



KNOW YOUR RIGHTS:

Moving Beyond Your Criminal Record

Facts from the NC Justice Center's WORKERS' RIGHTS PROJECT

▶ YOUR RIGHT to relief from collateral consequences.

Hundreds of state and federal laws deny privileges and rights to individuals based on their criminal records, including public benefits, occupational licensing, and child custody. Additionally, many private employers and landlords have screening practices that severely limit opportunities for gainful employment and affordable housing for people with criminal records.

However, there are a handful of legal tools available to help overcome these barriers to reentry, including expunction, certificate of relief, Title VII, and the Fair Credit Reporting Act. The following is a brief overview of these tools.

Expunction

Expunction of a criminal record allows an individual to treat the incident as never having occurred in almost all situations. Opportunities for expunction in North Carolina are extremely limited. The vast majority of individuals with criminal convictions are not eligible. The following are the primary expunction opportunities available to individuals with criminal records in NC:

- ◇ CHARGE(S) NOT RESULTING IN CONVICTION
- ◇ FIRST-TIME NON-VIOLENT MISDEMEANOR OR CLASS H OR I FELONY
- ◇ POSSESSION OF A CONTROLLED SUBSTANCE (AGE 21 OR BELOW)

For a full guide to expunctions in NC, please visit www.ncsecondchance.org.

Certificate of Relief

A certificate of relief overrides most automatic civil disabilities triggered by a criminal record and protects employers from negligent hiring lawsuits. An individual with a single misdemeanor or low-level felony conviction (or two if in the same session of court) is eligible for a certificate of relief 12-months after he completes his criminal sentence.

Title VII

According to recent EEOC guidance on enforcement of Title VII of the Civil Rights Act of 1964, a conviction should only be the basis for not hiring an applicant if the conviction is closely related to the job, considering:

- ◇ the nature of the job,
- ◇ the nature and seriousness of the offense,
- ◇ the length of time since it occurred.

Accordingly, an employer not hiring someone because of a criminal conviction that is not closely related to the job may violate Title VII.

In most circumstances, Title VII charges must be filed with the U.S. Equal Employment Opportunity Commission within 180 days of the alleged discriminatory act.

Voting

A person convicted of a misdemeanor does not lose his right to vote; he is eligible to vote even while serving his sentence. A person convicted of a felony loses his right to vote in NC until he completes all parts of his sentence, including probation and parole. If eligible, remember to register!

- At least 2 million North Carolinians, have a criminal record.
- More than 1000 statutes impose collateral consequences on North Carolinians with criminal records.
- 92% of employers conduct background checks of applicants.
- A criminal record reduces the likelihood of a job call back by more than 50%.

Consider this...

Fair Credit Reporting Act

The FCRA requires employers and landlords to get an applicant's permission before asking a background screening company for a criminal history report. If an application is denied or any other adverse action is taken based on information in the report, the employer or landlord must inform the applicant of the adverse action as well as the company that supplied the criminal history report and his ability to dispute the accuracy of the report. Complaints under the FCRA must be filed with the FTC.

Take Action!

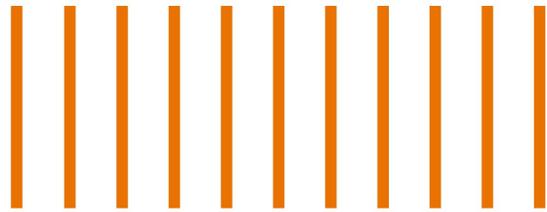
The NC Second Chance Alliance is a statewide alliance of directly-impacted and interested citizens and organizations that has come together to promote policies that remove barriers to the productive citizenship of individuals with criminal records.

Join us!

www.ncsecondchance.org

This fact sheet is intended to provide accurate, general information regarding legal rights relating to employment in North Carolina. However, this fact sheet does not address exemptions and does not go into detail regarding legal rights. In addition, laws and legal procedures are subject to frequent change and differing interpretations, and the North Carolina Justice Center cannot ensure the information in this sheet is current nor be responsible for any use to which it is put. Do not rely on this information without consulting an attorney or the appropriate agency about your rights in your particular situation.

NORTH CAROLINA second chance ALLIANCE



I am for **Second Chances**

Restoring opportunities.
Strengthening communities.
Preserving resources.

The **NC Second Chance Alliance** is a statewide alliance of impacted people and families, advocacy organizations, service providers, congregations, community leaders, and concerned citizens that have come together to address the causes of criminal records and the collateral barriers to successful reentry through public education, mobilization, and local and state policy reforms.

JOIN US TODAY!

Add your voice to the collective call for reduced barriers to reentry and additional reentry supports for North Carolinians with criminal records.

www.ncsecondchance.org

The NC Second Chance Alliance also provides an extensive database of reentry resources on our website, including information regarding expungements, certificates of relief, and Title VII, as well as state and national resources available to individuals with criminal records.



SPEAK OUT FOR REFORM

Please join the Second Chance Alliance in support of restoring opportunities for prosperous citizenship for North Carolinians with criminal records. Our 2017-2018 legislative agenda includes expanded eligibility for certificates of relief and expungements, adoption of a statewide “Ban the Box” policy for public employment, increased resources for reentry services, and expansion of local reentry councils.



To join the NC Second Chance Alliance, please visit our website at:
www.ncsecondchance.org

