

A Guide to Ban the Box laws at State and County, and City Levels

An overview of laws that may impact private employers



Version 22 – 10/2021

This information is not meant to provide legal advice of any kind. Legal advice should be sought from your attorney or corporate counsel.

California

- [Compton, CA](#)
- [Los Angeles, CA](#)
- [Richmond, CA](#)
- [Sacramento, CA](#)
- [San Francisco, CA](#)

Colorado

Connecticut (State Law)

- [Hartford, CT](#)
- [New Haven, CT](#)

Hawaii (State Law)

Illinois (State Law)

- [Chicago, IL](#)

Iowa

- [Waterloo](#)

Kentucky

- [Louisville, KY](#)

Louisiana (State Law)

Maine

Maryland

- [Baltimore, MD](#)
- [Montgomery County, MD](#)
- [Prince George's County, MD](#)

Massachusetts (State Law)

- [Boston, MA](#)
- [Cambridge, MA](#)
- [Worcester, MA](#)

Michigan

- [Detroit, MI](#)
- [Kalamazoo, MI](#)

Minnesota (State Law)

Missouri

- [Columbia, MO](#)
- [Kansas City, MO](#)
- [St. Louis](#)

New Jersey (State Law)

New York

- [Buffalo, NY](#)
- [New York City, NY](#)
- [Rochester, NY](#)
- [Suffolk County, NY](#)
- [Syracuse, NY](#)
- [Westchester County, NY](#)

New Mexico (State Law)

Oregon (State Law)

- [Portland, OR](#)

Pennsylvania

- [Philadelphia, PA](#)
- [Pittsburgh, PA](#)

Rhode Island (State Law)

St. Louis, MO

Texas

- [Austin, TX](#)
- [DeSoto, TX](#)

U.S. Virgin Islands

Vermont (State Law)

Washington

- [Seattle, WA](#)
- [Spokane, WA](#)

Washington, DC

Wisconsin

- [Madison, WI](#)

States with Ban the Box Restrictions

States with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Before a Conditional Offer Has Been Made?	Preemption and/or Other Notable Nuance
<p>California (1/2018)</p> <p>Employers Covered: All employers with five or more employees.</p> <p>Assembly Bill 1008</p>	Yes	Yes	No	[The law does not apply to] a position where an employer or agent thereof is required by any state, federal, or local law to conduct criminal background checks for employment purposes or to restrict employment based on criminal history.
<p>Colorado</p> <p>Not yet signed by the Governor</p> <p>Employers covered: 11 or more employees starting on September 1, 2019; “all employers” as of September 1, 2021</p> <p>HB19-1025</p>	No	No	Yes; the law prohibits employers from asking about criminal history on an initial written or electronic application	The law does not apply to a position being offered or advertised if, among other things, federal, state, or local law or regulation states that someone with a specific criminal history cannot work in the position sought.
<p>Connecticut (1/2017)</p> <p>Employers Covered: All employers with one or more employees.</p> <p>Public Act No. 16-83</p>	No	No	Yes (employers may inquire into applicants’ criminal histories, but such background inquiries must occur after an employment application has been completed, e.g., during an interview)	<p>No employer shall inquire about a prospective employee’s prior arrests, criminal charges or convictions on an initial employment application, unless:</p> <p>(1) the employer is required to do so by an applicable state or federal law, or</p> <p>(2) a security or fidelity bond or an equivalent bond is required for the position for which the prospective employee is seeking employment.</p>
<p>Employees covered: 3 or more</p> <p>Effective Date: October 1, 2021</p>	N/A	N/A	N/A	<p>Employers, either directly or through a third party, from asking a prospective employee about the following information on an initial employment application:</p> <ul style="list-style-type: none"> • Age; • Date of birth;

States with Ban the Box Restrictions

Act Deterring Age Discrimination in Employment Applications				<ul style="list-style-type: none">• Dates of attendance at an educational institution; or• Date of graduation from an educational institution. <p>EXEMPTIONS However, an employer may request or require such information if:</p> <ul style="list-style-type: none">• The request or requirement is based on a bona fide occupational qualification or need; or• The employer has a need for such information to comply with applicable state or federal laws.
---	--	--	--	---

