

Connecticut's Ban-the-Box Legislation Becomes Law: Have You Revised Your Company's Job Application?

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On June 1, 2016, Connecticut Governor Dannel Malloy signed into law Public Act No. 16-83, entitled “An Act Concerning Fair Chance Employment” (the “Act”). The lynchpin of the Act is that it prohibits an employer from inquiring about a prospective employee’s prior arrest, criminal charges or convictions on an initial employment application unless (1) the employer is required to do so by an applicable state or federal law, or (2) a security or fidelity bond or an equivalent bond is required for the position for which the prospective employee is seeking employment. Accordingly, if your job application inquires about arrests or criminal convictions, and you do not fall into one of the two exceptions, then your job application needs to be revised so as to be compliant with the Act.

Any employers found in violation of the Act will be subject to a \$300.00 penalty for each violation. The effective date of the Act is January 1, 2017.

It is important to note that there is nothing in the Act that prohibits employers from asking about an applicant’s criminal history during a subsequent interview after an employment application has been completed. In so doing, however, employers should be mindful that the applicant is still not required to disclose the existence of any arrest, criminal charge or conviction, if those records have been erased by the court.

In sum, employers in Connecticut should review their job applications and remove all questions regarding an applicant’s prior arrests, criminal charges or convictions, unless you fall into one of the two exceptions noted above.

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