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FELONY CONVICTIONS AND EMPLOYMENT

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You asked about the consequences of a felony conviction on employment. This report updates [OLR Report 2005-R-0311](#).

SUMMARY

With limited exceptions, the law prohibits the state from disqualifying a person from engaging in an occupation, profession, or business that requires a state credential (such as a license or permit) solely because of a prior criminal conviction. Similarly, a person cannot be denied state employment solely because of a prior conviction. The law allows a state agency or board to deny employment or a credential only if it finds a person unsuitable after considering certain factors. The limited exceptions to this rule apply to (1) law enforcement agencies, (2) certain mortgage licensees, and (3) long-term care facility service providers with direct access to patients who are convicted of certain crimes. The bar described above does not apply to these entities or people.

In addition, public and private employers cannot (1) use criminal histories to discriminate against a potential employee in violation of federal law or (2) deny employment to or discharge a person because of a conviction for which the person received a pardon. The Board of Pardons and Paroles can also issue a provisional pardon to a person to relieve him or her of certain barriers to employment or obtaining a license or permit. A provisional pardon, for example, could make someone eligible for a credential that might otherwise be denied due to a felony conviction.

STATE EMPLOYMENT AND STATE-ISSUED CREDENTIALS

Connecticut law declares the public policy of encouraging employers to hire qualified ex-offenders (CGS § [46a-79](#)). In furtherance of this policy, the law restricts the ability of state agencies and boards to deny employment or revoke or suspend licenses or permits based solely on a criminal conviction. A person is not “disqualified to practice, pursue or engage in any occupation, trade, vocation, profession or business for which a license, permit, certificate, or registration is required to be issued by the state or any of its agencies solely because of a prior conviction of a crime” (CGS § [46a-80\(a\)](#)).

Under the law, a person is not disqualified from state employment solely because of a prior conviction of a crime. The state can deny employment or a license, permit, certificate, or registration to a person with a prior felony conviction if he or she is found unsuitable after considering (1) the nature of the crime, (2) information relating to the degree of rehabilitation, and (3) the time elapsed since the conviction or release (CGS § [46a-80](#)).

These statutes (CGS § [46a-79](#) et seq.) prevail over agencies’ authority to deny licenses; however they do not apply to the:

1. licensure of a mortgage lender, correspondent lender, broker, loan originator, and loan processor or underwriter (CGS § [36a-489](#)) or
2. employment practices of law enforcement agencies, although an agency can adopt such a policy (CGS § [46a-81](#)).

Credentials and Felony Convictions

Subject to the policy described above, any state agency or board issuing a credential may consider a felony conviction when determining a person’s suitability for the credential. Many statutes specifically list a felony conviction as a factor in denying, suspending, or revoking a credential. Table 1 displays the professions or jobs covered (they may also authorize actions based on specified misdemeanor convictions).

Table 1: Credentials That May Possibly be Denied, Suspended, or Revoked for any Felony Conviction

CGS §	Profession or Job	CGS §	Profession or Job
7-294d*	Police officers certified by the Police Officers Standards and Training Council	20-540	Public service gas technicians
19a-17 and other statutes	Healing arts, medicine and surgery, osteopathy, chiropractic, natureopathy, podiatry, physical therapists, nursing, nurse's aides, paramedics, acupuncturists	20-559e	Athlete agents
19a-17 and 20-12f	Physician assistants	20-656	Shorthand reporters
19a-17 and other statutes	Dentists	21-40	Pawnbrokers
19a-17 and other statutes	Optometrist and opticians	21-47d	Secondhand dealers
19a-17 and other statutes	Psychologists, marital and family therapists, clinical social workers, and professional counselors,	21-100	Purchasers of precious metals and stones
19a-17 and other statutes	Veterinarians	21a-70	Drug manufacturers or wholesalers
19a-17 and other statutes	Massage therapists	22a-66e	Pesticide application registrants (individuals or businesses)
19a-17 and other statutes	Dietician-nutritionists	29-145 and -147	Professional bondsmen
19a-17 and other statutes	Embalmers and funeral directors	29-152f	Bail enforcement agents
19a-17 and other statutes	Barbers, hairdressers, and cosmeticians	29-158	Private detectives and investigators
19a-17 and other statutes	Hypertrichologists	29-161q	Security officers
20-65m	Athletic trainers	29-161q	Security officer instructors
20-74cc and -74cc	Radiographers, radiologic technologists, and radiologist assistants	29-161z	Security officer firearms safety and use instructors
20-86h	Midwives	30-47	Sellers of alcohol

CGS §	Profession or Job	CGS §	Profession or Job
20-162cc	Perfusionists	36a-489(a) and -494*	Mortgage lenders, correspondent lenders, and brokers (these individuals can also lose their licenses based on the conviction of someone with control or supervision at the applicant's office)
20-192	Psychologists	36a-489(b) and -494*	Mortgage loan originators or loan processors or underwriters
20-195p	Social workers	36b-15	Registrants under the Uniform Securities Act (a broker-dealer or investment adviser can also lose a license because of a partner's, officer's, director's, similar person's, or controlling person's conviction)
20-281a	Certified public accountants, public accountants, and those with practice privileges	38a-465b	Life settlements providers and brokers (an individual can also lose a license because of a partner's, member's, director's, or officer's conviction)
20-294	Architects	38a-660	Surety bail bond agents
20-341gg	Major contractors	38a-702k and 38a-660(h)	Individuals and businesses selling insurance
20-363	Sanitarians	51-51i	Judges, family support magistrates, workers' compensation commissioners
20-481	Lead abatement consultants, contractors, and workers	51-91a	Attorneys
20-334	<ul style="list-style-type: none"> • Electricians • Plumbers • Elevator contractors and craftsmen • Contractors or journeymen performing heating, piping, and cooling; solar; fire protection sprinkler; irrigation; sheet metal; gas hearth; or automotive and flat glass work 	PA 12-131	Fine art secured lenders

* These credential can be denied regardless of the law that prohibits the state from denying credentials solely based on a conviction.

