A professional reference is defined as a present or past supervisor, coworker, or anyone who has been in a position to evaluate your work. **Do NOT list family members or friends.**

Name	Phone No./Email	Occupation	How Professionally Acquainted
1.	PHONE:		
	EMAIL:		
2.	PHONE:		
	EMAIL:		

**IMPORTANT: PLEASE READ CAREFULLY BEFORE SIGNING.** I understand that Buckeye International (hereinafter "Company") requires certain information about me to evaluate my qualifications for employment and to conduct its business. I authorize all previous and current employers, schools, law enforcement and public agencies, credit reporting agencies, financial institutions, landlords, and other references ("Contacted Entities") to furnish Company and/or its representatives, any and all information about me whether or not such information is part of their records. I release the Company and its representatives, as well as any person or organization to whom such inquiry is directed, from any and all liability and damages arising from such investigation.

I am aware that a consumer report and/or investigative consumer report (all reports collectively referred to as "Report") may be requested in connection with consideration of my application for employment. I also understand if my application for employment is granted, Company may obtain further information through subsequent investigations by a consumer reporting agency so as to update, renew or extend my employment. I understand that the Fair Credit Reporting Act entitles me to notification if I am denied employment based on information obtained in the Report.

In consideration of my potential employment, I agree to comply with all policies, procedures, rules, and regulations of the Company. I understand that if employed, my employment is not governed by any written or oral contract and is considered an "at will" arrangement, which means that my employment may be terminated at any time, with or without cause, at the option of either the Company or myself. I understand that while personnel policies, programs and procedures may of necessity change from time to time; such "at will" status is not subject to change. It is further understood that this "at will" employment relationship may not be changed by any written document or conduct unless the President of the Company specifically acknowledges such change in writing.

In further consideration of my potential employment, I agree I will never during or after employment at this Company reveal to any person any proprietary information, confidential matters or trade secrets of the Company. However, I understand that nothing herein is intended to restrain or otherwise restrict rights I might have under Section 7 of the National Labor Relations Act or other applicable law.

The Company requires that employees in certain designated positions enter into agreement not to compete with the Company during employment or for a time following employment. I understand that in consideration of employment by the Company, I may be required to execute such agreement NOT to compete. I also understand that failure to execute such agreement may result in my not being hired or immediate dismissal.

I understand that employment will be contingent upon satisfactorily passing a pre-employment drug screening and, depending on the position, may be contingent upon a pre-employment physical examination designed to ascertain my suitability for employment and/or the job(s) for which I am being considered.

I also understand that the Company maintains a drug-free workforce and that illegal use of drugs and alcohol is prohibited.

I understand that nothing in this application is intended to imply or create an employment relationship or contract for employment.

Compensation, benefits, rules, and policies of the Company may be changed, modified, eliminated or added at any time at the Company's sole discretion and without prior notice.

If an offer of employment is made, I will provide proof of my authorization to work as required by the "Immigration Reform Act of 1986".

I understand that this application will remain active for 90 days. After that time, it must be renewed by my submitting a new application to be considered for employment.

By signing this application for employment, I certify that I have read and understand all parts of it and certify that all of the statements on this document are true and complete to the best of my knowledge. I understand that falsification, omission or misrepresentation of any material fact in connection with my application, the application process, or on any other employment form may result in refusal of employment or immediate dismissal from subsequent employment, regardless of when such falsification may be discovered.

<b>Applicant's Signature</b>	<b>Date</b>
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**BACKGROUND CHECK DISCLOSURE AND AUTHORIZATION FORM**

In the interest of maintaining the safety and security of our customers, employees & property, Buckeye International, Inc (the "Company") will order a "consumer report" (a background report) on you in connection with your employment application, and if you are hired, or if you already work for the Company, may order additional background reports on you for employment purposes.

The background check company, SafeGuard Background Screening LLC will prepare the background report for the Company. SafeGuard Background Screening LLC is located at 6181 Mayfield Rd Cleveland, Ohio 44124 and can be reached at 1-877-700-7345.

The background report may contain information concerning your character, general reputation, personal characteristics, mode of living, and credit standing. The types of information that may be ordered include but are not limited to: Social Security number verification; criminal, public, educational and, as appropriate, worker's compensation records, Ohio worker's compensation records, driving records checks; verification of prior employment; reference, licensing and certification checks; credit reports; and drug testing results. The information may be obtained from private and public record sources, including personal interviews with your associates, friends, and neighbors. (An "investigative consumer report" is a background report that includes information from such personal interviews, except in California where that term means any background report.) The nature and scope of the most common form of investigative consumer report is an investigation into your education and/or employment history conducted by SafeGuard Background Screening LLC or another outside organization.

