



New York State Department of Labor
David A. Paterson, Governor
M. Patricia Smith, Commissioner

February 19, 2009



Re: Request for Opinion
Corrections Law Article 23-A
RO-09-0020

Dear [REDACTED]:

This letter is written in response to your facsimile on February 11, 2009 in which you ask several questions regarding the recent legislation relating to Article 23-A of the New York State Corrections Law. By way of background, the Legislature recently passed an act to amend the General Business Law and the Labor Law in relation to criminal record conviction information. (2008 New York Laws Ch. 465, hereafter referred to as the "Act".) The Act amended subdivision (d) of Section 380-g of the General Business Law to requires any person, firm, corporation or other entity requesting a consumer report that contains criminal conviction information to provide a printed or electronic copy of Article 23-A of the State Correction Law to the subject of such report. Subdivision (b) of Section 380-C of the General Business Law was also amended by adding the requirement that a person, firm, partnership, corporation or other entity requesting a consumer report with respect to an offer of employment must provide the subject of the report with a copy of Article 23-A of the State Correction law. Finally, the Act amended the Labor Law by adding section 201-F which requires all employers to post a copy of Article 23-A of the State Correction Law.

While the Department of Labor has jurisdiction over the enforcement of Labor Law Section 201-f regarding posting of Article 23-A in places of employment, the Department of Labor does not have authority over the interpretation or enforcement of either General Business Law Sections 380-C, 380-G, or Article 23-A of the State Corrections Law. Since your letter does not request an opinion relating to the posting requirements of Section 201-f of the Labor Law, it would be inappropriate for the Department of Labor to render an opinion interpreting the provisions of the General Business Law. Please do not hesitate to contact the New York State Division of Human Rights, the New York City Commission on Human Rights, the New York State Department of Corrections, and/or the Consumer Frauds Bureau of the New York State Attorney General's Office for assistance in answering your questions.

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This opinion is based on the information provided in your facsimile on February 11, 2009. A different opinion might result if the circumstances outlined in your letter change, if the facts provided were not accurate, or if any other relevant fact was not provided. We regret that we could not offer you additional assistance, but if you have any further questions regarding the interpretation or application of the Labor Law, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel

A handwritten signature in black ink, appearing to read "Jeffrey G. Shapiro". The signature is written in a cursive style with a large initial "J" and "S".

By: Jeffrey G. Shapiro
Associate Attorney

JGS:da

cc: Carmine Ruberto