

1 H.717

2 Introduced by Representatives Woodward of Johnson and Pearson of

3 Burlington

4 Referred to Committee on

5 Date:

6 Subject: Public safety; criminal history records; employment applications

7 Statement of purpose: This bill proposes to prohibit requiring the disclosure of
8 criminal history record information on an initial employment application. An
9 employer may inquire as to an applicant's criminal history record during an
10 interview or thereafter.

11 An act relating to criminal history record inquiries by an employer

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 20 V.S.A. § 2056i is added to read:

14 § 2056i. CRIMINAL HISTORY RECORDS; EMPLOYMENT

15 APPLICATIONS

16 (a) Except as provided in subsection (b) of this section, an employer shall
17 not request on its initial employee application form criminal history record
18 information. An employer may inquire about a prospective employee's
19 criminal history record in an interview or once the prospective employee has
20 been deemed otherwise qualified for the position.

1 (b) An employer may inquire about any criminal convictions on an initial
2 employee application form if:

3 (1) the applicant is applying for a position for which any federal or state
4 law or regulation creates mandatory or presumptive disqualification based on a
5 conviction for one or more types of criminal offenses; or

6 (2) the employer or an affiliate of such employer is subject to an
7 obligation imposed by any federal or state law or regulation not to employ
8 persons, in either one or more positions, who have been convicted of one or
9 more types of criminal offenses.

10 (c) An employer who violates the provisions of this subchapter shall be
11 assessed a civil penalty of not more than \$100.00 for each violation.

12 (d) For purposes of this section:

13 (1) “Criminal history record” shall be defined as in section 2056a of this
14 title.

15 (2) “Employee” and “employer” shall be defined as in 21 V.S.A. § 302.

16 Sec. 2. EFFECTIVE DATE

17 This act shall take effect on July 1, 2012.