

Lawsuit alleges Waterloo broke the law with “ban the box”

[January 6, 2020](#) 5:15 pm [Collin Dorsey](#) [TOP STORIES](#), [WATERLOO NEWS](#)

UPDATE (3:20 P.M. 1/6/2020) -- The lawsuit filed against the City of Waterloo by the Iowa Association of Business and Industry alleges Waterloo is violating state law with the controversial "ban the box" ordinance.

The lawsuit cited a section of Iowa code that was championed by the Iowa ABI and was passed in 2017. It reads a city cannot pass any ordinance exceeding or conflicting with federal or state laws relating to hiring practices.

The Iowa Association of Business and Industry filed this lawsuit to stop Waterloo's clearly unlawful ordinance that regulates when and how employers can consider an applicant's criminal history. The ordinance is one of the broadest criminal-history ordinances in the country, going well beyond any regulation of hiring practices under state or federal law. It doesn't just affect when an employer can inquire about an applicant's criminal history; it also forbids employers from considering criminal history at all in some circumstances. ABI supports efforts to bring individuals formerly incarcerated back into the workforce, but how and when an employer considers criminal history should be left to the employers who know and understand their needs. Iowa employers are the best in the country and they hire the best people based on their abilities, not their criminal background. Because the Waterloo ordinance so clearly violates Iowa law, ABI looks forward to a quick resolution of this lawsuit.

-Iowa Association of Business and Industry

The City Council was sent a letter in mid-October urging them that the ordinance was the wrong thing to do and would damage the business climate in Waterloo. It goes on to say the "ban the box" ordinance provides a "protected status" for applicants with a criminal history.

Martin Petersen, City Attorney for Waterloo, said they do not comment on pending litigation.

WATERLOO, Iowa (KWVL) – The City of Waterloo is facing a lawsuit filed by the Iowa Association of Business and Industry.

Online court records show an attorney for the Iowa ABI filed the suit Thursday in Black Hawk County Court. The lawsuit lists the City of Waterloo, Waterloo Commission on Human Rights, and City Attorney Martin Peterson as defendants in the case.

Multiple Waterloo City Council members and Mayor Quentin Hart confirmed they have been notified of the lawsuit. Mayor Hart said they do not comment on pending litigation. He did say the suit was believed to be in reference to the “Fair Chance Initiative.”

The “Fair Chance Initiative,” known as “ban the box” by some, was **approved** by the Waterloo City Council in a 4-2 vote in October 2019; the ordinance would be amended several times before reaching its final version. The initiative prevents city and many private employers from asking job applicants about criminal history until the end of the hiring process.

The Iowa ABI and others, including some on the Waterloo City Council, have expressed concern over the initiative. The association posted on their **website** a section of **Iowa code** limiting what municipalities can do about the hiring process.

“You’re harming businesses in Waterloo, and I want jobs for everyone in Waterloo. I want them to come here, locate here, thrive here and we are passing this tonight and it’s going to knock them in the knees,” Councilwoman Margaret Klein said during a meeting in late **October**.

Then-councilman Bruce Jacobs also expressed his **concern**, saying the initiative was in violation of state code.

Those in support of the initiative have said asking applicants about prior criminal history can be discriminatory, especially against minorities. The **Waterloo Commission on Human Rights** said prohibition of asking about criminal history would ensure all applicants get a fair chance at employment.

The initiative does not prohibit employers from running a background check on employees. Councilwoman Margaret Klein said that check cannot be ran until after a conditional job offer is made.



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