

BAN THE BOX

SUMMARY

The Indianapolis City-County Council recently passed legislation commonly referred to as Ban the Box, a measure aimed at breaking down barriers for ex-offenders re-entering the workforce by removing the checkbox that asks about criminal history on job applications.

This new law applies to any vendor doing business with the City of Indianapolis and who employs ten (10) or more full-time employees in its workforce.

The Ban the Box ordinance goes into effect 90-days from adoption (which is on or near May 25, 2014).

UNDER THE ORDINANCE, THE FOLLOWING IS UNLAWFUL:

- For a vendor to discriminate on job applications by having a “box” asking about an applicant’s prior criminal history.
- To make any inquiry or take any adverse action against any person due to any arrest or criminal accusation made which is not pending against that person and which did not result in a conviction.
- For a vendor to require a person to reveal any arrest or criminal accusation made which is not pending at the time of application and did not result in a conviction.
- To discriminate against a person previously convicted of one or more criminal offenses and unlawful to make inquiry about regarding or require a person to reveal any criminal convictions during the application process. (the time between asking about the position and when an employer accepts an employment application.)
- A vendor/employer may not ask about any criminal convictions of the applicant before or during the first interview. If an applicant voluntarily discloses any information regarding a criminal conviction at the interview, then the employer may discuss the conviction with the applicant.
- The Equal Employment Opportunity Commission guidelines are to be considered in when deciding whether to offer employment to an applicant with a prior criminal conviction.

The City of Indianapolis shall only conduct business with vendors that have adopted and implemented policies, practices and standards that are consistent with the City’s; except where state and/or federal laws may require background checks for certain positions dealing with children, law enforcement and other sensitive positions.

The City shall review all vendors’ policies, practices and standards to ensure that the vendors’ policies, practices and standards are consistent with the City’s.

THE FOLLOWING EXEMPTIONS DO APPLY:

- An employer hiring for positions where certain convictions or violations are prohibited under federal law, thus an employer may ask questions about those convictions or violations.
- An employer hiring for licensed trades or professions, including interns and apprentices, may ask the same questions asked by the trade or profession in accordance with state law.
- The prohibitions do not apply if the inquiries or adverse actions prohibited are specifically authorized by any other applicable law.

ENFORCEMENT:

Each violation of this new ordinance shall be punishable as provided in Section 103-3 of the Code.