

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred House Bill No. 261 entitled “An act relating to criminal
4 record inquiries by an employer” respectfully reports that it has considered the
5 same and recommends that the Senate propose to the House that the bill be
6 amended in Sec. 1, 21 V.S.A. § 495j, in subsection (b), by striking out the
7 subsection in its entirety and inserting a new subsection (b) to read as follows:

8 (b)(1) An employer may inquire about criminal convictions on an initial
9 employee application form if the following conditions are met:

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

14 (ii) 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 an
16 individual, in either one or more positions, who has been convicted of one or
17 more types of criminal offenses; and

18 (B) the questions on the application form are limited to the types of
19 criminal offenses creating the disqualification or obligation.

20 (2) An employer shall be permitted to inquire about criminal convictions
21 on an initial employee application form pursuant to subdivision (1) of this

1 subsection even if the federal or State law or regulation creating an obligation
2 for the employer or its affiliate not to employ an individual who has been
3 convicted of one or more types of criminal offenses also permits the employer
4 or its affiliate to obtain a waiver that would allow the employer or its affiliate
5 to employ such an individual.

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11 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE