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• The Inquiry into or Use of Arrest and Conviction Records in Public and Private Employment¹ Screening By State		
<i>State</i>	<i>Arrest</i>	<i>Convictions</i>
Alabama	Employers may obtain and use all but sealed or expunged records.	Employers may obtain and use all but sealed records.
Alaska	Employers may not use or inquire about sealed or expunged records, but otherwise may use and inquire about all other available records.	Employers may not use or inquire about sealed or expunged records, but otherwise may use and inquire about all other available records.
Arizona	Employers may obtain and use all available records.	Public Employers: The conviction must be reasonably related to the job function. Private Employers may obtain and use all available records. The Arizona Civil Rights Division Guidelines recommend including a statement with such inquiries that a conviction is not an absolute bar to employment.
Arkansas	Other than felony arrest records that are less than 3 years old at the time of inquiry, employers cannot obtain non-conviction information about arrests. Employers may not use or inquire about sealed or expunged records.	Employers may not use or inquire about sealed or expunged records, but may use or inquire about all other available conviction records.

¹ Where no distinction is made, the standard applies to both public and private sector employees generally. Many states have different criminal background check standards that apply only to certain industries or specific occupations such as casino workers, police officers, teachers, etc. Those industry- and occupation-specific requirements are not addressed in this chart. Many localities and municipalities also have different criminal background check standards. Those local and municipality-specific standards are not addressed in this chart.

About This Chart:

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California	<p>Employers may ask about arrest records for which the individual is out on bail or when a trial is pending.</p> <p>Employers, however, may not ask about or use:</p> <ol style="list-style-type: none"> 1. arrests or detentions not resulting in convictions; or 2. arrests involving successful completion of pretrial or post-trial diversion programs. 	<p>Employers may not ask about or use:</p> <ol style="list-style-type: none"> 1. certain marijuana convictions over 2 years old; 2. information concerning referral to or participation in any pretrial or post-trial diversion program; 3. convictions that have been legally sealed, expunged, or statutorily eradicated (per non-discrimination regulations); or 4. misdemeanor convictions for which probation has been successfully completed or discharged (per non-discrimination regulations). <p>Public Employers: A state or local agency may not ask an applicant to disclose, orally or in writing, information concerning the conviction history of the applicant, until the agency has determined the applicant meets the minimum employment qualifications, as stated in any noticed issued for the position. This prohibition does not apply to any position within a criminal justice agency, or for anyone working on a contract basis for a criminal justice agency.</p>
Colorado	Although state law only prohibits the inquiry into or use of sealed arrest records, the Civil Rights Division's	Although state law allows employers to inquire into and use conviction records that have not been sealed, the Civil Rights

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	<p>pre-employment guidelines prohibit employers from asking about arrest records of any type.</p> <p>Public Employers: An arrest without conviction cannot be used to reject a finalist or withdraw a conditional offer of employment.</p>	<p>Division’s pre-employment guidelines restrict such inquiries to circumstances where the conviction is directly related to the applicant’s job duties, provided that all applicants for the position are also asked about such convictions.</p> <p>Public Employers: State and local agencies may not advertise or include a statement on an application that a person with a criminal record may not apply for the position, unless a statute prohibits the employment of a person with a specific criminal conviction for a particular position. If after an applicant is considered a finalist or a conditional offer of employment has been made, public employers must consider the following factors in determining whether the conviction disqualifies the applicant:</p> <ol style="list-style-type: none"> 1. The nature of the conviction; 2. Whether a direct relationship exists between the conviction and the position’s duties and responsibilities, and the bearing the conviction may have on the applicant’s fitness 3. Information the applicant produced regarding his or her rehabilitation and good conduct; and

