

# Portland's New Ban-the-Box Ordinance Imposes Stricter Rules Than State Law

December 3, 2015

On November 25, 2015, the Portland City Council passed an ordinance restricting an employer's ability to inquire regarding a job applicant's criminal history. As of July 1, 2016, Portland employers with six or more employees will be prohibited from soliciting information regarding an applicant's criminal background at any time prior to making a conditional offer of employment. If an employer makes a conditional offer and a subsequent background check reveals a criminal past, the employer may rescind the offer only after assessing the nature and gravity of the offense, the time elapsed since the offense, and the nature of the employment held or sought by the applicant.

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This ordinance is more stringent than the recently-passed Oregon state "Ban the Box" law, which will become effective on January 1, 2016. Under the state law, employers are prohibited from making an inquiry into an applicant's criminal history on the application or prior to the first interview. The Portland ordinance is similar to the state law in that it also exempts certain employers, such as those involved in law enforcement, public safety, and caregiving to vulnerable groups, or those employers who are otherwise exempt under another federal, state, or local law.

The Portland ordinance and the "ban the box" laws in other jurisdictions, including all federal and state background check requirements, are summarized in the firm's *O-D Comply: Background Checks* **and** *O-D*

*Comply: Employment Applications* subscription materials, which are updated and provided to *O-D Comply* subscribers as the law changes.

## TOPICS

Background Checks, State Developments