

If you're 60 or over, call your local legal aid office:

Eastern CT	800-413-7796	Western CT	800-413-7797
Hartford Area	860-541-5000	Bridgeport Area	800-809-4434
Stamford Area	800-541-8909	New Haven Area	203-946-4811

If you're under 60, call SLS for help:



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

Search our website for help:



www.ctlawhelp.org

EMPLOYMENT

LEGAL SERVICES

SELF-HELP SERIES

Is your criminal record keeping you from working?

October 2018



We offer free legal help in many areas, including

- welfare,
- SNAP (food stamps),
- divorce,
- child support,
- domestic violence,
- bankruptcy,
- special education,
- nursing home care,
- health insurance,
- eviction,
- foreclosure,
- and more.

See the reverse side for more about legal services.

Getting a job is hard, and it can be even harder if you have a criminal record. Many employers will do a background check before they hire you.

To know your rights and help you find and keep a job, you need to know what is on your criminal record. In some cases, you can truthfully answer "no" to a question about your criminal record.

This booklet talks about your criminal record and

- what an employer can and can't find out;
- tips on how to answer questions about your record;
- how to get something taken off your record;
- and more.

Can employers ask me about my criminal record?

Employers cannot ask you about your criminal record on the initial job application.

But employers can ask you for written permission to do a background check.

What can an employer find out from my criminal record?

From your criminal record, employers CAN find out about

- arrests from the last 7 years, and
- any convictions (no matter when they happened).

They CANNOT find out about

- arrests from more than 7 years ago; and
- records that have been erased, expunged, or pardoned.

If you're under 60, call us for help:



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

Search our website for help:



www.ctlawhelp.org

If you're over 60, call your local legal aid office.

Connecticut Legal Services

www.ctlegal.org

Bridgeport

1000 Lafayette Blvd 203-336-3851
Suite 950

New Britain

16 Main Street 860-225-8678

New London

125 Eugene O'Neill Dr.
Suite 120 860-447-0323

Stamford

20 Summer Street 203-348-9216

Waterbury

85 Central Avenue 203-756-8074

Willimantic

1125 Main Street 860-456-1761

Greater Hartford Legal Aid

www.ghla.org

999 Asylum Avenue
Hartford, CT 06105
860-541-5000

New Haven Legal Assistance Association

www.nhlegal.org

205 Orange Street
New Haven, CT 06510
203-946-4811

Consumer Law Project for Elders

Free legal assistance to people 60 and over throughout Connecticut who have money/debt problems.

1-800-296-1467

This booklet was produced by Connecticut Legal Services, Greater Hartford Legal Aid, New Haven Legal Assistance Association, and Statewide Legal Services.

The information in this booklet is based on laws in Connecticut as of 11/2016. We hope that the information is helpful. It is not intended as legal advice. For advice on your situation, call Statewide Legal Services or contact a lawyer.

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How do I ask for a pardon?

You will need to fill out an application, which you can get from:

Board of Pardons and Paroles
55 West Main Street
Waterbury, CT 06702
203-805-6605
www.ct.gov/bopp

Are there jobs I won't be able to get because of my record?

Yes. Your criminal record can keep you from getting certain jobs or licenses. The laws are very complicated. Employers are supposed to try to hire people who can do the job – even those who have a criminal record – but they don't have to.

Licenses

You need a license for some jobs. Your criminal record may keep you from getting certain licenses. A youthful offender record will not stop you from getting a license. If you are turned down for a license, you have the right to appeal.

What if I'm not hired because of my record?

If you believe you were not hired (or you were fired) because of your criminal record, ask if your record was the reason. If you are Black or Hispanic, you might have a discrimination case. You can file a complaint with:

The CT Commission on Human Rights & Opportunities

1-800-477-5737 www.ct.gov/chro

The U.S. Equal Employment Opportunity Commission

1-800-669-4000 www.eeoc.gov

You must file your complaint with the CHRO within 180 days and with the EEOC within 300 days. You can file without a lawyer.

Do all employers run a criminal background check?

No, but many do. Most private employers have a choice, but it depends on the job. You will have a criminal background check for these jobs:

- nurse and nurse's aide;
- child daycare center or group daycare;
- licensed home child care provider;
- lottery, casino, horse or dog racing, off-track betting jobs; and
- public school jobs.

How do I answer questions about my record?

Tell the truth. If you lie when you apply for a job, you might be fired because you lied. At the job interview, you could explain why your record would not stop you from being a good employee. You might say what you learned from your mistake or that it happened many years ago.

Tips:

- **Learn the questions that are usually asked** and get your answers ready. You can get a list of interview questions on the Connecticut Department of Labor website.
- **Tell the truth.** If you lie about certain information, you might be fired for lying and you might not be able to get unemployment or state welfare. For some jobs, lying about a criminal record is a criminal offense.
- **Think about how you will explain** your criminal record and the times when you didn't have a job.
- **Write down your job history.** Include the company names and addresses, your job duties, the dates you worked, and why you left.
- **Get references.** Try to find someone from one of your jobs who you trust and who will say good things about you. Ask what they would say about you if an employer calls and asks about you. Also ask if you may use him or her as a reference.

Who at work will know about my criminal record?

Only the people who interview and make hiring decisions can see information about your record. After you are hired, your criminal record information should not be used against you or seen by other employees.

Can I fix a mistake or get information taken off my record?

You might be able to get a Connecticut state charge or conviction removed from your record if

- your record should have been **erased**,
- you can prove there is a **mistake** on your record, or
- you get a **pardon** (also called an *expungement*).

Erased records

Erased means that the record will not show up on your criminal record or background check. You can tell employers that you do not have a criminal record. An employer cannot find out about any erased charges, arrests, or convictions.

What records can be erased?

Only some types of records can be erased, including those where

- you were found not guilty,
- your case was dismissed or thrown out,
- your case was *nolled* at least 13 months ago,
- your case was put on hold at least 13 months ago and you finished an *accelerated rehabilitation program*, or
- you were a *youthful offender* and you were not convicted of a felony before you turned 21.

Records are usually erased automatically, but sometimes that does not happen. If your record was not erased, you should contact the court.

Correcting a mistake

It might be easier to correct a mistake than to try to explain to an employer that your record is wrong. Here is how to correct a mistake:

- ▶ Use form DPS-0846-C to get a copy of your record from the state police. To get the form, go to www.ct.gov/despp/ and click on "Forms."
- ▶ Send a letter to the state police explaining what is wrong. Be sure **to include proof that a mistake was made.**
- ▶ Mail the completed form to:
Department of Public Safety
State Police Bureau of Identification
1111 Country Club Road
Middletown, CT 06457
860-685-8480

The state police must give you a written answer within 60 days. You have the right to appeal the decision.

Pardons

There are two types of pardons:

- ▶ An **expungement** erases your entire Connecticut state criminal record. To apply, you must wait 3 years (for a misdemeanor) or 5 years (for a felony) from the disposition date.
- ▶ A **provisional pardon** or *Certificate of Employability* (COE) does not erase your criminal record, but having one might make it easier for you to get a job. A provisional pardon or COE makes it illegal for an employer to refuse to hire you just because of your record.