



How to Remove Barriers to Employment

What you need to know about
expungements, pardons, and
other barriers to employment



First Edition July 2010

COMPLETING EMPLOYMENT APPLICATIONS

I received my rap sheet, reviewed it, and made corrections. I still do not know what to put on my employment applications.

What Should I Disclose About My Criminal Record?

Pennsylvania Law requires that you disclose conviction information if you are asked by a prospective employer about your criminal history. If the employer asks about arrests, you must disclose all arrests that have not been expunged—even if they did not result in convictions. If asked about a conviction and/or arrest, tell the truth. Keep in mind that employers often do their own background check. A conviction is a guilty plea or a court or jury finding of guilt for a crime or offense.

Note: After your record has been expunged, you will be able to say no if asked about an arrest and/or conviction.

COMPLETING EMPLOYMENT APPLICATIONS



Seeking A Job That Has A Statutory Bar or License Requirement

Some convictions prohibit people from obtaining certain jobs. For example, prospective school employees who have convictions for certain violent crimes or sexual offenses within the last five years.

Licensing Boards may consider criminal convictions in licensing decisions. For example, a conviction involving fraud may disqualify you for a license with the Pennsylvania Gaming Commission.

A criminal record should not automatically disqualify you for employment. It is unlawful for employers to disqualify you for employment without proof of business necessity.

COMPLETING EMPLOYMENT APPLICATIONS

Seeking A Job That Has A Statutory Bar or License Requirement continued...

An employer must show that your conviction for a crime is substantially related to your suitability to perform the major job duties. Also, arrests not leading to convictions cannot be considered by employers.

Ex-offenders considering training for specific professions should contact the appropriate licensing board to find out whether a particular policy or restriction will make a license in a particular field difficult or impossible to obtain.



EXPUNGEMENTS

NPLS will assist clients seeking to obtain an expungement as a way to facilitate re-entry into the workplace.

What Is An Expungement?

An expungement is a method of removing convictions and/or arrests from a person's criminal history.

What Kinds Of Records Can Be Expunged?

All non-conviction data can be expunged from your criminal history.

Juvenile adjudications of delinquency may be expunged if you meet certain criteria.

Remember: Guilty or no contest pleas are convictions.

Can Convictions Be Expunged?

- ◆ Generally, a conviction for a summary offense can be expunged from your record. However, you must have

EXPUNGEMENTS

Can Convictions Be Expunged continued...

remained free from arrest, and/or prosecution for five years following the summary offense conviction. All court costs and fines from the conviction must be paid.

- ◆ A conviction for underage drinking can be expunged.
- ◆ A conviction for a person who is 70 years of age or older, and has been free of arrest for ten years following final release from confinement or supervision can be expunged.
- ◆ The record of a person who has been dead for at least three years can also be expunged.
- ◆ Generally, other convictions cannot be expunged unless first pardoned by the Governor of Pennsylvania. If granted a pardon, you must petition the appropriate court for an expungement.
- ◆ You may also be eligible for a partial expungement. If your case contains

EXPUNGEMENTS

Conviction(s) and dismissal(s), there is an opportunity to erase the dismissed charges.

- ◆ Please note there are special rules for expunging child abuse reports. Generally, good cause must be shown in order to expunge a child abuse record. Further, there are time sensitive procedures which must be followed in order to preserve your right to the expungement.

How Can I Get A Copy Of My PA Criminal Record?

You can get a copy of your record from the PA State Police for a small fee. Mail the request form (#SP4-124) and money order or certified check for \$10 to Pennsylvania State Police, Central Repository—64, 1800 Elmerton Avenue, Harrisburg, PA 17110-9758. **NOTE: Check the box for individual access and review in order to receive your entire criminal history. Your request can also be made online at <https://epatch.state.pa.us>. You must have a credit card to request your record online.**

PARDONS



NPLS staff can discuss your options and determine whether an application for a pardon is appropriate for your situation.

What Is A Pardon?

A pardon is an act by the Governor of Pennsylvania that forgives an offense and restores the offender's rights and privileges lost as a result of the offense.

Who Can Get A Pardon?

Anyone who has a criminal record may apply for a pardon. Typically, serious crimes are only pardoned if substantial time has passed since the crime was committed.

PARDONS

What Happens After You Apply?

After you apply, your application goes through a merit review process by the Board of Pardons. A public hearing will be granted if at least two of the five Board members agree. Please note that attempted crimes of violence and offenses committed while in visible possession of a firearm where a sentence is imposed, requires the approval of three members in order to receive a public hearing.

After the public hearing, if a majority of the Board (three), votes in favor of an application, the Board recommends favorable action to the Governor. Crimes of violence require a unanimous vote by the Board to be recommended to the Governor. The Governor has the discretion to approve or disapprove a favorable recommendation from the Board. Once the Secretary of the Board of Pardons receives the Governor's decision, all interested parties will be notified.

PARDONS

How Long Is The Process And What Does It Cost?

The pardons process takes two or more years; but if successful, you will have a clean record again. It is important to be patient. It will cost \$8 for an application, \$25 to file, \$10 to get your Pennsylvania criminal record, the cost of color passport photos, copies of court records when necessary, and postage.

What Factors Does The Board Of Pardons Consider?

The Board evaluates every application on a case-by-case basis to determine if a pardon is appropriate, but some factors that are frequently considered include: time elapsed since the crime, proof of positive changes and rehabilitation, successful completion of all court-imposed requirements such as parole and fines, the reason for wanting the pardon, and the impact the pardon would have on victims of the offense.

PARDONS

Tips For The Pardon Process:

- ◆ Carefully review your application before the hearing. Your presentation before the Board of Pardons must be consistent with the information submitted in the application.
- ◆ Dress appropriately for the hearing.
- ◆ Provide the details of your crime. Don't minimize the crimes or lie about what happened. Remember, the Board knows about your criminal history. Take responsibility for your actions. Acknowledge your past behavior and be remorseful.
- ◆ Feel free to bring witnesses who can tell the Board about positive changes you have made in your life since the crime. However, the witnesses must be brief in their statement on your behalf since you only have fifteen minutes for your entire presentation.



PARDONS

The Board of Pardons consists of five members: The Lieutenant Governor, who serves as the Chairperson; the Attorney General; and three members appointed by the Governor, who must be approved by a majority of State Senators. The appointed members include a corrections expert, a crime victim representative, and a doctor of medicine, psychiatrist or psychologist.

The expungement and pardon processes take time and effort. If successful, however, you will find it a worthwhile experience. Your record can be erased; thus opening the door to employment, housing, and other privileges.

NOTES

REMEMBER: The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice. *Please use the information found in this brochure carefully since the law is constantly changing and the information may not accurately reflect any changes in the law that occurred following the creation and publication of the brochure.*

NOTES

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The North Penn Legal Services Criminal Records Mitigation Project Will Provide Legal Assistance or Representation for the Following Cases:

- ◆ Correcting errors in police records
- ◆ Correcting errors in state records due to criminal identity theft
- ◆ Correcting inaccurate criminal background reports by commercial vendors
 - ◆ Intervening when employers or job trainers improperly deny employment or job training opportunities based on a criminal history
- ◆ Enforcing ex-offenders rights under state law and fair credit reporting
 - ◆ Equal Employment Opportunity Complaints
 - ◆ Expungements
 - ◆ Pardons
 - ◆ Community Education

www.northpennlegal.org

