



## Resource Guide

# Ban the Box

U.S. Cities, Counties, and States Adopt Fair Hiring Policies to Reduce Unfair Barriers to Employment of People with Criminal Records

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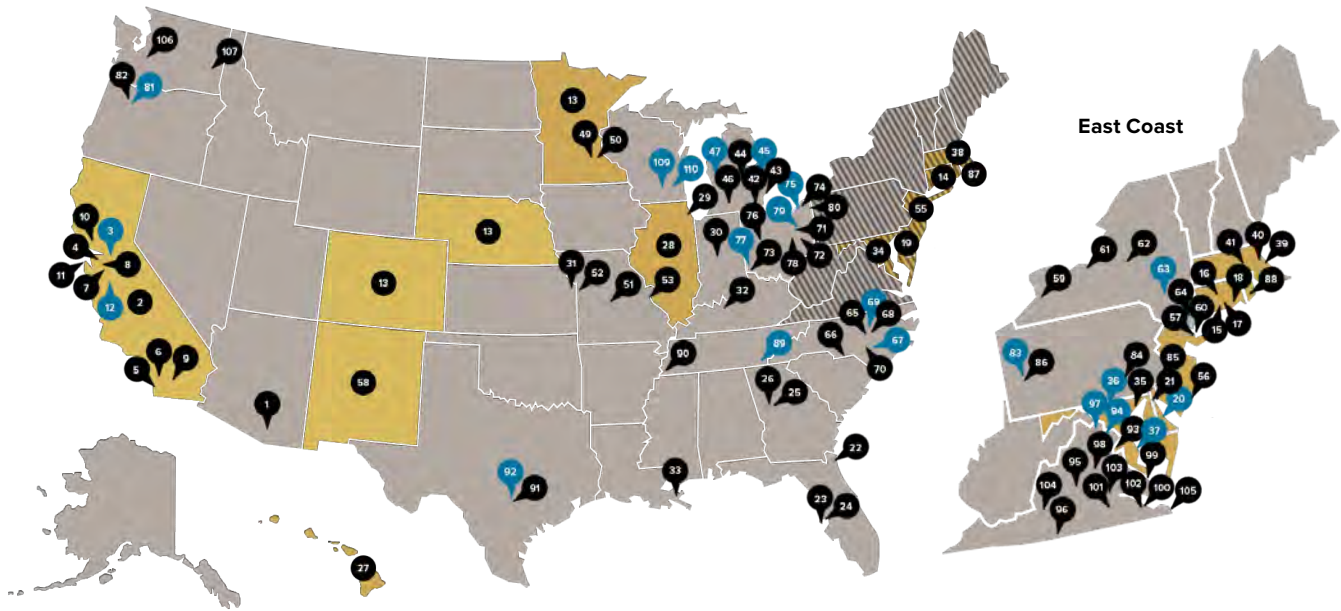
### **About NELP**


For more than 40 years, the National Employment Law Project has worked to restore the promise of economic opportunity for working families across America. In partnership with grassroots and national allies, NELP promotes policies to create good jobs, enforce hard-won workplace rights, and help unemployed workers regain their economic footing.


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More than 100 Cities, Counties, and States Have Adopted Fair-Chance Hiring Policies



 City has fair-chance hiring policy

 County has fair-chance hiring policy

 State has fair-chance hiring policy

- |                             |                                |                            |                              |
|-----------------------------|--------------------------------|----------------------------|------------------------------|
| 1. Tucson, AZ               | 29. Chicago, IL                | 57. Newark, NJ             | 85. Philadelphia, PA         |
| 2. California (state law)   | 30. Indianapolis, IN           | 58. New Mexico (state law) | 86. Pittsburgh, PA           |
| 3. Alameda County, CA       | 31. Kansas City, KS            | 59. Buffalo, NY            | 87. Rhode Island (state law) |
| 4. Berkeley, CA             | 32. Louisville, KY             | 60. New York, NY           | 88. Providence, RI           |
| 5. Carson, CA               | 33. New Orleans, LA            | 61. Rochester, NY          | 89. Hamilton County, TN      |
| 6. Compton, CA              | 34. Maryland (state law)       | 62. Syracuse, NY           | 90. Memphis, TN              |
| 7. East Palo Alto, CA       | 35. Baltimore, MD              | 63. Ulster County, NY      | 91. Austin, TX               |
| 8. Oakland, CA              | 36. Montgomery County, MD      | 64. Yonkers, NY            | 92. Travis County, TX        |
| 9. Pasadena, CA             | 37. Prince George's County, MD | 65. Carrboro, NC           | 93. Alexandria, VA           |
| 10. Richmond, CA            | 38. Massachusetts (state law)  | 66. Charlotte, NC          | 94. Arlington County, VA     |
| 11. San Francisco, CA       | 39. Boston, MA                 | 67. Cumberland County, NC  | 95. Charlottesville, VA      |
| 12. Santa Clara County, CA  | 40. Cambridge, MA              | 68. Durham City, NC        | 96. Danville, VA             |
| 13. Colorado (state law)    | 41. Worcester, MA              | 69. Durham County, NC      | 97. Fairfax County, VA       |
| 14. Connecticut (state law) | 42. Ann Arbor, MI              | 70. Spring Lake, NC        | 98. Fredericksburg, VA       |
| 15. Bridgeport, CT          | 43. Detroit, MI                | 71. Akron, OH              | 99. Newport News, VA         |
| 16. Hartford, CT            | 44. East Lansing, MI           | 72. Canton, OH             | 100. Norfolk, VA             |
| 17. New Haven, CT           | 45. Genesee County, MI         | 73. Cincinnati, OH         | 101. Petersburg, VA          |
| 18. Norwich, CT             | 46. Kalamazoo, MI              | 74. Cleveland, OH          | 102. Portsmouth, VA          |
| 19. Delaware (state law)    | 47. Muskegon County, MI        | 75. Cuyahoga County, OH    | 103. Richmond, VA            |
| 20. New Castle County, DE   | 48. Minnesota (state law)      | 76. Dayton, OH             | 104. Roanoke, VA             |
| 21. Wilmington, DE          | 49. Minneapolis, MN            | 77. Hamilton County, OH    | 105. Virginia Beach, VA      |
| 22. Jacksonville, FL        | 50. St. Paul, MN               | 78. Massillon, OH          | 106. Seattle, WA             |
| 23. St. Petersburg, FL      | 51. Columbia, MO               | 79. Summit County, OH      | 107. Spokane, WA             |
| 24. Tampa, FL               | 52. Kansas City, MO            | 80. Youngstown, OH         | 108. Washington, DC          |
| 25. Atlanta, GA             | 53. St. Louis, MO              | 81. Multnomah County, OR   | 109. Dane County, WI         |
| 26. Fulton County, GA       | 54. Nebraska (state law)       | 82. Portland, OR           | 110. Milwaukee County, WI    |
| 27. Hawaii (state law)      | 55. New Jersey (state law)     | 83. Allegheny County, PA   |                              |
| 28. Illinois (state law)    | 56. Atlantic City, NJ          | 84. Lancaster, PA          |                              |

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## **ALL STATE LAWS** **CHART OF STATE LAWS**

## **ALL CITY AND COUNTY** **POLICIES** **CHART OF ALL POLICIES**

### **ARIZONA** TUCSON, AZ

### **CALIFORNIA (state law)** ALAMEDA COUNTY, CA BERKELEY, CA CARSON, CA COMPTON, CA EAST PALO ALTO, CA OAKLAND, CA PASADENA, CA RICHMOND, CA SAN FRANCISCO, CA SANTA CLARA COUNTY, CA

### **COLORADO (state law)**

### **CONNECTICUT** **(state law)** BRIDGEPORT, CT HARTFORD, CT NEW HAVEN, CT NORWICH, CT

### **DELAWARE (state law)** NEW CASTLE COUNTY, DE WILMINGTON, DE

### **FLORIDA** JACKSONVILLE, FL ST. PETERSBURG, FL TAMPA, FL

### **GEORGIA** ATLANTA, GA FULTON COUNTY, GA

### **HAWAII (state law)**

### **ILLINOIS (state law)** CHICAGO, IL **INDIANA** INDIANAPOLIS, IN

### **KANSAS** KANSAS CITY, KS

### **KENTUCKY** LOUISVILLE, KY

### **LOUISIANA** NEW ORLEANS, LA

### **MARYLAND (state law)** BALTIMORE, MD MONTGOMERY COUNTY, MD PRINCE GEORGE’S COUNTY, MD

### **MASSACHUSETTS** **(state law)** BOSTON, MA CAMBRIDGE, MA WORCESTER, MA

### **MICHIGAN** ANN ARBOR, MI DETROIT, MI EAST LANSING, MI GENESEE COUNTY, MI KALAMAZOO, MI MUSKEGON COUNTY, MI

### **MINNESOTA (state law)** MINNEAPOLIS, MN ST. PAUL, MN

### **MISSOURI** COLUMBIA, MO KANSAS CITY, MO ST. LOUIS, MO

### **NEBRASKA (state law)**

### **NEW JERSEY (state law)** ATLANTIC CITY, NJ NEWARK, NJ

### **NEW MEXICO (state law)**

### **NEW YORK** BUFFALO, NY NEW YORK, NY ROCHESTER, NY SYRACUSE, NY ULSTER COUNTY, NY YONKERS, NY

### **NORTH CAROLINA** CARRBORO, NC CHARLOTTE, NC CUMBERLAND COUNTY, NC DURHAM CITY, NC DURHAM COUNTY, NC SPRING LAKE, NC

