



Immediate Release: April 6, 2020

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CITY OF WATERLOO WINS CHALLENGE TO FAIR CHANCE INITIATIVE ORDINANCE

A Black Hawk County District Court Judge ruled Friday that a challenge to the Fair Chance Initiative Ordinance, passed by the Waterloo City Council on November 4, 2019, was without merit and the case against the city was dismissed.

The City filed a motion for summary judgment asking the court to dismiss the challenge as a matter of law. The court determined the ordinance was properly adopted pursuant to its "Home Rule" authority under the Iowa Constitution.

The court also declared that the ordinance did not violate the 2017 State law passed to discourage cities from passing local ordinances relating to hiring practices. The ruling also pointed out that the Iowa Civil Rights Act specifically allows cities to pass laws prohibiting broader or different categories of unfair or discriminatory practices.

"It has always been our intent to support business with this ordinance and to give access to employment to everyone in our city," says Mayor Quentin Hart.

Members of the community are working to help Waterloo businesses implement the initiative into their business practices through education and training. The group includes Waterloo City Council Members and staff, local business leaders and human resources professionals.

The Fair Chance Initiative prohibits the following for certain employers:

1. To make any inquiry regarding, or to require any person to disclose or reveal, any convictions, arrests, or pending criminal charges during the application process, including but not limited to any interview. 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. To make an adverse hiring decision based solely on the applicant's record of arrests or pending criminal charges.

3. To make an adverse hiring decision based on any criminal records which have been lawfully erased or expunged, which are the subject of an executive pardon, or which were otherwise legally nullified.

4. To make an adverse hiring decision based on an applicant's criminal record without a legitimate business reason.

The ordinance can be read here:

<https://waterloo.novusagenda.com/AgendaPublic/CoverSheet.aspx?ItemID=15767&MeetingID=1028>

Those with questions about the ordinance or the recent ruling may contact City Attorney Martin Petersen at 319-291-4327.

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