

What is “Ban the Box”?

Ban the Box is new law that prevents employers from asking applicants about their criminal histories on an initial job application.

It refers to a box on a job application, asking the applicant to check the box if the applicant has ever been convicted of a crime. The law prohibits any type of initial inquiry regarding an applicant’s criminal history, including a “box” on a job application.

Ban the Box means that employers are no longer allowed to ask this question on job applications:

Have you ever been convicted of a felony?



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**BAN
THE
BOX**

**Everything you need
to know about the
Illinois “Ban the Box”
Law**

Which Employers Does This Law Affect?

Most private employers of 15 or more people in the current or prior year.

The law does not apply if:

- An employer is required by state or federal law to exclude applicants with certain convictions.
- An employer employs individuals licensed under the Emergency Medical Services (EMS) Systems Act.
- An applicant's conviction would disqualify the applicant from obtaining a required standard fidelity or equivalent bond.

When Did this Law Take Effect?

January 1, 2015.

When Does an Employer Violate This Law?

In the absence of an applicable exception, anytime an employer inquires about, considers, or requires disclosure of the criminal record or criminal history of an applicant before the applicant has been determined qualified for the position and notified that the applicant has been selected for an interview.

If there is not an interview, then before a conditional offer of employment is made to the applicant.

What Are the Penalties for Violations?

First violation:

Written warning.

Second violation, or failure to remedy a violation within 30 days:

\$500 fine.

Third violation, or a failure to remedy a violation within 60 days:

\$1,500 fine.

Any additional violations, or a failure to remedy a violation within 90 days:

\$1,500 fine for each additional violation or each 30 day period that passes without compliance.

Who Enforces This Law?

The Illinois Department of Labor ("IDOL") investigates and enforces compliance. IDOL may give notices of violations, impose penalties, provide employers opportunities to be heard in administrative hearings, and bring actions in the circuit court to enforce the collection of penalties. Individuals do not have a private right to bring a civil action under the law.

How Can Employers Comply?

Remove any questions regarding an applicant's criminal history from all initial job applications.

Avoid asking about or considering an applicant's criminal history in any other way at any point before the applicant has been (1) selected for an interview, or (2) extended a conditional offer of employment.

When considering an applicant's criminal history after the times noted above, assess each candidate on an individual basis.

Adhere to the Fair Credit Reporting Act's consent and notice requirements before obtaining background checks on applicants from third-party consumer reporting agencies.

Adhere to the Illinois Uniform Conviction Information Act's consent and notice requirements before obtaining conviction information from the Illinois State Police.