### **OHIO** AKRON, OH CANTON, OH CINCINNATI, OH CLEVELAND, OH CUYAHOGA COUNTY, OH DAYTON, OH HAMILTON COUNTY, OH MASSILLON, OH SUMMIT COUNTY, OH

YOUNGSTOWN, OH

**OREGON**

MULTNOMAH COUNTY, OR  
PORTLAND, OR

**PENNSYLVANIA**

ALLEGHENY COUNTY, PA  
LANCASTER, PA  
PHILADELPHIA, PA  
PITTSBURGH, PA

**RHODE ISLAND**

**(state law)**

PROVIDENCE, RI

**TENNESSEE**

HAMILTON COUNTY, TN  
MEMPHIS, TN

**TEXAS**

AUSTIN, TX  
TRAVIS COUNTY, TX

**VIRGINIA**

ALEXANDRIA, VA  
ARLINGTON COUNTY, VA  
CHARLOTTESVILLE, VA  
DANVILLE, VA  
FAIRFAX COUNTY, VA  
FREDERICKSBURG, VA  
NEWPORT NEWS, VA  
NORFOLK, VA  
PETERSBURG, VA  
PORTSMOUTH, VA  
RICHMOND, VA  
ROANOKE, VA  
VIRGINIA BEACH, VA

**WASHINGTON**

SEATTLE, WA  
SPOKANE, WA

**WASHINGTON D.C.**

**WISCONSIN**

DANE COUNTY, WI  
MILWAUKEE COUNTY, WI

**N**ationwide, almost 100 cities and counties have adopted what is widely known as “ban the box” so that employers consider a job candidate’s qualifications first, without the stigma of a criminal record. These initiatives provide applicants a fair chance by removing the conviction history question on the job application and delaying the background check inquiry until later in the hiring.

Momentum for the policy has grown exponentially, particularly in recent years. Just in 2013 and 2014, eight states passed legislation. There are a total of thirteen states representing nearly every region of the country that have adopted the policies—California (2013, 2010), Colorado (2012), Connecticut (2010), Delaware (2014), Hawaii (1998), Illinois (2014, 2013), Maryland (2013), Massachusetts (2010), Minnesota (2013, 2009), Nebraska (2014), New Jersey (2014), New Mexico (2010), and Rhode Island (2013). Six states—Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, and Rhode Island—have removed the conviction history question on job applications for private employers, which advocates embrace as the next step in the evolution of these policies.

Four States Passed New Laws in 2014
Delaware
Illinois
Nebraska
New Jersey

Federally, the U.S. Equal Employment Opportunity Commission (EEOC) endorsed removing the conviction question from the job application as a best practice in its [2012 guidance](#) making clear that federal civil rights laws regulate employment decisions based on arrests and convictions. The Obama Administration’s My Brother’s Keeper Task Force also gave the movement a boost when it [endorsed](#) hiring practices “which give applicants a fair chance and allows employers the opportunity to judge individual job candidates on their merits.”

Fair chance policies benefit everyone because they’re good for families and the local community. At a [recent event](#) in Oakland for employers to discuss reentry issues, one business owner spoke to the personal benefit he finds from hiring people with records. “I’ve seen how a job makes all the difference,” says Derreck B. Johnson, founder and president of Home of Chicken and Waffles in Oakland. “When I give someone a chance and he becomes my best employee, I know that I’m doing right by my community.”

This resource guide documents the 110 jurisdictions—the [13 states](#), Washington D.C., and the [96 cities and counties](#)—that have taken steps to remove barriers to employment for qualified workers with records. Six states, Washington D.C., and 25 cities and counties now extend the fair chance policy to government contractors or private employers. Of the localities, Baltimore, Buffalo, Chicago, Columbia (MO), Montgomery County (MD), Newark, Philadelphia, Prince George’s County (MD), Rochester, San Francisco, Seattle, and Washington D.C. extend their fair chance laws to private employers in the area. A chart summarizing all the policies is [available here](#), at the end of this guide.

To support your state and local efforts to enact a fair chance policy, check out NELP's [Fair Chance – Ban the Box Toolkit](#), which provides a step-by-step guide for advocates on how to launch a “ban the box” campaign. Embedded in the [Toolkit](#) is a range of resources to draft a law, to build your network, to support your outreach, and even to develop your media outreach. Here, are just a few of the resources:

- A [one-page Factsheet](#), which explains the basics of the policy.
- A [Voices in Support](#) factsheet highlighting voices around the nation in support.
- A [Best Practices and Model Policies](#) guide provides models for local and state laws.
- The [Research Summary](#) is a compilation of the research that supports the policy.
- The [Compilation of Media](#) provides links to notable articles, examples of op-eds, and e-campaign materials.

For additional information, contact Senior Staff Attorney Michelle Natividad Rodriguez at [mrodriguez@nelp.org](mailto:mrodriguez@nelp.org).

# THIRTEEN STATEWIDE FAIR CHANCE LAWS

1. **CALIFORNIA ASSEMBLY BILL 218 (2013) (APPLIES TO PUBLIC EMPLOYMENT)**  
**Signed on October 10, 2013** by Governor Edmond “Jerry” Brown (D), [AB 218](#) removes questions about convictions from state agency, city, county and special district job applications and postpones such inquiries until later in the hiring process. The bill was initially introduced in 2012 as AB 1831 applying only to cities and counties. After the first effort stalled in the senate, AB 218 was introduced in 2013. Sponsoring organizations included the [National Employment Law Project](#), [Legal Services for Prisoners with Children](#), [All of Us or None](#), and [PICO California](#). The legislation takes effect on July 1, 2014. Law enforcement positions are exempted, as are other positions that require a criminal background check by law. More than 100 organizations, spanning labor, interfaith, reentry, civil rights, employment, criminal justice, and others groups, formed a coalition that strongly supported the bill. AB 218 was also endorsed by several major newspapers, including [The New York Times](#), [Los Angeles Times](#), and [Sacramento Bee](#). Introduced by Asm. Roger Dickinson (D), see [bill information](#). See [NELP’s press release](#).

**Commentary:** Before AB 218 and under the administration of Governor Arnold Schwarzenegger (R), an administrative policy removing the conviction question from state job applications was adopted in 2010. On the effective date of the legislation, NELP released a [survey](#) of the largest cities and counties in California, which [revealed statewide implementation of the law](#).

2. **COLORADO HOUSE BILL 1263 (2012) (APPLIES TO STATE EMPLOYMENT AND LICENSING)** Signed on May 29, 2012 by Governor John Hickenlooper (D), [HB 1263](#) prohibits state agencies and licensing agencies from performing a background check until the agency determines that the applicant is a finalist for the position or the applicant receives a conditional offer. In determining whether a conviction disqualifies an applicant from employment or licensing, the state or licensing agency must consider (1) the nature of the conviction; (2) the direct relationship of the conviction to the job; (3) rehabilitation and good conduct; and (4) the time elapsed since the conviction. The law further prevents agencies from using arrests not leading to conviction in deciding whether to deny or withdraw an offer. Agencies may not disqualify an applicant based on an expunged, sealed, or pardoned conviction or charges dismissed pursuant to a deferred judgment, unless the agencies first consider the four factors listed above.

This law does not apply where a statute bars licensing based on convictions nor to certain public safety or correction-related jobs. The law addresses blanket bans in job advertisements that include a statement that a person with a criminal record may not apply. The legislation was supported by the [Colorado Criminal Justice Reform Coalition](#). Introduced by Rep. Claire Levy (D), see [bill information](#).



**Commentary:** Prior to the bill, Colorado state employment applications omitted any inquiries about applicants' convictions or arrests. Thus, unlike the typical fair hiring legislation, this bill does not include language that requires removing the question about convictions on the application.

