

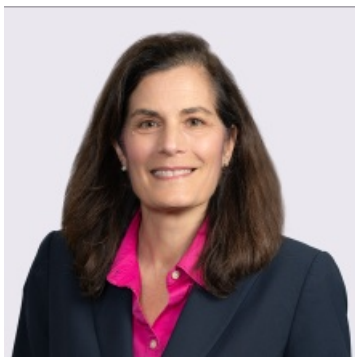
Legal Update Article

# **Lehigh County, Pennsylvania, Jumps on Ban-the-Box Trend With New Human Relations Ordinance**

By Susan M. Corcoran & Jason S. Kaner

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## Meet the Authors



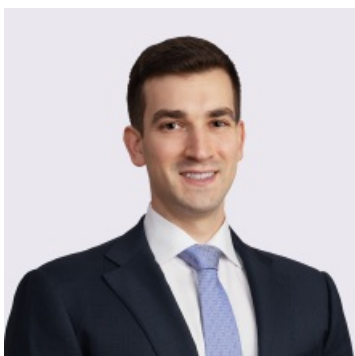
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## Related Services

Background Checks

Employment Litigation

The Board of Commissioners in Lehigh County, Pennsylvania, has passed the [Lehigh County Human Relations Ordinance](#) to ensure equal opportunities for all individuals concerning employment, housing, education, healthcare, and public accommodations, without regard to actual or perceived protected characteristics. The Ordinance includes restrictions on employers' use and reliance on an applicant's background information in making a hiring decision.

Like other local and state governments, Lehigh County is following the trend of enacting "ban the box" legislation aimed at guaranteeing that employers evaluate a candidate's qualifications before considering their potential criminal conviction history.

### Existing Discrimination Laws, Employer's Inquiry, Consideration of Prior Conviction

The Pennsylvania Human Relations Act of 1955 prohibits discrimination based on a protected class in employment, while Pennsylvania law (18 Pa. C.S. § 9125) stipulates that employers may consider felony and misdemeanor convictions only insofar as they relate to an applicant's suitability for "the position for which he has applied."

The Ordinance went into effect on June 1, 2024, and expands on 18 Pa. C.S. § 9125. The Ordinance provides that an employer may not:

- Ask whether the applicant has ever been convicted of a crime on an employment application;
- Require a job applicant to disclose prior criminal convictions before an initial interview; or
- Consider conviction records that are unrelated to the applicant's suitability for employment.

Employers may require disclosure of prior criminal convictions after an initial interview. Additionally, employers may use background checks and prior history to determine a candidate's suitability after a first interview.

If after discovering an applicant's prior convictions the employer denies employment based even partly on the applicant's criminal history, the employer must provide the applicant notification in writing. Failure to provide written notice is considered a violation of the Ordinance.

### Enforcement

The Ordinance established a Human Relations Commission responsible for receiving and investigating complaints filed pursuant to the Ordinance. Aggrieved individuals may make, sign, and file a complaint in person at the Lehigh County Office of Human Resources or on the Commission's website. Complaints must be filed within 180 days of the most recent alleged act of discrimination.

Please contact a Jackson Lewis attorney with any questions on compliance with the Ordinance.

(Summer Associate Molly Osinoff contributed to this article.)

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