

## **ALERT:** Criminal Record Inquiries

Your current employment application may need to be revised by January 1, 2014, to avoid a violation of new "Ban the Box" legislation affecting private employers in Minnesota.

Effective January 1, 2014, private employers in Minnesota cannot inquire into or require disclosure of a job applicant's criminal record or criminal history until the applicant has been selected for an interview or, if there is no interview process, has been given a conditional offer of employment. The common practice of requesting applicants to check a box if they have been convicted of a crime and provide an explanation, and other methods of inquiring about criminal convictions, must be discontinued by most employers.

The new law, which is the result of the expansion of an existing law that applied only to public employers, does not apply to employers who have a statutory duty to conduct a criminal background check or otherwise take into consideration a potential employee's criminal history during the hiring process. Employers are still permitted to conduct criminal record checks, but they may not ask about criminal records or history on the application or conduct the background check until the interview or offer stage.