



'Ban-the-Box' Legislation Clears Senate Committee Unanimously

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Kevin Simon was quoted in *SHRM* on October 19, 2015. The article "'Ban-the-Box' Legislation Clears Senate Committee Unanimously" discussed the Senate Homeland Security and Governmental Affairs Committee recent vote to ban federal agencies and federal contractors from asking job applicants to disclose criminal histories before making conditional job offers.

Getting inquiries about criminal convictions delayed until after a job offer has been made tees up cases for litigation under Title VII of the Civil Rights Act, as it currently is difficult to show why a job was denied. Now an employer may argue it was because another candidate was more qualified or that it didn't like how a former convict answered questions during the job interview, explained Kevin.

The EEOC guidance does not have the force of law though, noted Kevin. It's just a suggestion made in the context of Title VII litigation.

To read the full article, please visit [SHRM](#).

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