



## **Minn. Stat. 364.021** **“Ban the Box”**

The goal of “Ban the Box” is to remove questions about criminal records from employment applications so that individuals with criminal records have more opportunities to be evaluated based upon all of their skills and qualifications, not just their criminal record.

On August 1, 2009, Minnesota will become the first state to require all public employers throughout the state (state, county, city, and other government agencies), to wait until someone has been selected for an interview before inquiring about criminal records. The Ban the Box idea was started in California by a group called All of Us or None, was developed in Minnesota by the Council on Crime and Justice, supported by a group of organizations through the Second Chance Coalition, and authored by Senator Ron Latz and Representative Sheldon Johnson.

### **What You Should Know**

- It does not apply to private employers, although we hope more will adopt the policy voluntarily.
- It does not keep the public employer from asking about criminal history later.
- It is part of Chapter 364, which also prohibits public employers from considering non-conviction records and expunged records, prohibits them from not hiring someone based on a record if the conviction does not directly relate to the position, and requires them to consider evidence of rehabilitation.
- Department of Corrections Employees, Law Enforcement Agencies, Fire Protection Agencies, Department of Human Services Licensed Positions, and any position with a statutory background check requirement is exempt.

### **The Statute**

#### **[364.021] PUBLIC EMPLOYMENT; CONSIDERATION OF CRIMINAL RECORDS.**

(a) A public employer may not inquire into or consider the criminal record or criminal history of an applicant for public employment until the applicant has been selected for an interview by the employer.

(b) This section does not apply to the Department of Corrections or to public employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.

(c) This section does not prohibit a public employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.