



## WHAT IS BAN THE BOX?

Employers in the City of Baltimore cannot ask if an applicant has a criminal history or conduct a criminal-record check on an individual who has not yet received a conditional offer of employment. Ban the box ensures that employers evaluate all candidates on their ability and qualifications.

## WHAT IS A CONDITIONAL OFFER OF EMPLOYMENT?

A conditional offer of employment is an offer of employment that an employer gives to an applicant that is conditional on the employer's subsequent asking about or gathering information about the applicant's criminal record. Only after a conditional offer of employment has been given can an employer inquire about an applicant's criminal record.

## WHAT WILL BAN THE BOX DO?

Ban the Box ensures that employers are able to hire the best, most capable employees. Ban the Box does not force employers to hire an individual with a criminal record and it does not limit an employer's ability to choose the most qualified and appropriate applicant.

**MANY INDIVIDUALS WITH CRIMINAL RECORDS ARE JOB SEEKERS WHO ARE READY AND ABLE TO BECOME PART OF AND TO CONTRIBUTE TO THE WORK FORCE.**

## WHO IS COVERED BY THE LAW?

Any employer with the equivalent of ten or more full time employees is covered by the law. The following types of workers are protected:

- **Any worker working for a form of pay.**
- **Any worker participating in vocational or educational training.**
- **Any worker who performs contractual, temporary, seasonal, and contingent work.**

## WHAT CAN EMPLOYERS NOT DO?

Before a conditional offer of employment has been made, employers **cannot:**

- **Require an applicant to disclose or reveal whether he or she has a criminal record.**
- **Conduct a criminal record check on an applicant.**
- **Ask an applicant or anyone else about an applicant's criminal record.**

## WHAT EXCEPTIONS EXIST?

Any facility or employer that provides programs, services, or direct care to minors or to vulnerable adults is allowed to conduct a criminal-record check prior to a conditional offer of employment. Also, any inquiry or other action is required or expressly authorized by any applicable Federal, State, or City law.

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## HAVE QUESTIONS?

If you would like more information about Ban the Box, you can contact the Office of Civil Rights and Wage Enforcement at:

Phone: **410.396.3141**

Email: **CRCIntake@baltimorecity.gov**

Website:

[www.civilrights.baltimorecity.gov](http://www.civilrights.baltimorecity.gov)

## PENALTIES

The Baltimore Community Relations Commission may conduct an investigation which could result in the awarding of back pay for lost wages to an employee, reinstatement of the employee, compensatory damages to the employee, and the payment of reasonable attorney's fees.

If an employer violates Ban the Box, the employer is guilty of a misdemeanor and subject to a potential maximum fine of \$500 and 90 days imprisonment.



If an employee files a complaint with the Baltimore Community Relations Commission, they are protected from retaliation or discrimination.

Employers are not allowed to take or refuse to take a personnel action or otherwise retaliate or discriminate against an employee because they filed a complaint.

## Office of Civil Rights and Wage Enforcement

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[www.civilrights.baltimorecity.gov](http://www.civilrights.baltimorecity.gov)

[www.facebook.com/Baltcivilrights](https://www.facebook.com/Baltcivilrights)

Twitter: @Baltcivilrights



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## Baltimore City Community Relations Commission



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# EMPLOYERS AND BAN THE BOX

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