

Legislative Update JANUARY 2020*

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FEDERAL GOVERNMENT ENACTS BAN-THE-BOX AND PARENTAL LEAVE LAWS

On December 20, 2019, President Trump signed into federal law: (1) a paid parental leave law, and (2) ban-the-box legislation which prohibits federal agencies and federal contractors from asking job applicants about criminal convictions until after a conditional job offer has been made.

Under the new paid parental leave law, civilian federal workers may now take paid leave to care for a new baby after birth, adoption or the start of foster care.

This new federal law also contained ban-the-box legislation called the Fair Chance Act, applicable to both federal employers and federal contractors, which will:

- Ban the federal government from requesting job applicants' criminal history until a conditional offer is made;
- Bar federal contractors from requesting criminal background information -- from job applicants for positions within the scope of federal contracts -- until a conditional offer is made;
- Make exceptions for positions in law enforcement and national security, positions that require access to classified information, and positions that legally require earlier access to criminal information; and
- Direct the Bureau of Justice Statistics to work with the U.S. Census Bureau to issue a report on employment statistics for formerly incarcerated people.

With respect to criminal background checks, the Equal Employment Opportunity Commission has stated that through an individualized assessment -- instead of a "blanket" policy barring all applicants with criminal histories -- employers can determine whether a criminal record is specifically relevant for the position.

Source: EEOC, SHRM

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