“Ban the Box” and Fair Chance Hiring Laws
Introduction: June 2023

As part of an ongoing effort to assist our customers in monitoring legislation, HireRight is pleased to present this summary of state and local “ban-the-box” laws in the U.S. – e.g., those laws that specifically regulate the timing of inquiry into criminal history information by private (not government) employers for employment purposes. This summary is designed to provide a quick outline of such laws in the U.S. states and local jurisdictions that have enacted such legislation as of the date of this publication. This publication does not provide a summary of state consumer or credit reporting laws of more general applicability, nor is it intended to be a complete summary of any and all laws in all 50 states and local jurisdictions. HireRight assumes no obligation to notify customers of proposed or enacted updates to this legislation.

Customers are reminded that in those jurisdictions, noted below, in which a specific notice must be provided to an applicant/employee in connection with the inquiry into criminal history information for employment purposes, standard disclosure and authorization form language (such as the language contained within the sample Consumer Disclosure & Authorization Forms made available by HireRight) may not satisfy the specific notice requirements. When applicable, customers should ensure that they provide (either via HireRight’s Compliance Workbench solution, or outside of HireRight’s system and any services provided by HireRight) their applicants/employees with any such specific notices in addition to the standard disclosure/authorization.

In addition, employers should note that any adverse action notice obligations imposed under these laws are in addition to the employer’s pre-adverse and adverse notice requirements under the federal Fair Credit Reporting Act (FCRA); accordingly, when applicable, customers should ensure that they provide (either via HireRight’s Compliance Workbench solution, or outside of HireRight’s system and any services provided by HireRight) their applicants/employees with any such specific notices in addition to the required FCRA notices.

The following jurisdictions are included within this summary. Jurisdictions with new or revised laws reflected in this revision to the summary appear with an asterisk. Click the link on the name of the jurisdiction to be taken directly to the summary for that jurisdiction. A quick reference table is also available by clicking here.

This summary will provide the following information for each jurisdiction, to the extent applicable:

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<td>Colorado</td>
<td>New York City, NY</td>
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<tr>
<td>Connecticut</td>
<td>Philadelphia, PA</td>
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<tr>
<td>Hawaii</td>
<td>Portland, OR</td>
</tr>
<tr>
<td>Illinois</td>
<td>Prince George's County, MD</td>
</tr>
<tr>
<td>Louisiana</td>
<td>Rochester, NY</td>
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<tr>
<td>Maine</td>
<td>San Francisco, CA</td>
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<tr>
<td>Maryland</td>
<td>Seattle, WA</td>
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<tr>
<td>Massachusetts</td>
<td>Spokane, WA</td>
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<tr>
<td>Minnesota</td>
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<tr>
<td>New Jersey</td>
<td>Suffolk County, NY</td>
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<td>New Mexico</td>
<td>Waterloo, IA</td>
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<tr>
<td>New York</td>
<td>Westchester County, NY</td>
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<tr>
<td>Oregon</td>
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<tr>
<td>Rhode Island</td>
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<td>Vermont</td>
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<tr>
<td>Washington</td>
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<tr>
<td>Washington, D.C.</td>
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</tbody>
</table>
# Jurisdiction

<table>
<thead>
<tr>
<th>Law</th>
<th>The statutory reference to the law, along with a hyperlink (if available) to the statute.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effective Date</td>
<td>The effective date of the statute.</td>
</tr>
<tr>
<td>Coverage – Employer</td>
<td>Which employers are covered by the statute.</td>
</tr>
<tr>
<td>Coverage – Applicant / Employee</td>
<td>Which employees are covered by the statute.</td>
</tr>
<tr>
<td>Timing of Inquiry</td>
<td>When a covered employer is permitted to inquire into or consider an applicant’s criminal history, and any other restrictions regarding the timing of such inquiry.</td>
</tr>
<tr>
<td>Prior Notice Required</td>
<td>Whether a jurisdiction-specific notice (in addition to the FCRA disclosure/authorization requirements) must be provided to an applicant before the employer enquires about the applicant’s criminal history.</td>
</tr>
<tr>
<td>Content Restrictions</td>
<td>Whether there are any restrictions regarding the types of criminal history information into which an employer may inquire or obtain.</td>
</tr>
<tr>
<td>Use Restrictions / Requirements:</td>
<td>Whether there are any restrictions or requirements regarding the employer’s use or consideration of an applicant’s criminal history information in making an employment decision, such as an individualized assessment requirement.</td>
</tr>
<tr>
<td>Pre-Adverse / Adverse Action Notice Requirements</td>
<td>Whether an employer is required to provide the applicant with any pre-adverse or adverse action notices (in addition to those required by the federal Fair Credit Reporting Act) in connection with an adverse employment decision based in whole or in part on an applicant’s criminal history.</td>
</tr>
<tr>
<td>Additional Requirements / Considerations</td>
<td>Whether there are any other restrictions or requirements regarding the employer’s inquiry into or use of an applicant’s criminal history information for purposes of making an employment decision.</td>
</tr>
<tr>
<td>HireRight Screening Considerations</td>
<td>How the requirements or restrictions in the statute relate to an employer’s use of HireRight’s background screening services.</td>
</tr>
</tbody>
</table>
The following Quick Reference Table is provided to identify the key types of ban-the-box requirements that may be applicable in each jurisdiction. This Quick Reference Table is not comprehensive and does not identify all possible types of requirements that may be applicable in a given jurisdiction. Please refer to the jurisdiction's summary for additional information.

**CLICK THE JURISDICTION TO BE TAKEN DIRECTLY TO THAT SUMMARY.**

### STATE JURISDICTIONS

<table>
<thead>
<tr>
<th>Criminal Inquiry Timing</th>
<th>Prior Notice</th>
<th>Conduct Individualized Assessment</th>
<th>Provide Individualized Assessment</th>
<th>Identify Criminal History</th>
<th>Modified Pre-Adverse Action Notice</th>
<th>Modified Adverse Action Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>California</strong></td>
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</tr>
<tr>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Colorado</strong></td>
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</tr>
<tr>
<td>After initial employment application</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<tr>
<td><strong>Connecticut</strong></td>
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<tr>
<td>After initial employment application</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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<td>No</td>
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<tr>
<td><strong>Hawaii</strong></td>
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</tr>
<tr>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes (rational relationship)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Illinois</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>N/A - No timing restrictions on criminal inquiries</td>
<td>No</td>
<td>Yes (pursuant to IL Human Rights Act)</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td><strong>Louisiana</strong></td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>N/A - No timing restrictions on criminal inquiries</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Maine</strong></td>
<td></td>
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</tr>
<tr>
<td>During interview or after deemed qualified for position</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td><strong>Maryland</strong></td>
<td></td>
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</tr>
<tr>
<td>During first interview</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
## White Paper • “Ban the Box” and Fair Chance Hiring Laws

<table>
<thead>
<tr>
<th>State</th>
<th>Criminal Inquiry Timing</th>
<th>Prior Notice</th>
<th>Conduct Individualized Assessment</th>
<th>Provide Individualized Assessment</th>
<th>Identify Criminal History</th>
<th>Modified Pre-Adverse Action Notice</th>
<th>Modified Adverse Action Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Massachusetts</td>
<td>At or after the initial interview</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes (Standard pre-adverse letter may be used, but employer’s criminal offender record information policy must be provided to candidate)</td>
<td>No</td>
</tr>
<tr>
<td>Minnesota</td>
<td>After applicant is selected for an interview. After a conditional offer of employment if no interview.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>New Jersey</td>
<td>After the initial interview</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>New Mexico</td>
<td>After initial application</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>New York</td>
<td>N/A - No restrictions on criminal inquiries</td>
<td>Yes (Copy of NY Art. 23-A)</td>
<td>Yes (pursuant to NY Art. 23-A)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Oregon</td>
<td>After the initial interview. After a conditional offer of employment if no interview.</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Rhode Island</td>
<td>At or after the initial interview</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Vermont</td>
<td>During initial interview or once deemed qualified for position</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Washington</td>
<td>After deemed qualified for position</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Washington, D.C.</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

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## LOCAL JURISDICTIONS

<table>
<thead>
<tr>
<th>Location</th>
<th>Criminal Inquiry Timing</th>
<th>Prior Notice</th>
<th>Conduct Individualized Assessment</th>
<th>Provide Individualized Assessment</th>
<th>Identify Criminal History</th>
<th>Modified Pre-Adverse Action Notice</th>
<th>Modified Adverse Action Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atlanta, GA</td>
<td>N/A - No restrictions on criminal inquiries</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Austin, TX</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Baltimore, MD</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Buffalo, NY</td>
<td>At or after the initial interview</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Chicago, IL*</td>
<td>N/A - No timing restrictions on criminal inquiries</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Columbia, MO</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Cook County, IL</td>
<td>After an initial interview or a conditional offer</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>De Soto, TX</td>
<td>After initial employment application</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Des Moines, IA</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Gainesville, FL</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Grand Rapids, MI</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tr>
<tr>
<td>Location</td>
<td>Criminal Inquiry Timing</td>
<td>Conduct Individualized Assessment</td>
<td>Provide Individualized Assessment</td>
<td>Identify Criminal History</td>
<td>Modified Pre-Adverse Action Notice</td>
<td>Modified Adverse Action Notice</td>
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</tr>
<tr>
<td>Kansas City, MO</td>
<td>After interview and deemed qualified for position</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Los Angeles, CA</td>
<td>After a conditional offer of employment</td>
<td>Yes (LA Fair Chance Ordinance Form)</td>
<td>Yes (LA Fair Chance Ordinance Form)</td>
<td>Yes (pursuant to CA law)</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Montgomery County, MD</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>New York City, NY</td>
<td>After a conditional offer of employment</td>
<td>Yes (Copy of NY Art. 23-A)</td>
<td>Yes (Art. 23-A Evaluation Form)</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Philadelphia, PA</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Portland, OR</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Prince George's County, MD</td>
<td>After the initial interview</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>Rochester, NY</td>
<td>After the initial interview</td>
<td>Yes (Copy of NY Art. 23-A)</td>
<td>Yes (pursuant to NY Art. 23-A)</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td>San Francisco, CA</td>
<td>After the initial interview or after a conditional offer of employment</td>
<td>Yes (San Francisco Fair Chance Ordinance Notice)</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Seattle, WA</td>
<td>After the initial screening of applications or resumes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
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</tr>
<tr>
<td>Spokane, WA</td>
<td>After interview or conditional offer</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
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</tr>
</tbody>
</table>
### After a conditional offer of employment

<table>
<thead>
<tr>
<th>Location</th>
<th>Criminal Inquiry Timing</th>
<th>Prior Notice</th>
<th>Conduct Individualized Assessment</th>
<th>Provide Individualized Assessment</th>
<th>Identify Criminal History</th>
<th>Modified Pre-Adverse Action Notice</th>
<th>Modified Adverse Action Notice</th>
</tr>
</thead>
<tbody>
<tr>
<td>St. Louis, MO</td>
<td>After interview and deemed qualified for position</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Suffolk County, NY</td>
<td>After employment application and initial interview</td>
<td>Yes (Copy of NY Art. 23-A)</td>
<td>Yes (pursuant to NY Art. 23-A)</td>
<td>No (unless requested)</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Waterloo, IA</td>
<td>After a conditional offer of employment</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Westchester County, NY</td>
<td>After initial employment application</td>
<td>Yes (Copy of NY Art. 23-A)</td>
<td>Yes (pursuant to NY Art. 23-A)</td>
<td>No (unless requested)</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>
STATE JURISDICTIONS
California

**Law:** California Fair Chance Act

**Effective Date:** January 1, 2018

**Coverage – Employer:** An employer with five or more employees.

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer may not include on any application for employment any question that seeks the disclosure of an applicant's conviction history, and may not inquire into or consider the conviction history of an applicant until that applicant has received a conditional offer.

**Prior Notice Required:** Covered employers are subject to the FEHA's general notice and posting requirement.


**Content Restrictions:** Except where otherwise specifically permitted by state and federal law, employers are prohibited from considering the following types of criminal history, or seeking such history from an employee, applicant, or a third party, when making employment decisions such as hiring, promotion, training, discipline, layoff, and termination:

- Information concerning an arrest or detention that did not result in conviction
- Information concerning a referral to, and participation in, any pretrial or post-trial diversion program
- An arrest, detention, processing, diversion, supervision, adjudication, or court disposition that occurred while the person was subject to the process and jurisdiction of juvenile court law, or
- A non-felony conviction for possession of marijuana that is two or more years old.


A person whose juvenile records have been sealed may reply to inquiries by stating that no proceedings occurred.

Cal. Penal Code § 1203.45 (minor’s misdemeanor records).
An employer may not ask an applicant to disclose, through a written form or verbally, information concerning any conviction that has been judicially ordered sealed expunged or statutorily eradicated, or any misdemeanor conviction for which probation has been successfully completed or otherwise discharged and the case has been judicially dismissed pursuant to Penal Code § 1203.4; Cal. Lab. Code § 432.7.

