

2017 -- H 6141

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2017

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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 PROHIBITION

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

6 (a) The director of labor and training shall have the same powers and duties as set forth in  
7 chapter 14 of title 28 to investigate, inspect, subpoena, and enforce, through administrative  
8 hearing complaints, any allegation that an employer has included on any application for  
9 employment, except applications for law enforcement agency positions or positions related to law  
10 enforcement agencies, a question inquiring as to 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 due to a person's conviction of one or more specified criminal  
14 offenses, an employer may include a question concerning 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 the applicant's conviction of one or more specified  
18 criminal offenses would disqualify the applicant from obtaining such a bond, an employer may  
19 ask whether the applicant has ever been convicted of any of those specified criminal offenses.

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

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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RELATING TO LABOR AND LABOR RELATIONS -- EMPLOYMENT APPLICATIONS

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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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