

Service

Labor & Employment

Columbia City Council Approves "Ban the Box" Ordinance Limiting Employer Inquiries about Criminal Convictions

Last week, the City Council of Columbia, Missouri, passed Ordinance 22286 (the Ordinance) prohibiting employers with operations in the city from inquiring about, considering or requiring disclosure of an applicant's past criminal convictions until after the employer has made a conditional offer of employment to the applicant. The Ordinance took effect December 1, 2014.

There are several limited exceptions to the Ordinance. First, the Ordinance does not apply to positions where federal, state or local law or regulations require employers to exclude applicants with certain criminal convictions. Second, if a standard fidelity bond or other bond is required for the position and certain convictions would disqualify the applicant from obtaining the bond, the employer may inquire about convictions for those offenses. Finally, if the employer hires individuals licensed under the Emergency Medical Services Systems Act, the Ordinance does not apply.

The Ordinance does not prohibit Columbia employers from notifying applicants in writing of specific offenses that will disqualify applicants from employment in a particular position. Additionally, employers are permitted to make final employment-related decisions based on all information available to them, including information regarding criminal records.

Any individual who claims to have been aggrieved by any violation of the Ordinance must file a complaint with the Columbia Commission on Human Rights (Commission) within 180 days of the date of the alleged violation. If the Commission determines there is probable cause to credit the allegations in the complaint, the Commission may forward the matter to the city prosecutor.

Should a prosecution be successful, the employer may be required to pay a fine of \$1,000 and may be subject to imprisonment not to exceed 30 days.

What This Means to You

This Ordinance is a shift in requirements for Missouri employers with operations in Columbia. These employers should review hiring procedures and application materials to ensure compliance with the Ordinance. Employers should review job descriptions and requirements carefully to determine whether any positions fall under the limited exceptions, and should remove all questions about criminal history from applications unless a position is covered by one of the exceptions to the Ordinance.

If criminal history information is gathered, employers must ensure such information is only requested after a conditional offer of employment has been made.

Contact Information

For more information concerning this or other issues affecting labor and employment, please contact your Husch Blackwell attorney or an attorney in our Labor & Employment practice group.