CLIENT ALERT: DCJIS Publishes Final CORI Regulations

On May 25, 2012, the Massachusetts Department of Criminal Justice Information Services ("DCJIS") issued final regulations to the Massachusetts Criminal Offender Record Information law. The final regulations, found at 803 CMR 2.00, are based in large part, on the proposed regulations issued by the DCJIS. The proposed regulations are summarized in MBJ's May 3, 2012 client alert entitled, *Employers Facing May 4, 2012 Deadline for Compliance with Massachusetts CORI Reform*. See also MBJ's May 7, 2012 client alert entitled, *DCJIS Launches iCORI Website and Publishes Model Forms for Employers.*

The notable differences between the proposed regulations and the final regulations that are most likely to be important to employers are as follows:

- Clarifying that an "employment applicant" includes "volunteer applicants."
- Changing from 24 hours to 72 hours the notice that employers must give to an employee before submitting a new CORI request when the request is within one year of the CORI acknowledgement.
- Requiring employers to provide a copy of the CORI information "or other criminal history information" prior to asking questions or taking an adverse employment action against an applicant. (The proposed regulation limited this requirement to CORI information only.)
- Requiring any employer who conducts five or more criminal background investigations to maintain a written CORI policy. (The proposed regulation required a CORI policy only if the employer conducted five or more CORI checks.)

Given the promulgation of these final regulations, employers are advised to review their background check policies carefully. Employers should consult with their MBJ attorney to ensure that their use of criminal background checks complies with CORI reform, the Fair Credit Reporting Act, and employment discrimination laws.

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