

Minnesota Passes “Ban The Box” Legislation

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Job application

This week, Minnesota’s Governor Mark Dayton signed into law legislation known as “Ban the Box.” The law prohibits most private employers from asking job applicants about criminal backgrounds until either (a) at the point of an interview; or (b) after a provision job offer is made.

The statute is known as “Ban the Box” because it refers to the criminal history question included on most job applications wherein the applicant would check off the box as to whether he or she had previously been convicted of a felony. The legislative intent for the statute is to provide former felons a better chance at obtaining employment in the private sector.

While the statute delays the time in which the private employer may inquire about prior felony history, it does not prohibit employers from fully reviewing criminal histories of all applicants after either the point of an interview or after a provision job offer is made. The statute also will exempt inquiries for positions in which the applicants with felonies would be excluded, or services that involve working with vulnerable adults, such as nursing homes. Complaints against employers for violations of the new statute would be referred to the Minnesota Department of Human Rights.

The new statute will take effect on **Jan. 1, 2014**. Since 2009, a similar provision exists for public employers.

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