

Subject Ban the Box
Authors Hollins and others
Analyst Matt Gehring
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Overview

Current law prohibits public and private employers from inquiring into, or considering, an employment applicant's criminal history until the applicant has been selected for an interview or (if there is no interview) before a conditional offer of employment is made. This bill extends that prohibition to the process of considering and making appointments to public boards, commissions, task forces, or other entities referred to in law as "multimember agencies."

The bill also includes a number of other miscellaneous changes and updates to the underlying law governing the process of filling vacant positions by open appointment.

Summary

Section	Description
1	Definitions. Modifies and expands certain definitions that apply to the state's open appointments process, including new definitions of the term "appointing authority" and "direct appointments." These terms are used later in the bill.
2	Notice of vacancies. Modifies standards for providing notice to the secretary of state of a vacant position, including a requirement that a chair first notify the governor of vacancy and receive permission to post it, in certain circumstances.
3	Nominations for vacancies. Eliminates a requirement that the application form for appointment to an agency vacancy include a statement indicating whether the applicant has ever been convicted of a felony.

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- This section also strikes language currently requiring the secretary of state to notify the appointing authority within certain time parameters if no applications for a vacant position have been received.
- 4 **Appointments.**
Reduces an existing waiting period required before an appointing authority may make an appointment after receiving applications from the secretary of state. This section also requires certain types of documents, including an oath of office, to be submitted to the secretary of state before an appointee may begin serving in a position, and requires that appointing authorities making a direct appointment to submit a letter to the secretary of state with certain basic information about the person appointed and the appointment term. This section also prohibits a person from simultaneously occupying more than one position on the same agency board.
- 5 **When effective.**
Directs that individuals serving in a position appointed by the governor using the open appointments process who wish to resign the appointed position submit the resignation to the governor.
- 6 **Public and private employment; consideration of criminal records.**
Prohibits an appointing authority from inquiring into, considering, or requiring disclosure of an applicant’s criminal record or criminal history as a condition of appointment to a multimember agency on an application form or until the applicant has been selected for an interview or is selected as a final candidate for appointment.
- 7 **Public employers.**
Provides that alleged violations of the prohibition on reviewing an applicant’s criminal record or criminal history may be reviewed in a contested case proceeding, consistent with similar requirements and procedures that apply to public employers.



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