States with Ban the Box Restrictions

States with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Hawaii Employers Covered: All employers HRS § 378-2.5	Yes	Yes	No	<p>[The law shall] not apply to employers who are expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any federal or state law (including employers in the business of insurance).</p> <p>NOTE: Under the law, employers may only consider an employee's conviction record within the most recent 10 years, excluding periods of incarceration. The statute applies to both current and prospective employees.</p>
Illinois Employers Covered: Any person or private entity that has at least 15 employees House Bill 5701	Yes (if the applicant will not be interviewed)	Yes (if the applicant will not be interviewed)	Yes (after an applicant has been determined qualified for the position and has been notified of an impending interview)	<p>The law does not apply to employers that are required to exclude applicants with certain criminal convictions from employment due to federal or state law.</p> <p>Amendment - SB 1480</p> <ul style="list-style-type: none"> • Unless otherwise legally authorized, an employer may only consider an individual's criminal conviction history if: <ol style="list-style-type: none"> 1) <u>“there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held”</u> or 2) <u>“the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public”</u> • In making a determination if there is a “substantial relationship” between the conviction records and the position sought or held, an employer must consider the following factors: <ol style="list-style-type: none"> 1) <u>the length of time since the conviction</u> 2) <u>the number of convictions that appear on the conviction record</u> 3) <u>the nature and severity of the conviction and its relationship to the safety and security of others</u> 4) <u>the facts or circumstances surrounding the conviction</u> 5) <u>the age of the employee at the time of the conviction</u>

States with Ban the Box Restrictions

				<p>6) <u>evidence of rehabilitation efforts</u></p> <ul style="list-style-type: none"> • If an employer intends to make an employment decision that is adverse to an applicant or employee based on a conviction record, the employer must first: <ul style="list-style-type: none"> ○ Provide a copy of the records along with a written notice to the individual that: <ul style="list-style-type: none"> ▪ identifies the disqualifying conviction(s) ▪ includes the employer's reasoning for the disqualification ▪ explains that the applicant can respond to the notice and submit any evidence challenging the accuracy of the record(s) or submit any evidence of rehabilitation ○ Give the applicant at least five (5) business days to respond to the employer's notice <ul style="list-style-type: none"> • If after considering any response by the applicant the employer still decides not to hire or retain the individual, the employer must provide another written notice informing the candidate of: <ul style="list-style-type: none"> ○ the disqualifying conviction(s) and the employer's reasoning for the disqualification ○ any existing procedure for the applicant to challenge the decision or request reconsideration ○ their right to file a charge of discrimination with the Illinois Department of Human Rights
<p>Louisiana</p> <p>Employees covered: 20 or more</p> <p>Effective August 1, 2021</p> <p>HB 707</p>	<p>No</p>	<p>No</p>	<p>Yes</p>	<p>Unless otherwise provided by law, when making a hiring decision, an employer shall not request or consider an arrest record or charge that did not result in a conviction, if such information is received in the course of a background check.</p> <p>When considering other types of criminal history records, an employer shall make an individual assessment of whether an applicant's criminal history record has a direct and adverse relationship with the specific duties of the job that may justify denying the applicant the position. When making this assessment, an employer shall consider all of the following:</p> <p>(1) The nature and gravity of the</p>

States with Ban the Box Restrictions

				<p>offense or conduct.</p> <p>(2) The time that has elapsed since the offense, conduct, or conviction.</p> <p>(3) The nature of the job sought.</p>
<p>Maine</p> <p>Maine LD 1167 (HP 845)</p>	No	No	Yes	<p>With few exceptions, prohibits an employer from requesting criminal history record information on an initial employee application form or stating on an initial employee application form or advertisement or specifying prior to determining a person is otherwise qualified for the position that a person with a criminal history may not apply or will not be considered for a position.</p> <p>The bill provides exceptions to those prohibitions, including instances in which federal or state law or regulation or rule mandates for a position that a criminal conviction disqualifies an applicant, or imposes an obligation on an employer not to hire an applicant who has been convicted of a certain type of offense, or requires that an employer conduct a criminal history record check.</p>
<p>Maryland</p> <p>Employers covered: all employers of 15 or more full-time employees effective February 29, 2020.</p> <p>Senate Bill 839</p>	No	No	Yes	<ul style="list-style-type: none"> • Act does not (1) prohibit an employer from making an inquiry or taking other action that the employers is required to take or is expressly authorized to take by another applicable Federal or State law; or (2) apply to an employer that provides programs, services, or direct care to minors or to vulnerable adults. • Act does not pre-empt any local/municipal government bodies from implementing similar legislation within the State. • Legislature voted to override Governor veto.

