



## **Minnesota Passes Law Restricting Inquiries about Criminal Convictions until After an Interview or Conditional Job Offer**

Minnesota joins Hawaii and Massachusetts for states that have now prohibited private employers from inquiring into an individual's criminal history on the initial job application. Minnesota has passed Legislation which will expand their current "Ban the Box" law (§364.021) to include private employers. There are also certain jurisdictions, including [Newark, New Jersey](#), and [Philadelphia, Pennsylvania](#), that have implemented similar restrictions.

### **Who does this law affect?**

Legislation has been in place to restrict a public employer from inquiring about an individual's criminal history on the employment application and with the passing of this legislation this will also now include private employers.

### **When does this law go into effect?**

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

### **What is included in the law that goes into effect on January 1, 2014?**

This legislation:

- Requires employers to remove any criminal history questions or criminal history box from applications; and
- Prohibits employers from inquiring into an individual's criminal history until after an interview, or if there is no interview, after a conditional offer of employment.

### **Are there any exceptions?**

Yes, there are particular exceptions for employers who have a requirement under the law to conduct a criminal history background investigation or consider criminal history records in hiring. Those areas that are covered under the exceptions may be read [here](#).

### **Can employers still consider a candidate's criminal history?**

Yes, it merely delays the time frame in which an employer may inquire into the prior criminal history. There are no restrictions once the candidate has been through an interview or has received a conditional offer of employment. In fact, the statute states that it does not prohibit an employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.

### **Recommendations**

Review and evaluate your current job applications and background check inquiry policies with your legal counsel if you are a Minnesota or a multi-state employer to ensure you are in compliance with the applicable laws.

### **Contact Accurate Background**

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