**3. CONNECTICUT HOUSE BILL 5207 (2010) (APPLIES TO STATE EMPLOYMENT)**

Connecticut's [HB 5207](#) unanimously passed both the house and senate, but was vetoed by the Governor. Nonetheless, legislators overrode the veto. Taking effect on October 1, 2010, state employers must wait until an applicant has been deemed otherwise qualified for the position before obtaining a criminal background report. HB 5207 amended existing law (§ 46a-80), which already included the following provisions directed to state agencies and licensing. First, the existing law prohibited applicants from being disqualified solely because of a conviction. Second, it required consideration of (1) the nature of the crime and its relationship to the job or occupation; (2) rehabilitation; and (3) the time elapsed since the conviction or release before making an employment or licensure determination. Third, an applicant must be provided with a written letter of rejection specifically stating the evidence presented and reasons for rejection. Finally, existing law also prohibited the use or dissemination of records of arrests that did not lead to conviction, or records of convictions that had been erased. Introduced by Labor and Public Employees Committee, see [bill information](#).

**Commentary:** Laying the foundation for the bill's sweeping support in the legislature, advocates formed a coalition (including [A Better Way Foundation](#)) that won fair chance policies locally in Norwich, Hartford, and New Haven in 2009.

- 4. DELAWARE HOUSE BILL 167 (2014) (APPLIES TO PUBLIC EMPLOYMENT)** Signed on May 8, 2014, [HB 167](#), applies to the state, its agencies, and political subdivisions, such as cities and counties. This bill prohibits the public employer from inquiring into or considering criminal or credit histories of an applicant until after the completion of the first interview. When reviewing a criminal history, the public employer must consider: (1) nature of offense; (2) time passed; and (3) nature of job. Police forces and other positions with a statutory mandate for background checks are exempted. Governor Jack A. Markell [endorsed](#) the bill in his State of the State address. Introduced by Rep. James ("J.J.") Johnson (D), see [bill information](#). See [NELP's press release](#).

**Commentary:** In the initial bill version, the public employer was directed to consider a criminal record using a combination of factors in the [EEOC Guidance](#) and the [1979 Uniform Law Commissioners' Model Sentencing and Corrections Act](#). These factors clarified the job-relatedness analysis. However, the bill was amended and the EEOC factors above replaced the language. In addition, the provision encouraging state vendors to adopt similar policies was removed.

- 5. HAWAII HOUSE BILL 3528 (1998) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)** In 1998, Hawaii became the first state to adopt a fair chance law as

applied to both public and private employment. The statute, [Haw. Rev. Stat. § 378-2.5](#), prohibits employers from inquiring into an applicant's conviction history until after a conditional offer of employment has been made. The offer may be withdrawn if the applicant's conviction bears a "rational relationship" to the duties and responsibilities of the position sought. Under the law, employers may only consider an employee's conviction record within the most recent ten years, excluding periods of incarceration. Prior to HB 3528, the definition of unlawful discriminatory practices (§ 378-2) included "arrest and court record" as an impermissible reason for an employer to "refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual."

**Commentary:** NELP recommends prohibiting employers from inquiring into a conviction until after a conditional offer as one of the strongest means to change employer behavior of categorically rejecting the job applications of people with records.

6. **ILLINOIS HOUSE BILL 5701 (2014) (APPLIES TO PRIVATE EMPLOYERS)** Introduced on February 14, 2014, [HB 5701](#), the "Job Opportunities for Qualified Applicants Act," applies to employers with 15 or more employees and employment agencies. Employers may not inquire into an applicant's criminal record until the applicant has been selected for an interview by the employer or until after a conditional offer of employment is made to the applicant. Positions that have state or federal law exclusions based on certain convictions are exempted. The bill authorizes the imposition of warnings and civil penalties against violators. The bill was signed by Governor Pat Quinn on July 19, 2014. Introduced by Rep. Rita Mayfield (D), see [bill information](#). See [NELP's press release](#).

**Commentary:** The bill applies to only private employers, because Governor Pat Quinn issued an executive order in 2013, [Order 1](#), which required the Illinois Bureau of Personnel in the Department of Central Management Services (CMS) to modify the Application for State Employment (the "[CMS100](#)") for all state employing agencies, boards, and commissions.

7. **MARYLAND SENATE BILL 4 (2013) (APPLIES TO STATE EMPLOYMENT)** [Signed on May 2, 2013](#) by Governor Martin O'Malley (D), [SB 4](#) adds [Article 2-203, Chapter 160](#) to the state code and prohibits state public employers from inquiring into the criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview. Exceptions to the law include positions within the Department of Corrections, the Office of the Sheriff for any county, or where a background check is required by law. Introduced by Sen. Catherine Pugh (D), see [bill information](#).

**Commentary:** [Job Opportunities Task Force](#) led efforts on the bill for three prior years, which built a strong statewide coalition. The law includes a sunset provision of June 30, 2018.

8. **MASSACHUSETTS SENATE BILL 2583 (2010) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)** Governor Deval Patrick (D) signed [Chapter 256 of the Acts of 2010](#) on August 6, 2010. Under [Senate Bill 2583](#), employers can no longer use an initial written employment application to ask whether an applicant has been convicted unless there is a legal restriction that applies to the specific job or occupation. The law requires that applicants receive a copy of their criminal history report (1) prior to being questioned about their history; and (2) if an adverse decision is made based on the report. As a self-auditing mechanism, individuals are able to determine if the report was run through the state system. With certain exceptions, criminal records provided by the state may only contain (1) felony convictions for 10 years following disposition; (2) misdemeanor convictions for 5 years following disposition; and (3) pending criminal charges. The legislation was supported by a broad coalition (including [Massachusetts Law Reform Institute](#) and [Boston Workers Alliance \(BWA\)](#)). See [bill information](#), [MCAD factsheet](#), and [BWA factsheet](#).

**Commentary:** The bill uniquely tackles the issue of inaccurate commercial background checks by creating an incentive for employers to use the state’s database, which then limits the length of time that criminal history information is available. It also ensures that a denied applicant receives a copy of his or her record, paralleling one component of the federal consumer protection law, the [Fair Credit Reporting Act](#), which applies to commercially-prepared background checks.

9. **MINNESOTA SENATE BILL 523 (2009, 2013) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)** Signed on May 13, 2013 by Governor Mark Dayton (D), [SF 523](#) amends [Minn. Stat. § 364 et seq.](#) This amendment expands the law from 2009 to cover not only public-sector hiring, but also adds that private employers may not inquire into an applicant’s criminal history until after the applicant has been selected for an interview or before a conditional offer of employment. It also establishes penalties for private employers including fines for failure to comply. Behind the legislative win, the [Minnesota Second Chance Coalition](#) built on the 2009 success of [HF 1301](#), which added section 364.021 to [Minn. Stat. § 364 et seq.](#) applying ban-the-box to public employment. Longstanding statutory protections preceding that bill, dating back to 1974, include a prohibition against disqualifying applicants from public employment or licensure unless the conviction is “directly related” to the position of employment or occupational license sought, a requirement that job-related factors be considered, and a ban on using records of arrest not followed by valid conviction, annulled or expunged convictions, and misdemeanor convictions for which no jail sentence can be imposed when evaluating applicants for public employer or licensure. Introduced by Sen. Bobby Joe Champion (DFL), see [bill information](#).

**Commentary:** HF 1301 was signed by then-Governor Tim Pawlenty (R). Like HF 1301, SF 523 was an example of bipartisanship. Spurred by the state legislation, the Minneapolis-based retailer [Target announced](#) it would ban-the-box nationally. To support

implementation, the Minnesota Department of Human Rights has provided educational [materials for employers](#).

**10. NEBRASKA LEGISLATIVE BILL 907 (2014) (APPLIES TO PUBLIC EMPLOYMENT)**

Originally introduced in January 2014 as [LB 932](#), the legislation applies to public employers—the state, counties, and cities. Public employers are prohibited from inquiring into a job applicant’s criminal history until after the employer has determined the applicant meets the minimum job requirements. Law enforcement positions and other positions with mandated background check requirements are exempted, as well as school districts regarding specific information. The language of LB 932 was added as Sec. 12 to the more comprehensive prison reform legislation intended to reduce the inmate population, [LB 907](#). Governor Dave Heineman (R) signed LB 907 on April 16, 2014. LB 932 was introduced by Sen. Bill Avery (D) and LB 907 was introduced by Sen. Brad Ashford (D), see [bill information](#). See [NELP’s press release](#).

**Commentary:** Although exemptions are generally unnecessary with fair chance legislation because a background check is delayed, not prevented, exemptions can serve to assuage fears. Supporters include the City of Omaha; in fact, Mayor Jean Stothert (R) cited her support for the legislation in her 2014 [state of the city address](#).

**11. NEW JERSEY ASSEMBLY HOUSE BILL 1999 AND SENATE BILL 1484 (2014) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)**

Initial versions were introduced in 2013, but were reintroduced in 2014 as A1999 and [S1484](#), known as “The Opportunity to Compete Act.” A heavily amended [A1999](#) was passed and signed by Governor Chris Christie on August 11, 2014. The bill mandates that public and private employers cannot inquire into a candidate’s criminal history until the employer has conducted the first interview with the candidate. Employers may not consider expunged or pardoned convictions when making an employment decision. Introduced to Senate by Sens. Sandra B. Cunningham (D), M. Teresa Ruiz (D), and Raymond J. Lesniak (D) and introduced to Assembly by Asms. Bonnie Watson Coleman (D), Jerry Green (D), and L. Grace Spencer (D), see [bill information](#). See [NELP’s press release](#).

