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Employers Take Note: Employment Applications Must Comply With “Ban the Box” Legislation by January 1, 2017

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If you have not already done your “Ban the Box” revisions to your initial employment application paperwork there is still time, but do not delay! **Effective January 1, 2017** Connecticut prohibits employers from asking about a prospective employee’s prior arrests, criminal charges or convictions on an initial employment application unless: (1) the employer must do so under state or federal law, or (2) the prospective employee is applying for a position for which the employer must obtain a security or fidelity bond or the equivalent. The failure to comply comes with a potential cost as violators can be fined \$300 per violation by the Department of Labor.

After the initial hiring step, you can ask about criminal records, but must do so recognizing that the restrictions that existed before now apply at the next step in the hiring process. That means that you may not require an employee or job applicant to disclose an arrest, criminal charge, or conviction, the records of which have been erased under certain conditions or where the employee has received a provisional pardon or certificate of rehabilitation. It also requires you to comply with certain requirements related to the confidentiality of a job application’s criminal history section.

Our advice - be sure your *initial* employment application will “ban the box” by January 1, 2017. After that stage of your application process you can ask about criminal convictions, but you must still advise applicants they are not required to disclose an arrest, criminal charge, or conviction of which the records have been erased under certain conditions.

Questions or Assistance:

If you have questions about the new reporting rule, please contact Gary Starr at (860) 251-5501 or gstarr@goodwin.com or Henry Zaccardi at (860) 251-5737 or hzaccardi@goodwin.com.

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