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Connecticut	<p>Employers may inquire into and use all but erased arrest records.</p> <p>An employment application that contains any question concerning the criminal history of the applicant must contain a notice in clear and conspicuous language that:</p> <ol style="list-style-type: none"> 1. The applicant is not required to disclose the existence of any arrest, criminal charge or conviction that has been erased; 2. An explanation of the types of criminal records that are subject to erasure (see CONN. GEN. STAT. §31-51i(c)(2)) 3. Any person whose criminal records have been erased shall be deemed to have never been arrested with respect to the proceedings that were erased and may attest to this under oath 	<p>4. The elapsed time since the conviction.</p> <p>Public Employers: May not inquire about a prospective employee's past convictions until the employee has been deemed otherwise qualified for the position. May inquire into and use conviction records, so long as the conviction is related to the job duties and the decision-maker considers:</p> <ol style="list-style-type: none"> 1. nature of the conviction and its relationship to the job, 2. length of time since conviction, and 3. information regarding rehabilitation. <p>The application must include specific and conspicuous language that applicants aren't required to disclose the existence of: any erased criminal record; any criminal charge that has been dismissed or nulled; a criminal charge where the applicant was found not guilty; and pardoned convictions</p> <p>A rejection of an applicant on the basis of his or her criminal history must be in writing with the specific basis for the rejection included. A copy of such rejection shall be sent by registered mail to the applicant.</p>

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		Private Employers: May inquire into and use all but erased conviction records although state non-discrimination statutes encourage employers to consider all applicants regardless of criminal history.
Delaware	Employers may not obtain state arrest records for general employment purposes.	<p>Except for expunged records, employers may inquire into and use all convictions, including sealed records.</p> <p>Public Employers: Unless expressly permitted or required by law, public employers may not inquire into or consider the criminal record or criminal history of an applicant during the initial application process, up to and including the first interview. An applicant may be disqualified on the basis of criminal history if the exclusion is job-related for the position in question and consistent with business necessity. The following factors must be considered in the hiring decision:</p> <ol style="list-style-type: none"> 1. Nature and gravity of the offense or conduct; 2. Time elapsed since the offense and/or completion of the sentence; and 3. Nature of the job sought.

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		Must include in all formal solicitations a section stating the State does not consider the criminal record or criminal history of an applicant for state employment during the initial application process unless otherwise required by state and/or federal law, and vendors doing business with the State are encouraged to adopt similar policies.
District of Columbia	Employers may inquire into and use adult arrest records that resulted in convictions or forfeitures of collateral and pertain to offenses committed in the past 10 years (older records may be available if the individual was imprisoned during all or part of the past 10 years). Individuals can deny the existence of expunged criminal records relating to illegal drugs.	Employers may inquire into and use records of convictions or forfeitures of collateral and pertain to offenses committed in the past 10 years (older records may be available if the individual was imprisoned during all or part of the past 10 years). Individuals can deny the existence of expunged criminal records relating to illegal drugs. Public Employers: May not inquire into an applicant's criminal history during the initial screening of applications; if the employer considers an applicant's criminal history, the applicant must be permitted to provide an explanation and the employer must consider rehabilitation and other evidence of good conduct.

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Florida	Employers may inquire into and use arrest records, but individuals are not required to disclose arrest records that have been sealed or expunged.	<p>Public Employers: An applicant may not be disqualified solely because of a prior conviction unless the crime was a felony or first-degree misdemeanor and directly related to the employment sought.</p> <p>Public Employers may inquire into and use all available conviction information, although individuals are not required to disclose sealed or expunged conviction records.</p>
Georgia	Employers may not inquire into and use arrest records if the record has been expunged, relates to dropped or dismissed charges, did not result in a conviction, or if the conduct leading to the arrest was discharged under the first offender law.	<p>Employers may inquire into and use conviction records unless they have been expunged or the conviction was discharged under the first offender law.</p> <p>Public Employers may not use questions regarding criminal history on applications or inquire into an applicant's criminal record until after the initial stage of the state employment application process. An applicant's criminal record may not serve as an automatic bar to employment, and applicants must be provided the opportunity to dispute the accuracy and relevance of any disqualifying conviction relied upon for rejection.</p>

