

## New Georgia Law Limits Employer Liability for Hiring Workers with Criminal Background

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A new law in Georgia protects employers from negligent hiring and retention claims by creating a presumption of “due care” for hiring and employing individuals with criminal backgrounds who have received a “Program and Treatment Completion Certificate” from the Department of Corrections or a grant of pardon from the State Board of Pardons and Parole. Governor Nathan Deal signed Senate Bill 365 on April 13, 2014. The law is due to take effect on July 1, 2014; however, no timeline has been released for the Department of Corrections to implement the new certificate program.

An employer’s presumption of “due care” may be rebutted by evidence demonstrating the employer knew or should have known relevant information that extended beyond the scope of the certificate or pardon. Because of this exception, employers should continue to assess applicants carefully.

The new law is the third part of Governor Deal’s criminal justice reform. He has been working with the General Assembly and the Criminal Justice Reform Council on reform since 2012. The Governor said on signing the bill, “The incentives and re-entry programs included in this legislation are cost-effective strategies that will increase the number of former offenders returning to the workforce and supporting their families.”

If you have any questions about the new Georgia law or other developments affecting employers, please contact the Jackson Lewis attorney with whom you regularly work or C. Todd Van Dyke, at [VanDykeT@jacksonlewis.com](mailto:VanDykeT@jacksonlewis.com) or (404) 525-8200, in our Atlanta office.

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