



Chicago enhances “Ban the Box” law

Chicago, IL, has passed [Ordinance No O2014-8347](#), enhancing the City’s “Ban the Box” law. The new law amends Chapter 2-160 of the Municipal Code regarding employment discrimination and goes beyond Illinois’ [Job Opportunities for Qualified Applicants Act](#).

Who does this affect?

The law applies to both private and public sector employers. The City of Chicago and its sister agencies (Chicago Public Schools, Chicago Park District, Chicago Transit Authority, the City Colleges of Chicago, Chicago Housing Authority, and Public Building Commission) qualify as employers for purposes of this chapter.

When does this go into effect?

Effective **January 1, 2015**, the same day as the state of Illinois’ “ban the box” legislation.

What is included in the law?

The legislation states that employers that are not subject to the Illinois Job Opportunities for Qualified Applicants Act, may not inquire about or into, consider, or require disclosure of an applicant’s criminal record or criminal history until after the applicant has been determined qualified for the relevant position and notified that he/she has been selected for an interview, or, if there is no interview, until after a conditional offer of employment is extended to the applicant. This does not prohibit providing written notice of specific offenses that will disqualify the applicant from employment in a particular position.

Are there any exceptions?

Yes. The requirements do not apply to positions where federal or state law excludes applicants with certain criminal convictions from the relevant position, a standard fidelity bond or an equivalent bond is required for the relevant position, and/or the relevant position requires a license under the Emergency Medical Services (EMS) Systems Act, 210 ILCS 50/1, et seq. The employer should read the ordinance to determine if their organization meets any of the exception criteria.

What does an employer need to consider before taking adverse action based on an applicant’s criminal history?

If **any employer**, including one subject to the Illinois Job Opportunities for Qualified Applicants Act, makes a decision not to hire an applicant based entirely or partially on the applicant’s criminal record or history, ***the employer shall inform the applicant of this basis at the time he/she is informed of the decision.***

If the **City of Chicago or a sister agency** determines that the applicant has a criminal conviction, that fact, standing alone, shall not automatically disqualify the applicant from employment. The decision to employ the applicant shall take into account:

- The nature of the applicant’s specific offense or offenses;
- The nature of the applicant’s sentencing;
- The applicant’s number of convictions;
- The length of time that has passed following the applicant’s most recent conviction;
- The relationship between the applicant’s crimes and the nature of the relevant position;
- The age of the applicant at the time of his most recent conviction;
- Any evidence of rehabilitation, including, but not limited to, whether the applicant has completed a treatment or counseling program or received a certification of relief from disabilities or good conduct;
- The extent to which the applicant has been open, honest, and cooperative in examining his background; and
- Any other information relevant to the applicant’s suitability for the relevant position.

Recommendations

We recommend you review and discuss with your legal counsel this ordinance as well as your organization’s policies and procedures to ensure compliance with the changing laws.

Contact Accurate Background

For additional questions, please contact Accurate Background at 800.216.8024. For more information regarding recent Ban the Box initiatives in other states and jurisdictions, visit our [Legislative Updates page](#).