States with Ban the Box Restrictions

States with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Massachusetts Employers Covered: All employers CORI Act Ban the Box Legislation	No	No	Yes (after initial application form is submitted - but this has been interpreted to mean after an interview)	<p>The legislation contains a narrow exception that permits employers to inquire about an individual's criminal history on a job application if:</p> <p>(1) the applicant is applying for a position for which any federal or state law or regulation creates a mandatory or presumptive disqualification based on a conviction of certain criminal offenses; or</p> <p>(2) the employer is subject to an obligation under any federal or state regulation not to employ persons in one or more positions who have been convicted of certain criminal offenses.</p>
Minnesota Employers Covered: All employers Minn. Stat. § 364.021	Yes (if the applicant will not be interviewed)	Yes (if the applicant will not be interviewed)	Yes (after an applicant is selected for an interview)	The law does not apply to employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.
New Jersey Employers Covered: Any person or private entity that has at least 15 employees Opportunity to Compete Act	No	No	Yes (after an initial interview has occurred with live contact with applicant - in person, by telephone or videoconference [*includes Internet searches into criminal background history])	The Act allows employers to request criminal history information before the first interview where the applicant may be legally precluded from holding the position by virtue of his or her criminal background and where any law, rule or regulation restricts an employer's ability to engage in specified business activities based on the criminal records of its employees.

States with Ban the Box Restrictions

States with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>New Mexico</p> <p>Employers Covered: Private employers (public employers were subject to a similar restriction since 2010)</p> <p>Effective July 1, 2019</p> <p>NM SBN 00096</p>	No	No	Yes; the employer may take into consideration an applicant's conviction after review of the employment application and upon discussion of employment with the applicant.	The new section of the "Criminal Offender Employment Act" prohibits private employers from inquiring about an applicant's arrest or conviction history on an initial employment application (written or electronic). Nothing in the statute prohibits an employer from notifying the public or an applicant that the law or the employer's policy could disqualify an applicant who has a certain criminal history from employment in particular positions with that employer (e.g., within a job posting or during an interview).
<p>Oregon</p> <p>Employers Covered: All employers</p> <p>House Bill 3025</p>	No	No	Yes (after an initial interview is conducted)	Employers must not require an applicant to disclose a criminal conviction on an employment application, prior to an initial interview , or prior to making a conditional offer of employment if no interview is conducted. Exceptions are made for positions where federal, state, or local law requires consideration of an applicant's criminal history - the legislation does not apply , and applicants may be required to disclose criminal convictions at any stage in the hiring process.
<p>Rhode Island</p> <p>Employers Covered: All employers employing four or more individuals</p> <p>Fair Employment Practices Act 28-5-7</p>	No	No	Yes (after an initial interview is conducted)	Prior to the first interview, employers are prohibited from posing the question verbally as to whether a job applicant has ever been arrested, charged with or convicted of any crime. Pre-interview criminal history questions are permissible where an employer is precluded by law from hiring persons with specified criminal records, but the pre-interview question must be narrowly tailored to the potentially disqualifying offenses.

States with Ban the Box Restrictions

States with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Vermont (7/2017) Employers Covered: All employers H.B. 261	No	No	Yes (during an interview or once the applicant has been deemed otherwise qualified for the position)	An employer may inquire about a prospective employee's criminal history record during an interview or once the prospective employee has been deemed otherwise qualified for the position. An employer may inquire about criminal convictions on an initial employee application form if the following conditions are met: <ul style="list-style-type: none"> • the prospective employee is applying for a position for which any federal or State law or regulation creates a mandatory or presumptive disqualification based on a conviction for one or more types of criminal offenses; or • the employer or an affiliate of the employer is subject to an obligation imposed by any federal or State law or regulation not to employ an individual, in either one or more positions, who has been convicted of one or more types of criminal offenses; and • the questions on the application form are limited to the types of criminal offenses creating the disqualification or obligation.
Washington, DC Employers Covered: All employers (public and private) with more than 10 employees in D.C.	Yes	Yes	No	The law expressly excludes: <ul style="list-style-type: none"> • Any facility or employer that provides programs, services, or direct care to minors or vulnerable adults; • Positions where a federal or D.C. law or regulation requires consideration of an applicant's criminal history; • Positions designated by the employer as part of a federal or D.C. program designed to encourage employment of those with criminal histories; and the D.C. Courts.