**Commentary:** Leading up to the introduction of the legislation, the [New Jersey Institute for Social Justice](#) engaged the private employer community through business roundtables as discussed in [NELP’s webinar](#). The original version of the bill, available [here](#), included numerous strong provisions, such as delaying inquiry until a conditional offer.

**12. NEW MEXICO SENATE BILL 254 (2010) (APPLIES TO PUBLIC EMPLOYMENT)**

On March 8, 2010, Governor Bill Richardson (D) signed this [measure](#) into law adding [N.M. Stat. § 28-2-3](#) to the existing “Criminal Offender Employment Act” (1974). The bipartisan effort resulted in public employers, including cities and counties, being prohibited from inquiring into an applicant’s conviction history on an initial employment application until an applicant has been “selected as a finalist.” The law permits convictions to be considered when determining eligibility for public employment or licensure, but

convictions “may not operate as an automatic bar.” The law further prohibits, for employment and licensing, the use of records of arrest not leading to conviction and misdemeanor convictions not involving moral turpitude. [Drug Policy Alliance New Mexico](#) led the efforts on the bill. Introduced by Sen. Clinton D. Harden (R), see [bill information](#).

**Commentary:** The bill amended existing law, which permits a “moral turpitude” conviction that “directly relates” to employment to be the basis for denial. The existing law requires a written statement to the applicant of the reasons for denial and provides the parameters for a presumption of rehabilitation (§ 28-2-4).

**13. RHODE ISLAND HOUSE BILL 5507 (2013) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)** Signed into law on July 15, 2013, by Governor Lincoln Chafee (D), [HB 5507](#) prohibits an employer from inquiring about an applicant's prior criminal convictions until the first interview with the applicant. An employer may inquire about the applicant's criminal convictions during the first interview. There are exceptions for positions where an applicant with a conviction history would be automatically disqualified by law. Introduced by Reps. Scott Slater (D), Michael W. Chippendale (R), Anastasia Williams (D), Joseph S. Almeida (D), and Grace Diaz (D), see [bill information](#).

**Commentary:** Rhode Island became the fourth state in the nation to implement ban-the-box for private employers statewide. [Direct Action for Rights and Equality](#) championed the efforts for years, producing the powerful video [Beyond the Box](#).

## PENDING STATE POLICY AND PENDING LEGISLATION

**GEORGIA EXECUTIVE ORDER (WOULD APPLY TO STATE EMPLOYMENT)** Governor Nathan Deal (R) has [indicated](#) that the state will set an example for private sector employers by not automatically dismissing job applicants with a criminal history. “We decided Georgia can set the right example,” Deal said. “With the exception of certain jobs that would require a little higher scrutiny of background, all of the other jobs — which is a vast majority of jobs in state government — somebody will not be automatically rejected because they had to check that box.” Governor Deal’s policy advisor has [clearly stated](#) that, “The governor will implement ban the box on the state level” and “[t]his will afford those with blemishes on their record a shot at a good job, which is key to preventing a return to crime.”

**Commentary:** When the Governor officially removes the criminal record inquiry from the state job application, Georgia will become the first state in the Deep South to adopt the policy change.

**MISSOURI SENATE BILL 44 (WOULD APPLY TO PUBLIC AND PRIVATE EMPLOYMENT)** Prefiled on December 1, 2014, [SB 44](#) would make it an unlawful employment practice for a public or private employer with at least six employees to inquire into the criminal record of

an applicant before the applicant has received a conditional offer of employment. Felonies would only be considered if less than ten years have elapsed and misdemeanors would only be considered for a five-year period. The employment offer may only be withdrawn based on an offense that bears a rational relationship to the duties of the position. In addition, this act specifies a list of factors the employer must consider before withdrawing a job offer based on the applicant's record. Introduced by Sen. Jamilah Nasheed (D), [see bill information](#).

**Commentary:** Sen. Jamilah Nasheed, the sponsor, was a vocal supporter of the [St. Louis fair hiring policy](#) adopted in October 2014.

**MISSOURI HOUSE BILL 170 (WOULD APPLY TO PUBLIC EMPLOYMENT, PUBLIC ASSISTANCE, HOUSING ASSISTANCE)** Prefiled on December 5, 2014, [HB 170](#) limits disclosure of nonviolent felony pleas or convictions on state employment, public assistance, and housing assistance application forms. Introduced by Rep. Brandon Ellington (D), [see bill information](#).

**Commentary:** HB 170 is a very limited bill. Improved language would not carve out only nonviolent offenses or only felonies. This is especially true given that the conviction inquiry is simply delayed, not prohibited.

**OHIO HOUSE BILL 654 (WOULD APPLY TO PUBLIC EMPLOYMENT)** On November 6, 2014 a bipartisan group of sponsors and co-sponsors introduced [HB 654](#), the “Ohio Fair Hiring Act.” If enacted, this legislation would prohibit state agencies and political subdivisions of the state from inquiring into a job applicant's criminal history until the employer has selected the applicant for the position. The employer would not be permitted to disqualify an applicant because of a prior conviction or guilty plea until the employer has considered a variety of factors, including the length of time since the applicant's last conviction and the relation between the offense and the job duties of the desired position. If the employer determined that these factors disqualify an applicant, the employer would be required to state the rejection in writing and specify the reasons and evidence supporting the rejection. Arrests not followed by convictions could not be considered. Sponsors are Rep. Kirk Schuring (R) and Rep. Stephen Slesnick (D), [see bill information](#).

**Commentary:** The [Ohio Justice & Policy Center](#) has been instrumental in crafting fair hiring policies in the cities and counties that have adopted them in Ohio. OJPC is also working closely with the sponsors.

**TEXAS HOUSE BILL 548 (WOULD APPLY TO PUBLIC EMPLOYMENT)** Introduced on December 18, 2014, [HB 548](#), known as “Delay the Box,” prohibits state and local agencies from inquiring into an applicant’s criminal history record until after the applicant has been conditionally offered a job or has been invited to an interview. Introduced by Rep. Eric Johnson (D), [see bill information](#).

**Commentary:** In his press release, Rep. Johnson stated that “This is a good policy for all employers, but let’s start with public employers.” The bill was part of a package of three bills that would ease reentry into society for the formerly incarcerated by helping to maintain family bonds and to increase the odds for steady employment.

## **LEGISLATION INTRODUCED (2013, 2014)**

**FLORIDA HOUSE BILL 505 AND SENATE BILL 234 (WOULD HAVE APPLIED TO PUBLIC AND PRIVATE EMPLOYMENT)** Introduced on January 7, 2014 and March 4, 2014 respectively, [HB 505](#) and [SB 234](#), would have prohibited private and public employers from inquiring into a job applicant’s criminal history on an initial employment application. The bills, which shared identical language, would have delayed criminal history screening until after the applicant’s qualifications had been screened and the employer had determined that the applicant met the minimum employment requirements for a given position. Both bills stalled in Committee. Introduced by Rep. Cynthia A. Stafford (D) in the House and Sen. Jeff Clemens (D) in the Senate, see [bill information](#).

**Commentary:** SB 234 was introduced in conjunction with SB 324, which would have prohibited employers from using a job applicant’s credit history to deny employment or determine compensation, or terms and conditions of employment. The bill stalled in Committee.

**GEORGIA HOUSE BILL 813 (WOULD HAVE APPLIED TO PUBLIC AND PRIVATE EMPLOYMENT)** Introduced on January 22, 2014, [HB 813](#), would have made it unlawful for any employer to inquire whether the applicant has ever been arrested for, charged with, or convicted of any crime prior to a first interview. HB 813 exempted law enforcement positions, as well as positions with legally mandated conviction disqualifications or bonding requirements. The bill stalled in the House Committee on Industry and Labor. Introduced by Rep. Keisha Waites (D), see [bill information](#).

**Commentary:** Governor Nathan Deal (R) has [publicly commented](#) on his intention to ensure that people with records are not disqualified from interviewing for state jobs, but an official order for the policy change has not yet been issued.

**LOUISIANA HOUSE BILLS 217 AND 485 (WOULD HAVE APPLIED TO STATE EMPLOYMENT AND GOVERNMENT CONTRACTORS)** [HB 485](#), which applies to unclassified positions in state employment, was introduced on February 26, 2014. State employers would have been prohibited from inquiring into an applicant’s criminal history until after an interview or a conditional offer of employment. The bill would have required state employers, when considering the criminal history, to consider [EEOC Guidance](#) factors. Introduced on February 21, 2014, [HB 217](#), would have prohibited state contractors from inquiring about an applicant’s criminal history on a job application for positions in which background checks are not legally mandated. Contractors could inquire about criminal history during an in-person or video interview, or after a conditional offer of employment.

