



## **Avoiding Financial and Legal Discrimination FAQs**

### **1. Should I Share a Criminal Record or Involvement with the Justice System with a Potential Employer?**

#### **Answer:**

You are not required to disclose a criminal record or justice involvement in the application and interview process. An employer should not typically ask about a criminal record unless it pertains directly to the job or until after receiving a conditional offer. While there are no federal laws prohibiting employers from asking justice-related questions, the Equal Employment Opportunity Commission provides general guidance that encourages employers to not inquire about criminal records on applications. If an employer does ask, it should be directly job-related and consistent with the business needs.

Additionally, several state laws and local ordinances limit the use of arrest and conviction records by employers. These are commonly referred to as "ban-the-box" laws. 35 states and over 150 cities have adopted these laws so knowing your rights and your state's protections can be very helpful.

#### **Additional Resources:**

- [Ban the Box](#)
- [Second Chance Business Coalition](#)
- Article: [Ask HR: Should Job Applicants Disclose Criminal Convictions](#)
- [Felony Records Job Hub](#): Helping felons get employed across all industries and tips for job seekers with a felony record



**2. What should I select when asked if I am open to a background check when applying to positions if I have a felony on my record?**

**Answer:**

It is most important, to tell the truth and be aware of what information may be discovered when an employer runs a background check. Some records can be inaccurate so the first step is to know what is on your record and correct any mistakes. Ultimately, it is a personal decision whether to submit to a background check and disclose information with an employer. However, if information is publicly available or will be discovered through a background check it is better to be upfront and honest with a potential employer, explain the situation, and steps taken towards development since the incident.

When faced with the decision to submit to a background check, it is also important to know what information companies will have access to. The following is typically discovered through a background check:

- Felony and misdemeanor criminal convictions
- Pending criminal cases,
- History of incarceration as an adult
- Arrests pending prosecution may also be reported
- In some cases, arrests that did not lead to a criminal conviction

Inquiring into your criminal record to check for accuracy can vary from state to state. There are multiple online options for finding a criminal record. You can also contact local and state police agencies.

**Additional Resources:**

- [Learn More About Background Checks](#)
- Article: [EEOC Prohibited Employment Policies/Practices](#)



### **3. Should I Disclose Credit Score Concerns?**

#### **Answer:**

The Fair Credit Reporting Act gives you certain rights when an employer pulls your credit report. Before running a credit report, an employer must notify you in writing and you must give your written consent to do so. Though you do have the right to refuse a credit check, employers could decide to no longer consider your application if you make this decision. Some states limit how employers use credit reports in hiring, so check state laws before the interview if you are concerned.

While it's not particularly common, you should be prepared for an employer to look into your credit history before hiring you. If you're worried your credit history might hurt your chances of getting the job, being prepared to explain why your credit history is what it is can help address any employer concerns.

#### **Additional Resources:**

- [How to Handle a Credit Check During Your Job Search](#)