States with Ban the Box Restrictions

States with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>Washington</p> <p>Employers Covered: All employers</p> <p>Fair Chance Act (HB 1298)</p>	No	No	Yes (after it is determined that the applicant meets the basic criteria for the position without consideration of a criminal record)	<p>The law does not apply to:</p> <ul style="list-style-type: none"> • Any employer hiring a person who will or may have unsupervised access to children under the age of 18 or a vulnerable adult or person as defined elsewhere in state law; • Any employer, including a financial institution, who is expressly permitted or required under any federal or state law to inquire into, consider, or rely on information about an applicant's or employee's criminal record for employment purposes; • Certain law enforcement or criminal justice agencies; • Employers seeking non-employee volunteers; or • Any entity required to comply with the rules or regulations of a self-regulatory organization, as defined in section 3(a)(26) of the Securities and Exchange Act.
<p>U.S. Virgin Islands [11/2018]</p> <p>Employers covered: All employers</p> <p>Act No. 8134</p>	No	No	Yes	<p>The new law prohibits employers from asking an applicant to disclose any information [seemingly at any time in the hiring process and throughout employment] concerning: (i) an arrest or detention that did not result in a conviction; (ii) "a referral to, or participation in, any pretrial or post trial diversion program"; or (iii) "a conviction that has been judicially dismissed or ordered sealed pursuant to law." The law also prohibits employers from seeking any of these categories of information from another source. The law applies to public and private employers of all sizes, except if:</p> <ul style="list-style-type: none"> • "state or federal law requires the applicant to be rejected based upon criminal history"; • The job position requires a satisfactory criminal background; • a conviction of one or more specified offenses would disqualify the applicant from obtaining a standard bond that is required of individuals hired for the position; and • "the employment is within a facility that provides programs, services, or direct care to minors or vulnerable adults including the educational system or child care."

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>Austin, TX</p> <p>Employers Covered: All employers employing 15 or more individuals whose primary location in the previous 20 weeks was in the City of Austin</p> <p>ORDINANCE NO. 20160324-019</p>	<p>Yes (“conditional employment offer” means an oral or written offer by an employer to employ an individual in a job, or placement in a staffing agency's staffing pool, that is conditioned solely on the employer's evaluation of the individual's criminal history)</p>	<p>Yes</p>	<p>No</p>	<p>The ordinance excludes from coverage any “job for which a federal, state, or local law disqualifies an individual based on criminal history.”</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the adverse notification letter.</p>
<p>Baltimore, MD</p> <p>Employers Covered: Private employers employing at least 10 “full-time equivalent employees” in the City of Baltimore</p> <p>Subtitle 15. Fair Criminal-Record Screening Practices</p>	<p>Yes (“conditional offer” means an offer that is conditioned solely on the results of the employer's subsequent inquiring into or gathering information about the applicant's criminal record; or some other contingency expressly communicated to the applicant at the time of the offer)</p>	<p>Yes</p>	<p>No</p>	<p>The ordinance does not apply to any inquiry into an applicant's criminal history that is required or authorized by another applicable city, federal, or state law or regulation.</p>

