

On July 15, 2013, Governor Lincoln Chafee signed into law the so-called “Ban the Box” legislation. The law, which becomes effective on January 1, 2014, amends the state Fair Employment Practices Act to prohibit employers from inquiring before a first interview, either via an employment application or otherwise, whether an applicant has been convicted of a crime. The following exceptions apply:

- The provision does not apply to applications for law enforcement agency positions or positions related to law enforcement agencies.

- An employer may inquire, on an employment application or otherwise, as to whether an applicant has ever been convicted of a specific offense(s) IF a federal or state law or regulation creates a mandatory or presumptive disqualification from employment based on an applicant’s conviction of one or more specified crimes.
Example: if a law or regulation prohibits an employer from hiring a person convicted of assault as a child care worker, the employer may inquire as to whether the applicant has ever been convicted of assault (but may not generally inquire as to whether the applicant has ever been convicted of “a crime”).

- An employer may inquire, on an employment application or otherwise, as to whether an applicant has ever been convicted of a specific offense(s) IF a standard fidelity bond or an equivalent bond is required for the position in question AND an applicant’s conviction of one or more specified offenses would disqualify him/her from obtaining the bond.
Example: if a standard fidelity bond is required for a bank teller position and an applicant would be disqualified from obtaining such a bond if s/he had been convicted of embezzlement, the employer may inquire as to whether the applicant has ever been convicted of embezzlement (but may not generally inquire as to whether the applicant has ever been convicted of “a crime”).

- An employer may ask about an applicant’s conviction of any criminal offense(s) at or after an initial interview, in accordance with applicable state and federal laws.

NOTE 1: The new law applies to questions about convictions only. Under current law, an employer is already prohibited from inquiring as to whether an applicant has ever been arrested for or charged with a crime, except in cases of applications for law enforcement agency positions or positions related to law enforcement agencies.

NOTE 2: The prohibitions with respect to questions about convictions and arrests are found in Section 28-5-7(7) of the General Laws of Rhode Island.