

BARNES & NOBLE

b&ncollege

We Are An Equal Opportunity Employer Committed To Diversity In The Workplace

APPLICATION FOR EMPLOYMENT (New York)

Please complete all requested information. Use ink and print.

BARNES & NOBLE COLLEGE BOOKSELLERS DOES NOT DISCRIMINATE IN HIRING OR ANY ASPECT OF EMPLOYMENT ON THE BASIS OF AGE, SEX, RACE, COLOR, CREED, ANCESTRY, RELIGION, DISABILITY, NATIONAL ORIGIN, CITIZENSHIP STATUS, VETERAN STATUS, MILITARY STATUS, SEXUAL ORIENTATION, PREGNANCY, MEDICAL CONDITION OR ANY NON-JOB OR NON-BUSINESS RELATED FACTORS OR ANY OTHER BASIS UPON WHICH DISCRIMINATION IS PROHIBITED BY THE MUNICIPAL, STATE, OR OTHER FEDERAL LAW. NO QUESTION ON THIS APPLICATION IS INTENDED TO SECURE SUCH INFORMATION.

| | NAME: (last) | (first) | (middle) | DATE: | | | | | | | | | | | | | | | | | | | | | | | | |
|--------------------|---|---|-----------------|--|------------------------------|-----|---|-----|---|----|---|-----|------|--|--|--|--|--|--|--|----|--|--|--|--|--|--|--|
| | PRESENT ADDRESS: (street) (city) (state) (zip) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Are you 18 or over? Yes <input type="checkbox"/> No <input type="checkbox"/> | If you are under 18, you may be required to provide working papers if required by your state. Minimum hiring age is 16. | | PHONE | | | | | | | | | | | | | | | | | | | | | | | | |
| | E-MAIL (OPTIONAL) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | WHAT IS THE BEST WAY TO CONTACT YOU? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PERSONAL INFO | Are you legally authorized to work in the United States? Yes <input type="checkbox"/> No <input type="checkbox"/> (If hired, you will be required to submit proof of your identity and legal work authorization no later than your third day of employment.) | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Have you ever been convicted of a crime? Do not disclose sealed, erased or expunged convictions. Yes <input type="checkbox"/> No <input type="checkbox"/> If Yes, please explain: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | A criminal conviction will not be an absolute bar to an offer of employment. However, falsification of this Application will be cause for termination if you are hired. | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Do you have any relatives employed by Barnes & Noble? If yes: | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Name: | | Location | | Relationship: | | | | | | | | | | | | | | | | | | | | | | | |
| | Have you ever been employed by any operating Company of Barnes & Noble before? | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | If yes, when? | | Where? | | | | | | | | | | | | | | | | | | | | | | | | | |
| | How were you referred to Barnes & Noble College Booksellers: Internet <input type="checkbox"/> Advertisement <input type="checkbox"/> Agency <input type="checkbox"/> Applied on Own <input type="checkbox"/> Other <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | Employee Referral (Name): | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| PLACEMENT | Position(s) desired or areas of interest: | Type of employment desired: <input type="checkbox"/> Full-time (30+ hours/wk) <input type="checkbox"/> Part-time <input type="checkbox"/> Temporary/Seasonal Note: Schedules are based on business needs and are subject to change. What days and hours are you available? | | | Salary or Wage requirements: | | | | | | | | | | | | | | | | | | | | | | | |
| | | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th></th> <th>SUN</th> <th>M</th> <th>TU</th> <th>W</th> <th>TH</th> <th>F</th> <th>SAT</th> </tr> </thead> <tbody> <tr> <td>From</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>To</td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table> | | | | SUN | M | TU | W | TH | F | SAT | From | | | | | | | | To | | | | | | | |
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| To | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1. | | | | Would you be willing to relocate? | | | | | | | | | | | | | | | | | | | | | | | | |
| 2. | | | | Yes <input type="checkbox"/> No <input type="checkbox"/> | | | | | | | | | | | | | | | | | | | | | | | | |
| 3. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| EDUCATION/TRAINING | EDUCATION LEVEL | SCHOOL NAME CITY, STATE | MAJOR/ MINOR | GRADE AVERAGE | DID YOU GRADUATE? | | | | | | | | | | | | | | | | | | | | | | | |
| | HIGH SCHOOL | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | COLLEGE OR UNIVERSITY | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | ADDITIONAL TRAINING | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | EXTRACURRICULAR ACTIVITIES (INCLUDES OFFICES HELD, SCHOLARSHIPS, AWARDS, HONORS, SPORTS, ETC.) EXCLUDE ANY ORGANIZATION THAT INDICATES RACE, RELIGION, SEX, AGE, OR NATIONAL ORIGIN. | | | | | | | | | | | | | | | | | | | | | | | | | | | |