The bills have stalled. Both bills were introduced by Rep. Patricia Smith (D), see [bill information](#).

**Commentary:** On [April 2, 2014](#), the state Civil Service Commission was provided a presentation on removing criminal record inquiries on the job applications for classified positions. If HB 485, which applied to unclassified positions, would have passed, an action by the Civil Service Commission to adopt the policy would have then covered all Louisiana state employment. [PICO Louisiana](#) and [V.O.T.E.](#) are supporters of these efforts.

**MICHIGAN HOUSE BILL 4366 (WOULD HAVE APPLIED TO PUBLIC AND PRIVATE EMPLOYMENT)** Introduced on March 5, 2013, [HB 4366](#), the “Employment Application Fairness Act” would prohibit inquiries about felony convictions on initial applications for employment. Violation of this provision would permit civil actions for injunctive relief, damages, or both, including attorney’s fees. The bill stalled in committee. Introduced by Rep. Fred Durhal (D), see [bill information](#).

**Commentary:** As introduced, the statute appeared to allow for oral inquiries regarding convictions. An important consideration would be to include a prohibition on inquiries and broaden the prohibition to all convictions, rather than felonies alone.

**NEW HAMPSHIRE HOUSE BILL 1368 (WOULD HAVE APPLIED TO PUBLIC AND PRIVATE EMPLOYMENT)** HB 1368 was introduced on January 8, 2014. The [original version](#) of the bill would have prohibited private and public employers from inquiring into a job applicant’s conviction history until the employer had extended a conditional job offer. A licensing component was added, which mandated that a disqualification from licensure solely because of a conviction was prohibited. On the verge of passage, the bill was amended to remove the prohibition on employers from making conviction history inquiries before the conditional offer phase. In essence, the “ban the box” component was removed. The licensing component remained and the amended [HB 1368](#) was passed. Introduced by Rep. Frank Heffron (D), see [bill information](#).

**Commentary:** When the legislation included delaying conviction history inquiries and several fair hiring provisions, the fiscal impact of the bill was estimated at less than \$10,000 in each of the fiscal years 2014-2018, making it a low-cost strategy for improving economic opportunity.

**NORTH CAROLINA HOUSE BILL 425 (WOULD HAVE APPLIED TO PUBLIC EMPLOYMENT)** Introduced on March 26, 2013, [HB 425](#) would have added Article 17 to Chapter 126 of the North Carolina General Statutes, and would have provided that public employers would not be allowed to inquire about conviction history until a conditional offer of employment. Additionally, the employer would not have been able to disqualify an applicant from eligibility unless the conviction was substantially related to the position sought. This bill passed the first reading, but did not emerge from the Committee on Rules,



Calendar, and Operations of the House. Introduced by Rep. Garland Pierce (D), see [bill information](#).

**Commentary:** In the prohibition on disqualifying applicants from public employment based on convictions, the bill mirrored the job-related language and the consideration of factors recommended by the [EEOC Guidance](#).

***SOUTH CAROLINA HOUSE BILL 4978 (WOULD HAVE APPLIED TO PUBLIC AND PRIVATE EMPLOYMENT)*** Introduced on March 26, 2014, [H 4978](#) would have prohibited public and private employers from inquiring into an applicant’s criminal history until the applicant had been selected for an interview or before a conditional offer of employment. For public employment and professional licensing, the applicant could not have been disqualified because of a prior conviction unless the conviction directly related to the position or the occupation. The factors to determine if a conviction is directly related are similar to those in the [EEOC Guidance](#). Further, if the individual with a directly related conviction could have shown rehabilitation and fitness, the individual would not be disqualified. The bill stalled. Sponsored by Reps. Leola C. Robinson-Simpson (D), John Richard C. King (D), Donna Hicks Wood (R), Robert L. Brown (D), Chandra E. Dillard (D), Christopher R (“Chris”) Hart (D), Robert Q. Williams (D), Leon Howard (D), Joseph H. Jefferson Jr. (D), and Harold Mitchell Jr. (D), see [bill information](#).

**Commentary:** The bill appeared to be modeled on Minnesota’s comprehensive statute, [Minn. Stat. § 364 et seq.](#)

***VIRGINIA SENATE BILL 250 AND HOUSE BILL 892 (WOULD HAVE APPLIED TO STATE EMPLOYMENT)*** On January 8, 2014, [SB 250](#) and [HB 892](#), two versions of legislation were introduced. Senate Bill 250 would have prohibited state agencies from inquiring whether a prospective employee has ever been arrested or convicted unless the inquiry takes place after the individual has received a conditional offer of employment. The offer may be withdrawn if the individual has a conviction that bears a rational relationship to the duties and responsibilities of the position. Although the mandates would not have applied locally, the legislation provided the authority for localities to adopt an ordinance with the same parameters as the bill. The House Bill was not as strong in several respects, including shifting the threshold for criminal record inquiry to the interview stage. The bills stalled. Introduced by Sen. Donald McEachin (D) and Del. Rob Krupicka (D), see [bill information](#).

**Commentary:** The House Bill included troubling language that a state agency may advise the prospective employee that the agency is prohibited from hiring an individual arrested for a crime rationally related to the position. As the [EEOC guidance](#) notes, the fact that an arrest exists is not proof of criminal conduct and an exclusion based on an arrest, in itself, may be inconsistent with federal law.

***WASHINGTON HOUSE BILL 2545 (WOULD HAVE APPLIED TO PUBLIC AND PRIVATE EMPLOYMENT)*** Introduced on January 21, 2014, [HB 2545](#), the “Job Assistance Act” would

have prohibited all employers from including a question on a job application about, or from inquiring about, non-conviction information, before an applicant is deemed otherwise qualified. Advertisements, policies, or practices that excluded all people with non-conviction records would have been prohibited. The bill included a right of action to enforce the act. HB 2545 did not pass during the 2014 legislative session. Introduced by Reps. Luis Moscoso (D), Chris Reykdal (D), Sherry Appleton (D), Mike Sells (D), Mary Helen Roberts (D), Roger Goodman (D), Gerry Pollet (D), and Roger Freeman (D), see [bill information](#).

**Commentary:** The legislative findings for the bill were quite comprehensive. As the findings alluded to, with a focus on non-conviction information, the bill was more modest than other jurisdictions which enacted polices that applied to conviction information.

## RELATED FAIR HIRING STANDARDS:

### Laws Prohibiting Discrimination Based on a Criminal Record

Several states have limited how and under what circumstances an employer may consider an applicant's criminal record, without delaying background check inquiries in the hiring process. The laws build on federal law such as [Title VII of the Civil Rights Act of 1964](#), which prohibits employers from categorically excluding people with records from employment.

**NEW YORK (1977) (APPLIES TO PRIVATE AND PUBLIC EMPLOYMENT)** New York law ([NY Corr. Law § 752](#)) prohibits “[u]nfair discrimination against persons previously convicted of one or more criminal offenses” in public and private employment and licensing. The law has been enforced by the state’s Attorney General, resulting in settlements against Aramark, RadioShack, and Choicepoint (one of the nation’s largest screening firms). The law prohibits the disqualification of applicants from employment or licensure based on the applicant’s convictions or lack of “good moral character”, unless the conviction is directly related to the employment or license sought, or there is an unreasonable risk to property or to the public. The law ([§ 753](#)) includes a list of factors to be considered when making an employment determination based on a conviction, including that certificates of good conduct create a presumption of rehabilitation.

**PENNSYLVANIA (1979) (APPLIES TO PRIVATE EMPLOYMENT AND LICENSING)** Pennsylvania law ([Title 18 Cons. Stat. § 9125](#)) prohibits private employers from considering conviction records that “do not relate to the applicant’s suitability for employment.” Employers must provide written notification if a denial of employment was based in whole or in part on the applicant’s record. The law ([§ 9124](#)) also allows state agencies to consider conviction records when determining licensure. However, it prohibits consideration of arrests not leading to a conviction; annulled, expunged, or pardoned convictions; convictions of summary offenses; and convictions that do not relate to the applicant’s suitability for the license.

***WISCONSIN (1981) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT AND LICENSING)***

Wisconsin Statute §§ [111.321](#), [111.322](#) prohibit employment discrimination in both public and private sector employment on the basis of either an arrest or conviction record. Specifically, the law ([§111.335](#)) provides that an applicant may not be denied employment based on a conviction history unless the conviction “substantially relate[s]” to the circumstances of the particular job or licensed activity, or is not bondable.