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>Buffalo, NY</p> <p>Employers Covered: The City of Buffalo itself, as well as its vendors (including those located outside of the City), and any employer with fifteen or more people located within the City</p> <p>Chapter 54 Ordinance Amendment</p>	No	No	Yes (after completion of an application and initial interview)	Employers are prohibited from asking prospective employees about their criminal conviction history during the application process and prior to the first interview. Employers <i>may</i> ask about convictions or violations if such convictions or violations would pose a bar to attaining employment under New York state or federal law.
<p>Chicago, IL</p> <p>Employers Covered: Private employers that are licensed in Chicago and/or maintain a business facility within city limits and that have fewer than 15 employees</p> <p>Human Rights Ordinance</p>	Yes (if the applicant will not be interviewed)	Yes (if the applicant will not be interviewed)	Yes (after an applicant is selected for an interview)	The law does not apply if an employer is required by state or federal law to exclude applicants with certain convictions.
<p>Columbia, MO</p> <p>Employers Covered: All employers</p> <p>Code of Ordinances Chapter 12, Article V, Sec. 12-90</p>	Yes	Yes	No	It is unlawful or an employer to inquire, question or otherwise seek information as to whether an applicant has ever been arrested for, charged with or convicted of any crime until after the applicant has received a conditional offer of employment. There is an exception for employers that are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Kansas City, MO (9/2018) Employers Covered: All employers (public and private) with 6 or more employees) Ordinance 180034	No	No	Yes (after it has been determined that the individual is otherwise qualified for the position and the applicant is interviewed)	The Ordinance does not apply if the employer is required to exclude applicants with criminal convictions due to a local, state or federal law or regulation.
DeSoto, TX (1/1/2022) Employers covered: DeSoto based businesses employing 15 or more employees Fair Chance Employment Policy	No	No	Yes	<ul style="list-style-type: none"> <u>Prohibits from asking applicants if they had a criminal history during their initial application for employment</u> <u>Non-profit 501(c). state agencies, and government bodies will be exempt; however the City of DeSoto will be required to comply</u> <p>Some job searches will also be exempt if an individual's criminal history disqualifies them from a specific type of position based on existing federal, state, local laws or mandated insurance or bond requirements.</p>
Los Angeles, CA (7/2017) Employers Covered: Private employers with 10 or more employees and city contractors Ordinance No. 184652	Yes	Yes	No	Ordinance does not apply when the employer is required by law to obtain information regarding a conviction of an applicant; the applicant would be required to possess or use a firearm in the course of his or her employment; an individual who has been conviction of a crime is prohibited by law from holding the position sought by the applicant, regardless of whether that conviction has been expunged, judicially ordered sealed, statutorily eradicated or judicially dismissed following probation; or an employer is prohibited by law from hiring an applicant who has been convicted of a crime.

Counties/Cities with Ban the Box Restrictions

<p>Montgomery County, MD Amended Law effective 2/19/21</p> <p>Employers Covered: (1) private employers with 1 or more employees in the County, (2) Montgomery County Government.</p> <p>Bill No. 35-20</p>	Yes	Yes	No	<ul style="list-style-type: none"> • <u>The amendment prohibits at ANY time, requiring an applicant to disclose any:</u> <ul style="list-style-type: none"> ○ <u>arrests not resulting in a conviction</u> ○ <u>first time conviction for:</u> <ul style="list-style-type: none"> ▪ <u>Trespass (under Sections 6-402 or 6-403 of the Criminal Law Article of the Maryland Code);</u> ▪ <u>Disturbance of the peace (under Section 10-201 of the Criminal Law Article of the Maryland Code); or</u> ▪ <u>Assault in the second degree (under Section 3-203 of the Criminal Law Article of the Maryland Code);</u> ○ <u>conviction of a misdemeanor if at least three years have passed since:</u> <ul style="list-style-type: none"> ▪ <u>the date of the conviction; and</u> ○ <u>the date that any period of incarceration for the misdemeanor ended</u> ○ <u>confidential records (under Section 3-8A-27 of the Courts and Judicial Proceedings Article of the Maryland Code)</u> ○ <u>expunged records (Sections 10-101-10-110 of the Criminal Procedure Article of the Maryland Code)</u> • <u>This Amendment does not prohibit employers from discussing conviction or arrest records that are voluntarily disclosed by applicants and that are not in response to employer inquiries.</u> • <u>Does not apply if employer is covered by an applicable exemption under the law.</u>
---	-----	-----	----	--