EMPLOYMENT HISTORY

| | | |
|---|------------------|--|
| LIST ALL EMPLOYERS WITH CURRENT OR MOST RECENT EMPLOYMENT FIRST. GIVE ALL INFORMATION REQUESTED, EVEN IF DUPLICATED ON YOUR RESUME. LEAVE NO TIME UNACCOUNTED FOR, INCLUDE MILITARY SERVICE. | | |
| PRESENT/LAST EMPLOYER | | DATES EMPLOYED FROM: _____ TO: _____ |
| ADDRESS | | POSITION TITLE |
| SUPERVISOR'S NAME | TELEPHONE NUMBER | BASE SALARY OR WAGE START: _____ END: _____ |
| SUMMARY OF DUTIES | | DATE OF LAST INCREASE |
| REASON FOR LEAVING OR SEEKING CHANGE OF POSITION | | MAY WE CONTACT PRESENT EMPLOYER? YES <input type="checkbox"/> NO <input type="checkbox"/> |
| EMPLOYER | | DATES EMPLOYED FROM: _____ TO: _____ |
| ADDRESS | | POSITION TITLE |
| SUPERVISOR'S NAME | TELEPHONE NUMBER | BASE SALARY OR WAGE START: _____ END: _____ |
| SUMMARY OF DUTIES | | DATE OF LAST INCREASE |
| REASON FOR LEAVING | | |
| EMPLOYER | | DATES EMPLOYED FROM: _____ TO: _____ |
| ADDRESS | | POSITION TITLE |
| SUPERVISOR'S NAME | TELEPHONE NUMBER | BASE SALARY OR WAGE START: _____ END: _____ |
| SUMMARY OF DUTIES | | DATE OF LAST INCREASE |
| REASON FOR LEAVING | | |

REFERENCES

| | | | |
|--|-------|--|------------------|
| PROVIDE THREE OCCUPATIONAL REFERENCES. IF LIMITED PREVIOUS EMPLOYMENT, LIST THREE PERSONS, NOT RELATED, WHO HAVE KNOWN YOU FOR SOME TIME. LIST PERSONAL REFERENCES ONLY IF YOU HAVE NO OCCUPATIONAL REFERENCES. | | | |
| 1. NAME | TITLE | OCCUPATIONAL REFERENCE PERSONAL REFERENCE | |
| ADDRESS (STREET, CITY, STATE, ZIP) | | PHONE NUMBER | YEARS ACQUAINTED |
| 2. NAME | TITLE | OCCUPATIONAL REFERENCE PERSONAL REFERENCE | |
| ADDRESS (STREET, CITY, STATE, ZIP) | | PHONE NUMBER | YEARS ACQUAINTED |
| 3. NAME | TITLE | OCCUPATIONAL REFERENCE PERSONAL REFERENCE | |
| ADDRESS (STREET, CITY, STATE, ZIP) | | PHONE NUMBER | YEARS ACQUAINTED |
| IN ORDER TO CONDUCT REFERENCE CHECKS, PLEASE LIST ANY OTHER NAMES YOU HAVE WORKED UNDER. | | | |