State (Year reform was adopted)	Relevant Statutes	Employers: Private and Public (State: S, Licensing: L, Cities and Counties: C)		Job-Related Screening*	Limits information (Arrests not leading to convictions: "Arrests"; Expunged or similar: "Expunged"; Time limit on record: "Time limit")*	Other protections (Notification of denial: N; Copy of record: C*)
<b>California (2010, 2013)</b>	Cal. Lab. Code § 432.9	—	Public (S, C)	—	Arrests, Expunged, Time limit	—
<b>Colorado (2012)</b>	Colo. Rev. Stat. § 24-5-101	—	Public (S, L)	Whether there is "direct relationship" between conviction and job	Arrests, Expunged	—
<b>Connecticut (2010)</b>	Conn. Gen. Stat. § 46a-80	—	Public (S, L**)	Consider nature of crime and relationship to the job	Arrests, Expunged	N, C
<b>Delaware (2014)</b>	Del. Code tit. 19, § 711(g); Del. Code tit. 29, § 6909B	—	Public (S, C)	Consider nature of offense and job	—	—
<b>Hawaii (1998)</b>	Haw. Rev. Stat. §§ 378-2, 378-2.5	Private	Public (S, C)	Conviction bears "rational relationship" to position	Time limit	—
<b>Illinois (2013, 2014)</b>	820 Ill. Comp. Stat. § 75; Executive Order 1 (2013)	Private	Public (S)	—	—	—
<b>Maryland (2013)</b>	Md. Code Ann., State Pers. & Pens. § 2-203	—	Public (S)	—	—	—
<b>Massachusetts (2010)</b>	Mass. Gen. Laws ch. 151B, § 4 (9 ½); ch. 6, §§ 171A, 172	Private	Public (S, L**, C)	—	Time limit	N, C
<b>Minnesota (2009, 2013)</b>	Minn. Stat. § 364	Private	Public (S, L**, C)	Determine if conviction "directly relates" to position	Arrests, Expunged	N
<b>Nebraska (2014)</b>	Neb. Rev. Stat. § 48-202	—	Public (S, C)	—	—	—
<b>New Jersey (2014)</b>	AB 1999	Private	Public (S, C)	—	Expunged	—
<b>New Mexico (2010)</b>	N.M. Stat. §§ 28-2-1 to 28-2-6	—	Public (S, L**, C)	Conviction "directly relates" to employment	Arrests	N
<b>Rhode Island (2013)</b>	R.I. Gen. Laws §§ 28-5-6, 28-5-7	Private	Public (S, C)	—	Arrests	—

\* Some of these components existed prior to the legislation listed here. \*\*Removal of conviction inquiry from the licensing application is not required.

# CITY AND COUNTY FAIR CHANCE POLICIES

(Listed in chronological order)

## ***BOSTON, MA (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Background checks only required for some positions
- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

In 2004, Boston implemented policies that limit discrimination against people with criminal records in city government positions. In July 2006, Boston expanded those policies by removing the questions about criminal history from the job application and by requiring an estimated 50,000 private vendors that do business with the City to follow the City's hiring standards. The revised job application begins with an anti-discrimination statement that the city complies with all state and federal equal employment opportunity laws, while also listing "ex-offender status" as a protected classification.

Under the policy, background checks are not required for all positions. Only when required by law or when the City or vendor has made a "good faith determination that the relevant position is of such sensitivity," is a background check conducted on "otherwise qualified" applicants for a position. Often, a background check is not conducted until a conditional offer of employment has been made. Employers must also consider the age and seriousness of the offense and the "occurrences in the life of the Applicant since the crime(s)." The ordinance includes an appeal and the right to present information related to the "accuracy and/or relevancy" of the criminal record. A broad community coalition called Massachusetts Alliance to Reform CORI (MARC) supported these developments.

## **BOSTON RESOURCES**

Boston City Council Ordinance (July 1, 2006), [available here](#)

Boston Equal Opportunity Statement, [available here](#)

## **BOSTON CONTACTS**

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Office of Human Resources

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Chuck Wynder Jr., Executive Director

[Boston Workers Alliance](#)

[chuck@bostonworkersalliance.org](mailto:chuck@bostonworkersalliance.org)

## ***SAN FRANCISCO, CA (BOARD OF SUPERVISORS RESOLUTION APPLIES TO CITY AND COUNTY (2005))***

- Background check only for finalists for positions
- Incorporates EEOC criteria in individualized assessment

## ***SAN FRANCISCO FAIR CHANCE ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND AFFORDABLE HOUSING (2014)***

- Policy applies to private employers and to affordable housing

- Incorporates EEOC criteria in individualized assessment (jobs and housing)
- Right to appeal denial of employment or housing
- Provides copy of background check report

The campaign to "ban the box" on San Francisco's applications for public employment was led by [All of Us or None](#), a national organizing initiative of formerly incarcerated people. In 2005, the San Francisco Board of Supervisors approved a resolution initiated by All of Us or None calling for San Francisco to eliminate hiring discrimination against people with criminal records by removing the request for criminal history information on the initial job application for public employment. The resolution was implemented as a municipal hiring policy. An individual's past convictions can only be considered after an applicant has been identified as a finalist for a position. The exception is for those jobs where state or local laws expressly bar people with convictions from employment, in which case the City conducts its background review at an earlier stage of the hiring process.

In 2011, the [San Francisco Human Rights Commission](#) and the [San Francisco Reentry Council](#) recommended expanding the City's policy to all private employers, vendors, and affordable housing providers. After a three-year campaign led by NELP, [All of Us or None](#), and the [Lawyers' Committee for Civil Rights of the San Francisco Bay Area \(LCCR\)](#), the San Francisco Board of Supervisors unanimously passed the Fair Chance Ordinance on February 4, 2014.

#### SAN FRANCISCO RESOURCES

San Francisco Board of Supervisors Resolution (Oct. 11, 2005), [available here](#)

San Francisco Fair Chance Ordinance (Feb. 4, 2014), [available here](#)

#### SAN FRANCISCO CONTACTS

Ted Yamasaki, Managing Deputy Director  
Human Resources Department  
[ted.yamasaki@sfgov.org](mailto:ted.yamasaki@sfgov.org)

Meredith Desautels  
[LCCR](#)  
[mdesautels@lccr.com](mailto:mdesautels@lccr.com)

#### ***CHICAGO, IL (MAYOR'S INITIATIVE; ORDINANCE APPLIES TO PRIVATE EMPLOYERS)***

- Policy applies to private employers
- Incorporates EEOC criteria in individualized assessment

In May 2004, Chicago Mayor Richard Daley created the Mayoral Policy Caucus on Prisoner Reentry, bringing together government and community leaders to address the challenges facing the 20,000 people each year who return to Chicago after being released from prison. In January 2006, the Caucus issued a major report calling for broad reforms of City policy. Concurrent with the release of the report, Mayor Daley announced several major "reentry" initiatives, including reform of the City's hiring policies as recommended by the Caucus. Implementing the Mayor's hiring policy, the Chicago Department of Human Resources issued guidelines and removed the question about criminal history from the job application.

In November 2014, the City Council passed an ordinance that extended the city policy to all private employers, including those that are exempted from the state law (which covers private employers with more than 15 employees). Conviction history inquiry is permitted after the candidate is selected for an interview or after conditional offer. The ordinance was referred to the Council by Mayor Rahm Emanuel.

#### **CHICAGO RESOURCES**

Mayor Daley's Press Release (Jan. 24, 2006), [available here](#)

Report of the Mayoral Policy Caucus on Prisoner Reentry (Jan. 2006), [available here](#)

Chicago Department of Human Resources Guidelines (June 5, 2007), [available here](#)

City Council Ordinance O2014-8347 (Nov. 5, 2014), [available here](#)

#### **CHICAGO CONTACT**

Mona Noriega, Chairman and Commissioner  
Commission on Human Relations  
(312)744-4111

#### ***ALAMEDA COUNTY (OAKLAND & BERKELEY, CA AREA; RESOLUTION APPLIES TO COUNTY)***

- Incorporates EEOC criteria in individualized assessment

In October 2006, the Alameda County Board of Supervisors unanimously adopted a resolution urging the Civil Service Commission and the Department of Human Resources to implement a "pilot project . . . in order to mitigate or eliminate the negative impact against individuals who have been incarcerated or otherwise have criminal convictions to assist with the successful reintegration into the community." Beginning in March 2007, Alameda County removed the question on the job application that required all applicants to list their criminal convictions. Self-disclosure of criminal history information does not occur until the last step of the examination process and fingerprinting for background checks is performed after a conditional offer. In addition, to protect against potential discrimination, a special unit in the Human Resources Department performs an analysis to determine if the conviction is, in fact, related to the specific functions of the job. As reported by the Interim Director of Human Resources Services in March 2012, the County has not had any problems with the policy and "has benefited from hiring dedicated and hardworking County employees because of the policy change."

