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## New "Ban the Box" Legislation Restricts Employers Who Do Business in New Jersey from Asking Job Applicants about Criminal Records

Governor Chris Christie signed legislation on Monday that restricts employers who do business within the State of New Jersey from asking a job applicant whether he or she has a criminal record. The new law, entitled the "Opportunity to Compete Act," becomes effective on March 1, 2015, and applies to employers who have 15 or more employees and who do business in, employ persons in, or takes applications for employment within the State of New Jersey.

The new law, often referred to as "ban the box," prohibits employers from inquiring about an applicant's criminal record during the "initial employment application process" with certain exceptions. This process is generally defined as the period starting when an applicant first makes an inquiry to an employer and ending when an employer has conducted a first interview. The law also restricts employers from publishing job advertisements that explicitly state that the employer will not consider any applicant who has been arrested or convicted of one or more crimes or offenses. It is important to note that there are several exceptions to the ban depending upon the nature of the position being sought and other factors. Violations of the law carry potential civil penalties for employers.

All employers who do business in, employ persons in, or take applications for employment in the State of New Jersey are encouraged to review their job applications, job advertisements and interview practices. Weber Gallagher's Employment Group can assist employers with updating hiring policies and procedures.

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