



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

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VIA E-MAIL

March 10, 2009

[REDACTED]

Re: Request for Opinion  
State Corrections Law Article 23-A  
RO-09-0008

Dear [REDACTED]:

This letter is written in response to your facsimile on January 28, 2009 in which you request assistance in complying with Article 23-A of the New York State Corrections Law, given recent laws enacted by the New York State Legislature. 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 require 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.

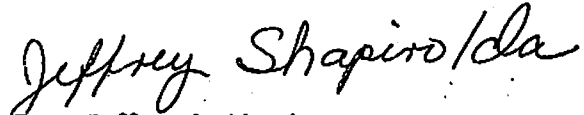
While the Department of Labor has jurisdiction over the enforcement of Labor Law Section 201-f, the Department of Labor does not have authority over the interpretation or enforcement of General Business Law Sections 380-C, 380-G, or Article 23-A of the State Corrections Law. Since your letter does not request an opinion relating to the posting requirements of Section 201-f of the Labor Law but rather, requests an interpretation of a law over which the Department has no jurisdiction, it would be inappropriate for the Department of Labor to render an opinion on the matter you have raised. You may wish 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.

Tel: (518) 457-4380, Fax: (518) 485-1819  
W. Averell Harriman State Office Campus, Bldg. 12, Room 509, Albany, NY 12240

We regret that we could not offer you additional assistance, but if you have any further questions regarding 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 cursive script that reads "Jeffrey Shapiro/da". The signature is written in dark ink and is positioned above the typed name of the signatory.

By: Jeffrey G. Shapiro  
Associate Attorney

JGS:da

cc: Carmine Ruberto