



Asking Job Applicants About Criminal Backgrounds

Many states including Oklahoma prohibit employers from asking applicants questions on the employment application to gain information on his/her criminal history. The trend continues to gain momentum with the recent passing of the Fair Chance Act by the U.S. House of Representatives. Employers will be required to make an offer of employment before any inquiries about the candidate's criminal history occur. The Act minimizes barriers to employment and allows individuals to highlight their knowledge, skills and abilities for a fair chance to compete for employment opportunities.

In 2016, OSU removed the question on the employment application regarding criminal convictions when Oklahoma Executive Order 2016-03, Ban the Box, passed. Hiring managers must extend an offer of employment to an applicant before any discussions about the applicant's criminal history take place. If an applicant voluntarily offers information into their criminal convictions, refrain from seeking more information. Do not allow the applicant to share more details and disregard information not related to the job. OSU departments are required to follow all applicable regulations related to hiring when recruiting for faculty, staff, student and/or temporary employees.

If you have questions, please contact Joey Keel, Talent Acquisition Manager, at joey.keel@okstate.edu or call (405) 744-4731.

Go to <https://docs.house.gov/meetings/GO/GO00/20190326/109189/HMKP-116-GO00-20190326-SD010.pdf> for more information on the Fair Chance Act.

To find the SHRM article, go to <https://www.shrm.org/resourcesandtools/hr-topics/talent-acquisition/pages/house-passes-fair-chance-act.aspx>.

More on the bill found here <https://www.congress.gov/bill/116th-congress/senate-bill/387/>