You may request more information about the nature and scope of an investigative consumer report, if any, by telephoning the Company at 314 - 874 - 0191. A summary of your rights under the Fair Credit Reporting Act is also being provided to you with this form.

The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.

**STATE SPECIFIC NOTICES**

**CALIFORNIA:** You may view the file that SafeGuard Background Screening LLC has for you, and order a copy of the file, upon submitting proper identification and paying copying costs, by coming to their offices, during normal business hours and on reasonable notice, or by mail. You may also ask for a file-summary by telephone. SafeGuard Background Screening LLC can answer questions about information in your file, including any coded information. If you come in person, another person can come with you, so long as that person can show proper identification.

**MAINE:** If you ask us, you have the right to know whether the Company ordered an investigative consumer report on you. You may request the name, address, and telephone number of the nearest office for SafeGuard Background Screening. You will get this information within 5 business days of our receipt of your request. You have the right to ask SafeGuard Background Screening LLC for a free copy of the report.

**MARYLAND:** If the Company obtains credit history information on you, it will be used to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered.

**MASSACHUSETTS/NEW JERSEY:** If you submit a request to us in writing, you have the right to know whether the Company ordered an investigative consumer report from SafeGuard Background Screening LLC. You may inspect and order a free copy of the report by contacting SafeGuard Background Screening.

**MINNESOTA:** If you submit a request to us in writing, you have the right to get from the Company a complete and accurate disclosure of the nature and scope of the consumer report or investigative consumer report ordered, if any.

**NEW YORK:** If you submit a request to us in writing, you have the right to know whether the Company ordered a consumer report or an investigative consumer report from SafeGuard Background Screening LLC, and you will be provided with the name and address of SafeGuard Background Screening. You may inspect and order a free copy of the reports by contacting SafeGuard Background Screening. A copy of Article 23A of the New York Correction Law is being provided with this form.

**OREGON:** If the Company obtains credit history information on you, it will be used to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered.

**WASHINGTON STATE:** If you submit a request to us in writing, you have the right to get from the Company a complete and accurate disclosure of the nature and scope of the investigative consumer report we ordered, if any. You also have the right to ask SafeGuard Background Screening LLC for a written summary of your rights under the Washington Fair Credit Reporting Act. If the Company obtains information bearing on your credit worthiness, credit standing or credit capacity, it will be used to evaluate whether you would present an unacceptable risk of theft or other dishonest behavior in the job for which you are being considered.

## AUTHORIZATION FOR BACKGROUND CHECKS

After carefully reading this Background Check Disclosure and Authorization form, I authorize the Company to order my background report, including investigative consumer reports. I understand that the Company may rely on this authorization to order additional background reports, including investigative consumer reports, during my employment without asking me for my authorization again as allowed by law.

I also authorize the following agencies and entities to disclose to SafeGuard Background Screening LLC and its agents all information about or concerning me, including but not limited to: my past or present employers; learning institutions, including colleges and universities; law enforcement and all other federal, state and local agencies; federal, state and local courts; the military; credit bureaus; testing facilities; motor vehicle records agencies; all other private and public sector repositories of information; and any other person, organization, or agency with any information about or concerning me. The information that can be disclosed to SafeGuard Background Screening LLC and its agents includes, but is not limited to, information concerning my employment history, earnings history, education, credit history, motor vehicle history, criminal history, military service, professional credentials and licenses and substance abuse testing.

I agree the Company may rely on this authorization to order background reports, including investigative consumer reports, from companies other than SafeGuard Background Screening LLC without asking me for my authorization again as allowed by law. I also agree that a copy of this form is valid like the signed original. I certify that all of my personal information on this form is *true and correct* and understand that dishonesty will disqualify me from consideration for employment with the Company, or if I am hired or already work for the Company, that my employment may be terminated.

The scope of this disclosure is all-encompassing, however, allowing the Company to obtain from any outside organization all manner of investigative consumer reports throughout the course of your employment to the extent permitted by law.