Use Restrictions / Requirements: A notice of potentially disqualifying criminal conduct must be provided to the applicant. See “Pre-Adverse / Adverse Action Notice Requirements” below.

Pre-Adverse / Adverse Action Notice Requirements: An employer that intends to deny position to applicant solely or in part because of applicant’s conviction history shall make individualized assessment whether applicant’s conviction history has direct and adverse relationship with specific duties of job. Employer shall consider: (A) nature and gravity of offense or conduct; (B) time passed since the offense or conduct and completion of the sentence; and (C) nature of job held or sought. Employer may, but is not required to, commit results of individualized assessment to writing.

If employer makes preliminary decision to disqualify applicant, employer shall notify applicant of preliminary decision in writing. Notification may, but is not required to, justify or explain employer’s reasoning for making preliminary decision but shall contain: (A) notice of disqualifying conviction or convictions that are basis for preliminary decision; (B) copy of conviction history report, if any; and (C) explanation of applicant’s right to respond to notice of preliminary decision before final (including right to submit evidence challenging accuracy of conviction history report, evidence of rehabilitation or mitigating circumstances, or both) and deadline by which to respond. Applicant shall have at least 5 business days to respond to notice, or if during that time applicant informs employer in writing that applicant is taking specific steps to obtain evidence, an additional 5 business days to respond.

Employer shall consider information submitted by applicant before making final decision. If employer makes final decision to deny application solely or in part because of applicant’s conviction history, employer shall notify applicant in writing of: (A) final denial or disqualification (employer may, but is not required to, justify or explain reasoning); (B) any existing procedure employer has for applicant to challenge decision or request reconsideration; and (C) right to file complaint with the California Department of Fair Employment and Housing.

Additional Requirements / Considerations:
The criminal history inquiry prohibitions set forth in Government Code section 12952(a) do not apply to positions
- for which a state or local agency is otherwise required by law to conduct a conviction history background check;
- with a criminal justice agency;
as a farm labor contractor; or
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.

Cal. Gov't Code § 12952(d); California AB 1008 (2017).

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after a conditional offer has been made.

The pre-adverse and adverse action notices that are required by [The California Fair Chance Act](https://leginfo.ca.gov/faces/billtext.xhtml?bill_id=201720180ab01008) are in addition to the pre-adverse and adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note, e.g., that the FCRA does not require that employers identify and provide a notice of the potentially disqualifying criminal history (as required by [The California Fair Chance Act](https://leginfo.ca.gov/faces/billtext.xhtml?bill_id=201720180ab01008)), and that the employer informs the applicant of their right to file a complaint with the California Department of Fair Employment and Housing. These specific pre-adverse action notice and adverse notice requirements therefore are not satisfied by HireRight's standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of [The California Fair Chance Act](https://leginfo.ca.gov/faces/billtext.xhtml?bill_id=201720180ab01008), the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a "client review required" (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with California's specific additional requirements – which you can do either by using HireRight's [Compliance Workbench](https://www.hireright.com/products/compliance-workbench) functionality or by managing these notices outside of the HireRight system.
Colorado

**Law:** Colorado Chance to Compete Act

**Effective Date:** September 1, 2019 (employers with 11 or more employees); September 1, 2021 (all Colorado employers)

**Coverage – Employer:** All private employers.

**Coverage – Applicant / Employee:** All applicants for employment.

**Timing of Inquiry:** Inquiry into or consideration of an applicant’s criminal history cannot be made until after an initial employment application.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** An employer is exempt from the restrictions on advertising and initial employment applications when

- the law prohibits a person who has a particular criminal history from being employed in a particular job;
- the employer is participating in a program to encourage employment of people with criminal histories; or
- the employer is required by law to conduct a criminal history record check for the particular position.

**HireRight Screening Considerations:**

**Timing:**

Employers are permitted to “obtain the publicly available criminal background report of an applicant at any time.”
Connecticut


Effective Date: January 1, 2017

Coverage – Employer: An employer with one or more employees.

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: An employer is prohibited from inquiring about a prospective employee’s prior arrests, criminal charges or convictions on an initial employment application.

Prior Notice Required: No.

Content Restrictions: No employer may require an employee or applicant to disclose the existence of any arrest, criminal charge or conviction, the records of which have been erased pursuant to statute.

No employer may deny employment to an applicant or discharge or in any manner discriminate against an employee solely because the applicant or employee has a prior arrest, criminal charge or conviction that has been erased or for which the applicant has received a provisional pardon pursuant to Conn. Gen. Stat. § 54-130a.


Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: N/A
**Additional Requirements / Considerations:** The prohibition against making a criminal history inquiry on an initial employment application applies unless

- the employer is required to do so by an applicable state or federal law; or
- a security or fidelity bond or an equivalent bond is required for the position for which the prospective employee is seeking employment.


If one of the exceptions applies and an employer is permitted to inquire about criminal history, the employer must include certain notices on its employment application along with the criminal history inquiries. The notices must be clear and conspicuous on the application and state

- the applicant is not required to disclose the existence of any arrest, criminal charge, or conviction the records of which have been erased;
- criminal records subject to erasure under state law are those 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 dropped, 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 shall be deemed to have never been arrested and may so swear under oath.

**HireRight Screening Considerations:** N/A
Hawaii


Effective Date: January 1, 2015 (Revised September 2020)

Coverage – Employer: All public and private employers

Coverage – Applicant / Employee: All applicants for employment

Timing of Inquiry: Inquiry into and consideration of a prospective employee's conviction record may only take place after a conditional offer of employment has been made.

Prior Notice Required: N/A

Content Restrictions: Most employers may only consider misdemeanor conviction records falling within the most recent five year period, and felony convictions falling within the most recent seven year period excluding periods of incarceration.

Use Restrictions / Requirements: A conditional offer of employment may only be withdrawn if the conviction bears a “rational relationship” to the duties and responsibilities of the position.

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations: The timing requirement and lookback limitations do not apply to those employers who are expressly permitted by federal or state law to inquire into an applicant's criminal history for employment purposes. See §378-2.5(d) for a list of employers to which this exception applies.

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal conviction record until a conditional offer of employment has been made.

Reporting Guidelines:
HireRight may report, where it is legally permissible for HireRight to do so and depending on the search depth selected by the customer, criminal conviction information including misdemeanor conviction records falling beyond the most recent five year period, and felony convictions falling beyond the most recent seven year period.
Illinois

**Law:** IL Public Act 098-0774 (HB5701), The Job Opportunities for Qualified Applicants Act & Illinois Human Rights Act

**Effective Date:** January 1, 2015 (Revised January 2021 – Effective March 23, 2021)

**Coverage – Employer:** Organizations employing 15 or more employees within over a 20-week period.

**Coverage – Applicant / Employee:** Any individual performing services for remuneration within this State for an employer (including an unpaid intern).

**Timing of Inquiry:** Inquiry into an applicant’s criminal history cannot be made until the applicant has been determined to be qualified for the position and notified that the applicant has been selected for an interview; or, if there is not an interview, after a conditional offer of employment has been made.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** Employers can base an adverse employment action on an individual’s criminal conviction only if

- there is a “substantial relationship” between the individual’s criminal offense(s) and the job sought or held; or
- the employer believes that the individual poses an “unreasonable risk” to the property or safety of the employer’s workforce, customers, or members of the public.

**Pre-Adverse / Adverse Action Notice Requirements:** The Illinois Human Rights Act outlines six factors that employers must consider as part of the pre-adverse process:

1. The length of time since the conviction
2. The number of convictions that appear on the conviction record
3. The nature and severity of the conviction and its relationship to the safety and security of others
4. The facts or circumstances surrounding the conviction
5. The age of the employee at the time of the conviction, and
6. Evidence of rehabilitation efforts.
As part of the Adverse Action process: Employers must identify the “disqualifying conviction or convictions that are the basis for the final decision and the employer’s reasoning for the disqualification,” and notify the candidate of their right to file a complaint with the IL Dept. of Human Rights.

Additional Requirements / Considerations: The timing restrictions do not apply to positions for which employers are required to exclude applicants with certain criminal convictions due to Federal or State law or for which a fidelity bond is required. Additionally, employers are allowed to notify applicants, in writing, of specific offenses that will disqualify an applicant from employment in a particular position due to Federal or State law, or the employer’s policy.

HireRight Screening Considerations:
Pre-Adverse and Adverse Action Notices:
The Illinois Human Rights Act maintains pre-adverse and adverse action requirements that are in addition to those required under the federal Fair Credit Reporting Act (FCRA) and separately remains the employer’s responsibility. It is important to note that the FCRA does not require that employers identify in the FCRA pre-adverse or adverse action notices an individualized assessment of the candidate’s criminal history, the specific basis for the adverse employment decision, nor inform the applicant of their right to file a complaint with the Illinois Department of Human Rights. These specific pre-adverse action notice and adverse notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Illinois Human Rights Act, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Illinois’ specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.

In addition, the employer should utilize an FCRA adverse action notice period (e.g., the time period between the FCRA pre-adverse action notice and the FCRA adverse action notice) to ensure that the FCRA adverse action notice is not sent out before the five business day period has expired for the applicant to provide notice of inaccuracy in response to the pre-adverse action notice provided by the employer.
Louisiana

**Law:** Fair Chance Hiring Act – HLS 21RS-419

**Effective Date:** August 1, 2021

**Coverage – Employer:** Any person employing 20 or more persons in the state.

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** Louisiana’s Fair Chance Hiring Act does not expressly limit the timing of an employer’s inquiry into an applicant's criminal history.

**Prior Notice Required:** No.

**Content Restrictions:** Employers may not consider an arrest record or a charge that did not result in a conviction if the information was “received in the course of a background check.”

**Use Restrictions / Requirements:** Employers conduct an individualized assessment to determine if 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.

The employer must consider:

- the nature and gravity of the offense or conduct;
- the time that has elapsed since the offense, conduct, or conviction; and
- the nature of the job sought.

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** An applicant maintains the right to make a written request for “any background check information used during the hiring process.”

**HireRight Screening Considerations:**
HireRight’s [Compliance Workbench](#) makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Maine

**Law:** Section 26 M.R.S.A. § 600-A

**Effective Date:** October 18, 2021

**Coverage – Employer:** An employer with one or more employees.

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer may inquire about an applicant’s criminal history record information during an interview or after the employer has determined that the applicant is otherwise qualified for the job.

**Prior Notice Required:** No.

**Content Restrictions:** A person may not be denied employment when such denial is based in whole or in part on criminal history information unless that criminal history information is directly related to the position of employment or includes a criminal conviction that is explicitly prohibited by statute for the position of employment.

**Use Restrictions / Requirements:** An employer that inquires about a prospective employee’s criminal history record information shall afford to the prospective employee the opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** The prohibition against making a criminal history inquiry on an initial employment application applies unless

- The position is one for which a federal or state law or regulation or rule creates a mandatory or presumptive disqualification based on a conviction for one or more types of criminal offenses, and the questions on the initial employee application form are limited to the types of criminal offenses creating the disqualification; or
- The employer is subject to an obligation imposed by a federal or state law or regulation or rule not to employ in a position a person who has been convicted of one or more types of criminal offenses, and the questions on the initial employee application form are limited to the types of criminal offenses creating the obligation.
**HireRight Screening Considerations:**

An employer that inquires about a prospective employee's criminal history record information shall afford to the prospective employee the opportunity to explain the information and the circumstances regarding any convictions, including post-conviction rehabilitation.

The pre-adverse action notices that are required by the Maine Fair Chance in Employment law are in addition to the pre-adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note that the FCRA does not require that employers perform an individualized assessment as required by the Maine Fair Chance in Employment law. These specific pre-adverse action notice requirements therefore are not satisfied by HireRight's standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Maine Fair Chance in Employment law, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Maine's specific additional requirements – which you can do either by using HireRight's Compliance Workbench functionality or by managing these notices outside of the HireRight system.
Maryland

Law: Act Concerning Record Screening Practices (Ban the Box).

Effective Date: February 29, 2020

Coverage – Employer: Employers with 15 or more full-time employees.

Coverage – Applicant / Employee: Any work for pay and any form of vocational or educational training, with or without pay.

Timing of Inquiry: During the first in person interview. An employer may not inquire about a candidate’s criminal history on a job application or during a phone interview.

Prior Notice Required: N/A

Content Restrictions: N/A

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations: The law prohibits employers from discriminating or retaliating against an applicant or employee for claiming the employer violated the statute.

The Act does not preempt any local jurisdiction from enacting or enforcing any law that is more restrictive with respect to a local employer’s criminal history screening practices. Currently Baltimore, Montgomery County, and Prince George's County all have ban the box laws in effect with more stringent requirements that Maryland’s statewide measure.

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after an initial interview or conditional offer has been made.

HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Massachusetts

Law: MA Gen L Ch. 151B § 4.9½; MA Gen L Ch. 6, § 171A (Acts of 2010, Chapter 256)
CORI Regulations, 803 CMR 2.00 (effective May 4, 2012)

Effective Date: November 4, 2010 (as to questions on the employment application) May 4, 2012 (as to the access to and use of CORI records); revised effective October 13, 2018

Coverage – Employer: All public and private employers.

Coverage – Applicant / Employee: All applicants for employment.

Timing of Inquiry: An employer must not request criminal history information on the initial application form. MA Gen L Ch. 151B, § 4.9½ The Massachusetts Commission Against Discrimination, however, has interpreted this to prohibit any inquiry until the initial interview. See MCAD Fact Sheet: Criminal Offender Record Information Administrative Procedure Reforms, November 2010.

Prior Notice Required: Employers asking for criminal record information at any point during the application process must include the following statement on the request form: “An applicant for employment with a record expunged pursuant to section 100F, section 100G, section 100H or section 100K of chapter 276 of the General Laws may answer ‘no record’ with respect to an inquiry herein relative to prior arrests, criminal court appearances or convictions. An applicant for employment with a record expunged pursuant to section 100F, section 100G, section 100H or section 100K of chapter 276 of the General Laws may answer ‘no record’ to an inquiry herein relative to prior arrests, criminal court appearances, juvenile court appearances, adjudications or convictions.”

If an employer is requesting “Criminal Offender Record Information” (“CORI”) from the Massachusetts Department of Criminal Justice Information Systems (“DCJIS”), in which case a CORI Acknowledgement Form must be obtained that includes a specific authorization as well as identity verification. Note: if using a CRA to conduct a CORI search, the CORI Acknowledgement Form – Organizations Using A CRA must be used.

Content Restrictions: Employers or their agents may not inquire into or consider the following types of criminal record information regarding their applicants/employees:

- Any arrest or criminal matter for which no conviction resulted
- An initial conviction for certain types of misdemeanors (drunkenness, simple assault, speeding, minor traffic violations, affray, or disturbance of the peace)
- A misdemeanor conviction that is more than three years old, unless the applicant/employee has been convicted of a subsequent offense within the past three years, and
- Sealed or expunged records.

MA Gen L Ch. 151B, § 4.9
Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: If the employer is in possession of the applicant’s criminal history record, then the employer must provide the applicant with a copy of such record prior to questioning the applicant about it. MA Gen L Ch. 6, § 171A

Before taking adverse employment action based on the applicant’s criminal history information that was received from a source other than DCJIS (“non-CORI criminal history”), the employer must:

- comply with all applicable federal and state laws (including but not limited to the federal FCRA and the Massachusetts consumer reporting law, MA Gen L. Ch. 93, §§ 50-68);
- notify the applicant of the potential adverse employment action (notification may be in person or by phone, fax, electronic or hard copy correspondence);
- provide the applicant with a copy of the applicant’s non-CORI criminal history, including the source of the information. Note that this does not have to be provided again if the employer provided the same information to the applicant previously. MA Gen L Ch. 6, § 171A;
- provide to the applicant a copy of the employer’s CORI Policy, if applicable;
- allow the applicant the opportunity to dispute the accuracy of the criminal history information; and
- provide the employment applicant with a copy of DCJIS “Information Concerning The Process In Correcting A Criminal Record” per 803 CMR 2.18.

Additional Requirements / Considerations: An employer may ask about criminal history information on an employment application if the applicant is applying for a position for which the employer is required to exclude applicants with certain criminal convictions pursuant to Federal or State law, or if the employer is prohibited under federal or state law from employing persons who have been convicted of certain types of criminal offenses.

A person who annually conducts 5 or more criminal background investigations must maintain a written criminal offender record information policy. The requirements for the policy are set forth in MA Gen L Ch. 171A.

Additional requirements apply, including the specific CORI Acknowledgement Form noted above, if the employer is requesting “Criminal Offender Record Information“ (“CORI”) from the Massachusetts Department of Criminal Justice Information Systems (“DCJIS”). See, e.g., MA Gen L Ch. 172(c) and 803 CMR 2.00.

For additional information about Massachusetts CORI requirements, please see the Massachusetts Criminal Offender Record Information (CORI) webpage.
HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview.

CORI Searches:
HireRight’s Criminal Felony & Misdemeanor product will search court records maintained by applicable county criminal courts. HireRight generally does not offer a search of the Massachusetts CORI database unless the employer is required by law to perform such a search (in which case the employer must meet certain additional requirements, including obtaining a DCJIS-issued certification code, designating HireRight as its CRA in the iCORI system, providing to HireRight its iCORI account number, and executing the HireRight iCORI Search Addendum.

Please speak to your HireRight account manager or HireRight customer service for additional information.

Reporting Guidelines:
Pursuant to the HireRight Criminal Reporting Guidelines, HireRight generally does not report arrests or non-pending criminal matters for which no conviction resulted with respect to Massachusetts applicants/employees (as determined by the applicant/employee’s home address as provided to HireRight). However, with respect to the initial conviction misdemeanor and 3-year misdemeanor restrictions noted above, HireRight’s Criminal Reporting Guidelines generally identify, by means of a notation on the screening report, if the information being reported is of the type to which these restrictions may apply;** however it is the responsibility of the customer to determine whether these restrictions apply and to comply as appropriate. If the customer does not want to receive certain types of information with respect to their Massachusetts applicants/employees, the customer should consider (and evaluate with their counsel) taking the certain Massachusetts-specific compliance steps relative to their HireRight screening program, including without limitation:

- Establishing a separate HireRight account for the screening of applicants to which the Massachusetts statute may apply; and
- Implementing a custom HireRight reporting guideline within their Massachusetts screening account to ensure that the criminal history information provided by HireRight does not exceed that which the employer is permitted to obtain/consider.

** For additional information regarding HireRight’s criminal reporting guidelines, HireRight customers may access HireRight’s Summary of Matching and Reporting Guidelines (for employment screening purposes) by logging-in to their HireRight account and clicking the Help & Training link from the left-side navigation menu; then click the Training & Documentation link. From the list of training modules, select “Summary of Matching and Reporting Guidelines.”

HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Minnesota

**Law:** Chapter 364, Section 364.021- Public and Private Employment; Consideration of Criminal Records

**Effective Date:** January 1, 2014

**Coverage – Employer:** All public and private employers.

**Coverage – Applicant / Employee:** All applicants for employment.

**Timing of Inquiry:** Inquiry into or consideration of an applicant’s criminal history cannot be made until the applicant has been selected for an interview. If there is not an interview, inquiry cannot be made before a conditional offer of employment is made to the applicant.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** Employers are permitted to notify applicants that law or the employer’s policy will disqualify an individual with a particular criminal history background from employment in particular positions.

The statute does not apply to those employers who are required by law to conduct a criminal history background check or otherwise take into consideration a potential employee’s criminal history during the hiring process.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not ask HireRight to perform any criminal history searches until after the applicant has been notified that they’ve been selected for an interview or, if there is no interview, until after a conditional offer of employment has been made.
New Jersey

**Law:** [New Jersey Revised Statutes C.34:6B-11, et seq. - The Opportunity to Compete Act](https://www.law.justia.com/codes/new-jersey/c-34.6b.11.html)

**Effective Date:** March 1, 2015

**Coverage – Employer:** All public (excluding the US government) and private employers with 15 or more employees employed over 20 weeks per calendar year, and which do business, employ persons, or take applications for employment in the State of New Jersey.

**Coverage – Applicant / Employee:** All applicants for employment, including interns and apprentices, whose employment will be substantially within the State of New Jersey.

**Timing of Inquiry:** Inquiry into or consideration of an applicant’s criminal history must not take place until after the initial interview.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** Employers may inquire about an applicant’s criminal history during the initial application process under the following circumstances:

- If the applicant is being considered for certain types of positions (see [New Jersey Revised Statutes C.34:6B-16](https://www.law.justia.com/codes/new-jersey/c-34.6b.16.html)), or
- If the applicant voluntarily discloses his/her criminal history during the initial application process (see [New Jersey Revised Statutes C.34:6B-14 4.b.](https://www.law.justia.com/codes/new-jersey/c-34.6b.14.html))

Except under certain circumstances, employers may not publish job advertisements that explicitly state that the employer will not consider applicants who have been convicted of one or more crimes or offenses (see [New Jersey Revised Statutes C.34:6B-15](https://www.law.justia.com/codes/new-jersey/c-34.6b.15.html)). The New Jersey law preempts the Newark Ordinance effective March 1, 2015.

**HireRight Screening Considerations:**

**Timing:**

Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the employer has conducted an initial interview.
New Mexico

**Law:** Chapter 28, Article 2 NMSA 1978 “Criminal Offender Employment Act”

**Effective Date:** June 14, 2019

**Coverage – Employer:** All private employers.

**Coverage – Applicant / Employee:** All applicants for employment.

**Timing of Inquiry:** Inquiry into or consideration of an applicant’s criminal history cannot be made until after review of the applicant’s application and upon discussion of employment with the applicant.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** Employers are permitted to notify applicants that law or the employer’s policy will disqualify an individual with a particular criminal history background from employment in particular positions.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not ask HireRight to perform any criminal history searches until after the applicant has submitted an application and a discussion of employment has been had with the applicant.
New York

**Law:** Article 23-A of the New York State Correction Law

**Effective Date:** February 1, 2009

**Coverage – Employer:** Any employer with 10 or more employees.

**Coverage – Applicant / Employee:** Any occupation, vocation or employment, or any form of vocational or educational training, except membership in any law enforcement agency.

**Timing of Inquiry:** New York Article 23-A does not expressly limit the timing of an employer’s inquiry into an applicant’s criminal history.

**Prior Notice Required:** Employers must post a copy of Article 23-A in a conspicuous manner and place accessible to employees (LAB Law § 201-f). Generally, employers will provide a copy of Article 23-A prior to requesting a criminal background check.

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** If a criminal record is found in the background check employers must provide a copy of Article 23-A (Gen. Bus. Law § 380-g(d)).

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** An employer must comply with Article 23-A of the New York State Correction Law when considering an applicant’s prior criminal convictions in determining suitability for employment.

Article 23-A prohibits employers from taking an “adverse employment action” against any candidate based on a prior criminal conviction unless: (a) there is a “direct relationship” between one or more of the criminal convictions and the specific employment sought or held by the individual; or (b) granting or continuing employment would involve an “unreasonable risk” to property or to the safety or welfare of specific individuals or the general public. As part of this assessment, employers must consider the following eight factors:

1. The state public policy encouraging the employment of persons previously convicted of one or more criminal offenses;
2. The specific duties and responsibilities necessarily related to the employment sought or held by the person;
3. The bearing, if any, the criminal offense(s) will have on the person’s fitness or ability to perform one or more such duties or responsibilities;
4. The amount of time that elapsed since the criminal offense(s);
5. The age of the person at the time of the criminal offense(s);
6. The seriousness of the criminal offense(s);
7. Any information produced by the person, or on his/her behalf, in regard to rehabilitation and good conduct; and
8. The legitimate interest of the employer in protecting property, and the safety and welfare of specific individuals or the general public.

**HireRight Screening Considerations:**

Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview or a conditional offer has been made.
Oregon

Law: House Bill 3025

Effective Date: January 1, 2016

Coverage – Employer: All employers.

Coverage – Applicant / Employee: All applicants for employment.

Timing of Inquiry: An employer may not require an applicant to disclose a past criminal conviction on an employment application or prior to an initial interview or, if no interview is conducted, prior to making a conditional offer of employment.

Prior Notice Required: N/A

Content Restrictions: N/A

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations:
The timing restrictions do not apply
- where Federal, State or local law requires consideration of an applicant’s criminal history;
- to employers that are law enforcement agencies;
- to employers in the criminal justice system; or
- to employers seeking a nonemployee volunteer.

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal conviction searches until after the initial interview or, if there is no interview, until a conditional offer of employment has been made.
Rhode Island


Effective Date: January 1, 2014

Coverage – Employer: Any person employing four or more individuals (including anyone acting, directly or indirectly, in the interest of the employer). See R.I. Gen Laws 28-5-6(8)(i).

Coverage – Applicant / Employee: All persons seeking employment.

Timing of Inquiry: Inquiry into an applicant's criminal history cannot be made on the application or before the initial interview.

Prior Notice Required: N/A

Content Restrictions: N/A

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations: An employer may include a question on the application or otherwise inquire whether an applicant has been convicted of specified criminal offenses prior to the initial interview if Federal or State law creates a disqualification based on a specified criminal conviction or if a fidelity bond is required for the position.

HireRight Screening Considerations:

Timing: Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until the applicant has been interviewed.
Vermont


Effective Date: July 1, 2017

Coverage – Employer: An employer with one or more employees.

Coverage – Applicant / Employee: Every person who may be permitted, required or directed by an employer, in consideration of direct or indirect gain or profit, to perform services

Timing of Inquiry: 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.

Prior Notice Required: No

Content Restrictions: A child who was adjudicated delinquent and whose records have been sealed may reply to inquiries that no records exist.


A person whose criminal history record is expunged or sealed is treated as if he or she had never been arrested, convicted, or sentenced for the offense.


Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice: N/A

Additional Requirements / Considerations: Employers may ask about criminal convictions on an initial employment application if the following conditions are met:

- 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.
HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview or once the applicant has been deemed qualified for the position.
Washington

Law: Washington Fair Chance Act

Effective Date: July 7, 2018

Coverage – Employer: Public agencies, private individuals, businesses and corporations, contractors, temporary staffing agencies, training and apprenticeship programs, and job placement, referral, and employment agencies

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: Until an employer initially determines that an applicant is otherwise qualified for the position, the employer cannot
- include any question about an applicant's criminal record on any application for employment;
- inquire about an applicant's criminal record either orally or in writing;
- receive information through a criminal history background check; or
- otherwise obtain information about an applicant's criminal record.

Prior Notice Required: No.

Content Restrictions: “Criminal record” includes any record about a citation or arrest for criminal conduct, including records relating to probable cause to arrest, and includes any record about a criminal or juvenile case filed with any court, whether or not the case resulted in a finding of guilt.

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: N/A
Additional Requirements / Considerations: The law does not apply to
- 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.

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the applicant has been deemed otherwise qualified for the position.

“Otherwise qualified” means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without consideration of a criminal record.
Washington, D.C.

Law: Fair Criminal Record Screening Amendment Act of 2014

Effective Date: December 17, 2014

Coverage – Employer: Any person that employs 10 or more employees in the District of Columbia.

Coverage – Applicant / Employee: Any applicant for employment where the physical location of employment is in whole or substantial part in the District of Columbia.

Timing of Inquiry: An employer may not make an inquiry about or require an applicant to disclose or reveal information about a criminal conviction until after making a conditional offer of employment

Prior Notice Required: N/A

Content Restrictions: An employer may not inquire about or require an applicant to disclose any information about an arrest or a criminal accusation which is either not pending or did not result in a conviction.

Use Restrictions / Requirements: An employer may only withdraw a conditional offer or take an adverse action against an applicant for a legitimate business reason in light of

- the specific duties and responsibilities of the position;
- any bearing of the offense on the applicant’s fitness for or ability to perform the duties of the position;
- the time that has elapsed since the conviction;
- the age of the applicant at the time of the offense;
- the frequency and seriousness of the offense; or
- any information regarding the applicant’s rehabilitation or good conduct.

Pre-Adverse / Adverse Action Notice Requirements: If the applicant believes that a conditional offer of employment was withdrawn or other adverse employment action was taken on the basis of a criminal conviction, the applicant may request, within 30 days following such withdrawal or other adverse action, that the employer provide the applicant the following within 30 days after the receipt of the request:

- A copy of all records (including criminal records) obtained by the employer in considering the applicant, and
- A notice that advises the applicant of his/her opportunity to file an administrative complaint with the District of Columbia Office of Human Rights.
**Additional Requirements / Considerations:** The Act does not apply where Federal or District law or regulation requires consideration of an applicant’s criminal history; to positions designed by the employer as part of a federal or District government program or obligation that is designed to encourage the employment of those with criminal histories; or to any facility or employer that provides programs, services, or direct care to minor or vulnerable adults.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history until after the candidate has received a conditional offer of employment.

**Adverse Action Notice:**
The additional adverse action notice that is required by the District of Columbia Ordinance is in addition to that required under the federal Fair Credit Reporting Act (FCRA) and separately remains the employer’s responsibility. These specific adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the District of Columbia Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with District of Columbia’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.

**Reporting Guidelines:**
HireRight does report, where it is legally permissible for HireRight to do so and in accordance with the search depth selected by the customer, criminal history information for up to seven years about matters that were dismissed or for which a conviction did not result.** Accordingly, employers that screen applicants/employees to which the protections of the District of Columbia Ordinance may apply should consider (and evaluate with their counsel) taking the certain District of Columbia-specific compliance steps relative to their HireRight screening program, including without limitation:

- Establishing a separate HireRight account for the screening of applicants to which the District of Columbia Ordinance may apply, or
Implementing custom HireRight reporting guidelines within their District of Columbia screening account to ensure that the criminal history information provided by HireRight does not exceed that which the employer is permitted to obtain/consider.

** For additional information about HireRight’s standard Criminal Reporting Guidelines, HireRight customers may access HireRight’s Summary of Matching and Reporting Guidelines (for employment screening purposes) by logging-in to their HireRight account and clicking the Help & Training link from the left-side navigation menu; then click the Training & Documentation link. From the list of training modules, select “Summary of Matching and Reporting Guidelines.”
LOCAL JURISDICTIONS
Atlanta, GA

Law: Ordinance 22-O-1748

Effective Date: October 17, 2022

Coverage – Employer: Any person employing 10 or more persons.

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: Atlanta’s anti-discrimination ordinance does not expressly limit the timing of an employer’s inquiry into an applicant’s criminal history.

Prior Notice Required: No.

Content Restrictions: N/A

Use Restrictions / Requirements: Employers conduct an individualized assessment to determine if 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.

The employer must consider:

- Whether the candidate committed the offense (e.g., a conviction versus an arrest);
- The nature and gravity of the offense;
- The time since the offense; and
- The nature of the job for which the candidate applied.

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations: Employers in Atlanta, subject to state or federal laws that bar employment of individuals with specific criminal convictions in certain positions such as law enforcement or when working with children, are permitted to comply with those laws and adversely affect the employment of an individual with qualifying criminal history.

HireRight Screening Considerations:
HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Austin, TX

**Law:** Austin City Code § 4-15-4.

**Effective Date:** April 4, 2016

**Coverage – Employer:** Any “person, company, corporation, firm, labor organization, or association that employs at least fifteen individuals whose primary work location is in the City for each working day in each of 20 or more calendar weeks in the current or preceding calendar year.”

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer may not solicit or otherwise inquire about the criminal history of an individual in an employment application.

An employer may conduct a background check after making a conditional employment offer to an applicant.

**Prior Notice Required:** No.

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** The employer must conduct an individualized assessment of the applicant’s criminal history in connection with the job position for which s/he has applied.

“Individualized assessment” means an evaluation of the criminal history of an individual that includes, at a minimum, the following factors:

- The nature and gravity of any offenses in the individual’s criminal history
- The length of time since the offense and completion of the sentence, and
- The nature and duties of the job for which the individual has applied.
**Pre-Adverse / Adverse Action Notice Requirements:** An employer who takes adverse action against an individual based on the individual’s criminal history must inform the individual in writing that the adverse action was based on the individual’s criminal history.

**Additional Requirements / Considerations:** The ordinance does not apply to a job for which a federal, state, or local law, or compliance with a legally mandated insurance or bond requirement disqualifies an individual based on criminal history.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after a conditional offer has been made.

The adverse action notices that are required by the Austin Fair Chance Hiring Ordinance are in addition to the adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note that the FCRA does not require that employers perform an individualized assessment as required by Austin’s Fair Chance Hiring Ordinance. These specific adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Austin Fair Chance Hiring Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse or adverse action notice. This will afford you the opportunity to comply with Austin’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.
Baltimore, MD

**Law:** C.B.O. Council Bill 13-0301

**Effective Date:** July 27, 2014

**Coverage – Employer:** Any person employing 10 or more persons in the City of Baltimore.

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** Inquiry into an applicant's criminal record or conducting a criminal record check is prohibited until after a conditional offer of employment has been extended.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** Federal and state law will prevail on access to or for the use of criminal records.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until a conditional offer of employment has been made.
Buffalo, NY

Law: City of Buffalo Code Ch. 154, Art. V

Effective Date: January 1, 2014

Coverage – Employer: Any employer located within City of Buffalo limits and employing 15 or more employees.

Coverage – Applicant / Employee: Any person considered, or who requests to be considered, for employment.

Timing of Inquiry: Employers must not make any inquiry regarding, or require any person to disclose or reveal, any criminal conviction on the job application or before an initial interview.

Prior Notice Required: If an employer does not conduct an interview, the employer must inform the applicant whether a criminal background check will be conducted before employment is to begin.

Content Restrictions: N/A

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations:
Certain positions are exempted from the restrictions against inquiring into criminal history prior to the initial interview, including but not limited to where convictions or violations are a bar to employment under federal or state law (see §§ 154-27(C), (D) and 154-28).

An employer must comply with Article 23-A of the New York State Correction Law when considering an applicant’s prior criminal convictions in determining suitability for employment.
**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview.

**Prior Notice:**
If an employer does not conduct an interview, employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a criminal background check until after applicant has been informed that a criminal background check will be conducted before employment is to begin. Employers that use HireRight’s e-Consent functionality should evaluate with their legal counsel the language of their FCRA-compliant background check disclosure and authorization form that is presented to their applicants via the HireRight e-Consent system to determine if such form may also satisfy the requirements of the Buffalo statute, or whether a separate prior notice is needed. If the latter, such notice will need to be provided separately by the employer to their applicant (and will not be managed by HireRight even if the employer otherwise uses HireRight’s e-Consent functionality).

HireRight’s [Compliance Workbench](#) makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Chicago, IL


Effective Date: January 1, 2015

Coverage - Employer: Any public or private employer (including the City of Chicago and its sister agencies) that is subject to license requirements under Title 4 of the Municipal Code of Chicago or that maintains a business in Chicago.

Coverage – Applicant / Employee: Any person pursuing employment with an employer.

Timing of Inquiry: No criminal history timing restrictions.

Prior Notice Required: No

Content Restrictions: No

Use Restrictions / Requirements: An employer may not automatically disqualify an applicant based solely on the fact that they have a criminal conviction.

Employers shall not use a person’s conviction record as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment, unless:

1. applicable law excludes applicants with certain criminal convictions from the relevant position;
2. a standard fidelity bond or an equivalent bond is required for the relevant position, and an applicant’s conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond, in which case an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or
3. there is a substantial relationship between one or more of the criminal offenses in the person’s conviction record and the employment sought or held; or
4. 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.

A “substantial relationship” means a consideration of whether the employment position offers the opportunity for the same or a similar offense to occur and whether the circumstances leading to the conduct for which the person was convicted will recur in the employment position.
In assessing if there is a substantial relationship between the applicant's criminal and the job or an unreasonable risk to safety the employer must consider the following six factors as part of its individualized assessment of the applicant’s criminal history:

- the length of time since the conviction;
- the number of convictions that appear on the conviction record;
- the nature and severity of the conviction and its relationship to the safety and security of others;
- the facts or circumstances surrounding the conviction;
- the age of the employee at the time of the conviction; and
- evidence of rehabilitation efforts.

**Pre-Adverse / Adverse Action Notice Requirements:** As part of the pre-adverse action process, the employer must identify the specific criminal conduct that may adversely affect the applicant’s eligibility for employment and include its individualized assessment of the applicant’s criminal history. If an employer makes a decision not to hire an applicant, based wholly or in part on the applicant’s criminal record or history, the employer must inform the applicant of the basis for the decision at the time he/she is informed of the adverse decision. The adverse action notice must inform the applicant of their right to file a complaint with the Chicago Commission on Human Relations.

**HireRight Screening Considerations:**

**Pre-Adverse and Adverse Action Notice:**

The pre-adverse and adverse action notices that are required by the Chicago Ordinance are in addition to that required under the federal Fair Credit Reporting Act (FCRA) and separately remains the employer’s responsibility. It is important to note that the FCRA does not require that employers identify in the FCRA pre-adverse or adverse action notices an individualized assessment of the candidate’s criminal history, the specific basis for the adverse employment decision, nor inform the applicant of their right to file a complaint with the Chicago Commission on Human Relations. These specific pre-adverse action notice and adverse notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements.

To help you facilitate your compliance with the requirements of the Chicago Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Chicago’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.

In addition, the employer should utilize an FCRA adverse action notice period (e.g., the time period between the FCRA pre-adverse action notice and the FCRA adverse action notice) to ensure that the FCRA adverse action notice is not sent out before the five day period has expired for the applicant to provide notice of inaccuracy in response to the pre-adverse action notice provided by the employer.
Columbia, MO

Law: Columbia Missouri Ordinance No. 22286

Effective Date: December 1, 2014

Coverage – Employer: All public and private employers.

Coverage – Applicant / Employee: All applicants for employment.

Timing of Inquiry: Inquiry into an applicant’s criminal record or history is prohibited on an employment application and until after a conditional offer of employment is made.

Prior Notice Required: N/A

Content Restrictions: N/A

Use Restrictions / Requirements: The ordinance “encourages” employers to not automatically ban applicants with a criminal history. Additionally, while an individualized assessment is not explicitly required, the ordinance provides that employers may make final employment decisions based on all of the information available, including consideration of the frequency, recentness and severity of the criminal record as well as rehabilitation efforts, as compared to the duties and responsibilities of the position.

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations: The timing restrictions do not apply to positions for which employers are required to exclude applicants with certain criminal convictions due to Federal or State law; for which a fidelity bond is required; or where the individual is licensed under the Emergency Medical Systems Act. Employers may notify applicants in writing of the specific offenses that will disqualify an applicant from employment in a particular position.

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until a conditional offer of employment has been made.

HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Cook County, IL

**Law:** Cook County Code § 42-35(h).

**Effective Date:** July 29, 2015

**Coverage – Employer:** An employer of one or more employees that does business in or has its principal place of business in Cook County

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer may not inquire about, consider, or require disclosure of an employee’s criminal record or criminal history when considering an application for employment until the employee has been determined qualified for the position and notified that s/he has been selected for an interview. In the event that the employer will not conduct interviews for the position in question, the employer may not inquire about, consider, or require disclosure of an employee’s criminal record or criminal history until after the employer extends a conditional offer of employment.

**Prior Notice Required:** No

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** None for private employers expressly defined by the Cook County Ordinance. However, the Illinois Human Rights Act provides that employers can base an adverse employment action on an individual’s criminal conviction only if:

- there is a “substantial relationship” between the individual’s criminal offense(s) and the job sought or held; or
- the employer believes that the individual poses an “unreasonable risk” to the property or safety of the employer’s workforce, customers, or members of the public.

**Pre-Adverse / Adverse Action Notice Requirements:** No express requirements for private employers identified in Cook County’s Ordinance. However, the Illinois Human Rights Act outlines six factors that employers must consider as part of the pre-adverse process:

1. The length of time since the conviction
2. The number of convictions that appear on the conviction record
3. The nature and severity of the conviction and its relationship to the safety and security of others
4. The facts or circumstances surrounding the conviction
5. The age of the employee at the time of the conviction, and
6. Evidence of rehabilitation efforts.
As part of the Adverse Action process, employers must identify the “disqualifying conviction or convictions that are the basis for the final decision and the employer’s reasoning for the disqualification,” and notify the candidate of their right to file a complaint with the IL Dept. of Human Rights.

Additional Requirements / Considerations: The criminal history inquiry restrictions do not apply to
- positions for which a satisfactory criminal background is an established bona fide occupational requirement of a particular position or for a particular group of employees;
- positions for which federal or state law requires an employer to exclude employees with certain criminal convictions;
- positions for which a standard fidelity bond or an equivalent bond is required and a conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond;
- positions for which licensure under the Illinois Emergency Medical Services Systems Act is required; or
- positions within any municipal law enforcement or investigative agency which requires a criminal background investigation.

HireRight Screening Considerations:
Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview or a conditional offer has been made.

Pre-Adverse and Adverse Action Notices:
While the Cook County Ordinance contains no specific pre-adverse or adverse action requirements, the Illinois Human Rights Act maintains requirements that are in addition to those required under the federal Fair Credit Reporting Act (FCRA) and separately remains the employer’s responsibility. It is important to note that the FCRA does not require that employers identify in the FCRA pre-adverse or adverse action notices an individualized assessment of the candidate’s criminal history, the specific basis for the adverse employment decision, nor inform the applicant of their right to file a complaint with the Illinois Department of Human Rights. These specific pre-adverse action notice and adverse notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Cook County Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Cook County’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.
De Soto, TX

**Law:** Section 552.003 De Soto Government Code – Fair Chance Hiring

**Effective Date:** January 1, 2022

**Coverage – Employer:** An employer with 15 or more employees whose primary work location is De Soto, TX for each workday in each of 20 or more calendar weeks in the current or preceding calendar year.

**Coverage – Applicant / Employee:** Any applicant for an employer for pay. Includes full-time work, part-time work, temporary or seasonal work, contract work, casual or contingent work, work through the services of a temporary or other employment agency, and participation in a vocational, apprenticeship, or educational training program.

**Timing of Inquiry:** An employer is prohibited from inquiring about a prospective employee’s prior arrests, criminal charges, or convictions on an initial employment application.

**Prior Notice Required:** No.

**Content Restrictions:** De Soto’s Fair Chance Hiring Ordinance does not limit an employer’s authority to make a hiring decision for any lawful reason, including the determination that an individual is unsuitable for the job based on an individualized assessment of the individual’s criminal history.

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** The prohibition against making a criminal history inquiry on an initial employment application applies unless:
- the employer is required to do so by an applicable local, state, or federal law; or
- compliance with a legally mandated insurance or bond requirement.

**HireRight Screening Considerations:**
HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Des Moines, IA

**Law:** Ordinance No. 16,083

**Effective Date:** November 15, 2021

**Coverage – Employer:** Any person in Des Moines employing four or more persons and any person acting directly or indirectly for an employer.

**Coverage – Applicant / Employee:** Any person employed by an employer but does not include an individual employed by that person's parents, spouse, or child or in the domestic service of any person.

**Timing of Inquiry:** After a conditional offer of employment.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** N/A

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after a conditional offer has been made.

HireRight’s [Compliance Workbench](#) makes available many tools to help you facilitate your compliance with this jurisdiction's requirements.
Gainesville, FL

Law: Ordinance No. 2022-617

Effective Date: December 15, 2022

Coverage – Employer: An employer with 15 or more employees whose primary work location is Gainesville, FL, for each workday in each of 4 or more calendar weeks in the current or preceding calendar year.

Coverage – Applicant / Employee: Any applicant for an employer for pay. Includes full-time work, part-time work, temporary or seasonal work, contract work, casual or contingent work, work through the services of a temporary or other employment agency, and participation in a vocational, apprenticeship, or educational training program.

Timing of Inquiry: An employer is prohibited from soliciting criminal history information about an individual or considering criminal history information unless the employer has first made a conditional offer of employment.

Prior Notice Required: No

Content Restrictions: An employer may not solicit from the applicant or otherwise inquire through third-parties about an arrest or criminal accusation made against an individual, other than an arrest or criminal accusation relating to domestic violence, which is not then pending against the applicant, or did not result in a conviction, plea of nolo contendere, or deferred adjudication.

Gainesville’s Ordinance does not preclude an employer from exercising discretion to not hire an applicant for any lawful reason, including the determination that an individual is unsuitable for the job based on an individualized assessment of the individual's criminal history in accordance with federal and state law.

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: The Gainesville Ordinance outlines five factors that employers must consider as part of the individualized assessment conducted as part of the pre-adverse process:

1. The nature and gravity of any offenses in the individual's criminal history
2. The age of the individual at the time of the offense
3. The length of time since the offense and completion of the sentence
4. The nature and duties of the job for which the individual has applied
5. Any information demonstrating the individual’s rehabilitation and good conduct since the occurrence of the criminal offense.
Before taking adverse action against an individual because of the individual's criminal history, an employer must:

A. Inform the individual of the basis for the decision;
B. Provide the individual with the criminal history records used by the employer in consideration of the individual's application; and
C. Provide the individual with a reasonable opportunity to provide the employer with additional context about the criminal history records and any information demonstrating the individual's rehabilitation and good conduct since the occurrence of the criminal offense.

As part of the Adverse Action process: Employers must inform the individual in writing the adverse action was based on the individual's criminal history and include the following statement in the notice:

“This notice is provided in accordance with the City of Gainesville Code of Ordinances, Chapter 14.S, Section 14.5-181, which regulates the process and timing of criminal background checks conducted on job applicants.”

**Additional Requirements / Considerations:** Gainesville's ban the box Ordinance does not apply to public employers (e.g., federal and state governments), tax-exempt clubs, child care facilities as defined by Florida Statutes, care facilities falling under Chapter 400 or 429 of the Florida Statutes, or any other entity who is excluded by operation of federal or state law.

**HireRight Screening Considerations:**
HireRight’s [Compliance Workbench](#) makes available many tools to help you facilitate your compliance with this jurisdiction's requirements.
Grand Rapids, MI

**Law:** Human Rights Ordinance.

**Effective Date:** December 1, 2019

**Coverage – Employer:** Any person compensating one or more individuals for the performance of work in a lawful business or enterprise.

**Coverage – Applicant / Employee:** An individual performing lawful work for another person who does not share familial status with that person, in exchange for monetary compensation.

**Timing of Inquiry:** After conditional offer.

**Prior Notice Required:** N/A

**Content Restrictions:** History of criminal conviction may be considered in employment decisions, although arrest with no conviction may not be considered. An outright ban on prospective employees with a criminal history is prohibited.

**Use Restrictions / Requirements:** Employers must carefully consider, on a case-by-case basis, the nature and severity of the crime, the age of the individual at the time of the crime, whether there have been repeat offenses, whether the individual maintained a good employment history before or after the conviction, evidence of rehabilitation efforts, and whether the crime for which the individual was convicted may pose a demonstrable risk to the health, safety or welfare of other employees or persons or to property.

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** N/A

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after an initial interview or conditional offer has been made.

HireRight’s [Compliance Workbench](#) makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Kansas City, MO

**Law:** Kansas City Code of Ordinances § 38-104(a)(2)

**Effective Date:** June 9, 2018

**Coverage – Employer:** Private employers with six or more employees

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer cannot inquire about an applicant’s criminal history until after the employer has determined that the individual is otherwise qualified for the position, and only after interviewing the applicant for the position. The inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

**Prior Notice Required:** No.

**Content Restrictions:** “Criminal history” means a record of a conviction, or a plea of guilty or no contest, to a violation of a federal or state criminal statute or municipal ordinance; records of arrests not followed by a valid conviction; convictions which have been annulled or expunged; pleas of guilty without conviction; convictions for which a person received a suspended impositions of sentence; and misdemeanor convictions where no jail sentence can be imposed.

**Use Restrictions / Requirements:** An employer cannot base a hiring or promotional decision on an applicant’s criminal history or related sentence, unless the employer can demonstrate that the employment–related decision was based on all information available including consideration of the frequency, recentness, and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** The prohibitions and requirements of the ordinance do not apply to positions where employers are required to exclude applicants with certain criminal convictions from employment due to local, state, or federal law or regulation.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview and the applicant has been deemed qualified for the position.
Los Angeles, CA

**Law:** Los Angeles Fair Chance Initiative for Hiring Ordinance

**Effective Date:** January 22, 2017

**Coverage – Employer:** Any private employer that employs at least 10 individuals.

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer cannot inquire about or require disclosure of an applicant’s criminal history unless and until the employer has made a conditional offer of employment to the applicant.

“Conditional offer of employment” means an employer’s offer of employment to an applicant conditioned only on an assessment of the applicant’s criminal history, if any, and the duties and responsibilities of the employment position.

**Prior Notice Required:** Not expressly within background check. However, employers must post a notice informing applicants of the provisions of the ordinance in a conspicuous place at every workplace, job site or other location in the City under the employer’s control and visited by applicants, and must send a copy of the notice to each labor union or representative of workers with which they have a collective bargaining agreement or other agreement or understanding that is applicable to employees in the City.

**Content Restrictions:** An employer is prohibited from asking about any arrest information unless it results in a conviction. The ordinance defines “criminal history” as means information regarding one or more convictions, transmitted orally or in writing or by any other means, and obtained from any source, including, but not limited to, the individual to whom the information pertains and a criminal history report.
Use Restrictions / Requirements: An employer cannot take “adverse action” because of an individual’s criminal history without first conducting a “written assessment that effectively links the specific aspects” of the applicant’s criminal history “with risks inherent in the duties” of the position sought.

In conducting an individualized assessment, an employer must, at minimum, consider the factors set forth by the U.S. Equal Employment Opportunity Commission, such as
- the time that has elapsed since the offense;
- the individual’s age at the time of the offense;
- circumstances surrounding the offense;
- the number of offenses for which the individual has been convicted;
- employment history before and after conviction; and
- evidence of rehabilitation, and other mitigating factors. But employers must also apply other factors as may be required by rules and guidance issued by the Department of Public Works, Bureau of Contract Administration (“Department”), who bears administrative responsibilities for this Ordinance.

Pre-Adverse / Adverse Action Notice Requirements: An employer, prior to taking an adverse action against an applicant, must provide the applicant with a fair chance process, including the provision of written notification of the proposed adverse action, a copy of the written assessment performed as part of the fair chance process, and any other information or documentation supporting the employer’s proposed adverse action. The “fair chance process” is an opportunity for an applicant to provide information or documentation to an employer regarding the accuracy of his/her criminal history or criminal history report or that should be considered in the employer’s assessment, such as evidence of rehabilitation or other mitigating factors. This assessment must effectively link specific aspects of the applicant’s criminal history with risks inherent in the duties of the employment position sought. The employer must, at minimum, consider the factors identified by the EEOC Enforcement Guidance.

The employer cannot take an adverse action or fill the employment position the applicant seeks for a period of at least 5 business days after informing the applicant of the proposed adverse action in order to allow the applicant to complete the fair chance process. If the applicant provides the employer with any information or documentation pursuant to the fair chance process, then the employer must consider the information or documentation and perform a written reassessment of the proposed adverse action. If the employer, after performing the reassessment of the proposed adverse action, takes the adverse action against the applicant, then the employer must notify the applicant of the decision and provide that applicant with a copy of the written reassessment. If the applicant does not submit any documentation within the five-business-day time period, the employer can take the proposed adverse action decision without any additional requirements under the Ordinance. Note that the employer must comply with the California Fair Chance Act’s adverse action requirements, including notifying the candidate of their right to file a complaint with the California Department of Fair Employment and Housing.
**Additional Requirements / Considerations:** The prohibition against criminal history inquiries and the fair chance process requirement do not apply in the following circumstances:

- The employer is required by law to obtain information regarding an applicant’s conviction(s)
- The applicant would be required to possess or use a firearm in the course of his or her employment, or
- An individual who has been convicted of a crime is prohibited by law from holding the position the applicant seeks, regardless of whether that conviction has been expunged, judicially ordered sealed, or statutorily eradicated.

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after a conditional offer has been made.

**Pre-Adverse and Adverse Action:**
The pre-adverse and adverse action notices that are required by the Los Angeles Fair Chance Hiring Ordinance are in addition to the pre-adverse and adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note, e.g., that the FCRA does not require that employers complete and provide an individualized assessment and follow the prescribed Fair Chance Process as required by the Los Angeles Ordinance, nor does it require that the employer informs the applicant of their right to file a complaint with the California Department of Fair Employment and Housing. These specific pre-adverse action notice and adverse notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Los Angeles Fair Chance Hiring Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Los Angeles’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.

The City of Los Angeles makes available information and sample templates on its website. Click [here](#) for more details.
Montgomery County, MD

Law: Montgomery City Council Bill 35-20 (Amends Bill 36-14)

Effective Date: January 1, 2015 February 19, 2021 (as amended)

Coverage – Employer: Any person or entity operating or doing business in Montgomery County that employs one or more full-time persons.

Coverage – Applicant / Employee: Any work for pay and any form of vocational or educational training, with or without pay.

Timing of Inquiry: An employer cannot inquire into or require disclosure of an applicant’s criminal history until after a conditional offer of employment has been made.

Prior Notice Required: N/A

Content Restrictions: Employers are prohibited from considering the following:
- Arrests for a matter that did not result in a conviction
- First convictions for trespass, disturbing the peace, or misdemeanor assault in the second degree, or
- Misdemeanor convictions, if at least three years have passed since the date of conviction and the date that any period of incarceration for the misdemeanor ended.

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: Before rescinding a conditional offer of employment based on the applicant’s criminal record, the employer must
- provide the applicant with a copy of the criminal record report;
- notify the applicant of the employer’s intent to rescind the offer and the specific items of information that are the basis for that intention; and
- delay rescinding the conditional offer for seven days so that the applicant can give the employer notice of an inaccuracy of any item(s) on which the intention to rescind the offer is based.

Notification of a rescission of a conditional offer of employment must be in writing.

Additional Requirements / Considerations: There are a number of exemptions to the requirements of the legislation, including but not limited to where inquiring into an applicant’s criminal history is expressly authorized by applicable federal, State or local law or regulation (see § 27-74).
**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview.

**Pre-Adverse and Adverse Action Notices:**
The pre-adverse / adverse action notices that are required by the Montgomery County law are in addition to the pre-adverse / adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note, e.g., that the FCRA does not require that employers identify in the pre-adverse action notice the specific items of information upon which the employer intends to base its adverse employment decision. These specific pre-adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Montgomery County Law, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Montgomery County’s specific additional requirements – which you can do either by using HireRight’s [Compliance Workbench](#) functionality or by managing these notices outside of the HireRight system.

In addition, the employer should utilize an FCRA adverse action notice period (e.g., the time period between the FCRA pre-adverse action notice and the FCRA adverse action notice) to ensure that the FCRA adverse action notice is not sent out before the 7 day period has expired for the applicant to provide notice of inaccuracy in response to the pre-adverse action notice provided by the employer.
New York City, NY

**Law:** Prohibiting discrimination based on one's arrest record or criminal conviction (Int 0318-2014) amended by Int. 1314-A

**Effective Date:** October 27, 2015 (amendments effective July 29, 2021)

**Coverage – Employer:** Employers with four or more employees (includes independent contractors who are not themselves employers and temporary employment firms).

**Coverage – Applicant / Employee:** All applicants for employment and employees of the employer.

**Timing of Inquiry:** Inquiry into an applicant’s pending arrest or criminal conviction record is prohibited on an employment application (or otherwise in writing) and until after a conditional offer of employment is made. This prohibition specifically extends to searches of publicly available records and obtaining any consumer reports for the purpose of obtaining an applicant’s criminal history.

If a temporary agency/firm, then a conditional offer of employment is when the applicant is placed in the agency/firm's general candidate pool.

**Prior Notice Required:** NY Article 23-A

**Content Restrictions:** Employers cannot inquire about any non-pending arrest or criminal accusation that was terminated in favor of the individual; that resulted in a youthful offender adjudication; or that was sealed (see New York State Executive Law Article 15, Section 296(16)).

**HireRight does not report dismissals or non-convictions; youthful offender adjudications, or sealed records on New York applications.**
White Paper       “Ban the Box” and Fair Chance Hiring Laws

Use Restrictions / Requirements: Employers cannot deny employment or act adversely upon any employee based on any non-pending arrest or criminal accusation that was terminated in favor of the individual; that resulted in a youthful offender adjudication; or that was sealed (see New York State Executive Law Article 15, Section 296(16)).

Pre-Adverse / Adverse Action Notice Requirements: Before taking any adverse employment action based on an applicant's arrest or conviction record, the employer must
  ■ provide the applicant a written copy of the inquiry*;
  ■ perform the analysis required under Article 23-A of the New York Correction Law;
  ■ provide a written copy of the employers Article 23-A analysis, including any supporting documentation*;
  ■ allow the applicant a reasonable time to respond (which must be no less than three business days); and
  ■ hold the position open for the applicant during this time.

* Following rules prescribed by the New York City Commission on Human Rights.

Additional Requirements / Considerations: Employers cannot put any information into a job solicitation, advertisement or publication that expresses, either directly or indirectly, any limitation on employment based on a person's arrest or criminal conviction history.

A conditional offer can only be revoked based on the following:
  ■ The results of a criminal background check after the Fair Chance Act process has been followed
  ■ The results of a medical exam permitted by the American with Disabilities Act, or
  ■ “Other information [that] the employer could not have reasonably known before making the conditional offer if the employer can show as an affirmative defense that, based on the information, it would not have made the offer regardless of the results of the criminal background check.”

The revised Fair Chance Act provides numerous additional protections for criminal ex-offenders:
  ■ Under the amended law, an employer must request information from the candidate for each criminal assessment factor established by New York Corrections Law, Article 23-A.
  ■ Employers must provide five business days for candidates to respond to the employer's Article 23-A assessment under the FCA before taking adverse action.
  ■ Non-criminal offenses and violations cannot be considered as part of the employment process.
  ■ Employers must now conduct individualized assessments of a candidate or employee's arrest or pending criminal charges; automatic bars to employment are prohibited.
  ■ While employed, individuals convicted of a criminal charge are now afforded the review and assessment process prescribed by the city's Fair Chance Act.
  ■ Inquiries into and assessment of “non-pending” arrests, criminal affairs that are under consideration for dismissal, adjudications disposed as a youthful offender, and sealed offenses are barred.
The timing and adverse action requirements do not apply

- if any federal (including rules or regulations promulgated by a self-regulatory organization as defined in § 3(a)(26) of the Securities Exchange Act of 1934), state or local law requires criminal background checks for employment or bars employment based on criminal history.
- to an applicant for employment:
  - as a police officer, peace officer, or at a law enforcement agency;
  - for a position determined by the Commissioner of Citywide Administrative Services to involve law enforcement, to be susceptible to bribery or corruption, or to entail the provision of services to vulnerable persons (but a copy of the NY Article 23-A analysis must be provided).

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until a conditional offer of employment has been made.

**Bifurcated Screening Process:**
The NYC Fair Chance Act specifically requires that an employer conduct all checks necessary to validate that a candidate is qualified for the position before an offer can be considered a “conditional offer of employment.” The HireRight platform can be used by employers to facilitate compliance with the NYC’s Fair Chance Act. Employers may choose to modify their disclosures and authorizations for screening of NYC workers and implement a two-step screening process by establishing separate screening packages.

The first screening step would include all non-criminal components. The second step would include checks returning criminal information. Note that MVR checks may contain traffic-related criminal information and should be delayed until the second screening step. Employers would only initiate the second step after the candidate has affirmatively met their hiring criteria based on the results of the first step and a conditional offer of employment has been extended to the candidate.

Disclosures and authorizations may also need to be revised to remove references to criminal screening in the first step. The second screening step may reference criminal screening and include a copy of New York Article 23-A.

**Pre-Adverse Action Notices:**
The pre-adverse action notices that are required by the New York City law are in addition to the pre-adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note, e.g., that the FCRA does not require that employers perform an individualized assessment (as required by New York Corrections Law Article 23-A) or provide an analysis of its assessment. These specific pre-adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse
action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the New York City Law, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with New York City’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.
Philadelphia, PA

Law: Bill No. 11-0111 - A Fair Criminal Records Screening Standards

Effective Date: July 12, 2011 (Revised February 2021 – Effective April 1, 2021)

Coverage – Employer: Private employer means any person, company, corporation, labor organization or association which employs any persons within the City of Philadelphia. It includes job placement and referral agencies [and], other employment agencies, and any third-party person or entity that facilitates the relationship of work for pay between two other parties, as full-time or part-time employees or as independent contractors.

Coverage – Applicant / Employee: Employee means any person employed or permitted to work at or for a Private Employer within the geographic boundaries of the City, including as an independent contractor, transportation network company driver, rideshare driver, or other gig economy worker.

Timing of Inquiry: An employer may not inquire about or require disclosure of any criminal convictions until after a conditional offer of employment has been extended to the Applicant or Employee.

Prior Notice Required: An employer may give notice...of its intent to conduct a criminal background check after any Conditional offer of employment, promotion or re-employment is made, provided that such notice shall be concise, accurate, made in good faith, and shall state that any consideration of the background check will be tailored to the requirements of the job.

Content Restrictions: Employers cannot inquire about or require disclosure of any juvenile records and non-pending arrest or criminal accusation that did not result in a conviction.

Use Restrictions / Requirements: Employers cannot reject a candidate based on a criminal record unless the conviction “bears such relationship to the employment sought that the employer may reasonably conclude that the applicant would present an unacceptable risk to the operation of the business or co-workers or to customers,” and excluding the candidate from employment is “compelled by business necessity.” If a criminal background check reveals a conviction, the employer must consider

- the nature of the offense;
- the time that has passed since the offense occurred;
- its connection to the job that the candidate applied for; and
- the candidate’s job history, character references, and any evidence of rehabilitation.
**Pre-Adverse / Adverse Action Notice Requirements:** If an employer rescinds a conditional offer based in whole or in part on the candidate’s criminal history, the employer must provide the candidate with a written notice, including a copy of the criminal history report relied on for the adverse decision.

**Additional Requirements / Considerations:** Employers must allow a candidate ten business days to dispute the accuracy of the criminal history reported, provide an explanation, or submit proof of rehabilitation. There are certain exemptions to the requirements of the Philadelphia ordinance (see § 9-3505).

**HireRight Screening Considerations:***

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until the employer has conducted an initial interview. If there is no interview, the employer should not request that HireRight perform any criminal history searches.

**Reporting Guidelines:**
In addition, employers that screen applicants/employees to which the protections of the Philadelphia Ordinance may apply should consider implementing custom HireRight reporting guidelines to ensure that the criminal history information reported by HireRight does not exceed that which the employer is permitted to obtain/consider. HireRight does report, where it is legally permissible for HireRight to do so and in accordance with the search depth selected by the customer, criminal history information for up to 7 years about matters that were dismissed or for which a conviction did not result.** If the employer does not want such custom guidelines to apply to any applicants other than those to which the Philadelphia Ordinance may apply, then the employer should consider establishing a separate HireRight account for the screening of such Philadelphia applicants.

**Pre-Adverse & Adverse Action:**
The pre-adverse action notices that are required by the Philadelphia Ordinance are in addition to the pre-adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note that the FCRA does not require that employers perform an individualized assessment as required by the Philadelphia Ordinance. These specific pre-adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Philadelphia Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Philadelphia’s specific
additional requirements – which you can do either by using HireRight's Compliance Workbench functionality or by managing these notices outside of the HireRight system.

In addition, the employer should utilize an FCRA adverse action notice period (e.g., the time period between the FCRA pre-adverse action notice and the FCRA adverse action notice) to ensure that the FCRA adverse action notice is not sent out before the 10 day period has expired for the applicant to provide notice of inaccuracy in response to the pre-adverse action notice provided by the employer.
Portland, OR

**Law:** Portland City Code § 23.10.030.

**Effective Date:** January 1, 2016

**Coverage – Employer:** Any employer with six or more employees, at least one of whom is in a “position being performed a majority of the time within the City of Portland.”

**Coverage – Applicant / Employee:** Any applicant for employment.

**Timing of Inquiry:** An employer may conduct a criminal background check after extending a conditional offer of employment to the applicant.