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>New York City, NY</p> <p>Employers Covered: Employers with at least four employees</p> <p>Law Number: 2015/063</p> <p>NYC Fair Chance Amendment</p> <p>Effective July 29, 2021</p>	Yes	Yes	No	<p>The Fair Chance Act does not apply to any criminal history inquiries or adverse actions taken by an employer pursuant to any state, federal or local law that requires criminal background checks for employment purposes or bars employment based on criminal history.</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the pre-adverse and adverse notification letters. A NYC Form Analysis must be included with the pre-adverse notification letter.</p> <p>NYC Fair Chance Amendment:</p> <ul style="list-style-type: none"> • <u>Employers should conduct two separate screenings: everything else possible and then criminal (including MVR records). The “everything other than criminal” should be done before a conditional offer of employment.</u> • <u>Consider removing criminal history questions for applicants in NYC or revising the timing or substance of those questions to the extent they are built in your candidate entry ordering system, as this could be a violation of the law if the questions are posed prior to all other information being considered</u> • <u>There are some exceptions for some positions in legally mandated checks in regulated industries</u> • <u>Employers whose background check vendor can only produce one report with both criminal and non-criminal information, or who otherwise face a substantial impediment to conducting two separate background checks, must establish a system to internally segregate criminal history information to ensure that it is available to decision makers only after a conditional offer has been made.</u> <p>Employers are encouraged to use terms such as “consumer report” or “investigative consumer report” rather than “background check” in an authorization notice used prior to a conditional offer.</p>

Counties/Cities with Ban the Box Restrictions

<p>Philadelphia, PA</p> <p>Employers Covered: All employers</p> <p>Amended Chapter 9-3500 of The Philadelphia Code – Fair Criminal Record Screening Standards</p>	<p>Yes (“conditional offer of employment” means an offer by an employer to hire an applicant, which may be withdrawn only if the employer subsequently determines that the applicant</p> <p>(i) has a conviction record which, based on an individualized assessment, would reasonably lead an employer to conclude that the applicant would pose an unacceptable risk in the position applied for; or</p> <p>(ii) does not meet other legal or physical requirements of the job)</p>	<p>Yes</p>	<p>No</p>	<p>The Ordinance’s restrictions may not apply when employers are mandated by state or federal law to consider certain criminal histories of applicants.</p> <p>However, even where such mandates exist, most employers will be able to comply with both Ban the Box and the state or federal law by waiting until after the first interview to make criminal history inquiries; unless the state or federal law specifically requires that the inquiry be made on the employment application or during the first interview, employers are required to comply with Ban the Box.</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the pre-adverse and adverse notification letters.</p>
---	---	------------	-----------	---

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>Portland, OR</p> <p>Employers Covered: Employers with at least six employees</p> <p>187795 Administrative Rules for Chapter 23.10</p>	Yes (“conditional offer of employment” means any offer for a position that is conditioned solely on: The results of an employer’s inquiry into or gathering of information about a person’s arrest or conviction history; and/or some other contingency expressly communicated to the applicant at the time of the offer)	Yes	No	<p>The Ordinance does not apply where a federal, state or local law or regulation requires or authorizes the consideration of a person’s criminal history, including but not limited to employees who are required to be licensed, registered, or certified by the State of Oregon.</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the adverse notification letter.</p>
<p>Prince George’s County, MD</p> <p>Employers Covered: Employers who have at least 25 employees in the County</p> <p>CB-78-2014</p>	No	No	Yes (after conclusion of the first interview)	<p>There is an exception for employers that are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation.</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the pre-adverse and adverse notification letters.</p>
<p>Rochester, NY</p> <p>Employers Covered: Private employers located within the City of Rochester with four or more employees and any City vendors, contractors or suppliers (including those located outside city limits)</p> <p>Chapter 63, Article II Municipal Code</p>	Yes (if the applicant will not be interviewed)	Yes (if the applicant will not be interviewed)	Yes (after an initial interview)	Employers are prohibited from asking prospective employees about their criminal conviction history during the application process and prior to the first interview. Employers may ask about convictions or violations if such convictions or violations would pose a bar to attaining employment under New York state or federal law.

