



OUR INSIGHTS

The Philadelphia Ban-the-Box Poster is Here: The Ins and Outs of the Posting Requirement

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The Philadelphia Commission on Human Relations has released the poster employers are under the new amendments to Philadelphia's "ban the box" law, the [Fair Criminal Records Act](#). The [poster](#) must be displayed as of Monday March 14, 2016, the date the new amendment takes effect. The ordinance requires that the poster be displayed "in a conspicuous place on the employer premises, where applicants and employees will be most likely to notice and read it."

The poster reiterates the language of the law regarding what an employer must do if an applicant is rejected. The law states that if an employer rejects an applicant in whole or in part based on criminal history, the employer must notify the applicant in writing of the decision and the decision's specific basis. The employer must provide the applicant with a copy of the background check, and then allow the applicant 10 business days to dispute the information. The employer must provide an explanation or evidence of inaccuracy.

As written, the statutory language creates tension between the Philadelphia law and the federal Fair Credit Reporting Act (FCRA) that is not easily reconciled. However, there are still many questions regarding the requirement and how this provision of the law will be applied and enforced by the Commission. The Commission has promised forthcoming guidance to clarify this issue.

Employers' obligations under the amendments to Philadelphia's ban-the-box law in addition to other laws in other jurisdictions, including all federal and state background check requirements, are discussed in our [firm's O-D Comply: Background Checks and O-D Comply: Employment Applications](#) subscription, which are updated and provided to [O-D Comply](#) subscribers as the law changes.

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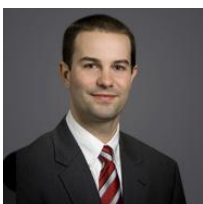
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Stephen Woods represents companies in all aspects of labor and employment law. He assists national, regional, and local clients on counseling/preventive, EEOC and employment litigation, and traditional labor (union) issues and questions. He is the chair of the firm's Background Check Advice Group and the shareholder-author of the firm's O-D Comply: Background Checks subscription and O-D Comply: E-Signatures materials. Stephen lives by a client-centric mantra which combines prevention and...

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