**Prior Notice Required:** N/A

**Content Restrictions:** An employer is prohibited from considering the following types of criminal history after making a conditional offer of employment:

- Any arrest history that did not lead to conviction or juvenile adjudication, unless the related crime or act that would be a crime if committed by an adult is unresolved, or related criminal charges or pending against the applicant
- Any conviction history and related arrest history that has been judicially voided or expunged, or
- Any criminal history that was resolved through the completion of a diversion deferral-of-judgment program for offenses not involving physical harm or attempted physical harm to a person.

**Use Restrictions / Requirements:** In making the determination of whether an applicant's criminal history is job related for the position in question and consistent with business necessity, an Employer must conduct an individualized assessment of:

1. The nature and gravity of the criminal offense
2. The time that has elapsed since the criminal offense took place, and
3. The nature of the Employment held or sought.

**Pre-Adverse / Adverse Action Notice Requirements:** If, after consideration of an applicant’s criminal history an employer rescinds the conditional offer of employment, the employer must notify the applicant in writing of its decision. The written notification must identify the relevant criminal convictions on which the decision is based.
Additional Requirements / Considerations: The prohibition against inquiring into an applicant’s criminal history does not apply to certain categories of employers, including

- employers that are required by law to consider an applicant’s criminal history;
- law enforcement agencies and employers in the criminal justice system; and
- employers seeking nonemployee volunteers.

The prohibition against criminal history inquiries also does not apply to certain categories of job positions. For these positions, an employer may consider an applicant’s criminal history at any point in the hiring process, and may use the City Criminal History Matrix to screen applicants, but must nonetheless comply with all other requirements of the ordinance. The employer must conduct an individualized assessment for any criminal convictions not contained on the City Criminal History Matrix.

The following positions fall within this category:

- Positions involving direct access to or the provision of services to children, the elderly, persons with disabilities, persons with a mental illness, or individuals with alcohol or drug dependence or substance abuse disorders
- Positions which have been determined by administrative rule to present heightened public safety concerns or a business necessity
- Positions designated by the employer as part of a federal, state or local government program designed to encourage the employment of those with criminal histories.

HireRight Screening Considerations:
Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after a conditional offer has been made.

The adverse action notice that is required by the Portland ordinance is in addition to the pre-adverse / adverse action notice that is required under the federal Fair Credit Reporting Act and separately remains the employer’s responsibility even if the employer utilizes HireRight’s Adverse Action services for FCRA compliance. Specifically, it is important to note that the FCRA does not require that employers identify in the adverse action notice the specific items of information upon which the employer intends to base its adverse employment decision. These specific adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Portland Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Portland’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.
Prince George’s County, MD

Law: CB-078-2014

Effective Date: January 3, 2015

Coverage – Employer: Any person or entity operating and doing business in Prince George’s County, Maryland and that employs 25 or more persons full time in the County (including County government but excluding the US or any state government or any other local government).

Coverage – Applicant / Employee: Any applicant for employment in Prince George’s County, Maryland.

Timing of Inquiry: An employer cannot inquire about or require disclosure of the existence or details of an applicant’s arrest or conviction record on an employment application.

An employer cannot require an applicant to disclose, conduct a criminal background check or otherwise inquire into an applicant’s arrest or conviction record until the conclusion of an initial interview.

Prior Notice Required: N/A

Content Restrictions: N/A

Use Restrictions / Requirements: In connection with making an employment decision based on an applicant’s arrest or conviction record, the employer is required to perform an individualized assessment that considers the following:

■ Only those offenses that may demonstrate unfitness to perform the duties of the position
■ The length of time that has lapsed since those specific offenses, and
■ Any evidence of inaccuracy in the record.

Pre-Adverse / Adverse Action Notice Requirements: If an employer intends to rescind an offer of employment based on one or more items of information in the applicant’s criminal history record, then before rescinding the offer the employer must

■ provide the applicant with a copy of the criminal history report;
■ notify the applicant of the employer’s intention to rescind the offer and the specific item(s) of information that is/are the basis for such intention; and
■ delay rescinding the offer by at least seven days to allow the applicant the opportunity to notify the employer of any inaccuracy of any item(s) of information that are the basis for the employer’s intention to rescind the offer.
If the employer makes a final decision to rescind an offer of employment based on the applicant's arrest or conviction record, the employer must provide written notice to the applicant of the rescission.

Additional Requirements / Considerations: There are several exemptions to the prohibitions and requirements of the Prince George's County law, including but not limited to public safety agencies; employers that provide services or care for minors or vulnerable adults; where inquiring into or use of an applicant's criminal history is specifically authorized by applicable federal, State, or County law or regulation; and positions that have been determined by the County to have access to confidential or proprietary business or personal information, money or items of value, or involving emergency management (see § 2-231.06).

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until the employer has conducted an initial interview.

Pre-Adverse and Adverse Action Notices:
The pre-adverse / adverse action notices that are required by the Prince George's County law are in addition to the pre-adverse / adverse action notices required under the federal Fair Credit Reporting Act (FCRA). While some of the requirements may overlap, it is important to note, e.g., that the FCRA does not require that employers identify in the pre-adverse action notice the specific items of information upon which the employer intends to base its adverse employment decision. These specific pre-adverse action notice requirements therefore are not satisfied by HireRight's standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Prince George's County Law, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Prince George's County's specific additional requirements – which you can do either by using HireRight's Compliance Workbench functionality or by managing these notices outside of the HireRight system.

In addition, the employer should utilize an FCRA adverse action notice period (e.g., the time period between the FCRA pre-adverse action notice and the FCRA adverse action notice) to ensure that the FCRA adverse action notice is not sent out before the 7 day period has expired for the applicant to provide notice of inaccuracy in response to the Prince George's County pre-adverse action notice provided by the employer.
Rochester, NY

Law: City of Rochester Municipal Code Chapter 63, Article II

Effective Date: November 18, 2014

Coverage – Employer: The City, its vendors and any entity that employs four or more persons whose primary place of work is within the City of Rochester.

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: The employer cannot inquire into or require disclosure of an applicant's prior criminal conviction(s) until after any initial employment interview or a conditional offer of employment has been made.

Prior Notice Required: If an employer does not conduct an interview, that employer must inform the applicant whether a criminal background check will be conducted before employment is to begin.

Content Restrictions: Employers are prohibited from asking at any time for applicants to disclose information about any arrest that resulted in a youthful offender adjudication; any arrest that was processed as a juvenile delinquency proceeding in Family Court; any arrest that resulted in a sealing; or any conviction that was sealed, unless the inquiry is specifically required or permitted by New York State or federal law.

Use Restrictions / Requirements: Employers are reminded in the Rochester law of their obligation to comply with Article 23-A of the New York State Correction Law and the federal Fair Credit Reporting Act (FCRA) when considering an applicant's prior criminal convictions.

Pre-Adverse / Adverse Action Notice Requirements: N/A

Additional Requirements / Considerations: Any employer hiring for positions where certain convictions are a bar to employment under New York State or federal law or where criminal conviction inquiries are required by a licensing agency or New York State or federal law, may inquire about those convictions during the application process. The law similarly does not apply with respect to applicants for positions in the City Police or Fire Departments.

An employer must comply with Article 23-A of the New York State Correction Law when considering an applicant's prior criminal convictions in determining suitability for employment.
HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview.

Prior Notice:
If an employer does not conduct an interview, the employer (or anyone acting on its behalf) should not submit a request to HireRight to perform a criminal background check until after applicant has been informed that a criminal background check will be conducted before employment is to begin. Employers should evaluate with their legal counsel the language of the FCRA-compliant background check disclosure and authorization form that is presented to their applicants to determine if such form may also satisfy the requirements of the Rochester statute, or whether a separate prior notice is needed. If the latter, such notice will need to be provided separately by the employer to their applicant (and will not be managed by HireRight even if the employer otherwise uses HireRight’s e-Consent functionality).

HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
San Francisco, CA

**Law:** San Francisco Ordinance No. 131192 - Fair Chance Ordinance

**Effective Date:** August 13, 2014 (Amended April 3, 2018)

**Coverage – Employer:** Any employer with 5 or more employees (regardless of location) that is located or doing business in the City and County of San Francisco. The City and County of San Francisco and any other federal, state or local government are excluded from coverage of the Fair Chance Ordinance (“FCO”).

**Coverage – Applicant / Employee:** Any applicant for employment that will be physically located in whole or substantial part (at least 8 hours of work per week) in the City and County of San Francisco. If the applicant will be performing work under a contract or lease with the City and County of San Francisco, the applicant is covered regardless of the physical location from which the work will be performed.

**Timing of Inquiry:** An employer may not inquire into an applicant’s criminal conviction or unresolved arrest history until after a conditional offer of employment.

**Prior Notice Required:** Prior to any inquiry into an applicant's conviction history, the employer must provide the applicant with a copy of the notice prescribed by the San Francisco Office of Labor Standards Enforcement (“OLSE”). The official OLSE notices provided in English, Spanish, Chinese, and Tagalog can be accessed [here](#).

Additionally, the employer must provide notice to the applicant that a background check report is being sought as required by the California Investigative Consumer Reporting Agencies Act (ICRAA), [CA Civil Code § 1786](#), et seq. and the federal Fair Credit Reporting Act (FCRA), [15 US Code § 1681](#), et seq.

**Content Restrictions:** An employer cannot, at any time, inquire about or require disclosure of

- arrests not leading up to a conviction;
- participation in or completion of a diversion or deferral of judgment program;
- convictions that have been judicially dismissed, expunged, voided, invalidated, or otherwise rendered inoperative;
- a conviction or adjudication in the juvenile justice system;
- convictions more than seven years old with date of conviction being date of sentencing;
- any information about offenses that are not a felony or misdemeanor (such as an infraction); or
- a conviction that arises out of conduct that has been decriminalized since the date of the conviction, the date of the conviction being the date of sentencing. Examples of statutes that have decriminalized particular conduct include but are not limited to [California Health and Safety Code Sections 113 62.1 and 113 62.2](#).
Use Restrictions / Requirements: An employer cannot base an adverse employment decision on any of the types of information into which it is prohibited from inquiring.

Individualized assessment required:
In making an employment decision based on an applicant's conviction history, the employer must conduct an individualized assessment, considering only
- convictions that are directly related to the applicant's ability to perform the duties of the job;
- the time that has elapsed since the conviction or unresolved arrest;
- any evidence of inaccuracy; and
- any evidence of rehabilitation or other mitigating factors.

Pre-Adverse/Adverse Action Notice Requirements: Prior to taking any adverse action based on the applicant or employee's conviction history, the employer must provide the applicant copy of the background check report, if any, and must notify the applicant of the prospective adverse action and the specific items of information which form the basis of the prospective decision.

The applicant must give the employer evidence of any inaccuracy, rehabilitation or mitigating factors within seven days of receiving the employer's notice. If any such information is provided, the employer must delay any adverse action for a reasonable period of time and must, during that time, reconsider its employment decision in light of the information provided.

Upon taking any final adverse employment action, the employer must notify the applicant or employee of the final adverse action.

Additional Requirements / Considerations: Advertisements: Employers may not suggest in any employment advertisements that persons with an arrest or conviction history will not be considered. Employers are required to state in all employment advertisements that the employer will consider all qualified applicants with criminal histories in a manner consistent with the requirements of the FCO.

Postings: the OLSE notices are required to be posted in a conspicuous place at every workplace in San Francisco.

Click [here](#) for an FAQ published by the OLSE about the FCO. In addition, click [here](#) to access a web page maintained by the OLSE about the FCO.

**HireRight Screening Considerations:**
**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview or following a conditional offer of employment, as applicable. Additionally, employers should only request criminal history searches to the extent they are directly related to the position.
Prior Notice and Pre-Adverse/Adverse Action Notices:
The OLSE prescribed notice and pre-adverse / adverse action notices that are required by the San Francisco FCO are in addition to those required under the FCRA and separately remain the employer’s responsibility. These notices are not managed by HireRight, even if the employer utilizes HireRight’s e-Consent and/or Adverse Action services for FCRA compliance. Specifically, employers that use HireRight’s e-Consent functionality will need to separately provide a copy of the OLSE prescribed notice to their applicants/employees. Likewise, while some of the San Francisco FCO pre-adverse/adverse action notice requirements may overlap with the FCRA pre-adverse/ adverse action notice requirements, it is important to note that some do not. E.g., the FCRA does not require that employers identify in the FCRA pre-adverse action notice the specific items of information upon which the employer intends to base its adverse employment decision, nor does the FCRA require that the employer informs the applicant of their right to file a complaint with the California Department of Fair Employment and Housing.

These specific pre-adverse action notice and adverse notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the San Francisco Fair Chance Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a “client review required” (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with San Francisco’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.

In addition, the employer should utilize an FCRA adverse action notice period (e.g., the time period between the FCRA pre-adverse action notice and the FCRA adverse action notice) to ensure that the FCRA adverse action notice is not sent out before the 7 day period has expired for the applicant to provide notice of inaccuracy in response to the pre-adverse action notice provided by the employer.

