

COLORADO

NEW LAW: Colorado Is The Latest State To Ban-The-Box

On May 28, 2019, Colorado Governor Jared Polis signed [HB 19-1025 \(the Colorado Chance to Compete Act\)](#) into law. With this new law, Colorado is the latest state to “ban-the-box” (or to prohibit employers from inquiring into a job applicant’s criminal history).

Starting September 1, 2019, employers with 11 or more employees will be prohibited from:

- Stating in an advertisement for an employment position that a person with a criminal history may not apply for the position;
- Stating on any form of application, including electronic applications, for an employment position that a person with a criminal history may not apply for the position; or
- Inquiring into, or requiring disclosure of, an applicant's criminal history on an initial written or electronic application form

Employers may, however, obtain the publicly available criminal background report of an applicant at any time.

There are three exceptions to the above-stated prohibition. The prohibition does not apply when:

- Federal, state, or local law or regulation prohibits employing for that position a person with a specific criminal history;
- The position is designated by the employer to participate in a federal, state, or local government program to encourage the employment of people with criminal histories; or
- The employer is required by federal, state, or local law or regulation to conduct a criminal history record check for that position, regardless of whether the position is for an employee or an independent contractor

The new law goes into effect on September 1, 2019 for employers with 11+ employees and on September 1, 2021 for all employers. Before those dates, it is recommended that Colorado employers review their existing application materials and job advertisements and verify that they are in compliance with the new law. In addition, employers should provide training to employees who are responsible for the hiring of new employees to verify that these employees are aware of the laws relating to criminal background inquiries.