

1 H.204

2 Introduced by Representatives Woodward of Johnson, Donovan of Burlington,
3 Hooper of Montpelier, Kitzmiller of Montpelier, O'Sullivan of
4 Burlington, Pearson of Burlington, and Peltz of Woodbury

5 Referred to Committee on

6 Date:

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

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

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

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

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

15 § 2056i. CRIMINAL HISTORY RECORDS; EMPLOYMENT

16 APPLICATIONS

17 (a) Except as provided in subsection (b) of this section, an employer shall
18 not request on its initial employee application form criminal history record
19 information. An employer may inquire about a prospective employee's

1 criminal history record in an interview or once the prospective employee has
2 been deemed otherwise qualified for the position.

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

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

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

12 (c) An employer who violates the provisions of this subchapter shall be
13 assessed a civil penalty of up to \$100.00 for each violation.

14 (d) As used in this section:

15 (1) "Criminal history record" shall be defined as in section 2056a of this
16 title.

17 (2) "Employee" and "employer" shall be defined as in 21 V.S.A. § 302.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on July 1, 2013.