

## Reminder: Vermont 'Ban the Box'

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Vermont's Ban the Box law became effective on July 1, 2017, more than a year after Governor Peter Shumlin signed [H. 261](#).

The law prohibits an employer from requesting "criminal history record information," including arrests, convictions, or sentences, on the initial employment application form, unless the individual is applying for a position for which state or federal law creates a mandatory or presumptive disqualification for employment, based on convictions for certain offenses, or the employer is subject to an obligation imposed by state or federal law not to employ an individual convicted of certain offenses.

Employers may still question applications about their prior criminal records during a job interview or once the applicant, consistent with federal and state equal employment opportunity principles and any applicable guidelines, has been deemed otherwise qualified for the position. The prospective employee, if eligible for the position under state or federal law, must be given the opportunity to explain the criminal history record information and the circumstances regarding any convictions.

An employer who violates the "ban the box" law will be subject to a civil penalty of up to \$100 per violation.

Governor Shumlin had previously issued a "ban the box" Executive Order in 2015 covering state jobs.

Jackson Lewis attorneys are available to answer questions about ban the box legislation, related municipal ordinances, and background checks in general.

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