

July 31, 2014

## Illinois Employers Take Note: New Law to Limit When Job Applicant's Criminal Record May Be Considered

On July 19, 2014, Illinois Governor Pat Quinn signed into law a statute that limits when an employer may inquire about and consider a job applicant's criminal record. The law, known as the Job Opportunities for Qualified Applicants Act (Act), becomes effective on January 1, 2015, and will apply to employers with 15 or more employees in the current or preceding calendar year.

Under the Act, covered employers may not inquire about, consider or require disclosure of an applicant's criminal record or criminal history "until the applicant has been determined qualified for the position and notified that [he or she] has been selected for an interview." If no interview will be conducted, the employer must wait to inquire about, consider or require disclosure of an applicant's criminal record or criminal history "until after a conditional offer of employment is made to the applicant."

The Act does not apply in certain limited instances:

- when federal or state law requires an employer to exclude applicants with certain criminal convictions from employment;
- when a standard fidelity bond or equivalent bond is required and a conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond (in such instances the employer may inquire whether the applicant has ever been convicted of any of those offenses);
- to employers who employ individuals licensed under the Emergency Medical Services (EMS) Systems Act.

As a result of the Act being signed into law, employers hiring for positions in Illinois should carefully review their employment applications and hiring practices before December 31, 2014.

For more information, or if you have any questions, please contact your Katten Muchin Rosenman LLP attorney or any of the following members of the firm's **Employment Law and Litigation practice.**

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