



Seattle Criminal Background Ordinance

By Jeffrey A. James and Jennifer Parda

On June 10, 2013, the Seattle City Council unanimously approved an ordinance restricting employers' ability to access public records and conduct criminal background checks on potential employees. The ordinance will take effect on November 1, 2013 if approved by Mayor Mike McGinn, which is expected. Under the ordinance—which covers all private employers with one or more employees and applies to positions requiring at least 50 percent of working time within the Seattle city limits—employers are no longer able to inquire about a potential employee's criminal history or to conduct a background check until a conditional offer of employment is given. The Ordinance also prohibits employers from refusing to hire an applicant because of a past arrest or conviction unless (1) the employer can show a "direct relationship" between the public criminal record and the job for which the individual has applied and (2) the following conditions are met:

- the employer identifies to the employee or job applicant the criminal record on which the decision has been made; and
- the job applicant is afforded the opportunity to explain or correct the information on which the employer has based the hiring decision.

The Seattle Office for Civil Rights, the administrative body charged with overseeing and enforcing the ordinance, will be tasked with issuing implementing rules regarding the ordinance, which will provide employers with greater guidance. In the meantime, if you have any questions about the Ordinance or its application to your organization, please contact Jeff James at jaj@sebrisbusto.com or Jennifer Parda at jparda@sebrisbusto.com.