What is “Ban the Box”?

Ban the Box is a new ordinance that prevents employers from asking applicants about their criminal histories on an initial job application.

The ordinance is based on the new Illinois state ban the box law, but expands coverage to more employers within Chicago and imposes an additional obligation to inform candidates of adverse decisions based on criminal records.

It refers to a box on a job application, asking the applicant to check the box if the applicant has ever been convicted of a crime. The law prohibits any type of initial inquiry regarding an applicant’s criminal history, including a “box” on a job application.

Ban the Box means that employers are no longer allowed to ask this question on job applications:

☐ **Have you ever been convicted of a crime?**

For more information

For more information, contact Anthony Lowery, Director, Policy & Advocacy, 312-431-8992, or Anthony.Lowery@saferfoundation.org

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BAN THE BOX

Everything you need to know about the City of Chicago “Ban the Box” Ordinance

Which Employers Does This Ordinance Affect?

Employers of one or more employees that either (1) are subject to license requirements of Title 4 of the Municipal Code of Chicago, or (2) maintain a business facility within the geographic boundaries of Chicago.

The law does not apply if:

- An employer is required by state or federal law to exclude applicants with certain convictions.
- An employer employs individuals licensed under the Emergency Medical Services (EMS) Systems Act.
- An applicant's conviction disqualifies the applicant from obtaining a required standard fidelity or equivalent bond.

When Does an Employer Violate This Ordinance?

In the absence of an applicable exception, anytime an employer inquires about, considers, or requires disclosure of the criminal record or criminal history of an applicant before the applicant has been determined qualified for the position and notified that the applicant has been selected for an interview.

If there is not an interview, then before a conditional offer of employment is made to the applicant.

However, employers can provide written notice of specific offenses that will disqualify an applicant from employment in a particular position.

Anytime an employer decides not to hire an applicant based, entirely or partially, on the applicant's criminal record and fails to inform the applicant of that basis at the time the applicant is informed of the decision.

What Are the Penalties for Violations?

Any employer who violates any provision of the ordinance may be fined not less than $100 and not more than $1,000 for each violation.

Every day that a violation continues constitutes a separate violation.

Employers with City licenses also may be subject to business license discipline under Section 4-4-280 of the Municipal Code of Chicago, including fines, suspension of license, and revocation of license.

Who Enforces This Ordinance?

The Chicago Commission on Human Relations enforces compliance. Individuals do not have a private right to bring a civil action under the ordinance.

When Did this Ordinance Take Effect?

January 1, 2015.

How Can Employers Comply?

Remove any questions regarding an applicant's criminal history from all initial job applications.

Avoid asking about or considering an applicant's criminal history in any other way at any point before the applicant has been (1) selected for an interview, or (2) extended a conditional offer of employment.

When considering an applicant's criminal history after the times noted above, assess each candidate on an individual basis including the nature of the offense, length of time passed since the conviction, age at the time of conviction, any rehabilitation evidence, applicant's honesty and cooperation when examining his/her background.

Adhere to the Fair Credit Reporting Act's consent and notice requirements before obtaining background checks on applicants from third-party consumer reporting agencies. Adhere to the Illinois Uniform Conviction Information Act's consent and notice requirements before obtaining conviction information from the Illinois State Police.