

Vermont- An Act Relating to Criminal Record Inquiries by an Employer (aka "Ban the Box")

<http://legislature.vermont.gov/assets/Documents/2016/Docs/ACTS/ACT081/ACT081%20As%20Enacted.pdf>

- Effective **July 1, 2017**
- Applies to any individual, organization, or governmental body including any partnership, association, trustee, estate, corporation, joint stock company, insurance company, or legal representative, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, and any common carrier by mail, motor, water, air or express company doing business in or operating within this state, and any agent of such employer, which has **one or more individuals performing services for it within this state.**

Key Provisions of the Ordinance

- An employer **shall not request criminal history record information on its initial employee application form.** 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: (i) 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** (ii) 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.
- An employer shall be permitted to inquire about criminal convictions on an initial employee application form even if the federal or State law or regulation creating an obligation for the employer or its affiliate not to employ an individual who has been convicted of one or more types of criminal offenses also permits the employer or its affiliate to obtain a waiver that would allow the employer or its affiliate to employ such individual.
- If an employer inquires about a prospective employee's criminal history record information, the prospective employee, if still eligible for the position under applicable federal or State law, **must be afforded an opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.**

Recommended Actions in Preparation for July 1, 2017

- If you have not already done so, review job applications for impermissible inquiries regarding criminal records.
- Review your hiring and interview policies and processes. Revise them to delay inquiry into criminal history until AFTER initial employment application.
- Train all individuals involved in recruitment, hiring, and interviewing, to comply with the requirements of this law.

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NOTE: This information is offered as general direction and in no way should be construed or accepted as legal advice. Each individual employer may have particular regulatory and other requirements which may alter this general direction. Furthermore, each individual position may have unique duties, responsibilities, and characteristics which may influence this general direction.