

If you have questions regarding the information in this alert or would like to receive further information regarding our Labor and Employment Department, please contact:

William D. Sargent
Department Chair
313.465.7538
wsargent@honigman.com

Laura A. Brodeur-McGeorge
313.465.7312
lbrodeur@honigman.com

Sean F. Crotty
313.465.7336
scrotty@honigman.com

Matthew S. Disbrow
313.465.7372
mdisbrow@honigman.com

Cameron J. Evans
313.465.7370
cevans@honigman.com

Christopher R. Kazanowski
313.465.7332
ckazanowski@honigman.com

Russell S. Linden
313.465.7466
rlinden@honigman.com

Tara E. Mahoney
313.465.7442
tmahoney@honigman.com

Robert J. Muchnick
313.465.7498
rmuchnick@honigman.com

Mary L. Pate
269.337.7828
mpate@honigman.com

Stanley H. Pitts
313.465.7516
spitts@honigman.com

Luke A. Suchyta
313.465.7546
lsuchyta@honigman.com

Detroit Prohibits Criminal Background Questions on Most Job Applications for City Contractors

On February 1, 2012, a new City of Detroit Ordinance prohibiting City contractors from inquiring about a job applicant's criminal background before conducting an in-person interview takes effect. The Ordinance applies to all companies that have at least one contract with the City of Detroit with a value of \$25,000 or more. Specifically, the Ordinance:

- Prohibits City contractors from asking an applicant who will be providing services under a City contract about criminal convictions before the contractor conducts an in-person interview of the applicant or otherwise determines the applicant is qualified;
- Requires City contractors to submit an affidavit along with their bid or proposal in response to a City request for proposal (RFP); and
- Declares that bids or proposals submitted without the required affidavit, or otherwise not compliant with the Ordinance, will not be accepted, as such bids or proposals are deemed "non-responsive" to the RFP.

The Ordinance provides exceptions for employers who are required to conduct background checks on their employees under federal or state law.

A company should keep this Ordinance in mind if it is planning to bid on upcoming City contracts. Of special concern is the requirement that employers must submit an affidavit with their proposal ensuring compliance with the Ordinance. To be compliant, this affidavit must be in a form approved by the Detroit City Law Department. Honigman attorneys will be able to assist in obtaining a compliant affidavit.

If you have any questions regarding this alert, please contact any of our labor attorneys listed on this alert.