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Hawaii	<p>An employer may not use arrest records as a basis for any employment decision unless it can establish a bona fide occupational requirement that is:</p> <ol style="list-style-type: none"> 1. reasonably necessary to the normal business operations, and 2. substantially related to employment functions and responsibilities. <p>Employers may not obtain expunged arrest records, nor are individuals required to disclose them.</p>	<p>Employers may not include any questions on a job applications inquiring into an applicant’s criminal history.</p> <p>An employer may inquire into and use conviction records provided that:</p> <ol style="list-style-type: none"> 1. the conviction is rationally related to the job duties; 2. the inquiry occurs <i>after</i> a conditional offer of employment is made; and 3. the inquiry is limited to the most recent 10 year period, excluding periods of incarceration. <p>The conditional offer of employment may be rescinded if the conviction meets these criteria.</p>
Idaho	<p>State law imposes no restrictions on an employer’s inquiry into or use of arrest records. However, the Commission on Human Rights advises employers to avoid such inquiries altogether because they may lead to unlawful discrimination.</p>	<p>State law imposes no restrictions on an employer’s inquiry into or use of conviction records. However, the Commission on Human Rights advises that employers making such inquiries should consider the recentness, number, and relevancy of the conviction(s) to the job sought.</p>

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Illinois	<p>Employers may not ask about or use arrest records, but may rely on other information which indicates that the individual actually engaged in the conduct for which s/he was arrested.</p> <p>Applications must contain specific language stating that the applicant is not obligated to disclose expunged or sealed arrest records.</p>	<p>Employers may not include any questions on a job applications inquiring into an applicant's criminal history.</p> <p>Applications must contain specific language stating that the applicant is not obligated to disclose expunged or sealed conviction.</p> <p>Private Employers of 15+: May not inquire about, consider, or require disclosure of the criminal record or criminal history of an applicant until it has been determined:</p> <ol style="list-style-type: none">1. the applicant is qualified for the position; and2. the applicant has been selected for an interview, or in the absence of an interview, after the employer makes a conditional offer of employment. <p>Public Employers: Each agency, board, and commission must establish a review process for the evaluation of an applicant's criminal history. The review process can only exclude an applicant on the basis of his/her criminal history if it is determined that the exclusion is job-related and consistent with business necessity, including consideration of at least the following factors:</p> <ol style="list-style-type: none">1. The nature and gravity of the offense;2. The time elapsed since the conviction and/or
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		<p>completion of the sentence; and</p> <p>3. The nature of the job being sought.</p>
Indiana	<p>Employers may inquire into and use limited criminal history, including arrests, but may not ask about sealed or restricted records.</p> <p>Employers may request directly from law enforcement agencies “limited criminal history” of an applicant. “Limited criminal history” covers arrests and criminal charges for felonies and Class A misdemeanors that occurred less than a year prior to the request.</p> <p>Third-party Criminal History Providers (with the exception of law enforcement and similar agencies) may not provide arrest records that did not lead to conviction.</p>	<p>Employers may inquire into and use available conviction records, but may not require an applicant or employee to disclose any convictions that are expunged, sealed, or restricted.</p>
Iowa	<p>State law imposes no restrictions on an employer’s inquiry into or use of arrest records, but the Civil Rights Commission cautions employers against inquiring about arrests that do not result in convictions.</p>	<p>State law imposes no restrictions on an employer’s inquiry into or use of available conviction records, but the Civil Rights Commission cautions against basing employment decisions on conviction records without first considering:</p> <ol style="list-style-type: none"> 1. whether the conviction is related to the job requirements, 2. the nature, seriousness, and recentness of the conviction, and 3. evidence of rehabilitation.

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Kansas	Although non-conviction information is not made available to employers, state law nonetheless permits the inquiry into and use of arrest records where the arrest implicates trustworthiness or the safety of employees or customers. The Human Rights Commission advises employers against making any pre-employment inquiry about arrests. Individuals may deny the existence of sealed or expunged records.	Employers may inquire into and use conviction records where the conviction implicates trustworthiness or the safety of employees or customers. The Human Rights Commission advises employers against inquiring into convictions that are not substantially related to the job duties. Individuals may deny the existence of sealed or expunged records.
Kentucky	Employers are permitted to inquire into and use arrest records, unless those records have been sealed or expunged.	Public Employers: May not base an employment decision solely on a conviction unless the crime is a felony, high misdemeanor, misdemeanor for which jail time may be imposed, involves moral turpitude, or otherwise directly relates to the employment sought. Private Employers: Are permitted to inquire into and use conviction records, unless those records have been sealed or expunged.
Louisiana	Employers are permitted to inquire into and use arrest records, unless those records have been sealed or expunged.	Employers are permitted to inquire into and use conviction records, unless those records have been sealed or expunged.
Maine	Although there is no restriction on an employer's inquiry into or use of arrest records, such information is generally not released unless the arrest leads to a conviction.	Employers are permitted to inquire into and use conviction records.

