



e-Alert: New Jersey Amends “Ban the Box” Law

Background

New Jersey implemented a “Ban the Box” law in 2015, which prohibits employers (with at least 15 employees) from both asking about a criminal record on employment applications and from inquiring about the applicant’s criminal record during the “initial employment application process.” The initial employment application process begins when an applicant first makes an inquiry to an employer, or when an employer first makes an inquiry to an applicant, about a prospective position and ends when an employer has conducted a first interview with the applicant.

What employers need to know

The recently amended law now addresses expunged criminal records and online applications. The amendment makes clear that employers cannot ask for disclosure of expunged criminal records either on the application or throughout the initial employment application process, adding this to the list of prohibited application questions. The amendment also stipulates that employers operating in or hiring within New Jersey may not use online applications that ask about criminal records (including expunged records).

Next steps for employers

New Jersey is one of many states with a “Ban the Box” law in effect, and such laws are increasingly common throughout the country. Employers should review their job applications to ensure compliance and review hiring best practices with their managers, or any employees who participate in the initial employment application process. [Please contact us](#) with any questions.

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