



Rhode Island joins others to “Ban the Box” – the Trend Continues

Rhode Island has joined other jurisdictions, such as Hawaii, [Massachusetts](#), [Seattle](#) and [Minnesota](#), in passing “Ban the Box” legislation (Senate Bill 357) that applies to the private sector. The new law amends Chapter 28-5 of the State of Rhode Island General Laws titled “Fair Employment Practices.” The law may be read [here](#).

Who does this affect?

The law applies to both private and public employers in Rhode Island employing four or more individuals or any individual acting directly or indirectly in the interest of the employer.

When does this go into effect?

This law goes into effect **January 1, 2014**.

What is included in the law?

This legislation:

- Prohibits employers from inquiring if an applicant has ever been convicted of a crime before the first interview

Are there any exceptions?

The law does allow for exceptions for the following:

- a federal or state law or regulation creates a mandatory or presumptive disqualification from employment based on a person's conviction of one or more specified criminal offenses (then an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses); or
- the application is for law enforcement agency positions or positions related to law enforcement agencies;
- a standard fidelity bond or an equivalent bond is required for the position for which the applicant is seeking employment and his or her conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond (then an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses).

Can employers still consider a candidate’s criminal history?

Yes, it merely delays the time frame in which an employer may inquire if an individual has been convicted of a crime. It is still unlawful in Rhode Island for an employer to inquire about arrests or criminal charges on an employment application or to otherwise inquire if the applicant was arrested or charged in accordance with [Section 28-5-7](#), unless for law enforcement positions.

Recommendations

You may want to review, and discuss with your legal counsel, your organization’s policies and procedures, including your application if all applications contain a criminal history question, to ensure compliance with the changing laws.

Contact Accurate Background

Click [here](#) for more in-depth information from law firm Seyfarth Shaw regarding this new legislation. For additional questions, please contact Accurate Background at 800.216.8024.