

NYC Commission on Human Rights Publishes Pre-Adverse Action Form

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New York City's new [Fair Chance Act](#) goes into effect this Tuesday (October 27, 2015). As discussed in our prior posts ([here](#) and [here](#)), New York employers have long been required – prior to taking adverse action on the basis of an applicant's criminal record – to engage in a multi-factor analysis under *Article 23-A* of the New York State Correction Law to determine whether a sufficient nexus exists between the offense and the position sought. Among other requirements, the new NYC law mandates that an NYC employer must provide a written copy of this Article 23-A analysis to an applicant and provide at least three (3) business days to respond (during which time the position must be held open for the applicant).

The NYC Commission on Human Rights ("Commission") has just published a "[Fair Chance Notice](#)" that employers can use to comply with this requirement. Employers can adapt this form to their preferred format provided that "the material substance – capturing the essence of the Article 23-A analysis – does not change."

The Commission also has indicated that interpretive legal guidance on the new law will be forthcoming.

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