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NYC's New "Ban-the-Box" Law

On June 29, 2015, Mayor de Blasio signed the Fair Chance Act, which went into effect on October 27, 2015.

Key provisions of the law are as follows:

- prohibits NYC employers with four or more employees from inquiring into applicants' criminal history (arrest or conviction) at any time prior to a conditional offer of employment, inclusive of, but not limited to, on a written application, in an interview, or otherwise searching public records or consumer reports that contain criminal background information
- prohibits expressing in a job advertisement that a person's criminal history or arrest record may disqualify an applicant
- specific procedures must be followed if an inquiry is made after the conditional employment offer and adverse action is going to be taken: provide a written copy of the inquiry to the applicant, perform the individualized assessment required by Article 23-A and provide a written copy of the analysis to the individual inclusive of the reasons for the action (form to be provided by NYC Commission on Human Rights) and allow at least three business days for the applicant to respond, while holding the position open
- Exemptions: positions where federal, state or local laws require criminal background checks or to positions where a criminal conviction precludes employment
- enforceable through an administrative action (with the NYC Commission on Human Rights) or through a private right of action (court)
- employers are still permitted to continue to inquire into criminal convictions and/or require criminal background checks for prospective employees, but they are now restricted as to the timing of such inquiries and background checks and are required to follow specific procedures prior to taking adverse action

For additional details you can visit The New York City Council website at <http://legistar.council.nyc.gov> or copy and paste this: <http://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1739365&GUID=EF70B69C-074A-4B8E-9D36-187C76BB1098>