

2017 -- H 6141 SUBSTITUTE A

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LC002510/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT APPLICATIONS

Introduced By: Representatives Slater, and Diaz

Date Introduced: April 26, 2017

Referred To: House Labor

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 28 of the General Laws entitled "LABOR AND LABOR
2 RELATIONS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 6.14

4 EMPLOYMENT APPLICATIONS PROHIBITED

5 **28-6.14-1. Criminal history on application for employment.**

6 (a) The director of labor and training shall have the same powers and duties as set forth in
7 chapter 12 and chapter 14 of title 28 to investigate, inspect, subpoena, and enforce through
8 administrative hearings, complaints that allege that an employer has included on any application
9 for employment, except applications for law enforcement agency positions, or positions related to
10 law enforcement agencies, a question inquiring whether the applicant has ever been arrested,
11 charged with, or convicted of any crime; provided that:

12 (1) If a federal or state law or regulation creates a mandatory or presumptive
13 disqualification from employment based on a person's conviction of one or more specified
14 criminal offenses, an employer may include a question whether the applicant has ever been
15 convicted of any of those offenses; or

16 (2) If a standard fidelity bond or an equivalent bond is required for the position for which
17 the applicant is seeking employment, and their conviction of one or more specified criminal
18 offenses would disqualify the applicant from obtaining such a bond, an employer may include a
19 question whether the applicant has ever been convicted of any of those specified criminal

1 offenses.

2 (b) The department of labor and training and the commission for human rights shall
3 cooperate in the investigation of complaints filed under this section when the allegations are
4 within the jurisdiction of both agencies.

5 (c) The department of labor and training shall disseminate information to employers and
6 workers about the prohibitions prescribed in this section.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT APPLICATIONS

1 This act would give the department of labor and training the jurisdiction to review claims
2 alleging that employers had improperly inquired about an applicant's criminal history on an
3 employment application.

4 This act would take effect upon passage.

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