



## The Philadelphia Commission on Human Relations **BAN THE BOX LAW: Summary of Changes**



| Original BTB law (effective July 12, 2011)  | Changes to BTB law (effective March 14, 2016)   |
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| <p>Gives people with criminal records a fair chance to get a job in the city of Philadelphia by:</p> <ul style="list-style-type: none"><li>▪ Applying Ban The Box law to employers with 10 or more employees (with some exceptions)</li><li>▪ Removing the “box” asking about criminal records on job applications</li><li>▪ Only allowing employers to ask about criminal records AFTER the first interview</li><li>▪ Prohibiting employers from asking about arrests or criminal accusations that did not lead to a conviction</li><li>▪ Fining employers up to \$2,000 for violating the law</li></ul> | <p>Expands the original law to make sure conviction information is used fairly by making these major changes:</p> <ul style="list-style-type: none"><li>▪ Applies to employers with 1 or more employees (with some exceptions)</li><li>▪ Employers can only ask about criminal convictions AFTER making a conditional offer of employment</li><li>▪ Employers can only look back 7 years on criminal history report (not including time of incarceration)</li><li>▪ Rejection of an applicant based on a criminal record can only occur IF the employer can reasonably conclude that the person would be an unacceptable risk to business operations, coworkers, or customers AND that disqualification of the applicant is necessary for successful operation of the business</li><li>▪ Applicants must be screened individually by considering:<ul style="list-style-type: none"><li>▪ The type of offense and how much time has passed since it occurred</li><li>▪ The applicant’s job history</li><li>▪ Duties of the job being sought</li><li>▪ Character or employment references</li><li>▪ Evidence of rehabilitation</li></ul></li><li>▪ If rejecting the applicant, employers must notify the person –in writing – with the reason; provide the criminal history report AND allow 10 days for the applicant to respond</li><li>▪ Penalties are increased including injunctive relief (requiring the employer to take certain actions), compensatory damages and attorney’s fees</li><li>▪ If PCHR dismisses the case, or does not settle it within 1 year, allows a complainant to file a case in court</li><li>▪ Employers must post BTB information in plain sight</li></ul> |