

[New Philadelphia Ordinance Restricts Employer Inquiries About Applicants' Criminal Convictions](#)

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This week, Philadelphia Mayor Michael Nutter signed the [Fair Criminal Record Screening Standards Ordinance](#) (the "Ordinance"). This "ban the box" legislation is designed to limit Philadelphia employers' ability to request applicants' criminal history information in the initial steps of the hiring process.

- **Who is Covered?** The Ordinance covers any person, corporation, company, labor organization or association that employs 10 or more persons within the City of Philadelphia.
- **What Inquiries Are Prohibited?** Employers cannot inquire (directly or indirectly) about an applicant's criminal convictions at any time during the application process, before the first interview, or during the first interview. Notably, an employer that does not conduct an interview is prohibited from making any inquiries or gathering any information regarding the applicant's criminal convictions.
- **What Inquiries Are Allowed?** The Ordinance does not prohibit employers from making hiring decisions based upon criminal conviction history; however, such inquiries must be delayed until a second interview (or as part of a post-conditional offer criminal history check). Additionally, if an applicant voluntarily discloses his or her own criminal history during the application process or the first interview, the employer then is permitted to discuss the disclosed information.
- **What is the Penalty for Violations?** Violations of the Ordinance can result in the assessment of a maximum civil penalty of \$2,000 per violation.

The Ordinance becomes effective on July 17, 2011. If you are an employer with 10 or more employees within the City of Philadelphia, now is the time to review your application and interview materials to ensure compliance with the new Ordinance. In addition, employers should remain aware of their obligations under [Pennsylvania's Criminal History Record Information Act](#), which permits consideration of felony and misdemeanor convictions only to the extent that they impact an individual's suitability for the position in question. The Act also requires employers to give a rejected applicant written notice that the criminal conviction was used in whole or in part as the basis for the employment decision.

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