In addition, the following businesses can lose their license to operate if an applicant, licensee, or a specified individual connected with the business is convicted of any felony: sales finance companies (CGS §§ [36a-541](#) and [-543](#)), small loan lenders (CGS §§ [36a-556](#) and [-572](#)), check cashing businesses (CGS §§ [36a-581](#) and [-587](#)), money transmission businesses or payment instrument issuers (CGS §§ [36a-600](#) and [-608](#)),

debt adjusters (CGS §§ [36a-656](#) and [-657](#)), debt negotiators (CGS §§ [36a-671](#) and [-671a](#)), and consumer collection agencies (CGS §§ [36a-801](#) and [-804](#)).

The registration of a business opportunity (selling or leasing products, supplies, or services to start a business) can be revoked if the seller or a partner, officer, director, a similar person, or anyone controlling or responsible for the seller's business is convicted of a felony (CGS § [36b-68](#)).

For insurance third party administrators (TPA), the TPA can lose its license if a person responsible for its affairs is convicted of a felony (CGS § [38a-720m](#)). A TPA directly or indirectly (1) underwrites; (2) collects charges or premiums; or (3) adjusts or settles claims on Connecticut residents with respect to life, annuity, or health coverage offered or provided by an insurer.

Other Credential Statutes

Other statutes allow an agency or board to deny a credential based on conviction of certain crimes or based on character or fitness. Education credentials provide an example.

The State Board of Education (SBE) can revoke a teacher or school administrator certificate or an authorization or permit (such as those held by athletic coaches, substitute teachers, and teachers teaching outside their endorsement area) of a person convicted of a crime of moral turpitude or of such a nature that the board feels that allowing the holder to keep the credential would impair the credential's standing (CGS § [10-145b\(j\)\(1\)](#)).

The SBE must revoke a certificate, permit, or authorization when the holder is convicted of certain crimes. This includes convictions for:

1. a capital felony;
2. arson murder;
3. any class A felony;
4. a class B felony, except first-degree larceny, computer crime, or vendor fraud;
5. risk of injury to a minor;

6. deprivation of a person's civil rights by a person wearing a mask or hood;
7. second-degree assault of an elderly, blind, disabled, or pregnant person or person with intellectual disability;
8. second-, third-, or fourth-degree sexual assault;
9. third-degree promoting prostitution;
10. enticing a minor;
11. substitution of children;
12. third-degree burglary with a firearm;
13. first-degree stalking;
14. incest;
15. obscenity as to minors;
16. importing child pornography;
17. criminal use of a firearm or electronic defense weapon;
18. possession of a weapon on school grounds;
19. manufacture or sale of illegal drugs; and
20. crimes involving child abuse or neglect (CGS § [10-145b\(j\)\(2\)](#)).

The SBE may deny a certificate, authorization, or permit application if the applicant has been convicted of a crime of moral turpitude or of such a nature that the board feels that granting the credential would impair its standing (CGS § [10-145b\(m\)\(3\)](#)). The SBE cannot issue or reissue a certificate for a person convicted of one of the crimes listed above until at least five years after the person finishes serving his or her sentence (including probation or parole) for the conviction (CGS § [10-145i](#)).

State Employees

The state Personnel Act permits state agencies to discharge classified employees for incompetence or "other reasons relating to the effective performance of [their] duties" (CGS § [5-240\(c\)](#)). Its regulations allow the

state to dismiss employees who are convicted of a (1) felony, (2) misdemeanor committed while on duty, or (3) misdemeanor committed while off-duty that could affect their job performance (Conn. Agencies Regs. § 5-240-1a). In most cases, it must give employees notice and a hearing prior to dismissal. And a union member may grieve and get an arbitrator's ruling on whether the conviction was just cause for discharge under the specific terms of the union contract.

FEDERAL LAW

Asking job applicants to indicate whether they have been convicted of a crime is permissible under federal law. Under the federal Equal Employment Opportunities Commission's (EEOC) interpretation of Title VII of the Civil Rights Act of 1964 (42 USC. § 2000e, et seq.), disqualifying people who have criminal records from jobs may be discriminatory because the practice disproportionately affects African American and Hispanic men. (Those two groups generally have higher criminal conviction rates than do Caucasian men.)

The EEOC states in its guidance documents that employers cannot simply bar felons from consideration, but must show that a conviction-based disqualification is justified by "business necessity." Employers should examine the (1) nature and gravity of the offense or offenses, (2) length of time since the conviction or completion of sentence, and (3) nature of the job held or sought. Under this test, employers should consider the job-relatedness of a conviction, the circumstances of the offense, and the number of offenses (*EEOC Guidance 915.002, April 25, 2012*:

http://www.eeoc.gov/laws/guidance/upload/arrest_conviction.pdf).

PARDONS

The law authorizes the Board of Pardons and Paroles to issue pardons to erase a conviction. State law prohibits employers, including the state and its political subdivisions, from taking certain actions against people who have their conviction records erased by an absolute pardon. An employer cannot require an employee or prospective employee to disclose such records or deny employment or discharge an employee solely because of records. An employment application form asking for criminal history information must contain a clear notice that the applicant need not disclose erased information and that he or she is considered never to have been arrested and can swear it under oath (CGS § [31-51i](#)).

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