

Felony Convictions and Employment

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Issue

Describe the consequences of a felony conviction on employment. This report updates OLR Report [2012-R-0252](#).

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 may not 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 include (1) law enforcement agencies, (2) certain mortgage licensees, and (3) long-term care facility service providers who are convicted of certain crimes with direct access to patients. The bar described above does not apply to these entities or people ([CGS §§ 46a-81, 7-294d, 36a-489 & 19a-491c](#)).

In addition, public and private employers may not (1) use criminal histories to discriminate against a potential employee in violation of federal law or (2) deny employment to or discharge an employee because of a conviction for which the person received a pardon. The Board of Pardons and Paroles may also issue a provisional pardon or certificate of employability to a person to relieve him or her of certain barriers to employment or to 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.

The law (sometimes called “ban the box”) prohibits employers from asking about a prospective employee's prior arrests, criminal charges, or convictions on an initial employment application

unless (1) state or federal law requires it or (2) the prospective employee is applying for a position for which the employer must obtain a security or fidelity bond, or an equivalent bond ([CGS § 31-51i\(b\)](#)).

State Employment and State-Issued Credentials

Several years ago, the General Assembly declared through law that it is the state's policy to encourage employers to hire qualified ex-offenders ([CGS § 46a-79](#)). In furtherance of this public policy, the law restricts the ability of state agencies and boards to deny employment or revoke or suspend a license, permit, certificate, or registration (hereafter "credential") 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\(a\)](#)).

However, the state may deny employment or a credential to a person with a prior felony conviction if he or she is found unsuitable after considering (1) the nature of the crime and its relationship to the job applied for, (2) information relating to the degree of rehabilitation, and (3) the time elapsed since the conviction or release ([CGS § 46a-80\(c\)](#)). When making this determination, the state must consider any provisional pardon or certificate of employability issued to the applicant. A provisional pardon or certificate creates a presumption of rehabilitation. If the state denies employment or a credential based on a conviction for which the person received a provisional pardon or certificate, it must give the applicant, in writing, the reasons for the denial ([CGS § 46a-80\(c\)](#)).

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

1. mortgage lenders, correspondent lenders, brokers, loan originators, or loan processors or underwriters convicted of a felony during the seven-year period preceding the date of application for licensure, or any time for a felony involving fraud, dishonesty, breach of trust, or money laundering ([CGS § 36a-489](#)) or
2. law enforcement agencies, although an agency may adopt such a policy ([CGS § 46a-81](#)).

These statutes also do not apply to the prisoner transportation and courthouse security system, although that system may adopt such a policy ([CGS § 6-32e](#)).

Credentials and Felony Convictions

Subject to the policy described above, a state agency or board issuing a credential may consider a felony conviction when determining a person's suitability for the credential. (Similarly, the law sometimes allows an agency or board to also authorize actions based on specified misdemeanor

convictions or actions involving fraud or deceit.) Many statutes specifically list a felony conviction as a factor in denying, suspending, or revoking a credential. Table 1 displays the covered professions or jobs.

As discussed above, law enforcement officers and certain mortgage-related jobs may be denied regardless of the law that prohibits the state from denying credentials solely based on a conviction ([CGS §§ 46a-81, 7-294d](#) & [36a-489](#)).

Table 1: Credentials That May Possibly Be Denied, Suspended, or Revoked for a Felony Conviction

CGS §	Profession or Job	CGS §	Profession or Job
7-294d	Police officers certified by the Police Officers Standards and Training Council	20-481	Lead abatement consultants, contractors, and workers
19a-17 and other statutes	Healing arts, medicine and surgery, osteopathy, chiropractic, naturopathy, podiatry, physical therapists, nursing, nurse's aides, paramedics, acupuncturists	20-334	Electricians; plumbers; elevator contractors and craftsmen; swimming pool builders; contractors or journeymen performing heating, piping, and cooling; solar; fire protection sprinkler; irrigation; sheet metal; gas hearth; automotive and flat glass work; and residential stair lift technicians
19a-17 and 20-12f	Physician assistants	20-540	Public service gas technicians
19a-17 and other statutes	Dentists	20-442a	Asbestos contractors
19a-17 and other statutes	Optometrist and opticians	21-40	Pawnbrokers
19a-17 and other statutes	Psychologists, marital and family therapists, clinical social workers, and professional counselors	21-47d	Secondhand dealers
19a-17 and other statutes	Veterinarians	21-47o	Fine art secured lenders

Table 1 (continued)

