

# "Ban-the-Box" Law Summary

The chart below describes ban-the-box laws that have been passed in certain states, cities, and counties as they apply to **private employers**. It is not intended to be comprehensive nor should it be construed as legal advice. Employers are encouraged to speak with their experienced legal counsel with respect to ban-the-box laws that may affect their background screening program.

Ban-the-box laws typically mandate that the section (or "box") on job applications that asks a candidate whether he or she has ever been convicted of a crime be removed; each ban-the-box law prohibits any covered employer from asking about criminal history until after an initial interview or conditional offer is made. However, each state and local law is nuanced as to *what* can be asked, and *when* it can be asked. In addition, several of these laws impose additional obligations on employers regarding the inquiry into and use of criminal history information for employment purposes.



| Jurisdiction by State                    | Applies To Employers Based on Number of Employees Within Jurisdiction | When May Employers Ask About Criminal History?   | Individualized Assessment or Notice |
|--|---|--|-------------------------------------|
| California                               | 5   | After conditional offer  | Yes                                 |
| Connecticut                              | 1   | After initial employment application   | No                                  |
| Hawaii                                   | 1   | After conditional offer  | No                                  |
| Illinois                                 | 15  | After selection for initial interview<br>(or after conditional offer if no interview)  | No                                  |
| Massachusetts                            | 6   | After initial interview  | No                                  |
| Minnesota                                | 1   | After selection for initial interview<br>(or after conditional offer if no interview)  | No                                  |
| New Jersey                               | 15  | After initial interview  | No                                  |
| Oregon                                   | 1   | During selection for initial interview<br>(or after conditional offer if no interview) | No                                  |
| Rhode Island                             | 4   | During initial interview   | No                                  |
| Vermont                                  | 1   | During initial interview or once deemed qualified for position                         | No                                  |
| Washington (Effective June 6, 2018)      | 1   | After deemed qualified for position  | No                                  |
| Washington, D.C.                         | 10  | After conditional offer  | No                                  |
| Jurisdiction by City/County              |   |  |                                     |
| Austin, TX                               | 15  | After conditional offer  | Yes                                 |
| Baltimore, MD                            | 10  | After conditional offer  | No                                  |
| Buffalo, NY                              | 15  | After initial interview  | No                                  |
| Chicago, IL                              | 1   | After selection for initial interview<br>(or after conditional offer if no interview)  | Yes                                 |
| Cook County, IL                          | 1   | After initial interview or conditional offer   | No                                  |
| Columbia, MO                             | 1   | After conditional offer  | Yes                                 |
| Kansas City, MO (effective June 9, 2018) | 1   | After interview and deemed qualified for position                                      | Yes                                 |
| Los Angeles, CA                          | 10  | After conditional offer  | Yes                                 |
| Montgomery County, MD                    | 15  | After initial interview  | Yes                                 |
| New York City, NY                        | 4   | After conditional offer  | Yes                                 |
| Philadelphia, PA                         | 1   | After initial interview  | No                                  |
| Portland, OR                             | 6   | After conditional offer  | Yes                                 |
| Prince George's County, MD               | 25  | After initial interview  | Yes                                 |
| Rochester, NY                            | 4   | After initial interview  | No                                  |
| San Francisco, CA                        | 20 (regardless of where employees are located)                        | After initial interview or conditional offer   | Yes                                 |
| Seattle, WA                              | 1   | After initial screening of application   | Yes                                 |
| Spokane, WA (effective June 14, 2018)    | 1   | After initial interview or conditional offer   | Yes                                 |

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