



Seattle Office for Civil Rights

Patricia Lally, Director

NEWS ADVISORY

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Seattle Office for Civil Rights files 11 Director's Charges against employers on use of criminal history

Violations of local law regulating employer use of criminal history in employment decisions

One year after passage of Seattle's Job Assistance Ordinance (JAO), the Seattle Office for Civil Rights (SOCR) has filed 11 Director's Charges against employers. In each case, the employer ran advertisements that explicitly prohibited job applicants from applying if they have any type of criminal record. Blanket exclusions against applicants with a criminal record are illegal under JAO.

The Job Assistance Ordinance (JAO) is a City of Seattle law (SMC 14.17) that sets limits on employers' use of criminal history in hiring and other employment decisions. JAO went into effect on November 1, 2013, and applies to most jobs within Seattle city limits.

"One in four adults in the U.S. has a criminal record, and the racial disparities in incarceration rates have devastated communities of color," said Patricia Lally, Director of the Seattle Office for Civil Rights. "Policies that prevent people from working because of actions in their past hurt all of us. The Job Assistance Ordinance allows an applicant a fair chance at employment. This law is an important step to strengthen communities, reduce crime and save tax dollars."

The employers charged cover a wide range of businesses: pet care, general contractor, construction, commercial and home cleaning, medical marijuana sales, landscaping, IT technical support, home food delivery, liquor sales and telecommunication. Some are located in Seattle; others are based outside Seattle but have employees who work within Seattle city limits.

“Now that the Job Assistance Ordinance has been in effect for a year, we have started to file charges in situations that clearly violate the law.” said Michael Chin, SOCR’s Enforcement Manager. “While we want to educate employers on how to comply with JAO, we will enforce the law if we see a violation.”

In addition to banning ads that exclude applicants with criminal history, the Job Assistance Ordinance also:

- Prohibits employers from asking questions about applicants’ criminal history until after they conduct an initial screening.
- Prohibits employers from denying a job based solely on an arrest record.
- Gives applicants the opportunity to explain or correct criminal history information.
- Requires employers to provide a business reason if they deny a job based solely on an applicant’s conviction record.

The law does not apply to law enforcement or to jobs with unsupervised access to children under 16, individuals with developmental disabilities or vulnerable adults.

Employers who violate the Ordinance for the first time receive a notice of infraction and help from SOCR to ensure future compliance. After a second violation, employers must pay up to \$750 to the applicant or employee who brought the charge forward. Subsequent violations result in penalties up to \$1,000.

SOCR offers free training and technical assistance for employers on the Job Assistance Ordinance and other Labor Standards laws, like the Paid Sick and Safe Time Ordinance. A free JAO Employer Workshop is scheduled for December 2, noon-1 pm in the Central Building, 810 Third Avenue in downtown Seattle. To register, visit <https://www.surveymonkey.com/s/HK6SCF5>. For more information or to report a violation, call 206-684-4500 or visit <http://www.seattle.gov/civilrights/criminalrecords.htm>.