CGS §	Profession or Job	CGS §	Profession or Job
19a-17 and other statutes	Massage therapists	21-100	Purchasers of precious metals and stones
19a-17 and other statutes	Dietician-nutritionists	21a-70	Drug manufacturers or wholesalers
19a-17 and other statutes	Embalmers and funeral directors	22-61l	Hemp growers
20-65m	Athletic trainers	22a-66e	Pesticide application registrants (individuals or businesses)
20-74cc and -74ss	Radiographers, radiologic technologists, and radiologist assistants	23-61i	Arborist businesses
20-86h	Midwives	29-145 and -147	Professional bondsmen
20-162cc	Perfusionists	29-152f	Bail enforcement agents
20-185m	Behavior analysts	29-154a , -156a , and -158	Private detectives and investigators
20-192	Psychologists	29-161q and -161v	Security officers
20-195p	Social workers	29-161q and -161v	Security officer instructors
20-195tt	Genetic counselors	29-161z	Security officer firearms safety and use instructors
20-195qqq	Art therapists	30-47	Alcohol permittees or applicants
20-206nn	Emergency Medical Service Personnel	36a-489(a) and -494	Mortgage lenders, correspondent lenders, and brokers (these individuals may be subject to license revocation or denial based on the conviction of someone with control or supervision at the applicant's office)
20-265b	Estheticians	36a-489(b) and -494	Mortgage loan originators or loan processors or underwriters

Table 1 (continued)

CGS §	Profession or Job	CGS §	Profession or Job
20-265c	Eyelash technician	36a-719	Mortgage servicer with the seven-year period preceding the date of application for licensure, or any time for a felony involving fraud, dishonesty, breach of trust, or money laundering
20-265d	Nail technician	36b-15	Registrants under the Uniform Securities Act (a broker-dealer or investment adviser may also be subject to license revocation or denial because of a partner's, officer's, director's, similar person's, or controlling person's conviction)
Various	Various other Department of Public Health (DPH)-credentialed professionals, but see below for barber/hairdresser exception	38a-465b	Life settlements providers and brokers (an individual may also be subject to license revocation or denial because of a partner's, member's, director's, or officer's conviction)
20-281a	Certified public accountants, public accountants, and those with practice privileges	38a-660	Surety bail bond agents
20-294	Architects	38a-702k	Individuals and businesses selling insurance
20-341gg	Major contractors	51-51j	Judges, family support magistrates, workers' compensation commissioners
20-363	Sanitarians	51-91a	Attorneys

As noted in the table, various DPH-credentialed professionals may have their credentials denied or revoked due to a felony conviction. However, the law creates an exception for barbers, hairdressers, and cosmeticians; thus, these individuals are not subject to a criminal history records check as a prerequisite to licensure ([CGS §§ 20-236\(c\)](#) and [-252\(b\)](#)). The law also prohibits DPH from taking the following actions with respect to an applicant for a barber or a hairdresser and cosmetician license solely because he or she was found guilty or convicted of a felony: (1) denying an application for licensure by examination or endorsement, (2) denying reinstatement of a license, or (3) issuing a conditional license.

In addition, the Department of Banking (DoB) commissioner may revoke or deny the licenses of the following businesses 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](#)), 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 DoB commissioner may also revoke the registration of a business opportunity (selling or leasing products, supplies, or services to start a business) if the seller or a partner, officer, director, a similar person, or anyone controlling or responsible for the seller's business was convicted of a felony in the last 10 fiscal years ([CGS § 36b-68](#)).

For insurance third-party administrators (TPA), the Insurance Commissioner may suspend or revoke a TPA's 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) may 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\(i\)\(4\)](#)).

The SBE must revoke a certificate, permit, or authorization when the holder is convicted of certain crimes, including the following:

1. a capital felony;
2. arson murder;
3. any class A felony;
4. a class B felony, except first-degree larceny, a 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 of a 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\(i\)\(3\)](#)).

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\(i\)\(4\)](#)). The SBE may not 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. However, under the federal Equal Employment Opportunities Commission's (EEOC) interpretation of Title VII of the Civil Rights Act of 1964 ([42 U.S.C. § 2000e et seq.](#)), disqualifying people who have criminal records from jobs may be discriminatory because the practice disproportionately affects African American and Hispanic men. (These two groups generally have higher criminal conviction rates than Caucasian men.)

The EEOC states in its guidance documents that employers may not 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](#)).

Pardons and Certificates of Employability

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 may not require an employee or prospective employee to disclose these 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 may swear it under oath ([CGS § 31-51i](#)).

As is the case with the provisional pardon, the certificate of rehabilitation, also called a certificate of employability, relieves an eligible offender of certain barriers to gaining employment or obtaining a credential, such as an occupational license, resulting from a criminal conviction ([CGS §§ 54-130a](#) and [-130e](#)). For more information, see the Judicial Branch [website](#) or Board of Pardons and Parole [website](#).

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