

Massachusetts Governor signs CORI Reform legislation prohibiting employers from inquiring about criminal convictions on “initial” applications

The following are important details of the law directly from Seyfarth & Shaw; the complete information can be found by clicking [here](#).

- **Employers Should No Longer Ask About Convictions On “Initial” Job Applications**
 - The new law prohibits employers from asking questions on an “initial written application form” about an applicant’s “criminal offender record information,” which includes information about criminal charges, arrests, and incarceration
- **Employers Can Still Consider A Candidate’s Criminal History Subject To Conditions**
 - The CORI reform law does not prohibit employers from obtaining a current or prospective employee’s criminal history contained in the Commonwealth’s Criminal Offender Record Information (CORI) database.
- **CORI Record Availability Changes**
 - CORI will no longer include
 - Felony convictions that have been closed for more than ten years (i.e., the conviction occurred more than ten years ago or, if the individual was incarcerated, the individual was released more than ten years ago)
 - Misdemeanor convictions that have been closed for more than five years.
- **Employers Who Conduct Five or More Criminal Background Investigations Per Year Must Have A Written Policy**
 - The policy must provide that the employer will
 - (1) notify an applicant who is the subject of an investigation of the potential of an adverse decision based on the investigation
 - (2) provide a copy of the policy to the applicant and a copy of the criminal offender record information obtained as part of the investigation
 - (3) provide information concerning the process for the applicant to correct his or her criminal record.
- **Employer’s Have an Obligation To Discard CORI Records**
 - The CORI reform law prohibits employers from maintaining a former employee’s CORI record for more than seven years from the former employee’s last date of employment
 - Employers are also prohibited from maintaining an unsuccessful candidate’s CORI record for more than seven years from the date of the decision not to hire the candidate
- **Employer Defenses To Charges Of Negligent Hiring And Failure To Hire**
 - The law also contains some protections for employers related to their use of and reliance on CORI records
- **Effective Date**
 - With the exception of the provision restricting questions about criminal history on initial written applications, the provisions described above do not take effect until February 6, 2012
 - The initial application provision, however, will become effective on November 4, 2010