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<p>Maryland</p>	<p>Generally, employers are unable to obtain state criminal history records for screening purposes without statutory authority, a court order, etc. Employers may not inquire into or use expunged or pardoned records nor may they discharge or deny employment to an individual who refuses to disclose expunged or pardoned records.</p> <p>Public Employers: State employers are prohibited from inquiring into the criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview. Certain exceptions to this law includes positions with the Department of Corrections, the Office of the Sheriff for any county, and where a background check is required by law.</p>	<p>Generally, employers are unable to obtain state criminal history records for screening purposes without statutory authority, a court order, etc. Employers may not inquire into or use expunged or pardoned records nor may they discharge or deny employment to an individual who refuses to disclose expunged or pardoned records.</p> <p>Public Employers: State employers are prohibited from inquiring into the criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview. Certain exceptions to this law includes positions with the Department of Corrections, the Office of the Sheriff for any county, and where a background check is required by law.</p>
<p>Massachusetts</p>	<p>Employers may not inquire into or use arrest records that did not result in a conviction. Applicants must be informed with specific statutory language that they are not required to disclose sealed records.</p>	<p>Employers may not inquire into or use any convictions that:</p> <ol style="list-style-type: none"> 1. are misdemeanors more than 5 years old; 2. are first offense for <ol style="list-style-type: none"> a. drunkenness, b. simple assault, c. speeding, d. minor traffic offenses, e. affray, or

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		<p>f. disturbance of the peace.</p> <p>Inquiries into conviction records may not appear on the initial written application, but may be addressed during a subsequent interview or secondary application. Employers must provide applicants with a copy of their criminal history record (1) before questioning the applicant about their record and (2) if an adverse decision is made based on the report. Applicants must be informed with specific statutory language that they are not required to disclose sealed records.</p> <p>Any employer that regularly conducts five or more background checks per year must establish a written criminal history record policy that states it will:</p> <ol style="list-style-type: none">1. notify the applicant of the potential adverse decision based on the criminal offender record information2. provide the criminal record and the policy to the applicant; and3. provide information concerning the process for correcting a criminal record <p>The employer must discard an applicant's criminal record information seven years after the adverse decision or</p>
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		termination occurs.
Michigan	Employers may not use or inquire into misdemeanor arrests or any arrest records that did not result in a conviction, unless there is a felony arrest awaiting trial.	Employers may inquire into and use available conviction records.
Minnesota	<p>Employers may not use a job application form to ask about an applicant's criminal history or require an applicant to check a box on an application to indicate a criminal history.</p> <p>Any inquiry or consideration of an applicant's criminal record or criminal history may not occur before the applicant has been selected for an interview, or before a conditional offer of employment is made if there is no interview.</p> <p>This does not apply to employers required by law to conduct a criminal background investigation.</p> <p>Public Employers: May not use arrest records not followed by valid conviction.</p>	<p>Employers may not use a job application form to ask about an applicant's criminal history or require an applicant to check a box on an application to indicate a criminal history.</p> <p>Any inquiry or consideration of an applicant's criminal record or criminal history may not occur before the applicant has been selected for an interview, or before a conditional offer of employment is made if there is no interview.</p> <p>This does not apply to employers required by law to conduct a criminal background investigation.</p> <p>Public Employers: May not disqualify applicants because of convictions unless the conviction is directly related to the job. May not use annulled or expunged convictions and misdemeanor convictions for which no jail sentence can be imposed when evaluating applicants.</p>
Mississippi	Employers may inquire into and use arrest records, unless the records have been expunged. As a practical matter, however, employers are not able to access	Employers may inquire into and use conviction records, unless the records have been expunged.