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>San Francisco, CA</p> <p>Employers Covered: Private employers with at least five employees</p> <p>Ordinance No.54-18</p>	Yes	Yes	No	<p>Employers may only make criminal history inquiries after a conditional offer of employment. Where federal or state law imposes a criminal history requirement that conflicts with a requirement of the Fair Chance Ordinance, the federal or state law will apply. Allows for a private right of action.</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the pre-adverse and adverse notification letters.</p>
<p>Seattle, WA</p> <p>Employers Covered: Anyone who performs any services for an employer, when the physical location of such services is in at least substantial part (at least 50% of the time) within the City</p> <p>Fair Chance Employment (Ordinance 124201, Council Bill 117796)</p>	No	No	Yes (after identification of qualified applicants)	<p>An employer may perform a criminal background check on a job applicant or require a job applicant to provide criminal history information, but only after the employer has completed an initial screening of applications or resumes to eliminate unqualified applicants.</p> <p>NOTE: Specific information pertaining to the disqualifying criminal history must be included in the pre-adverse and adverse notification letters.</p>
<p>Spokane, WA (6/2018; Fines imposed 1/1/2019)</p> <p>Includes temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency, whether offered with or without pay. Only applies to those applying for positions in the Spokane city limits.</p>	No	No	Yes; after the applicant has participated in an in-person or video interview or received a conditional offer of employment	<p>The Ordinance does not apply where criminal background checks are specifically permitted or required under state or federal law. The Ordinance also does not apply to any employer hiring an employee who will have unsupervised access to children under the age of 18, a vulnerable adult, or a vulnerable person.</p>

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>St. Louis, MO</p> <p>Employers covered: (1) located with the City of St. Louis, (2) with 10 or more employees as of 1/1/2021</p> <p>Board Bill Number 120</p>	No	No	Yes	<p>Employers may not do any of the following:</p> <ul style="list-style-type: none"> • Base a hiring or promotional decision on a job applicant's criminal history or sentence, unless (1) the history is reasonably related to or bears upon the duties and responsibilities of the job position, and (2) the employer can demonstrate that the decision is based on all available information including frequency, recentness, and severity of the criminal history. • Inquire about an applicant's criminal history, until after an applicant (1) is determined to be otherwise qualified, and (2) has been interviewed for the position except such an inquiry may be made of all applicants in the final selection pool from which the position will be filled. • Publish job advertisements or put forth any job application that includes statements excluding applicants based on criminal history. • Ask about or require applicants to make disclosures about their criminal history on an initial job application form or seek out publicly available information about an applicant's criminal history. • The items above would not apply where the employer is required by law or regulation to exclude applicants with certain criminal convictions.
<p>Suffolk County, NY</p> <p>Employers Covered: 15 or more employees</p> <p>Fair Employment Screening Amendment</p> <p>Effective on or about August 25, 2020</p>	No	No	Yes, until after the first interview	<ul style="list-style-type: none"> • In addition to traditional employment, the Amendment applies to vocation or educational training. • if the position requires the applicant to be licensed in a trade or profession, the employer may ask any questions that would be asked by the trade or licensing body. • The Amendment will not apply to governmental law enforcement, schools, service agencies providing direct care or supervision to children, young adults, senior citizens, or individuals with physical or developmental disabilities, or any other position to which employment is barred by another law.

Counties/Cities with Ban the Box Restrictions

Counties/Cities with Ban the Box Restrictions	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
<p>Waterloo, IA</p> <p>Employers Covered: Employers Covered: Any person, partnership, company, corporation, labor organization or association which regularly employs fifteen (15) or more persons within the City of Waterloo, including the City of Waterloo, its departments, boards, commissions and agencies.</p> <p>Ordinance 25</p> <p>Iowa Supreme Court Ruling</p>	Yes	Yes	No	<p>While the Waterloo restriction on consideration of arrests and pending cases is no longer a mandate, the EEOC places greater scrutiny on employment decisions based on non-convictions (e.g., arrests, pending cases, etc.). Employers still should be mindful of the Equal Employment Opportunity Commission's 2012 Enforcement Guidance on Employer Use of Arrest and Conviction Records, which recommends employers conduct an individualized, job-related assessment before rejecting a candidate or terminating an employee with a criminal record.</p>
<p>Westchester County, NY</p> <p>Employers Covered: Employers with at least four employees</p> <p>Fair Chanceto Work</p> <p>Effective on or about March 3, 2019</p>	No	No	Yes [after completion of initial application]	<p>The law does not apply to applications for employment as a police officer, peace officer, or a law enforcement agency, as statutorily defined and referenced in the law. The law also does not apply to “any actions taken by an employer pursuant to any state, federal or County law that requires criminal background checks for employment purposes or bars employment based on criminal history.</p>

