



Frequently Asked Questions about Philadelphia's "Ban the Box" Ordinance

Q: What is Ban the Box?

A: Ban the Box, officially The Philadelphia Fair Criminal Record Screening Standards Ordinance (Bill No. 110111-A), was enacted by the City of Philadelphia on April 13, 2011. The law prohibits employers from inquiring about criminal convictions during the application process and in the first interview, and from making personnel decisions based on arrests or criminal accusations that do not result in a conviction.

Q: What are the restrictions on the use of criminal record histories?

A: Ban the Box prohibits potential employers from:

- *On the employment application*, inquiring about: (1) any arrest or criminal accusation which is not then pending and which did not result in a conviction; and (2) any criminal convictions
- *Before and during the first interview*, inquiring about: (1) any arrest or criminal accusation which is not then pending and which did not result in a conviction; and (2) any criminal convictions (if an employer does not conduct any interviews, then it is not permitted to conduct any inquiries regarding criminal records)
- *After the first interview*, inquiring about and/or making any adverse personnel decision based on any arrest or criminal accusation which is not then pending and which did not result in a conviction

Q: What is the intended purpose of Ban the Box?

A: Ban the Box is intended to encourage the hiring of qualified ex-offenders by ensuring that employers screen applicants based on their work qualifications, without consideration of their prior criminal history. The Ordinance also aims to reduce recidivism through the employment of qualified ex-offenders.

Q: When did Ban the Box go into effect?

A: July 12, 2011

Q: Which employers are subject to Ban the Box?

A: With certain specified exemptions, the law applies to ALL City and private employers with 10 or more employees in the City of Philadelphia.

The Philadelphia Commission on Human Relations
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Q: Which employers are exempt from the law?

A: Criminal Justice Agencies as defined in the Ordinance (for example, prisons, courts, police departments) are exempt.

Q: Are there any other exemptions from the law?

A: The Ordinance's restrictions may not apply when employers are mandated by state or federal law to consider certain criminal histories of applicants. However, even where such mandates exist, most employers will be able to comply with both Ban the Box and the state or federal law by waiting until after the first interview to make criminal history inquiries; unless the state or federal law specifically requires that the inquiry be made on the employment application or during the first interview, employers are required to comply with Ban the Box.

Q: What are the consequences for failing to comply?

A: A violation of the Ordinance is a "Class III" offense, subject to a fine of up to \$2,000 per 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.

Q: Who enforces Ban the Box?

A: The Philadelphia Commission on Human Relations (PCHR) enforces the law.

Q: How can I file a complaint for a violation of Ban the Box?

A: If you feel that your potential or current employer has violated Ban the Box, you can file a complaint with the PCHR. You can complete a complaint form in person at our office Monday through Friday from 8:30am-4:30pm. You can also print a copy of it from our website, complete the form at home, and send it to our office by mail or fax.

Q. If my complaint is accepted by the PCHR, will I have to testify at a hearing?

A: Maybe. If your complaint is based on unlawful questions asked on an employment application, you will not have to testify so long as the PCHR has a copy of the application. If your complaint is based on unlawful questions asked at an interview or adverse personnel actions, you will be required to testify.

Q. Where can I receive additional information about the PCHR and Ban the Box?

A: For more information on how to file a complaint call the PCHR at **215-686-4670** or visit the Commission's website at www.phila.gov/humanrelations.

Resources:

[City of Philadelphia Ban the Box Bill No. 110111-A](#)

[The Mayor's Office of Reintegration Services for Ex-Offenders](#) (R.I.S.E.)

[City of Philadelphia Department of Commerce](#)

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