



Prince George's County joins others to "Ban the Box"

Prince George's County, MD, has joined other jurisdictions, such as [Montgomery County](#) and [San Francisco](#) by passing [Bill No. CB-78-2014](#). The new law adds Subdivision 10 "Fair Criminal Record Screening Standards" to Division 12 Human Relations Commission of the Prince George's County Code.

Who does this affect?

The law applies to both private and public sector employers in Prince George's County employing 25 or more persons full-time in the County.

When does this go into effect?

The Prince George's County Council passed the bill on **November 19, 2014**, and it goes into effect **45 days** after it becomes law.

What is included in the law?

The legislation states an employer **must not**:

- Require an applicant or potential applicant to disclose the existence or details of their arrest or conviction record on an employment application.
- Require or inquire with the applicant or others whether the applicant has an arrest or conviction record or otherwise has been accused of a crime at any time before the conclusion of a first interview.
- Conduct a criminal record check on the applicant at any time before the conclusion of a first interview.

Are there any exceptions?

Yes. The prohibitions of this law do not apply if they are expressly authorized by an applicable federal, State, or County law or regulation. Prohibitions do not apply to any County public safety agencies or to positions that, in the judgment of the County, have access to confidential or proprietary business or personal information, money or items of value, or involve emergency management. They also do not apply to an employer that provides programs, services, or direct care to minors or vulnerable adults.

Can employers still consider and take adverse action based on an applicant's criminal history?

Yes. Employers may inquire into an applicant's criminal history after the conclusion of a first interview. If an employer intends to rescind a conditional offer based on item(s) in the applicant's criminal history, the employer must:

- Conduct an individualized assessment, considering only specific offenses that may demonstrate unfitness to perform the duties of the position(s) sought, the time elapsed since the specific offenses, and any evidence of inaccuracy in the record.
- Provide the applicant with a copy of any criminal record report, and notify the applicant of the intention to rescind the conditional offer and the item(s) that are the basis for the intention, before rescinding the conditional offer.
- Delay rescinding the offer of employment for 7 days to permit the applicant to give the employer notice of inaccuracy of item(s) on which the intention to rescind the offer of employment are based.
- Notify the applicant in writing if the employer decides to rescind the offer of employment based on the applicant's arrest or conviction record.

Recommendations

We recommend you review, and discuss with your legal counsel, your organization's policies and procedures, including your company's application, criminal history questions and adverse action process to ensure compliance with the changing laws.

Contact Accurate Background

For additional questions, please contact Accurate Background at 800.216.8024. For more information regarding recent Ban the Box initiatives in other states and jurisdictions, visit our [Legislative Updates page](#).