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	arrest records more than one year old that did not result in a conviction unless the prosecution of the charge is ongoing.	
Missouri	Employers may inquire into and use available arrest records, unless the records have been expunged. The Commission on Human Rights cautions against basing employment decisions upon an arrest record unless it substantially relates to the job requirements. Employers are also advised against making pre-employment inquiries into the number and type of arrests.	Employers may inquire into and use available conviction records, unless the records have been expunged. The Commission on Human Rights cautions against basing employment decisions upon a conviction unless it reasonably relates to the felon's competency to do the job at issue.
Montana	Employers may not inquire about criminal arrests on application forms, during interviews, or at any time during the hiring process.	Employers may inquire into and use conviction records.
Nebraska	Employers may inquire into and use arrest records, unless those records have been expunged.	Private Employers: may inquire into and use conviction records, unless those records have been expunged. Public Employers: may not inquire into a job applicant's criminal history until after the employer has determined the applicant meets the minimum job requirements. This law does not apply to law enforcement agencies or any position required to conduct a criminal background check by law.
Nevada	State law allows employers to inquire into and use	State law permits employers to inquire into and use felony

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	<p>arrest records, unless those records have been sealed. However, the Nevada Equal Rights Commission advises employers against inquiring about arrests.</p>	<p>convictions or, within a specified time period, misdemeanor convictions resulting in imprisonment. The Nevada Equal Rights Commission advises employers to inform employees that past convictions do not automatically disqualify them from employment.</p>
New Hampshire	<p>Employers may only inquire into a previous criminal record on an application for employment using such terms as “have you ever been arrested for or convicted of a crime that has not been annulled by a court?”</p>	<p>Employers may only inquire into a previous criminal record on an application for employment using such terms as “have you ever been arrested for or convicted of a crime that has not been annulled by a court?”</p>
New Jersey	<p>Employers may inquire into and use arrest records, but the employer must give the employee a chance to confirm or deny the accuracy of such records.</p> <p>Employers with 15 or more individuals may not advertise jobs stating they will not consider anyone who has been arrested or convicted, unless the advertisement solicits applicants for a position that is exempt under the law. Covered employers may inquire into an applicant’s criminal history only after the initial interview is completed or if the applicant voluntarily discloses his/her criminal history.</p> <p>This law does not apply if the employment is for a position in law enforcement, corrections, the judiciary,</p>	<p>Employers may inquire into and use conviction records, but the employer must give the employee a chance to confirm or deny the accuracy of such records.</p> <p>Employers with 15 or more individuals may not advertise jobs stating they will not consider anyone who has been arrested or convicted, unless the advertisement solicits applicants for a position that is exempt under the law. Covered employers may inquire into an applicant’s criminal history only after the initial interview is completed or if the applicant voluntarily discloses his/her criminal history.</p> <p>This law does not apply if the employment is for a position in law enforcement, corrections, the judiciary, homeland security, emergency management, or if the employer is</p>

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	homeland security, emergency management, or if the employer is seeking to employ those who have criminal records.	seeking to employ those who have criminal records.
New Mexico	<p>Public Employers: May not inquire into or use any arrest records that did not result in conviction. Individuals may deny the existence of sealed or expunged records.</p> <p>Private Employers: May inquire into and use arrest records that have not been sealed or expunged, although arrest records that did not result in conviction are typically not available to employers.</p>	<p>Public Employers: A conviction may not operate as an automatic bar to employment and misdemeanor convictions not involving moral turpitude may not be considered. Individuals may deny the existence of sealed or expunged records. Convictions can only be considered after the applicant has been selected as a finalist for the position.</p> <p>Private Employers: May inquire into and use conviction records that have not been sealed or expunged.</p>
New York	Employers with 4 or more employees may not inquire into or use arrests not pending or that did not result in conviction, resulted in sealed convictions, or that were resolved through youthful offender adjudication.	<p>Public Employers and Private Employers with 10 or more employees: may not deny employment based on a conviction, unless: (1) there is a direct relationship between one or more of the previous criminal offenses and the specific employment; or (2) the granting or continuation of employment would involve an unreasonable risk to property, the safety or welfare of specific individuals, or the general public.</p> <p>To make its determination, the employer shall consider: (a) state public policy to encourage employment of persons previously convicted a criminal offense; (b) the specific</p>

