Engage PEO Client

Iowa: City of Waterloo "Ban the Box" Law

On November 4, 2019, the City of Waterloo, Iowa passed the state's first "Ban the Box" ordinance which takes effect on July 1, 2020. Covered employers include private employers with at least 15 employees, where at least four (4) of those employees regularly work within the City of Waterloo.

The Ordinance prohibits covered employers from doing the following in connection with potential employment:

1. Inquiring about or requiring job applicant's disclosure of any convictions, arrests, or pending criminal charges during the application process, including but not limited to any interview.
    - The Ordinance explains that "the application process shall begin when the applicant inquires about the employment being sought and shall end when an employer has extended a conditional offer of employment to the applicant. If the applicant voluntarily discloses any information regarding his or her criminal record at the interview, the employer may discuss the criminal record disclosed by the applicant."
2. Making adverse hiring decisions based exclusively on a job applicant's record of arrests or pending criminal charges that have not yet resulted in a conviction.
3. Making adverse hiring decisions based on any criminal records that have been lawfully erased or expunged that are either (1) the subject of an executive pardon, or (2) were otherwise legally nullified.
4. Making adverse hiring decisions based on a job applicant's criminal record without a legitimate business reason, including one of the following circumstances:
    - Situations where the nature of the criminal conduct has a direct and substantial bearing on the fitness or ability to perform the duties or responsibilities of the intended employment, taking into consideration the following factors: the nature of the employment, the place and manner in which the employment will be performed, the nature and seriousness of the offense or conduct, whether the employment presents an opportunity for the commission of a similar offense or conduct, the length of time between the conviction or arrest and the application for employment (not including time on probation or parole or the time during which fines or other financial penalties or remedies may be outstanding), the number and types of convictions or pending charges, and any verifiable information provided by the applicant that is related to the applicant's rehabilitation or good conduct.
    - Situations where the granting of employment would involve unreasonable risk of substantial harm to property or to safety of individuals or the public, or to business reputation or business assets, taking into consideration the factors listed above.
    - Positions working with children, developmentally disabled persons and vulnerable adults where the applicant has a conviction record of a crime against children or disabled or vulnerable adults, including but not limited to crimes of rape, sexual abuse, incest, prostitution, pimping, pandering, assault, domestic violence, kidnapping, financial exploitation, neglect, abandonment, and child endangerment.

- Situations where an employer must comply with any federal or state law or regulation pertaining to background checks and the criminal conduct is relevant to the applicant's fitness for the job.

In light of the Ordinance, employers who hire employees in City of Waterloo should review and revise their job applications to remove questions regarding a job applicant's prior arrests, charges, or criminal convictions. Engage clients may use the Engage template job application linked here.

Additionally, employers should update their hiring procedures/protocol to ensure that interviewers do not inquire in any manner regarding a job applicant's convictions, arrests, or pending criminal charges prior to issuing a conditional offer of employment, unless the job applicant voluntarily disclosed the information before an offer is extended.

Should you have questions regarding the City of Waterloo's "Ban the Box" law, please contact your Engage HR Consultant.