IMPORTANT - PLEASE READ AND SIGN

The filing of an application with Barnes & Noble is a preliminary step to employment. It does not obligate Barnes & Noble to offer employment, or the applicant to accept employment. An offer of employment, if made, is for employment at will and is not to be construed as a guarantee of continued employment. Barnes & Noble reserves the right to terminate the employment of any employee at any time. Any employee also has the right to terminate his or her employment with Barnes & Noble at any time. I understand that if employed by Barnes & Noble, no contract of employment, expressed or implied, is created. I further understand that no representative of Barnes & Noble has the authority to enter into any agreement for employment for a specified period of time, or to make any agreement contrary to the foregoing.

I authorize investigation of all matters contained in this application which Barnes & Noble may deem relevant to my employment and authorize my previous employers or other persons having information concerning me or my record to report such information to Barnes & Noble, and such persons are hereby released from all liability for issuing such information. Barnes & Noble will keep all such information confidential except where such information is required to be released by law or order of a court or other authority.

I understand and agree that I will be subject to immediate dismissal if it is subsequently discovered that the information herein is untrue or that I have failed to disclose a material fact. I also understand that if I receive an offer of employment and I accept the position, I will be required to complete additional information necessary for the Company record keeping requirements.

Maryland Applicants

Under Maryland law an employer may not require or demand, as condition of employment, prospective employment or continued employment, that an individual submit to or take a lie detector test. An employer who violates this law is guilty of a misdemeanor and subject to a fine not exceeding \$100.

MY SIGNATURE CERTIFIES THAT I HAVE READ AND AGREE WITH THE ABOVE STATEMENTS.

SIGNED _____

DATE: _____



Consent to Request Consumer Report & Investigative Consumer Report Information

| | | | | | | | |
|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|

Applicant's First Name or Initial

| | | | | | | | | | | | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
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|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|

Last Name

I understand that Barnes & Noble College Booksellers, LLC ('COMPANY') will use **Sterling InfoSystems Inc., 249 West 17th Street, New York, NY 10011, (877) 424-2457** to obtain a consumer report and/or investigative consumer report ("Report") as part of the hiring process. I also understand that if hired, to the extent permitted by law, COMPANY may obtain further Reports from STERLING so as to update, renew or extend my employment.

I understand **Sterling InfoSystems Inc.'s** ("STERLING") investigation may include obtaining information regarding my credit background, bankruptcies, lawsuits, judgments, paid tax liens, unlawful detainer actions, failure to pay spousal or child support, accounts placed for collection, character, general reputation, personal characteristics and standard of living, driving record and criminal record, subject to any limitations imposed by applicable federal and state law. I understand such information may be obtained through direct or indirect contact with former employers, schools, financial institutions, landlords and public agencies or other persons who may have such knowledge. If an investigative consumer report is being requested, I understand such information may be obtained through any means, including but not limited to personal interviews with my acquaintances and/or associates or with others whom I am acquainted.

The nature and scope of the investigation sought is indicated by the selected services below: **(Employer Use Only)**

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> Criminal Background Check | <input type="checkbox"/> Education Verification | <input type="checkbox"/> Sex Offender Search |
| <input checked="" type="checkbox"/> SSN Trace | <input type="checkbox"/> Employment Verification | <input type="checkbox"/> OFAC/Terrorist Watch List |
| <input type="checkbox"/> Motor Vehicle Report | <input type="checkbox"/> Personal Reference | <input type="checkbox"/> Fraud & Abuse Control Info System (FACIS®) |
| <input type="checkbox"/> Consumer Credit Report | <input type="checkbox"/> Professional License and/or Certification | <input type="checkbox"/> Office of Inspector General Sanctions (OIG) |

Other Please List:

I acknowledge receipt of the attached summary of my rights under the Fair Credit Reporting Act and, as required by law, any related state summary of rights (collectively "Summaries of Rights").