HireRight Account Setup:
Additionally, employers that screen applicants/employees to which the protections of the San Francisco FCO may apply should consider (and evaluate with their counsel) taking San Francisco FCO-related compliance steps relative to their HireRight screening program, including without limitation:

- Establish a separate HireRight account for the screening of applicants to which the San Francisco FCO may apply.
- Scope of Searches: Establish separate screening package(s) within its San Francisco screening account that provide for criminal history searches that are directly related to each of the positions for which the employer may conduct background screening.
- Reporting Guidelines: Implement custom HireRight reporting guidelines within their San Francisco screening account to ensure that the criminal history information reported by HireRight does not exceed that which the employer is permitted to obtain/consider.
** While HireRight has implemented certain reporting guidelines for California applicants (as determined by the applicant’s home address as provided to HireRight), these guidelines are not coextensive with the content restrictions of the San Francisco Ordinance. As it relates to California applicants generally, HireRight does not report the following types of criminal history information:

- Convictions older than seven years (based on date of disposition, release or parole, whichever is latest)
- Pardoned convictions
- Arrest records (unless active/pending)
- Active/outstanding arrest warrants older than seven years (based on date of warrant issuance)
- Any dismissals or non-convictions (including cases dismissed pursuant to CA Penal Code 1203.4)
- Diversion and deferred/withheld adjudications (pending or completed)
- Expunged, sealed or statutorily eradicated records, or
- Misdemeanor marijuana convictions older than two years.

For additional information about HireRight’s standard Criminal Reporting Guidelines, HireRight customers may access HireRight’s Summary of Matching and Reporting Guidelines (for employment screening purposes) by logging-in to their HireRight account and clicking the Help & Training link from the left-side navigation menu; then click the Training & Documentation link. From the list of training modules, select “Summary of Matching and Reporting Guidelines.”
Seattle, WA

**Law:** Seattle Municipal Code, Title 14, Chapter 14.17

**Effective Date:** November 1, 2013

**Coverage – Employer:** Any person who has one or more employees, excluding the US government, the State of Washington, and any county or local government other than the City of Seattle.

**Coverage – Applicant / Employee:** Any applicant for employment and employees who perform services within the City of Seattle at least 50% of the time. Coverage does not apply to law enforcement or to individuals who will or may have unsupervised access to children under age 16, developmentally disabled persons, or vulnerable adults.

**Timing of Inquiry:** An employer may perform a criminal background check on an applicant after the employer has completed an initial screening of applications or resumes.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** Employers cannot base an adverse employment decision on an applicant/employee’s arrest record.

Employers cannot base an adverse employment decision based solely on an applicant/employee’s criminal conviction record, pending criminal charge or conduct related to an arrest record unless the matter

- will negatively impact the applicant/employee’s fitness for or ability to perform the job; or
- will harm or injure people, property, business reputation, or business assets and the employer has considered:
  - the seriousness of the matter
  - the number and types of convictions or pending criminal charges
  - the time that has elapsed, including periods of incarceration
  - verifiable evidence of rehabilitation or good conduct
  - the specific duties and responsibilities of the position, and
  - the place and manner in which the position will be performed.

**Pre-Adverse/ Adverse Action Notice Requirements:** Before taking an adverse employment action based solely on an applicant/employee’s criminal conviction record, pending criminal charge or conduct related to an arrest record, the employer must identify the specific records upon which the action is intended to be based and allow the applicant/employee a reasonable opportunity to explain or correct that information. The
employer must hold a position open for a minimum of two business days after providing such notice to the applicant/employee. Thereafter, the employer may (but is not required) to hold a position open until a pending charge is resolved or until questions about an applicant/employee’s criminal conviction history or conduct relating to an arrest are resolved.

**Additional Requirements / Considerations:** N/A

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the employer has completed an initial screening of applications or resumes.

**Pre-Adverse Action Notice:**
The pre-adverse action notice that is required by the Seattle ordinance is in addition to the pre-adverse / adverse action notice that is required under the federal Fair Credit Reporting Act and separately remains the employer’s responsibility even if the employer utilizes HireRight’s Adverse Action services for FCRA compliance. Specifically, it is important to note that the FCRA does not require that employers identify in the pre-adverse action notice the specific items of information upon which the employer intends to base its adverse employment decision. These specific pre-adverse action notice requirements therefore are not satisfied by HireRight’s standard Adverse Action notice service, which is designed primarily for fulfilling the FCRA pre-adverse action notice and adverse action notice requirements. To help you facilitate your compliance with the requirements of the Seattle Ordinance, the HireRight system will automatically convert any adjudication status in this jurisdiction that would otherwise trigger a pre-adverse action notice to a "client review required" (or equivalent adjudication status) so that the system will not automatically send out the standard pre-adverse action notice. This will afford you the opportunity to comply with Seattle’s specific additional requirements – which you can do either by using HireRight’s Compliance Workbench functionality or by managing these notices outside of the HireRight system.
Spokane, WA


Effective Date: June 14, 2018

Coverage – Employer: All employers within the City of Spokane.

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: The Spokane Fair Chance Hiring ordinance prohibits employers from

■ including any question in an application for applicable employment, inquiring orally or in writing, receiving information through a criminal history background check, or otherwise obtaining information about an employee’s arrest or conviction record until after the employee has participated in an in-person or video interview or received a conditional offer of employment; or

■ using, distributing, or disseminating an employee’s arrest or conviction record except as required by law.

Prior Notice Required: N/A

Content Restrictions: N/A

Use Restrictions / Requirements: An employer cannot disqualify an employee from applicable employment solely because of a prior arrest or conviction unless the conviction is related to significant duties of the job or disqualification is otherwise allowed under the ordinance. Further, the employer cannot reject or disqualify an applicant for failure to disclose a criminal record prior to an initial determination that the applicant is otherwise qualified for the position.

“Otherwise qualified” means that the applicant meets the basic criteria for the position as set out in the advertisement or job description without taking into account the existence or absence of a criminal conviction or arrest record.

Pre-Adverse / Adverse Action Notice Requirements: N/A

HireRight Screening Considerations:

Timing:

Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after a conditional offer has been made.
St. Louis, MO

Law: St. Louis City Ordinance 71047.

Effective Date: January 1, 2021

Coverage – Employer: Private employers with ten or more employees.

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: An employer cannot inquire about an applicant’s criminal history until after the employer has determined that the individual is otherwise qualified for the position, and only after interviewing the applicant for the position. The inquiry may be made of all applicants who are within the final selection pool of candidates from which a job will be filled.

Prior Notice Required: No.

Content Restrictions: “Criminal history” means a record of a conviction, or a plea of guilty or no contest, to a violation of a federal or state criminal statute or municipal ordinance; records of arrests not followed by a valid conviction; convictions which have been annulled or expunged; pleas of guilty without conviction; convictions for which a person received a suspended impositions of sentence; and misdemeanor convictions where no jail sentence can be imposed.

Use Restrictions / Requirements: An employer cannot base a hiring or promotional decision on an applicant’s criminal history or related sentence, unless the employer can demonstrate that the employment-related decision was based on all information available including consideration of the frequency, recentness and severity of a criminal record and that the record was reasonably related to the duties and responsibilities of the position.

Pre-Adverse / Adverse Action Notice Requirements: N/A

HireRight Screening Considerations:

Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after the initial interview and the applicant has been deemed qualified for the position.
Suffolk County, NY

**Law:** Local Law No 14 of the Year 2020...To Ensure Fair Employment Screening In Suffolk County.

**Effective Date:** August 25, 2020

**Coverage – Employer:** Employers located within Suffolk County with 15 or more employees.

**Coverage – Applicant / Employee:** Any person considered or who requests to be considered for employment by an employer,” including, among other things, temporary or seasonal work, contracted work, contingent work, and work through a temporary staffing agency.

**Timing of Inquiry:** An employer cannot consider an applicant’s prior convictions until after an application has been submitted and an initial interview of the applicant has taken place.

**Prior Notice Required:** N/A

**Content Restrictions:** N/A

**Use Restrictions / Requirements:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** A denial of employment due to an applicant’s criminal conviction history must comply with the provisions of Article 23-A of the New York Correction Law, which requires an employer to conduct an individualized assessment of the impact of the applicant’s criminal history on the relevant job. After conducting the required individualized assessment, an employer may withdraw conditional offers of employment for any lawful reason, including the determination that the candidate has a conviction that bears a direct relationship to the duties and responsibilities of the position sought, or that hiring the candidate would pose an unreasonable risk to property or to the safety of individuals or the general public.
Additional Requirements / Considerations: Exceptions to the Prohibition on Criminal Conviction Inquiries
Suffolk County employers may ask applicants about prior criminal convictions in the following situations:
- Where authorized by any applicable law
- Where certain convictions or violations are a bar to employment in that position under state or federal law, or
- The prohibitions against pre-employment inquiries into an applicant’s criminal conviction history also do not apply to:
  - any public or private school; or
  - any public or private service provider of direct services specific to the care or supervision of children, young adults, senior citizens, or the physically or mentally disabled; or
  - the Suffolk County Police Department, Department of Fire, Rescue, and Emergency Services, or any other employer hiring for “police officer” and “peace officer” as defined by the Criminal Procedure Law.

Where an employer is hiring for licensed trades or professions (including positions such as interns and apprentices for such licensed positions), the employer may ask the same questions asked by the trade or professional licensing body in accordance with state law.

HireRight Screening Considerations:
**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after an initial interview or conditional offer has been made.

HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
Waterloo, IA

**Law:** Unfair Use of Criminal Record in Hiring Decisions

**Effective Date:** July 1, 2020 – Amended by Iowa Ass’n of Bus. & Indus. v. City of Waterloo, Case No. 20-0575, 961 N.W.2d 465 (Iowa 2021).

**Coverage – Employer:** Any person, partnership, company, corporation, labor organization or association which regularly employs fifteen (15) or more persons within the City of Waterloo.

**Coverage – Applicant / Employee:** Any person considered or who requests to be considered for employment by an employer.

**Timing of Inquiry:** After a conditional offer of employment.

**Prior Notice Required:** N/A

**Pre-Adverse / Adverse Action Notice Requirements:** N/A

**Additional Requirements / Considerations:** N/A

**HireRight Screening Considerations:**

**Timing:**
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after an initial interview or conditional offer has been made.

HireRight’s [Compliance Workbench](#) makes available many tools to help you facilitate your compliance with this jurisdiction's requirements.
Westchester County, NY


Effective Date: March 4, 2019

Coverage – Employer: Any employer within Westchester County, NY.

Coverage – Applicant / Employee: Any applicant for employment.

Timing of Inquiry: The Westchester County “Fair Chance to Work Law” prohibits employers from inquiring into (in writing or otherwise), or making any statement related to, a criminal conviction or arrest record of any person in an application for employment. After submission of an employment application, an employer may inquire about the applicant’s arrest or conviction record.

Prior Notice Required: N/A

Content Restrictions: The term “any statement” is defined as “in writing or otherwise to the applicant for purposes of obtaining an applicant’s criminal background information regarding

- an arrest record; or
- a conviction record.”

Use Restrictions / Requirements: N/A

Pre-Adverse / Adverse Action Notice Requirements: Before taking any adverse employment action based on such inquiry, the employer must analyze the applicant’s criminal record under the factors set forth in NY Article 23-A. If requested by the applicant, the employer must provide a written statement setting forth the reasons for the adverse action.

This specific adverse notice requirement is not managed by HireRight, even if the employer utilizes HireRight’s Adverse Action service for purposes of complying with the FCRA pre-adverse / adverse action notice requirements. Therefore, even if using HireRight’s FCRA Adverse Action service, the employer must separately provide the specific notice required by the Westchester County’s law including providing a written copy of the employer’s Article 23-A analysis together with any supporting documentation.
Additional Requirements / Considerations: Employers are not prohibited from taking adverse action for reasons other than an individual's arrest or conviction record. The Fair Chance to Work Law does not apply to any actions taken by an employer pursuant to Federal, state or local laws that requires criminal background checks for employment purposes or bars employment based on criminal history.

HireRight Screening Considerations:
Timing:
Employers (or anyone acting on their behalf) should not submit a request to HireRight to perform a background check that includes any criminal history searches until after an initial interview or conditional offer has been made.

HireRight’s Compliance Workbench makes available many tools to help you facilitate your compliance with this jurisdiction’s requirements.
More Information

Another valuable resource is HireRight Compliance Central™, an online content portal designed to help keep customers informed of legislation and regulations that may impact their employment screening and employment eligibility programs. HireRight Compliance Central assists employers in maintaining compliance and communicating legislative changes to their organizations. To access this resource, select **Compliance Central** in the left navigation bar of your screening solution.

**Key features:**
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- Expert viewpoints
- Instant access to changing legislation

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**About HireRight**

HireRight is a leading global provider of technology-driven workforce risk management and compliance solutions. We provide comprehensive background screening, verification, identification, monitoring, and drug and health screening services for approximately 38,000 customers across the globe. We offer our services via a unified global software and data platform that tightly integrates into our customers' human capital management systems enabling highly effective and efficient workflows for workforce hiring, onboarding, and monitoring. In 2022, we screened over 24 million job applicants, employees and contractors for our customers and processed over 107 million screens. For more information, visit [www.HireRight.com](https://www.HireRight.com).

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