

§ 161.16A - ENSURING EQUAL EMPLOYMENT OPPORTUNITY FOR INDIVIDUALS WITH PREVIOUS CRIMINAL CONVICTIONS.

(a) *Definitions.*

"**APPLICANT**" means any person considered for, or who requests to be considered for, employment by a Contractor.

"**CITY**" means the City of Pittsburgh or any division, department, agency or office thereof, unless specifically excluded by this section.

"**CONTRACTOR**" refers to individuals or entities contracting with the City of Pittsburgh, including both contractors and sub-contractors, subject to exceptions for public safety agreements/contracts and those entered into with other political jurisdictions, the Commonwealth of Pennsylvania or the United States of America. "Contractor" also includes instrumentalities of the Commonwealth for which the City is the parent agency with the exception of those instrumentalities which are multi-municipal (i.e., Allegheny County Sanitation Authority; Sports and Exhibition Authority for Counties of the Second Class; Steel Valley Authority and the Southwestern Pennsylvania Commission.)

"**CONVICTION**" means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

"**EMPLOYMENT**" means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. Employment shall not, for the purposes of this section, include any sworn position.

"**RELATIONSHIP TO THE JOB**" means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person's fitness or ability to perform one (1) or more of the duties or responsibilities necessarily related to the employment sought.

"**OTHERWISE QUALIFIED**" means any Applicant who meets the stated hiring criteria for a position or consideration for a position.

(b) *Equal Employment Opportunity for Persons Previously Convicted.*

- (1) Excluding agreements/contracts for the public safety sensitive positions of police officer, fire fighter, paramedic and school crossing guard, and except as otherwise required by state and federal law, a Contractor shall not inquire about an Applicant's conviction history until after it has been determined that the Applicant is otherwise qualified for the position.
- (2) After an applicant has been identified as otherwise qualified and selected for the position, the Contractor may make a conditional offer of employment to the Applicant, pending a conviction history check.
- (3)

The Mayor's Office of Equal Protection shall be authorized to coordinate implementation and compliance with this Ordinance. The Mayor's Office of Equal Protection shall promulgate appropriate guidelines and/or regulations for such purposes that reflect the City's application processing policy referenced in Chapter 181.

- (4) A contractor subject to this Chapter who fails to comply with its provisions is in material breach of its contract with the City, and may be suspended or debarred from bidding on or participating in City contracts, pursuant to Section 161.22(b).
- (c) Every contract between the City and a Contractor shall contain a provision stating that the Contractor and all of its subcontractors shall comply with this sub-section, subject to exceptions for public safety agreements/contracts and those entered into with other political jurisdictions, the Commonwealth of Pennsylvania or the United States of America. Any other exceptions shall be made only at the City Solicitor's recommendation, and then only with the Mayor's written approval. Any such recommendations and approvals shall be attached to the contract and filed with the City Controller's Office and the City Clerk.

(Ord. No. 11-2023, § 1, eff. 8-3-23)