This consent will not affect my ability to question or dispute the accuracy of any information contained in a Report. I understand if COMPANY makes a conditional decision to disqualify me based all or in part on my Report, I will be provided with a copy of the Report and another copy of the Summaries of Rights, and if I disagree with the accuracy of the purported disqualifying information in the Report, I must notify COMPANY within five business days of my receipt of the Report that I am challenging the accuracy of such information with STERLING.

I hereby consent to this investigation and authorize COMPANY to procure a Report on my background.

In order to verify my identity for the purposes of Report preparation, I am voluntarily releasing my date of birth, social security number and the other information and fully understand that all employment decisions are based on legitimate non-discriminatory reasons.

The name, address and telephone number of the nearest unit of the consumer reporting agency designated to handle inquiries regarding the investigative consumer report is:

Sterling Infosystems, Inc. | 249 W 17th St. 6th Floor, New York, NY 10011 | 877-424-2457 | or | 5750 West Oaks Boulevard, Ste. 100, Rocklin, CA 95765 | 800-943-2589 | or | 629 Cedar Creek Grade, Winchester, VA 22601 | 866-266-3444

California, Maine, Massachusetts, Minnesota, New Jersey & Oklahoma Applicants Only: I have the right to request a copy of any Report obtained by COMPANY from STERLING by checking the box. (Check only if you wish to receive a copy)

California, Connecticut, Maryland, Oregon and Washington State Applicants Only (AS APPLICABLE): I further understand that COMPANY will not obtain information about my credit history, credit worthiness, credit standing, or credit capacity unless: (i) the information is required by law; (ii) I am seeking employment with a financial institution (California and Connecticut only – in California the financial institution must be subject to Sections 6801-6809 of the U.S. Code); (iii) I am seeking employment with a financial institution that accepts deposits that are

insured by a federal agency, or an affiliate or subsidiary of the financial institution or a credit union share guaranty corporation that is approved by the Maryland Commissioner of Financial Regulation or an entity or an affiliate of the entity that is registered as an investment advisor with the United States Securities and Exchange Commission (Maryland only); (iv) **the information is substantially job related, and the bona fide reasons for using the information are disclosed to me in writing, (complete the question below)** (Connecticut, Maryland, Oregon and Washington only); (v) I am seeking employment as a covered police, officer, peace officer or other law enforcement position (California and Oregon only - in Oregon the police or peace officer position must be sought with a federally insured bank or credit union), (vi) the COMPANY reasonably believes I have engaged in specific activity that constitutes a violation of law related to my employment (Connecticut only), (vii) I am seeking a position with the state Department of Justice (California only), (viii) I am seeking a position as an exempt managerial employee (California only), or (viii) I am seeking employment in a position that involves regular access to personal information of others (i.e., bank or credit card account information, social security numbers, dates of birth), other than regular solicitation of credit card applications at a retail establishment, I am seeking employment in a position that requires me to be a named signatory on the employer's bank or credit card or otherwise authorized to enter into financial contracts on behalf of the employer, I am seeking employment in a position that involves access to confidential or proprietary information of the Company or regular access to \$10,000 or more in cash (California only).

Bona fide reasons why COMPANY considers credit information substantially job related (complete if this is the sole basis for obtaining credit information) or in California the COMPANY'S basis for the credit check.

NY Applicants Only: I also acknowledge that I have received the attached copy of Article 23A of New York's Correction Law. I further understand that I may request a copy of any investigative consumer report by contacting STERLING. I further understand that I will be advised if any further checks are requested and provided the name and address of the consumer reporting agency.

