

Maryland “Ban the Box” Laws



IF YOU ARE APPLYING FOR A JOB WITH THE STATE OF MARYLAND:

Can I be asked about my criminal history or record when applying for a job?

- No, if you are applying to a job with the judicial, legislative, or executive branches of Maryland government, you can no longer be asked about a criminal record or history until you have been provided the opportunity for an interview.
- Some jobs are excluded and can ask about criminal records, including: certain positions in the State Personnel Management System, positions in the Department of Correctional Services, positions in the Office of the Sheriff for any county, and a few other positions where the law requires background checks.

IF YOU ARE APPLYING FOR A JOB IN MONTGOMERY COUNTY:

Can I be asked about my criminal history or record when applying for a job?

- No, employers (with 15+ employees) in Montgomery County are prohibited from asking about or seeking out the criminal history of an applicant before the conclusion of the first interview.
- Some jobs are excluded and can ask about criminal records, including: the County Police Department, the County Fire and Rescue Services, County Department of Corrections, or organizations providing direct care to minors or vulnerable adults.

Can an employer deny me a job because of my criminal history?

- Yes, but employers are required to conduct an individualized assessment of you, your criminal history, and the job you are applying for, considering: specific offenses that demonstrate you are unfit for the job you are applying for, the time since the offenses, and any evidence of inaccuracy in your criminal history.
- If an employer decides not to hire you based on your arrest or conviction record, they are required to provide you with a copy of your criminal record and notify you of the items in your criminal history that are the basis for their decision.

Can I appeal a decision of the employer not to hire me based on my criminal record?

- Yes, within seven days of receiving notice from the potential employer, you can inform the employer of any evidence that shows that they based their decision on inaccurate information.
- The employer is required to reconsider their decision in light of the information you provide.

What can I do if I believe an employer did not follow these rules during the hiring process?

- If you believe that an employer did not follow these rules when you were applying for a job, you may file a complaint with the Montgomery County Office of Human Rights. A form is available online at www.montgomerycountymd.gov/humanrights.
- If a violation is found, you may be awarded damages and the employer may be subject to a civil fine.

Continued on the next page...

IF YOU ARE APPLYING FOR A JOB IN PRINCE GEORGE'S COUNTY:

Can I be asked about my criminal history or record when applying for a job?

- No, employers (with 25+ employees) in Prince George's County are prohibited from asking about or seeking out your criminal history before the conclusion of the first interview.
- Some jobs are excluded and can ask about criminal records, including: County Public Safety Agencies, positions that have access to confidential or proprietary business information, positions that deal with money, items of value, or emergency management, or positions that provide services to minors or vulnerable adults.

Can an employer deny me a job because of my criminal history?

- Yes, but employers are required to conduct an individualized assessment of you, your criminal history, and the job you are applying for, considering: specific offenses that demonstrate you are unfit for the job you are applying for, the time since the offenses, and any evidence of inaccuracy in your criminal history.
- If an employer decides not to hire you based on your arrest or conviction record, they are required to provide you with a copy of your criminal record and notify you of the items in your criminal history that are the basis for their decision.

Can I appeal a decision of the employer not to hire me based on my criminal record?

- Yes, within seven days of receiving notice from the potential employer, you can inform the employer of any evidence that shows that they based their decision on inaccurate information.
- The employer is required to reconsider their decision in light of the information you provide.

What can I do if I believe an employer did not follow these rules during the hiring process?

- If you believe that an employer did not follow these rules when you were applying for a job, you may file a complaint with the Prince George's County Office of Human Relations. Call 301-883-6170 to set up an appointment with an investigator.

IF YOU ARE APPLYING FOR A JOB IN THE CITY OF BALTIMORE:

Can I be asked about my criminal history or record when applying for a job?

- No, employers in Baltimore are prohibited from asking about or seeking out your criminal history before a conditional offer of employment has been extended.
- Some jobs are excluded and can ask about criminal records, including: positions that work with children and vulnerable adults.

What can I do if I believe an employer did not follow these rules during the hiring process?

- If you believe that an employer did not follow these rules when you were applying for a job, you may file a complaint with the Baltimore Community Relations Commission. Call 410-396-3141 to set up an appointment with an investigator.
- Compensatory damages may be awarded, and can include compensation for humiliation, embarrassment, and emotional distress and expenses incurred in seeking other employment. Employers asking about criminal histories prior to giving a conditional offer may also be subject to criminal penalties.

D.C. EMPLOYMENT JUSTICE CENTER

MAIN OFFICE: 1413 K St. NW, 5th floor, Washington, D.C. 20005

LEGAL CLINICS: Every Wednesday 6-9 p.m. at 1525 7th St. NW, Washington D.C. 20020

PHONE: 202.828.WORK (9675); **WEB:** www.dcejc.org