

New Connecticut Law Prohibits Criminal History Inquiries on Employment Applications

By C. Scott Schwefel

Connecticut Governor Dannel P. Malloy signed into law a “ban-the-box” statute, effective on January 1, 2017. The law, “*An Act Concerning Fair Chance Employment*,” prohibits employers from requesting the criminal history information of a job applicant on an initial employment application.

The law covers any employer, private or public, with one or more employees but does not apply where (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. For either of these two exceptions, the application must contain a clear and conspicuous notice indicating:

- The applicant is not required to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to section 46b-146, 54-76o or 54-142a*
- Criminal records subject to erasure pursuant to section 46b-146, 54-76o or 54-142a are records pertaining to a finding of delinquency or that a child was a member of a family with service needs, an adjudication as a youthful offender, a criminal charge that has been dismissed or nolle, a criminal charge for which the person has been found not guilty or a conviction for which the person received an absolute pardon, and*
- Any person whose criminal records have been erased pursuant to section 46b-146, 54-76o or 54-142a shall be deemed to have never been arrested within the meaning of the general statutes with respect to the proceedings so erased and may so swear under oath.*

Employers may still conduct criminal background inquiries of job applicants, so long as the inquiry does not appear on the initial application.

Employers should review their job applications now to ensure compliance by the January 1, 2017, effective date. If you would like more information regarding the Act, please contact Scott Schwefel at (860) 606-1712. You may also contact the Shipman Shaiken & Schwefel, LLC attorney with whom you usually work to discuss a comprehensive approach for complying with state and federal laws and regulations governing your workplace.