Last Name \_\_\_\_\_ First \_\_\_\_\_ Middle \_\_\_\_\_

Maiden/Other Names \_\_\_\_\_ Years Used \_\_\_\_\_

Social Security Number \_\_\_\_\_

Driver's License Number \_\_\_\_\_ State \_\_\_\_\_

**FOR IDENTIFICATION PURPOSES ONLY:** Date of Birth \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month/Day/Year)

Addresses within the Past Seven Years (*use a separate sheet as needed*)

Present Street Address \_\_\_\_\_

City/State/ZIP \_\_\_\_\_

Prior Street Address \_\_\_\_\_

From \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month/Day/Year) To \_\_\_\_/\_\_\_\_/\_\_\_\_ (Month/Day/Year)

City/State/ZIP \_\_\_\_\_

**FOR INTERNATIONAL SEARCHES:**

Print Father's Name/ Mother's Maiden Name: \_\_\_\_\_

National ID#/ Passport #): \_\_\_\_\_ **Country of Issue:** \_\_\_\_\_

SafeGuard Background Screening, LLC may need to contact you if additional information is needed to process your background investigation. Please provide a telephone/cell phone number where we may contact you.

Phone: (     ) \_\_\_\_\_ - \_\_\_\_\_ Cell: (     ) \_\_\_\_\_ - \_\_\_\_\_

Signature \_\_\_\_\_

\_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
Date: (Month/Day/Year)

**If you live or work for the Company in California, Minnesota or Oklahoma:** Check this box if you would like a free copy of your background check report:

*Para información en español, visite [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) o escribe a la Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.*

## **A Summary of Your Rights Under the Fair Credit Reporting Act**

The federal Fair Credit Reporting Act (FCRA) promotes the accuracy, fairness, and privacy of information in the files of consumer reporting agencies. There are many types of consumer reporting agencies, including credit bureaus and specialty agencies (such as agencies that sell information about check writing histories, medical records, and rental history records). Here is a summary of your major rights under FCRA. **For more information, including information about additional rights, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) or write to: Consumer Financial Protection Bureau, 1700 G Street NW, Washington, DC 20552.**

- **You must be told if information in your file has been used against you.** Anyone who uses a credit report or another type of consumer report to deny your application for credit, insurance, or employment – or to take another adverse action against you – must tell you, and must give you the name, address, and phone number of the agency that provided the information.
- **You have the right to know what is in your file.** You may request and obtain all the information about you in the files of a consumer reporting agency (your “file disclosure”). You will be required to provide proper identification, which may include your Social Security number. In many cases, the disclosure will be free. You are entitled to a free file disclosure if:
  - a person has taken adverse action against you because of information in your credit report;
  - you are the victim of identity theft and place a fraud alert in your file;
  - your file contains inaccurate information as a result of fraud;
  - you are on public assistance;
  - you are unemployed but expect to apply for employment within 60 days.

In addition, all consumers are entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for additional information.

- **You have the right to ask for a credit score.** Credit scores are numerical summaries of your credit-worthiness based on information from credit bureaus. You may request a credit score from consumer reporting agencies that create scores or distribute scores used in residential real property loans, but you will have to pay for it. In some mortgage transactions, you will receive credit score information for free from the mortgage lender.
- **You have the right to dispute incomplete or inaccurate information.** If you identify information in your file that is incomplete or inaccurate, and report it to the consumer

reporting agency, the agency must investigate unless your dispute is frivolous. See [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore) for an explanation of dispute procedures.

- **Consumer reporting agencies must correct or delete inaccurate, incomplete, or unverifiable information.** Inaccurate, incomplete, or unverifiable information must be removed or corrected, usually within 30 days. However, a consumer reporting agency may continue to report information it has verified as accurate.
- **Consumer reporting agencies may not report outdated negative information.** In most cases, a consumer reporting agency may not report negative information that is more than seven years old, or bankruptcies that are more than 10 years old.
- **Access to your file is limited.** A consumer reporting agency may provide information about you only to people with a valid need – usually to consider an application with a creditor, insurer, employer, landlord, or other business. The FCRA specifies those with a valid need for access.
- **You must give your consent for reports to be provided to employers.** A consumer reporting agency may not give out information about you to your employer, or a potential employer, without your written consent given to the employer. Written consent generally is not required in the trucking industry. For more information, go to [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).
- **You may limit “prescreened” offers of credit and insurance you get based on information in your credit report.** Unsolicited “prescreened” offers for credit and insurance must include a toll-free phone number you can call if you choose to remove your name and address from the lists these offers are based on. You may opt out with the nationwide credit bureaus at 1-888-567-8688.
- The following FCRA right applies with respect to nationwide consumer reporting agencies:

#### **CONSUMERS HAVE THE RIGHT TO OBTAIN A SECURITY FREEZE**

**You have a right to place a “security freeze” on your credit report, which will prohibit a consumer reporting agency from releasing information in your credit report without your express authorization.** The security freeze is designed to prevent credit, loans, and services from being approved in your name without your consent. However, you should be aware that using a security freeze to take control over who gets access to the personal and financial information in your credit report may delay, interfere with, or prohibit the timely approval of any subsequent request or application you make regarding a new loan, credit, mortgage, or any other account involving the extension of credit.