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		<p>duties and responsibilities of the employment sought or held; (c) the bearing, if any, the criminal offense will have on the person's fitness or ability to perform those duties or responsibilities; (d) time elapsed since the occurrence of the criminal offense; (e) age of the person at the time of the criminal offense; (f) seriousness of the offense; (g) any information evidencing rehabilitation and good conduct; (h) legitimate interests of the employer in protecting property, safety and welfare of specific individuals or the general public.</p> <p>Employers may not inquire into or use sealed convictions or those disposed of in youthful offender adjudication.</p>
North Carolina	<p>Private Employers: may not require an applicant, on an application, in interviews, or otherwise, to disclose information concerning any arrest criminal charge or conviction of the applicant that has been expunged. An applicant.</p> <p>Public Employers: before requesting an applicant to disclose information concerning any arrest, or criminal charge the employer must first advise the applicant that state law allows the applicant not to refer to any arrest, charge or conviction that has been expunged.</p>	<p>Private Employers: may not require an applicant, on an application, in interviews, or otherwise, to disclose information concerning any arrest criminal charge or conviction of the applicant that has been expunged. An applicant.</p> <p>Public Employers: before requesting an applicant to disclose information concerning any criminal conviction, the employer must first advise the applicant that state law allows the applicant not to refer to any arrest, charge or conviction that has been expunged.</p>

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North Dakota	Employers are not prohibited from inquiring into and using arrest records, unless the records are sealed or expunged, but as a practical matter, employers cannot obtain records of arrests that did not result in convictions. Additionally, the Human Rights Division cautions employers against making arrest inquiries.	Public Employers: May inquire into and use conviction records that have not been purged, sealed or expunged. Private Employers: May inquire into and use felony convictions that have not been sealed or expunged.
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Ohio	Public Employers: May not inquire into the arrest history of applicants on the initial application portion of the hiring process. Hiring decision makers are required to weigh “common-sense” factors that will ensure only recent and relevant criminal records are used to deny workers from state positions.	Public Employers: May not inquire into the conviction history of applicants on the initial application portion of the hiring process. Hiring decision makers are required to weigh “common-sense” factors that will ensure only recent and relevant criminal records are used to deny workers from state positions. Private Employers: May inquire into and use conviction records that have not been sealed or expunged unless such inquiries are directly and substantially related to positions for which an individual is being considered.
Oklahoma	Employers may inquire into and use arrest records that have not been sealed or expunged.	Employers may inquire into and use conviction records that have not been sealed and expunged. Additionally, employers may not deny applicants employment solely for refusing to disclose sealed or expunged records.
Oregon	Employers may ask for arrest records less than one year old, so long as the employee is given proper notice. Employers may not inquire into expunged juvenile arrest records.	Effective June 1, 2016, employers (private and public) may not require an applicant to disclose a criminal conviction on an application or at any time prior to the initial interview. If the employer does not conduct an interview, the employer may not require the applicant to disclose a criminal conviction until a conditional offer of employment is made. This prohibition does not apply to law enforcement agencies, employers in the criminal justice system, employers that are required by law to consider an applicant’s criminal history,

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		or to applicants for non-employee volunteer positions.
Pennsylvania	The Human Relation Commission prohibits the use of arrest records in employment decisions unless: <ol style="list-style-type: none"> 1. the arrest resulted in a conviction, or 2. it is related to a business necessity. Employers are prohibited from using expunged records as the basis for any employment decision.	Employers may inquire into and use felony and misdemeanor convictions if they are related to the job sought. The Human Relation Commission also requires employers to consider the number, nature, and recentness of any conviction. Employers are prohibited from using expunged records as the basis for any employment decision.
Rhode Island	Public Employers and Private Employers of 4 or more individuals are forbidden from inquiring into an applicant's arrest record before the first interview.	Public Employers and Private Employers of 4 or more individuals may not inquire about an applicant's prior criminal convictions before the first interview. Pre-interview criminal history inquiries are permissible where: <ol style="list-style-type: none"> 1. the employer is precluded by law from hiring persons with specified criminal records; and 2. a standard fidelity bond or an equivalent is required for the position and one or more prior offenses would disqualify the applicant from obtaining such a bond The pre-interview questions must be narrowly tailored to the potentially disqualifying offenses. For example, an employer: <ol style="list-style-type: none"> 1. May not ask: "Have you ever been convicted of a crime?" 2. May ask about convictions for specific offenses on an

