

**CLIENT ALERT: October 19, 2010**

**CORI REFORM**

**INITIAL DEADLINE FOR EMPLOYER COMPLIANCE IS NOVEMBER 4**

Under the recently revised Massachusetts Criminal Offender Record Information (CORI) law, employers are required to make several affirmative changes to their hiring policies and practices. The first requirement listed below goes into effect on November 4, 2010. The remaining provisions are slated to become effective by May 2012. Employers should be aware of the following:

- **“Ban the Box” Provision** - Effective November 4, 2010, employers can no longer inquire into a job applicant’s criminal record history on initial written application forms. Employers may still be allowed to inquire into an applicant’s criminal record in subsequent stages of the hiring process.
  - **Note:** The “Ban the Box” Provision does not apply to employers, such as health care organizations and schools, that may be subject to laws prohibiting them from employing persons with criminal convictions.
- **Written Policy on CORI** – Employers who conduct five (5) or more criminal background investigations per year must maintain a written CORI policy that complies with the CORI reform law. The policy must require the employer to: (1) notify the applicant of any potential adverse decision based on the criminal offender record information; (2) provide the applicant with a copy of the criminal offender record information and the policy; and (3) provide information concerning the process for correcting a criminal record.
- **CORI Background Checks** – Employers must get written authorization from an applicant before obtaining the applicant’s criminal record and must verify the applicant’s identity. If an employer relies, even in part, on the applicant’s criminal history in its decision not to hire the applicant, the employer must furnish the applicant with a copy of the information relied upon in making such determination.
- **Record Retention** - Employers must retain job applicants’ signed authorization forms for at least one year after the employer requests such information. Employers must destroy an applicant’s criminal offender record information within seven years of his or her termination or from the date of the employer’s decision not to hire the applicant, as applicable.
- **Immediate & Updated Access via the Internet** – Employers will have access to updated CORI information via the Internet.

### **Next Steps for Employers:**

- Unless otherwise subject to state or federal laws governing criminal background checks (such as health care organizations and schools), employers should immediately review and revise their written employment application forms to ensure compliance with the “Ban the Box” provision;
- Employers who conduct five (5) or more CORI checks per year must develop and implement a CORI policy, which includes the required provisions described above.

In addition to amending employers’ obligations, the revised CORI law provides for restructuring the Commonwealth’s criminal database system and for limiting the information available to employers in criminal record checks through the CORI system. Most provisions of the CORI reform law, with the exception of the “ban the box” provision, are expected to be implemented by May of 2012.

For additional information or questions, please contact Attorneys Paul Holtzman ([pholtzman@kb-law.com](mailto:pholtzman@kb-law.com)) or Anjali Waikar ([awaikar@kb-law.com](mailto:awaikar@kb-law.com)).