#### **ALAMEDA COUNTY RESOURCES**

Alameda County Board of Supervisors Resolution (Oct. 3, 2006), [available here](#)

Alameda County Letter to Asm. Roger Dickinson (March 28, 2012), [available here](#)

#### **ALAMEDA COUNTY CONTACT**

Rodney Brooks, Chief of Staff  
Office of Supervisor Keith Carson  
[rodney.brooks@acgov.org](mailto:rodney.brooks@acgov.org)

***ST. PAUL, MN (MAYOR’S DIRECTIVE AND CITY COUNCIL RESOLUTION APPLY TO CITY)***

- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment

In December 2006, Mayor Christopher Coleman of St. Paul directed the City's Human Resources Department to reform its hiring process so that “all applicants have a full and fair opportunity for employment.” The City thus amended its employment application to remove questions regarding criminal history. That same month, the City Council approved a resolution calling on the City to “make a good faith determination as to which specific positions of employment are of such sensitivity and responsibility that a background check is warranted.” The resolution also mandated that background checks be performed only after an applicant is determined to be otherwise qualified for that position.

**ST. PAUL RESOURCES**

Mayor Coleman’s Memo to the City Council (Dec. 5, 2006), [available here](#)

Report of the Council on Crime and Justice, [available here](#)

St. Paul City Council Resolution, [available here](#)

St. Paul Employment Application, [available here](#)

**ST. PAUL CONTACTS**

Angie Nalezny, Director

Human Resources Department

[angie.nalezny@ci.stpaul.mn.us](mailto:angie.nalezny@ci.stpaul.mn.us)

***MINNEAPOLIS, MN (RESOLUTION APPLIES TO CITY)***

- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment

Like St. Paul, Minneapolis passed a resolution banning the box in December 2006. The Minneapolis resolution shares many characteristics with the St. Paul resolution, including banning the box, making a “good faith” determination of which positions require background checks, and performing background checks on applicants only after they have been determined to be otherwise qualified. The [Council on Crime and Justice](#), with the support of more than 30 community organizations, was instrumental in getting both the St. Paul and Minneapolis resolutions passed.

**MINNEAPOLIS RESOURCES**

Minneapolis City Council Resolution, [available here](#)

**MINNEAPOLIS CONTACTS**

Councilmember Elizabeth Glidden

Minneapolis City Council

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***EAST PALO ALTO, CA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

Inquiries regarding criminal histories are delayed until the applicant is a finalist.

**EAST PALO ALTO RESOURCE**

Application, [available here](#)

**EAST PALO ALTO CONTACT**

Jesse Stout

[All of Us or None](#)

[jesse@prisonerswithchildren.org](mailto:jesse@prisonerswithchildren.org)

***OAKLAND, CA (CITY ADMINISTRATOR HIRING POLICY APPLIES TO CITY)***

- Background check only after conditional offer of employment
- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

Oakland changed its job application in 2007 to eliminate questions about conviction histories. The new process did not require additional resources. Since implementing this practice, only a small number of applicants have been screened out from employment due to their criminal histories. Working with [All of Us or None](#), the City improved its policy in 2010. The City conducts background checks on applicants after a conditional offer, but only for those positions required by law or the City has made a “good faith determination” that the position warrants it. The City also notifies the applicant of the potential adverse employment action, provides a copy of the background report, and provides the applicant an opportunity to rebut the accuracy or relevancy of the background report. Final decisions are based on job-relatedness and other EEOC factors.

**OAKLAND RESOURCES**

City Administrator memo (Dec. 28, 2010), [available here](#)

Letter to Asm. Dickinson regarding support of ban the box (March 28, 2012), [available here](#)

**OAKLAND CONTACTS**

Jesse Stout

[All of Us or None](#)

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Andrea Gourdine

Director, Dept. of Human Resources Management

(510) 238-3112

***MULTNOMAH COUNTY (PORTLAND, OR AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

- Incorporates EEOC criteria in individualized assessment

In October 2007, Multnomah County removed the question about criminal history from both on-line and hard-copy applications. The Multnomah County policy is similar to the policy implemented in the City and County of San Francisco. The Portland-based group, [Partnership for Safety and Justice](#), was

instrumental in the adoption of the county hiring policy as part of their "Think Outside of the Box" campaign.

When an applicant's criminal history is considered, at a later stage of the hiring process, the Multnomah County policy requires an individualized determination of whether the conviction bears a rational relationship to the job. According to the policy, important factors to consider include the nature of the crime for which the applicant was convicted; any positive changes demonstrated since the conviction; the age at time of arrest; and the amount of time that has elapsed since the arrest occurred.

#### **MULTNOMAH COUNTY RESOURCE**

Multnomah County Human Resources Memo (Oct. 10, 2007), [available here](#)

#### **MULTNOMAH COUNTY CONTACT**

Human Resources Department  
(503) 988-5015 x85015

#### ***CAMBRIDGE, MA (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Background checks only required for some positions
- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment
- Right to appeal prior to adverse determination
- Provides copy of background check report

In May 2007, Cambridge implemented policies limiting discrimination against people with criminal records in city government positions. In January 2008, the City Council passed an ordinance extending the requirements of Cambridge's hiring policy to private vendors that do business with the City. Consistent with the City's hiring policy, vendors contracting with Cambridge wait to conduct a criminal background check until the job applicant is found to be "otherwise qualified" for the position. To determine the applicant's suitability for the position, vendors are required to consider a variety of factors, including "the relevance of the crime to the position sought," the age and seriousness of the crime, and evidence of rehabilitation. In addition, the Cambridge ordinance requires the vendor to notify the applicant of a potential adverse decision based on the criminal record. The employer must give the applicant a copy of the criminal record and the right to present information related to the accuracy and relevancy of the information reported.

#### **CAMBRIDGE RESOURCE**

Cambridge City Council Ordinance (Jan. 28, 2008), [available here](#)

#### **CAMBRIDGE CONTACT**

Oman Bandar, Former Special Assistant to the Mayor  
[bandar\\_omar@hotmail.com](mailto:bandar_omar@hotmail.com)

**BALTIMORE, MD (HIRING POLICY APPLIES TO CITY, ORDINANCE APPLIES TO PUBLIC AND PRIVATE EMPLOYERS)**

- Background check only after conditional offer of employment
- Background checks only required for some positions
- Ordinance applies to public and private employers

In December 2007, with the backing of Mayor Sheila Dixon, the City of Baltimore's Board of Estimates unanimously approved changes to the City's administrative hiring policy. The Board of Estimates—composed of the Mayor, President of the City Council, Comptroller, City Solicitor, and Director of Public Works—is the governing body that oversees the fiscal and administrative functions of the City. In accordance with the policy, the City removed the criminal history question from its job application. The City also implemented a policy to determine which positions qualified as “Positions of Trust” and thus require a background check. Employment applications for positions that are not positions of trust do not require applicants to disclose prior convictions or any other criminal history information. Applicants are not asked about their criminal history on the initial application. Instead, where applicable, the applicant's criminal history is reviewed at the final stages in the hiring process.

In April 2014, the City Council approved an updated fair chance ordinance that applies to all employers with 10 or more employees. The new ordinance prohibits inquiry into a job applicant's conviction history until after a conditional offer of employment and provides administrative and judicial review of and remedial relief for violations. Uniquely, the ordinance provides for misdemeanor criminal charges and a fine to be levied against employers who violate the law.

**BALTIMORE RESOURCES**

Baltimore Policy on Positions of Trust (Feb. 3, 2008), [available here](#)

Baltimore Employment Application, [available here](#)

Baltimore Ordinance (2014), [available here](#)

**BALTIMORE CONTACT**

Caryn Aslan, Policy Associate

[Job Opportunities Task Force](#)

[caryn@jotf.org](mailto:caryn@jotf.org)

**TRAVIS COUNTY (AUSTIN, TX AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)**

- Background check only after applicant selected for hire
- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment

In April 2008, acting upon the recommendation of Justice and Public Safety and the Director of Human Resources for Travis County, the Travis County Commissioner's Court voted to remove the question about an applicant's criminal history from county job applications. The Travis County Reentry Roundtable Report, which was completed in 2007, recommended changes to the county's hiring practice as a key way to increase employment opportunities for people reentering the community.

In order to foster better integration of people with criminal records into the county workforce, the Human Resources Department trains hiring managers to consider "circumstances such as length of time since offense, seriousness of the offense, frequency of criminal incidents, and other mitigating factors." Additional training assists all new employees, including people with criminal records, in adapting to the workplace environment.

