

“BAN THE BOX” COMING TO THE CITY OF ST. LOUIS

The City of St. Louis has passed an ordinance that bars covered employers from (1) asking an applicant to disclose criminal history information on an initial application and (2) making promotion decisions based on criminal history. The ordinance takes effect on Jan. 1, 2021, and will apply to private employers with 10 or more employees.

When hiring, a covered employer may run a background check only after interviewing a qualified applicant. Furthermore, employers cannot rely on prior convictions or arrests to deny initial employment or promotion, unless the employment decision is: (1) “based on all information available including the frequency, recentness and severity of the criminal history,” and (2) the criminal history “is reasonably related to or bears upon the duties and responsibilities of the job position.”

The law also prohibits:

- publishing job advertisements that exclude applicants based on criminal history;
- including statements in application forms that exclude applicants based on criminal history;
- asking applicants to disclose criminal history during the initial hiring process; and
- taking affirmative steps to review publicly available information about an applicant’s criminal history.

These prohibitions generally do not apply to positions that are subject to federal, state or local laws that restrict hiring employees with criminal history.

The ordinance contemplates a “warning” for first-time offenders, but subsequent violations could result in a fine or even revocation of an employer’s business license. The St. Louis Civil Rights Enforcement Agency will investigate complaints under the ordinance, and the License Collector’s Office will be tasked with enforcement.

This legislation is part of a larger “ban-the-box” movement. Moreover, it expands upon former St. Louis City Mayor Francis Slay’s 2014 decision to no longer require applicants seeking positions with the city government to disclose felony convictions.

PEOPLE

Ida S. Shafaie

SERVICES AND INDUSTRIES

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Employers in St. Louis City should review their current application forms, job postings and other documents to ensure they are compliant. Armstrong Teasdale's Employment and Labor practice routinely guides employers in their efforts to comply with developments in this area of the law.