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Disclosure to the Department of Labor Employee Criminal History Information

The New York State Department of Health's Criminal History Record Check unit has confirmed that providers may notify the Department of Labor of their former employees' criminal history under an exception to the "no disclosure" rule contained in Executive Law § 845 (b) (7). While this law generally prohibits disclosure of employees' criminal conviction records, an exception states that such records may be disclosed in connection with an administrative proceeding pertaining to the denial or revocation of a provider's applications, licenses, or registrations. The Criminal History Record Check Unit and the State Division of Criminal Justice Services have stated that they believe that an unemployment benefits hearing is the type of administrative proceeding contemplated under this exception, and that therefore, criminal conviction records may be shared with the Department of Labor by an employer challenging a former employee's right to unemployment benefits in an administrative forum.

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