



3.1.2015 New Jersey's “Ban the Box” law went into effect.

**New Jersey’s version of
the “ban the box” law
applies to all employers,
public and private, that
employ 15 or more employees over 20 calendar
weeks.**

This law prohibits covered employers from inquiring about an applicant’s criminal record until after the following initial hiring steps have been completed: (1) it has conducted an interview; (2) made a determination that the applicant is qualified for the position; and (3) selected the applicant as its first choice to fill the position. Unlike similar laws in other jurisdictions, however, New Jersey employers may make criminal background inquiries prior to making a formal offer.

Even after the initial employment application process ends, employers are still prohibited from inquiring into: expunged criminal records; arrests that did not result in conviction; disorderly conduct convictions in which the date of sentence or the release from jail (whichever is later) occurred five or more years earlier; conviction of crimes of the fourth degree (or out-of-state equivalent) in which the date of sentence or the release from jail (whichever is later) occurred 10 or more years earlier. The law also limits employers from posting job advertisements stating that they will not consider applicants who have been arrested or convicted of a crime, unless the advertisement seeks applicants for one of the exempt positions set forth in the Act.

Positions exempt under the Act include law enforcement, corrections, the judiciary, homeland security, or emergency management. Employers are also exempt from the Act's prohibitions if the job applicant is legally prohibited from holding the position based on a conviction or arrest, or if the employer is "restricted from specified business activities" based on the criminal history of its employees.