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		employment application; however, only if that conviction disqualifies an applicant from holding that particular position under state or federal law.
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South Carolina	Although employers are not prohibited from inquiring into and using arrest records that have not been sealed or expunged, the Human Affairs Commission has accepted complaints based on arrest-record discrimination.	Employers are permitted to inquire into and use conviction records except for juvenile records and those that have been sealed or expunged.
South Dakota	Employers are permitted to inquire into and use arrest records that have not been sealed or expunged, but the Division on Human Rights instructs that such inquiries are proper only if the information is substantially related to a job's functions.	Employers are permitted to inquire into and use conviction records that have not been sealed or expunged, but the Division on Human Rights instructs that such inquiries are proper only if the information is substantially related to a job's functions.
Tennessee	Employers are permitted to inquire into and use arrest records that have not been sealed or expunged.	Employers are permitted to inquire into and use conviction records that have not been sealed or expunged.
Texas	Employers are permitted to inquire into and use arrest records that have not been sealed or expunged.	Employers are permitted to inquire into and use conviction records that have not been sealed or expunged. Applicants are allowed to deny the existence of any criminal records that have been expunged by a court order.
Utah	Most employers are prohibited from obtaining an employee or applicants criminal history and are only able to conduct background checks if the employee provides the records himself.	Most employers are prohibited from obtaining an employee or applicants criminal history and are only able to conduct background checks if the employee provides the records himself.
Vermont	Employers may not inquire about sealed or expunged records and generally are unable to obtain arrest records.	Public Employers: Employers may not inquire about criminal backgrounds until an applicant has otherwise been deemed qualified for the position sought.

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		<p>This policy does not apply to law enforcement, corrections, or other sensitive positions</p> <p>Private Employers are awaiting guidance on whether their sector will join in on the ban the box movement, but at this point there are no restrictions on an employer's ability to obtain and/or use information regarding an applicant's criminal history.</p>
Virginia	<p>Public Employers: State employers may not make reference to criminal history and/or conviction questions on standard employment applications. Employment decisions made by state employers will not be based upon one's criminal history unless it is job-related and a business necessity, of the state or federal law prohibits hiring one with a certain conviction.</p> <p>Private employers are permitted to inquire into and use arrest records that have not been expunged.</p>	<p>Public Employers: State employers may not make reference to criminal history and/or conviction questions on standard employment applications. Employment decisions made by state employers will not be based upon one's criminal history unless it is job-related and a business necessity, of the state or federal law prohibits hiring one with a certain conviction.</p> <p>Private employers are permitted to inquire into and use conviction records that have not been expunged.</p>

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Washington	<p>Employers may consider arrest records going back 10 years, but must also ask:</p> <ol style="list-style-type: none"> 1. whether the charges are pending or dismissed, and 2. whether the arrest led to a conviction for a crime involving behavior that could adversely affect job performance. 	<p>Employers may inquire about convictions and imprisonments so long as:</p> <ol style="list-style-type: none"> 1. the crime is reasonably related to the job duties, and 2. the conviction or imprisonment occurred within the past 10 years. <p>Additionally an employer is allowed to obtain a criminal record from the state:</p> <ol style="list-style-type: none"> 1. for the purposes of securing a bond required for employment 2. for applicants to positions that have exposure to information regarding national security, trade secrets, confidential or proprietary business information, money, or valuable items; or 3. to assist in investigations of alleged employee misconduct
West Virginia	<p>Employers are permitted to inquire into and use arrest records that have not been expunged or sealed, but guidelines implementing the state's non-discrimination law caution employers to avoid such inquiries.</p>	<p>Employers are permitted to inquire into and use conviction records that have not been expunged or sealed, but the guidelines implementing the state's non-discrimination law caution employers to ask only about convictions that bear a direct relationship to job duties. Employers are also encouraged to consider the nature and severity of the offense, its recentness, and evidence of rehabilitation.</p>

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Wisconsin	Employers may not inquire about arrest records unless there are pending charges for crimes that are substantially related to the job requirements or the position has bonding requirements that legally bar employment based on arrests.	Employers may inquire into and use convictions: <ol style="list-style-type: none"> 1. for felonies, misdemeanors, or other offenses that are substantially related to the particular job's requirements; or 2. the employee or applicant is not bondable under standard fidelity or equivalent bonds and such bondability is required by state or federal law, regulation, or employer practice.
Wyoming	Employers are permitted to inquire into and use arrest records that have not been expunged or sealed.	Employers are permitted to inquire into and use conviction records that have not been expunged or sealed.

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