

e-Alert

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Connecticut Amends Criminal Background Check Law

Background

Effective, October 1, 2021, Connecticut's background check law expands to prohibit employers from asking candidates about previous arrests and criminal charges.

Summary

Companies will no longer be allowed to ask their employees about previous criminal history. Additionally, they can't ask employees to elaborate on any "erased criminal history." These inquiries include any information that the company obtained through a pre-employment or routine background check. The updated law defines the phrase "erased criminal history" as:

- Information within an individual's criminal history record that has been lawfully erased by those with the authority to do so;
- Information relating to an individual's youthful offender status; and
- Continuances of a criminal case(s) that are 13 months or older.

Further enforcements on the law is set to take place on January 1, 2023. Any violation of the above will be considered illegal discriminatory practice under the Connecticut EEO policy. Employers will not be able to take adverse action against employees who have erased criminal history on their record. Examples of adverse action include withholding

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compensation increases or not considering employees for promotional opportunities within the organization solely due to erased criminal history discovered in a background check.

The Labor Commission encourages employees who feel their rights have been violated to file a formal complaint with Connecticut's [Commission on Human Rights & Opportunities](#).

Employer Next Steps

- Employers should audit their onboarding documents such as Applications or Interview Questionnaires, to exclude verbiage requesting whether an applicant has any arrests or criminal charges.
- If you are a Full-Service or Virtual HR client and would like our assistance with reviewing your current onboarding documents, please [email us](#).
- HR Knowledge partners with Verified First for background checks; if you are interested in hearing more about this service, please [email us](#).

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