California Applicants and Residents: If I am applying for employment in California or reside in California, I understand I have the right to visually inspect the files concerning me maintained by an investigative consumer reporting agency during normal business hours and upon reasonable notice. The inspection can be done in person, and, if I appear in person and furnish proper identification; I am entitled to a copy of the file for a fee not to exceed the actual costs of duplication. I am entitled to be accompanied by one person of my choosing, who shall furnish reasonable identification. The inspection can also be done via certified mail if I make a written request, with proper identification, for copies to be sent to a specified addressee. I can also request a summary of the information to be provided by telephone if I make a written request, with proper identification for telephone disclosure, and the toll charge, if any, for the telephone call is prepaid by or directly charged to me. I further understand that the investigative consumer reporting agency shall provide trained personnel to explain to me any of the information furnished to me; I shall receive from the investigative consumer reporting agency a written explanation of any coded information contained in files maintained on me. "Proper identification" as used in this paragraph means information generally deemed sufficient to identify a person, including documents such as a valid driver's license, social security account number, military identification card and credit cards. I understand that I can access the following website - <http://sterlinginfosystems.com/privacy> - to view STERLING'S privacy practices, including information with respect to STERLING'S preparation and processing of investigative consumer reports and guidance as to whether my personal information will be sent outside the United States or its territories.

Signature:

Today's Date:

First Name

Middle Name or Initial

Last Name

Date of Birth (MMDDYYYY)

Other Names Known By

Male

Female

Social Security Number

Primary Telephone Number (no dashes)

Current Address

Apt #

#yrs at this address

City

State

Zip Code

Previous Address

Apt #

#yrs at this address

City

State

Zip Code

Driver's License Number (no dashes)

License State

Email Address

Signature

Today's Date (MMDDYYYY)

Para informacion en espanol, visite www.ftc.gov/credit o escribe a la FTC Consumer Response Center, Room 130-A 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.

RETURN THIS SIGNED CONSENT WITH COMPLETED EMPLOYMENT APPLICATION

TO BE KEPT BY THE APPLICANT

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 the FCRA. **For more information, including information about additional rights, go to www.ftc.gov/credit or write to: Consumer Response Center, Room 130-A, Federal Trade Commission, 600 Pennsylvania Ave. N.W., Washington, D.C. 20580.**

- **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 identify 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, by September 2005 all consumers will be entitled to one free disclosure every 12 months upon request from each nationwide credit bureau and from nationwide specialty consumer reporting agencies. See www.ftc.gov/credit 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.ftc.gov/credit 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.ftc.gov/credit.
 - **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 1-888-5-OPTOUT (1-888-567-8688).
-

- **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.ftc.gov/credit.

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. Federal enforcers are:

| TYPE OF BUSINESS: | CONTACT: |
|---|---|
| Consumer reporting agencies, creditors and others not listed below | Federal Trade Commission: Consumer Response Center – FCRA Washington, DC 20580 1-877-382-4357 |
| National banks, federal branches/agencies of foreign banks (word "National" or initials "N.A." appear in or after bank's name) | Office of the Comptroller of the Currency Compliance Management, Mail Stop 6-6 Washington, DC 20219 800-613-6743 |
| Federal Reserve System member banks (except national banks, and federal branches/agencies of foreign banks) | Federal Reserve Consumer Help (FRCH) P O Box 1200 Minneapolis, MN 55480 Telephone: 888-851-1920 Website Address: www.federalreserveconsumerhelp.gov Email Address: ConsumerHelp@FederalReserve.gov |
| Savings associations and federally chartered savings banks (word "Federal" or initials "F.S.B." appear in federal institution's name) | Office of Thrift Supervision Consumer Complaints Washington, DC 20552 800-842-6929 |
| Federal credit unions (words "Federal Credit Union" appear in institution's name) | National Credit Union Administration 1775 Duke Street Alexandria, VA 22314 703-519-4600 |
| State-chartered banks that are not members of the Federal Reserve System | Federal Deposit Insurance Corporation Consumer Response Center, 2345 Grand Avenue, Suite 100 Kansas City, Missouri 64108-2638 1-877-275-3342 |
| Air, surface, or rail common carriers regulated by former Civil Aeronautics Board or Interstate Commerce Commission | Department of Transportation , Office of Financial Management Washington, DC 20590 202-366-1306 |
| Activities subject to the Packers and Stockyards Act, 1921 | Department of Agriculture |

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.