Cities with Ban the Box Restrictions (Applicable ONLY to City Vendors)

Cities with Ban the Box Restrictions (Applicable <u>ONLY</u> to City Vendors)	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Boston, MA CBC Chapter IV amended with appending CBC 4-7	No	No	Yes (after identification of qualified applicants)	Vendors are expected to adhere to the practices of the City. The City of Boston does not conduct a background check on an applicant unless it is required by law or the City has made a good faith determination that the relevant position is of such sensitivity that a background check is warranted.
Cambridge MA Ordinance Number 1312	No	No	Yes (after identification of qualified applicants)	Vendors are expected to adhere to the practices of the City.
Compton, CA Resolution 23293	Yes	Yes	No	Vendors are expected to adhere to the practices of the City.
Detroit, MI CH 13, Article 1, Division 3, Sec 13-1-11 - 13-1-14	No	No	Yes (after an applicant is interviewed or is found to be qualified for employment)	No
Hartford, CT Article XIII, Section 2-785-2-793	Yes	Yes	No	Vendors are expected to adhere to the practices of the City. The City of Hartford does not conduct a criminal record check on an Applicant unless such a check is required by state or federal law or the City has made a good faith determination that the relevant position is of such sensitivity that a criminal record check is warranted.
Kalamazoo, MI Background Information	No	No	Yes (no criminal history inquiries are allowed on an employment application)	No

Cities with Ban the Box Restrictions (Applicable ONLY to City Vendors)

Cities with Ban the Box Restrictions (Applicable <u>ONLY</u> to City Vendors)	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Louisville, KY Ordinance 046, Series 2014	No	No	Yes (after an applicant is found to be qualified for employment)	The City shall inquire about an applicant's conviction history before a conditional offer of employment if: a) Employment involves the transfer and handling of cash amounts in excess of \$500 or that involve major fiduciary responsibilities (e.g.- employees charged with investing City funds, accounting, auditing, etc.). b) Employment involves access to confidential information, including but not limited to, social security numbers, bank account information, credit card information, or other combination of information that could be used for identity theft or related criminal activity.
Madison, WI Sec. 39.08, Madison General Ordinances - Contractors	Yes	Yes	No	No
New Haven, CT Ordinance	Yes	Yes	No	Vendors are expected to adhere to the practices of the City.
Pittsburgh, PA Pittsburgh Code of Ordinances, Title One Administrative, Article XI, Personnel, Ch. 181	No	No	Yes (no criminal history inquiries are allowed on an employment application)	Vendors are expected to adhere to the practices of the City.
Richmond, CA Ordinance No. 14-13 N.S.	Yes	Yes	No	The Ordinance prohibits inquiry into an applicant's criminal history at any time unless a background investigation is required by state or federal law or the position has been defined as "sensitive."
Sacramento, CA (1/2017) Ordinance Adding Chapter 3.62 to, and amending Section 2.40.050 of the Sacramento City Code	No	No	Yes (no criminal history inquiries are allowed on an employment application)	The Ordinance applies to contracts of \$100,000 and provides an exception for supply contracts and positions that are otherwise required by law to conduct criminal conviction history background checks.

Cities with Ban the Box Restrictions (Applicable ONLY to City Vendors)

Cities with Ban the Box Restrictions (Applicable <u>ONLY</u> to City Vendors)	Is a Conditional Offer Required to Inquire about Criminal History?	Is a Conditional Offer Required to Perform a Background Check?	Are Inquiries and/or Background Checks Permissible Prior to a Conditional Offer Being Made?	Preemption and/or Other Notable Nuance
Syracuse, NY Chapter 53 of Revised General Ordinances	Yes	Yes	No	Vendors are expected to adhere to the practices of the City.
Worcester, MA City Ordinances § 37. Fair CORI Practices	Yes	Yes	No	Vendors are expected to adhere to the practices of the City. The City of Worcester does not conduct a background check on an applicant unless it is required by law or the City has made a good faith determination that the relevant position is of such sensitivity that a background check is warranted.