



KNOW YOUR RIGHTS

Discrimination against Returning Citizens in Employment

Is it discrimination to deny a job to someone solely because of an arrest or conviction record?

In some cases, the refusal to hire someone because they have been arrested or convicted of a crime may be unlawful discrimination.

If an employer's practice denies employment to people of one race more often than others, it may violate civil rights laws. A ban on hiring a person with an arrest or conviction will more often exclude persons of color because of disparities in the criminal justice system. This is sometimes called "disparate impact." An employer's practice may violate the law even if the employer did not intend to discriminate.

An employer may refuse to hire someone who has been arrested or convicted if there is a legitimate business reason to do so. Legitimate business reasons may include whether the arrest or conviction relates to a qualification for the job, the age of the conviction, or other individual circumstances.

Can an employer ask about a conviction on a job application?

Usually, no. Under Maryland law, employers with 15 or more employees cannot ask about an applicant's conviction record before the first in-person interview.

Except for:

- Jobs that care for minors or vulnerable adults
- Jobs that require inquiries under other state or federal law

What are the signs that discrimination may be taking place?

The following may be signs of discrimination:

- A job posting says "no felons"
- The job application asks about convictions
- An employer ends a job interview immediately upon learning of a conviction
- Employers require a criminal background check before offering an interview
- There is no process to explain individual circumstances

If you believe you have been discriminated against, you can:

Report it to the Civil Rights Division of the Attorney General:

- Online: <https://www.marylandattorneygeneral.gov/Pages/CivilRights/default.aspx>
- By phone: 410-576-6300





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If you believe you have been discriminated against, you may also:

File with the U.S. Equal Employment Opportunity Commission (EEOC):

- **Online:** <https://publicportal.eeoc.gov/Portal/Login.aspx>
- **By phone:** 1-800-669-4000

Seek assistance from:

- **Maryland Reentry Resource Center:** Provides a variety of reentry resources and support services. mdrrc.org; Phone: 410-429-0107
- **Legal Aid:** Provides a full range of free civil legal services to low-income individuals throughout the state. <https://www.mdlab.org/>; Phone: 888-465-2468

File with a Human Rights Agency

- **Maryland Commission on Civil Rights**
<https://mccr.maryland.gov/Pages/Intake.aspx>
- **Anne Arundel County Human Relations Commission**
<http://www.aacounty.org/human-relations-commission/fair-housing/complaint-form>
- **Baltimore City Office of Equity & Civil Rights**
<https://civilrights.baltimorecity.gov/>
- **Baltimore County Human Relations Commission**
<https://www.baltimorecountymd.gov/boards-commissions/human-relations-commission>
- **Calvert County Commission on Human Relations**
410-535-1600
- **Carroll County Human Relations Commission**
410-795-8521
- **Frederick County Human Relations Commission**
<https://frederickcountymd.gov/1515/Filing-Discrimination-Complaints>
- **Harford County Human Relations Commission**
<https://www.harfordcountymd.gov/465/Human-Relations-Commission>
- **Howard County Office of Human Rights & Equity**
https://services.howardcountymd.gov/hcportal?id=sc_cat_item_311&sys_id=36e2f5451b8eb090b24c8734604bcb0e
- **Montgomery County Office of Human Rights**
<https://montgomerycountymd.seamlessdocs.com/f/ud63zq3g23i9>
- **Prince George's County Human Relations Commission**
<https://www.princegeorgescountymd.gov/FormCenter/Human-Rights-31/Discrimination-InquiryConsulta-de-discri-172>
- **St. Mary's County Human Relations Commission**
<https://www.stmaryscountymd.gov/Boards/46/>

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