

PHILADELPHIA COMMISSION ON HUMAN RELATIONS

Instructions for Completing Ban the Box Complaint Form

The Ban the Box law, formally titled the Philadelphia Fair Criminal Record Screening Standards Ordinance, was enacted as a way to make criminal record screenings by employers fair for ex-offenders. Ban the Box is part of the Philadelphia Code, in Chapter 9-3500. Ban the Box applies to most employers in Philadelphia with 10 or more employees. The law generally prohibits potential employers from:

- (1) asking about any criminal conviction on an application for employment;
- (2) asking about any arrest or criminal accusation which is not then pending and which did not result in a conviction on an application for employment;
- (3) asking about any criminal conviction before and during the first interview (if an employer does not conduct any interviews, then they are not permitted to conduct any inquiries regarding criminal records);
- (4) asking about any arrest or criminal accusation which is not then pending and which did not result in a conviction at any time during the application process or during employment or making an adverse personnel decisions based on such information.

You should complete this form if you feel that an employer has violated Ban the Box.

If your complaint is based on unlawful questions asked on an employment application (examples 1 and 2 listed above), you will not be required to participate in the enforcement proceedings so long as you provide the Philadelphia Commission on Human Relations a copy of the application.

If your complaint is based on unlawful questions asked during an interview or adverse personnel actions made based on prior arrests or criminal accusations (examples 3 and 4 listed above), a copy of your complaint will be provided to the Respondent (the employer you believe violated Ban the Box). If a hearing is scheduled, you will be required to testify and provide evidence in order to prove a violation of Ban the Box.

All employers that are obligated to follow the requirements of Ban the Box and are subject to penalties of up to \$2000 for each violation. All penalties assessed are payable to the City of Philadelphia. *You will not receive any compensation or other damages for a violation of Ban the Box.*

NOTE: *If you believe that you have been discriminated against on the basis of any category protected by the Fair Practices Ordinance (for example, race, ethnicity, or national origin), you must complete a separate Complaint of Discrimination to be filed with the Philadelphia Commission on Human Relations to pursue such a claim.*

**PHILADELPHIA COMMISSION ON HUMAN RELATIONS
BAN THE BOX COMPLAINT FORM**

DATE FILED WITH PCHR:
PCHR DOCKET NO.:

I. PARTIES

1. THIS COMPLAINT IS BEING FILED BY THE FOLLOWING COMPLAINANT:

YOUR NAME (FIRST, MIDDLE AND LAST):

TELEPHONE NUMBER:

ADDRESS (NUMBER AND STREET):

CITY:

STATE:

ZIP CODE:

2. I AM REPRESENTED BY THE FOLLOWING ATTORNEY OR REPRESENTATIVE (IF ANY):

NAME OF YOUR ATTORNEY/REPRESENTATIVE (FIRST AND LAST):

TELEPHONE NUMBER:

NAME OF ATTORNEY'S/REPRESENTATIVE'S ORGANIZATION:

ATTORNEY'S/REPRESENTATIVE'S ADDRESS (NUMBER AND STREET)

CITY:

STATE:

ZIP CODE:

3. I BELIEVE THE FOLLOWING RESPONDENT VIOLATED BAN THE BOX:

NAME OF EMPLOYER:

TELEPHONE NUMBER:

ADDRESS (NUMBER AND STREET)

CITY:

STATE:

ZIP CODE:

4. THE TOTAL NUMBER OF PEOPLE EMPLOYED BY THE EMPLOYER IS:

1 – 3

4 – 9

10 – 49

MORE THAN 50

5. THE EMPLOYER IS ENGAGED IN THE BUSINESS OF (DESCRIBE):

II. STATEMENT OF THE CLAIM

A. JOB APPLICATION

6. I APPLIED FOR A JOB WITH THE EMPLOYER ON THE FOLLOWING DATE: _____

7. I COMPLETED AN EMPLOYMENT APPLICATION PROVIDED BY THE EMPLOYER: YES NO
IF YES, I COMPLETED THE APPLICATION: ONLINE ON PAPER
I HAVE ATTACHED A COPY OF THE APPLICATION WITH THIS FORM: YES NO

8. I SUBMITTED THE EMPLOYMENT APPLICATION TO THE EMPLOYER AT THE FOLLOWING ADDRESS, WEBSITE OR EMAIL:

9. THE EMPLOYMENT APPLICATION ASKED IF I HAD BEEN CONVICTED OF A CRIME:

YES NO NOT APPLICABLE (DID NOT RECEIVE AN APPLICATION OF EMPLOYMENT FROM THE EMPLOYER)

10. THE EMPLOYMENT APPLICATION ASKED IF I HAD BEEN ARRESTED OR ASKED IF OTHER CRIMINAL ACCUSATIONS HAD EVER BEEN BROUGHT AGAINST ME:

YES NO NOT APPLICABLE (DID NOT RECEIVE AN APPLICATION OF EMPLOYMENT FROM THE EMPLOYER)

AT THE TIME I COMPLETED THE EMPLOYMENT APPLICATION, I HAD NOT BEEN CONVICTED OF THE CRIME AND NO CHARGES WERE PENDING AGAINST ME:

YES NO

B. FIRST INTERVIEW

11. THE EMPLOYER INTERVIEWED ME FOR THE JOB: YES NO

IF YES, SPECIFY DATE OF FIRST INTERVIEW: _____ AND

IDENTIFY THE INDIVIDUAL WHO CONDUCTED THE INTERVIEW: _____ AND

SPECIFY THE ADDRESS WHERE THE FIRST INTERVIEW TOOK PLACE OR THE TELEPHONE NUMBER IF THE FIRST INTERVIEW TOOK PLACE OVER THE PHONE:

12. THE EMPLOYER ASKED ME DURING THE *FIRST* INTERVIEW IF I HAD BEEN ARRESTED OR IF OTHER CRIMINAL ACCUSATIONS HAD BEEN BROUGHT AGAINST ME:

YES NO NOT APPLICABLE (NOT INTERVIEWED)

13. I TOLD THE EMPLOYER ABOUT MY ARREST AND CRIMINAL ACCUSATION RECORD EVEN THOUGH I WAS NOT ASKED ABOUT IT:

YES NO NOT APPLICABLE (NOT INTERVIEWED)

14. THE EMPLOYER ASKED ME DURING THE *FIRST* INTERVIEW IF I HAD BEEN CONVICTED OF A CRIME:

YES NO NOT APPLICABLE (NOT INTERVIEWED)

15. I TOLD THE EMPLOYER ABOUT MY CRIMINAL CONVICTION RECORD EVEN THOUGH I WAS NOT ASKED ABOUT IT:

YES NO NOT APPLICABLE (NOT INTERVIEWED)

C. JOB OFFER/EMPLOYMENT

16. THE EMPLOYER OFFERED ME A JOB: YES NO

IF YES, SPECIFY DATE OF HIRE: _____ AND

I WORKED AT THE FOLLOWING LOCATION (*PROVIDE ADDRESS, CITY, STATE AND ZIP CODE*):

17. I AM CURRENTLY EMPLOYED BY THE EMPLOYER: YES NO

IF NO, MY LAST DATE OF EMPLOYMENT WAS (*PROVIDE DATE*): _____

MY EMPLOYMENT WITH THE EMPLOYER ENDED BECAUSE I: (Check only if applicable)

WAS TERMINATED WAS FORCED TO RESIGN WAS LAID OFF QUIT

18. WHILE I WAS EMPLOYED, THE EMPLOYER ASKED ME IF I HAD BEEN ARRESTED OR IF OTHER CRIMINAL ACCUSATIONS HAD BEEN BROUGHT AGAINST ME:

YES NO

IF YES, I WAS ASKED THIS QUESTION ON (*PROVIDE DATE*): _____ AND

IDENTIFY THE INDIVIDUAL WHO ASKED THE QUESTION: _____

AT THE TIME THE EMPLOYER ASKED ME THIS QUESTION, I HAD NOT BEEN CONVICTED OF THE CRIME AND NO CHARGES WERE PENDING AGAINST ME:

YES NO

19. AFTER THE EMPLOYER ASKED ME IF I HAD BEEN ARRESTED OR IF OTHER CRIMINAL ACCUSATIONS HAD BEEN BROUGHT AGAINST ME, THE EMPLOYER TOOK THE FOLLOWING ACTION AGAINST ME:

20. I BELIEVE THE EMPLOYER TOOK ADVERSE ACTION AGAINST ME BECAUSE OF MY PRIOR ARREST OR CRIMINAL ACCUSATION BECAUSE (*DESCRIBE*):

III. VERIFICATION AND SIGNATURE

I DECLARE UNDER PENALTY OF PERJURY THAT ALL OF THE INFORMATION THAT I HAVE PROVIDED ON THIS FORM IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE. I ACKNOWLEDGE THAT FALSE STATEMENTS ON THIS FORM ARE PUNISHABLE PURSUANT TO 18 PA. C.S. § 4904 (UNSWORN FALSIFICATION TO AUTHORITIES).

SIGNATURE

TODAY'S DATE

**RETURN COMPLETED FORMS TO:
PHILADELPHIA COMMISSION ON HUMAN RELATIONS**

THE CURTIS CENTER
601 WALNUT STREET, SUITE 300 SOUTH
PHILADELPHIA, PA 19106

Fax: 215-686-4684

E-mail: faqchr@phila.gov