As an alternative to a security freeze, you have the right to place an initial or extended fraud alert on your credit file at no cost. An initial fraud alert is a 1-year alert that is

placed on a consumer's credit file. Upon seeing a fraud alert display on a consumer's credit file, a business is required to take steps to verify the consumer's identity before extending new credit. If you are a victim of identity theft, you are entitled to an extended fraud alert, which is a fraud alert lasting 7 years.

A security freeze does not apply to a person or entity, or its affiliates, or collection agencies acting on behalf of the person or entity, with which you have an existing account that requests information in your credit report for the purposes of reviewing or collecting the account. Reviewing the account includes activities related to account maintenance, monitoring, credit line increases, and account upgrades and enhancements.

- **You may seek damages from violators.** If a consumer reporting agency, or, in some cases, a user of consumer reports or a furnisher of information to a consumer reporting agency violates the FCRA, you may be able to sue in state or federal court.
- **Identity theft victims and active duty military personnel have additional rights.** For more information, visit [www.consumerfinance.gov/learnmore](http://www.consumerfinance.gov/learnmore).

**States may enforce the FCRA, and many states have their own consumer reporting laws. In some cases, you may have more rights under state law. For more information, contact your state or local consumer protection agency or your state Attorney General. For information about your federal rights, contact:**

<b>TYPE OF BUSINESS:</b>	<b>CONTACT:</b>
<p>1.a. Banks, savings associations, and credit unions with total assets of over \$10 billion and their affiliates</p> <p>b. Such affiliates that are not banks, savings associations, or credit unions also should list, in addition to the CFPB:</p>	<p>a. Consumer Financial Protection Bureau 1700 G Street NW Washington, DC 20552</p> <p>b. Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue NW Washington, DC 20580 (877) 382-4357</p>
<p>2. To the extent not included in item 1 above:</p> <p>a. National banks, federal savings associations, and federal branches and federal agencies of foreign banks</p> <p>b. State member banks, branches and agencies of foreign banks (other than federal branches, federal agencies, and Insured State Branches of Foreign Banks), commercial lending companies owned or controlled by foreign banks, and organizations operating under section 25 or 25A of the Federal Reserve Act.</p> <p>c. Nonmember Insured Banks, Insured State Branches of Foreign Banks, and insured state savings associations</p> <p>d. Federal Credit Unions</p>	<p>a. Office of the Comptroller of the Currency Customer Assistance Group P.O. Box 53570 Houston, TX 77052</p> <p>b. Federal Reserve Consumer Help Center P.O. Box 1200 Minneapolis, MN 55480</p> <p>c. Division of Depositor and Consumer Protection National Center for Consumer and Depositor Assistance Federal Deposit Insurance Corporation 1100 Walnut Street, Box #11 Kansas City, MO 64106</p> <p>d. National Credit Union Administration Office of Consumer Financial Protection 1775 Duke Street Alexandria, VA 22314</p>
<p>3. Air carriers</p>	<p>Assistant General Counsel for Office of Aviation Protection Department of Transportation 1200 New Jersey Avenue SE Washington, DC 20590</p>
<p>4. Creditors Subject to the Surface Transportation Board</p>	<p>Office of Public Assistance, Governmental Affairs, and Compliance Surface Transportation Board 395 E Street SW Washington, DC 20423</p>
<p>5. Creditors Subject to the Packers and Stockyards Act, 1921</p>	<p>Nearest Packers and Stockyards Division Regional Office</p>
<p>6. Small Business Investment Companies</p>	<p>Associate Administrator, Office of Capital Access United States Small Business Administration 409 Third Street SW, Suite 8200 Washington, DC 20416</p>
<p>7. Brokers and Dealers</p>	<p>Securities and Exchange Commission 100 F Street NE Washington, DC 20549</p>
<p>8. Institutions that are members of the Farm Credit System</p>	<p>Farm Credit Administration 1501 Farm Credit Drive McLean, VA 22102-5090</p>
<p>9. Retailers, Finance Companies, and All Other Creditors Not Listed Above</p>	<p>Federal Trade Commission Consumer Response Center 600 Pennsylvania Avenue NW Washington, DC 20580 (877) 382-4357</p>

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

**Section 750. Definitions.**

**751. Applicability.**

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

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

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

**755. Enforcement.**

**§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.

**§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.