



# CITY OF PITTSBURGH

## ENSURING EQUAL OPPORTUNITY FOR PERSONS PREVIOUSLY CONVICTED (“BAN THE BOX”) ORDINANCE FREQUENTLY ASKED QUESTIONS

*Revised: November 1, 2023*

*Note: For any capitalized terms, please consult the definitions of the ordinance and the Policy Guidelines Concerning Equal Employment Opportunity for Persons Previously Convicted.*

### **What is the Ensuring Equal Opportunity for Persons Previously Convicted ordinance?**

The Ensuring Equal Opportunity for Persons Previously Convicted ordinance, section 161.16A of the City of Pittsburgh Code, prevents Contractors with City contracts from asking about or considering an applicant’s status as a previously convicted person during the initial application stages and until after they’ve already been determined to be otherwise qualified for a job.

### **Why is it called “Ban the Box”?**

The Ban the Box movement began in Hawaii in the 1990s, advocating for the removal of the common check box on job applications inquiring about past criminal convictions. Since that time, legislation of this kind has been passed around the country in an effort to mitigate some of the negative long-term consequences of mass incarceration.

### **What employers does the Ban the Box ordinance apply to?**

The ordinance applies to any employer that is a Contractor with the City of Pittsburgh—or a subcontractor thereof—in hiring processes, decisions, and contracts related to work that is the subject of the City contract.

### **Does the Ban the Box law apply to me as a job applicant?**

If you’re applying for a job with a Contractor or Sub-contractor to do work as part of their contract with the City of Pittsburgh, it applies to you. A City Contractor that is a potential employer must not inquire about criminal conviction history or status during the initial stages of your application. They may conduct a background check after they’ve determined that an Applicant is otherwise qualified for a role. A Contractor may make a conditional offer of employment, depending on the results of a conviction history check.

### **Who is protected by the Ensuring Equal Opportunity for Persons Previously Convicted ordinance?**

The law applies to Applicants requesting consideration or being considered for employment with a Contractor, including a Sub-contractor, with the City of Pittsburgh.

## What should Contractors do to satisfy requirements under Section 161.16A?

The Contractor must establish policies to ensure that legal requirements pursuant to §161.16A are being followed. Among those policies, Contractors must make a standard practice of including (and abiding by) the following language in all job applications and applicable contracts: “The Contractor and all of its subcontractors shall comply with sub-section 161.16A of the City of Pittsburgh Code of Ordinances.”

## What is the definition of “otherwise qualified”?

An Applicant is “otherwise qualified” for a job if they meet the stated hiring criteria for a position or consideration therefor.

## Can a Contractor **ever** ask about an Applicant’s criminal conviction history?

Yes. After an Applicant is determined to be otherwise qualified and selected for a position, an Employer may make a conditional job offer of employment, after which the Contractor may conduct a background check, pursuant to applicable law. A Contractor may consider the results of that background check and its “relationship to the job” to determine whether the nature of the conviction(s) has a direct or specific negative bearing on an Applicant’s fitness or ability to perform any of the duties or responsibilities necessarily related to the job sought. If a conditional offer is rescinded as a result of the background check, an Applicant may be provided an opportunity to respond with an explanation or additional information.

## Does the Ensuring Equal Opportunity for Persons Previously Convicted ordinance cover public safety jobs?

The ordinance specifically excludes contracts for public safety sensitive positions of police officer, fire fighter, paramedic, and school crossing guard.

## Who can file a complaint about possible violations of the Ban the Box law?

Any individual or organization may file a complaint with the Mayor’s Office of Equal Protection for any violation of section 161.16A. A complainant should complete a complaint form, which can be found at <https://pittsburghpa.gov/mayor/ban-the-box>, and either submit or email it to [compliance@pittsburghpa.gov](mailto:compliance@pittsburghpa.gov) or mail it to the following address: Mayor’s Office c/o Compliance Coordinator City County Building 414 Grant Street, Pittsburgh PA 15219.

## What happens if a City Contractor doesn’t comply with the law?

If the Mayor’s Office of Equal Protection determines that a Contractor has failed to maintain a Ban the Box policy, notify applicants and employees of said policy, or include the appropriate language in their contracts, the Contractor may be suspended or debarred from participation in City contracts.

## Are the posted Guidelines final?

The Guidelines went into effect September 12, 2023. However, they may be updated by the Office of Equal Protection from time to time.