

LOCAL LAW INTRO. NO. -2018

A LOCAL LAW amending Chapter 700 of the Laws of Westchester County in relation to prohibiting discrimination based on one's arrest record or criminal conviction.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Subdivision "a" of Section 700.03 of the Laws of Westchester County is hereby amended by the addition of a new paragraph "9" to read as follows:

9 (a) Unless specifically required or permitted by any other law, an employer shall not:

(1) Declare, print or circulate or cause to be declared, printed or circulated any solicitation, advertisement or publication, which expresses, directly or indirectly, any limitation, or specification in employment based on a person's arrest or criminal conviction; or

(2) Make any initial inquiry or statement related to an arrest or criminal conviction record of any person in an application for employment. For purposes of this paragraph, "any inquiry" means any question communicated to an applicant in writing or otherwise. For purposes of this paragraph, "any statement" means a statement communicated in writing or otherwise to the

applicant for purposes of obtaining an applicant's criminal background information regarding: (i) an arrest record; or (ii) a conviction record;

(b) After submission of an application for employment, an employer may inquire about the applicant's arrest or conviction record.

(c) This paragraph shall not apply to any actions taken by an employer pursuant to any state, federal or local law that requires criminal background checks for employment purposes or bars employment based on criminal history.

(d) This paragraph shall not apply to any actions taken by an employer with regard to an applicant for employment as a police officer or peace officer, as those terms are defined in subdivisions "33" and "34" of section 1.20 of the Criminal Procedure Law, respectively, or at a law enforcement agency as that term is used in Article 23-A of the Correction Law.

(e) This paragraph shall be enforced pursuant to Section 700.11 of this Chapter and through the Commission's rules and procedures.

§2. This Local Law shall take effect ninety (90) days after it shall have become law.