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H.261

Introduced by Representatives O’Sullivan of Burlington, Woodward of  
Johnson, Baser of Bristol, Botzow of Pownal, Burke of  
Brattleboro, Carr of Brandon, Christie of Hartford, Clarkson of  
Woodstock, Cole of Burlington, Dakin of Chester, Gonzalez of  
Winooski, Juskiewicz of Cambridge, Murphy of Fairfax,  
Pearson of Burlington, Stuart of Brattleboro, and Sullivan of  
Burlington

Referred to Committee on

Date:

Subject: Labor; fair employment practices; criminal records; employment  
applications

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

An act relating to criminal record inquiries by an employer

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

1 Sec. 1. 21 V.S.A. § 495j is added to read:

2 § 495j. CRIMINAL HISTORY RECORDS; EMPLOYMENT

3 APPLICATIONS

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

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

11 (1) the applicant is applying for a position for which any federal or State  
12 law or regulation creates a mandatory or presumptive disqualification based on  
13 a conviction for one or more types of criminal offenses; or

14 (2) the employer or an affiliate of the employer is subject to an  
15 obligation imposed by any federal or State law or regulation not to employ  
16 individuals, in either one or more positions, who have been convicted of one or  
17 more types of criminal offenses.

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

1        (d) As used in this section:

2            (1) “Criminal history record” has the same meaning as set forth  
3        in 20 V.S.A. § 2056a.

4            (2) “Employee” has the same meaning as set forth in section 302 of  
5        this title.

6            (3) “Employer” has the same meaning as set forth in section 302 of  
7        this title.

8        Sec. 2. EFFECTIVE DATE

9            This act shall take effect on July 1, 2015.