#### **TRAVIS COUNTY RESOURCES**

Memo from Travis County Director of Human Resources (April 15, 2008), [available here](#)

Travis County Guidelines for Hiring Ex-Offenders (April 21, 2008), [available here](#)

Travis County Employment Application, [available here](#)

#### **TRAVIS COUNTY CONTACT**

Steven Huerta, Chairman

All of Us or None Texas

[tac\\_allofusornone@yahoo.com](mailto:tac_allofusornone@yahoo.com)

#### ***AUSTIN, TX (ORDINANCE APPLIES TO CITY)***

- Background checks only required for some positions

Following Travis County's lead, the City approved a "Ban the Box" ordinance in October 2008. The criminal background investigation questions were removed from the on-line employment application. For non-safety/law enforcement jobs, criminal background investigations are required only for positions that have financial responsibility or work with children, the disabled or elderly. When the job falls in one of these categories, the background investigation is undertaken only after an applicant has been selected as the top candidate. For public safety/law enforcement positions, the Austin Police Department conducts the criminal background investigation. Featured in the February 2012 [HR Magazine](#), Director Mark Washington, notes that since the City adopted this policy, more qualified candidates with criminal backgrounds—candidates who previously may have opted against completing the application due to the background questions—have applied. "There are extremely talented and qualified people who happen to be ex-offenders," Washington adds.

#### **AUSTIN RESOURCE**

Austin Ban the Box Resolution (Oct. 16, 2008), [available here](#)

#### **AUSTIN CONTACT**

Mark Washington, Director of Human Resources and Civil Services

(512) 974-3400

#### ***BERKELEY, CA (HUMAN RESOURCE DEPARTMENT HIRING POLICY APPLIES TO CITY)***

- Background check only after conditional offer of employment
- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment

In October 2008, the City of Berkeley’s Human Resources Department eliminated disclosure of conviction history information from the City’s job application at the request of City Council. Berkeley does not require disclosure of conviction history information until an applicant is selected for the position and has received a conditional offer of employment. The Human Resources Department then reviews conviction history information, which is kept confidential. The evaluation includes “an assessment of the relationship between a conviction and the functions of the position; number of convictions; time elapsed since the conviction, evidence of rehabilitation, and any other mitigating circumstances.” The City obtains conviction history from the California Department of Justice for identified public safety, recreation, and cash-handling/asset management positions only; for all other positions, conviction history self-disclosure is required. Police Department hires are exempted.

### **BERKELEY RESOURCES**

Berkeley Hiring Policy Memo (Nov. 18, 2008), [available here](#)  
Berkeley Employment Application, [available here](#)

### **BERKELEY CONTACTS**

David Abel	Jesse Stout
Human Resources Manager	<a href="#">All of Us or None</a>
(510) 981-6807	<a href="mailto:jesse@prisonerswithchildren.org">jesse@prisonerswithchildren.org</a>

### ***NORWICH, CT (ORDINANCE APPLIES TO CITY)***

- Background check only after conditional offer of employment

In December 2008, Norwich’s City Council voted to move “Beyond the Box” and reduce barriers to employment for people with criminal records. A large group of advocates including [Connecticut Pardon Team](#), [A Better Way Foundation](#), Evergreen Family Oriented Tree/Clean Slate of New Haven, CABHN, [Legal Assistance Resource Center](#) and [Greater Hartford Legal Aid](#) worked together to ensure the City Council passed the ordinance, the first of its kind in Connecticut at that time, paving the way for other cities and the State to follow suit.

The ordinance removed the question inquiring into a person’s criminal history from the initial application for city jobs. Although the City continues to background check all employees before a binding offer of employment, it now does so only after an applicant has been interviewed and a conditional offer of employment has been made. Once an applicant has been determined to be a finalist for a position, they will be required to provide criminal conviction information.

### **NORWICH RESOURCE**

Norwich Ordinance Section 16-11 (Dec. 1, 2008), [available here](#)

### **NORWICH CONTACT**

[Connecticut Pardon Team, Inc.](#)  
[info@connecticutpardonteam.com](mailto:info@connecticutpardonteam.com)

***NEW HAVEN, CT (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Background check only after conditional offer of employment
- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

In February 2009, the City of New Haven’s Board of Alderman approved an ordinance that requires the City and its vendors to wait to conduct a criminal background check until the job applicant is selected for the position and has received a conditional offer of employment. The City’s Human Resources Department then evaluates the applicant’s criminal history, keeping all information confidential within the Department. The ordinance also provides applicants with a copy of their conviction history report and the opportunity to appeal adverse employment decisions based upon a past conviction within ten days of receiving notice of the decision not to hire.

**NEW HAVEN RESOURCES**

New Haven Ordinance, [available here](#)

New Haven Release of Information, [available here](#)

**NEW HAVEN CONTACTS**

Eric Rey, Reentry Coordinator  
Mayor’s Office, [Prison Reentry Initiative](#)  
[ERey@newhavenct.net](mailto:ERey@newhavenct.net)

Michael Fumiatti, Director of Purchasing  
City of New Haven  
[mfumiatti@newhavenct.net](mailto:mfumiatti@newhavenct.net)

***SEATTLE, WA (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)***

- Background checks only required for some positions
- Applies to public and private employers
- Right to appeal denial of employment
- Provides copy of background check report

In April 2009, the Personnel Director for the City of Seattle issued a memo to all department heads announcing the completion and implementation of the Citywide Personnel Rule for Criminal Background Checks. In 2013, the Seattle City Council voted to expand the ban the box policy to include private employers.

Adding to the state law that prohibits public agencies from refusing to hire someone or grant a license based solely on a criminal conviction, the new policy applies to both the City of Seattle and private employers. The ordinance prohibits employers from inquiring into an applicant’s criminal history until after the employer has identified qualified applicants. Employers are permitted to conduct criminal history investigations and may exclude individuals from employment based on the applicant’s criminal history if there is a legitimate business reason for doing so. The ordinance defines “legitimate business reason” and requires employers to consider a list of factors, including those enumerated by the EEOC. Finally, before an employer takes a negative employment decision based on

an applicant's criminal history, the employer must identify to the applicant what information they are using to make the decision and provide the applicant with a minimum of two days in which to correct or explain that information.

#### **SEATTLE RESOURCES**

Seattle Personnel Director McDermott's Memo (April 24, 2009), [available here](#)

Seattle Personnel Rule 10.3 – Criminal Background Checks, [available here](#)

Seattle Ordinance Number 124201, [available here](#)

Seattle Office of Civil Rights Fact Sheet, [available here](#)

Seattle Job Assistance Ordinance Final Rules, [available here](#)

Seattle Job Assistance Ordinance FAQs, [available here](#)

Seattle Employers Card, English, [available here](#)

#### **SEATTLE CONTACT**

Brenda Anibarro, Policy Analyst

[Seattle Office for Civil Rights](#)

[brenda.anibarro@seattle.gov](mailto:brenda.anibarro@seattle.gov)

#### ***PROVIDENCE, RI (ADMINISTRATIVE POLICY APPLIES TO CITY)***

In 2008, the Mayor's Policy Office began investigating the City's hiring practices and their impact on the ability of people with criminal convictions to successfully transition back into the workforce. After consulting with NELP and HR representatives from three cities that had already successfully "banned the box," the City agreed to change the hiring policies. In April 2009, the HR department removed the language relating to information on criminal charges from its applications. In addition, the applicant only signs a waiver for a background check once it has been determined that the candidate satisfies the minimum criteria for the position based on qualifications and ability.

#### **PROVIDENCE RESOURCE**

Providence Employment Application, [available here](#)

#### **PROVIDENCE CONTACT**

Margareta Wingate, Deputy Director

Human Resources

(401) 421-7740 ext. 616

[mwingate@providenceri.com](mailto:mwingate@providenceri.com)

#### ***HARTFORD, CT (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Background check only after conditional offer of employment
- Background checks only required for some positions
- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

In May 2009, Hartford's City Council recognized that barriers to employment for people with criminal records "creat[e] permanent members of an underclass that threatens the health of the community and undermines public safety." In response, the City Council passed an ordinance to change the hiring policy of the City and its vendors. It offers important protections to workers, including prohibiting the consideration of arrests that did not lead to conviction; delaying background checks in the hiring process; limiting background checks to specific positions; and providing applicants the opportunity to appeal adverse employment decisions.

#### **HARTFORD RESOURCES**

Hartford City Ban the Box Policy (April 13, 2009), [available here](#)

Hartford Vendor Ban the Box Policy (April 13, 2009), [available here](#)

#### **HARTFORD CONTACT**

Sarah Diamond

Clean Slate Committee

[sdiamond193@gmail.com](mailto:sdiamond193@gmail.com)

#### **WORCESTER, MA (ORDINANCE APPLIES TO CITY AND VENDORS)**

- Background checks only required for some positions
- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report upon request

In June 2009, Worcester's City Council passed the Fair CORI Practices Ordinance. This ordinance applies to "all persons and businesses supplying goods and/or services to the city of Worcester." Per the policy, public employers and vendors who do business with the City are prohibited from inquiring into an applicant's criminal history on any initial employment application, and may only perform a background check once an applicant is identified as otherwise qualified. Background checks may only be performed when mandated by law, or when the city or vendor "determines that the position in question is of such sensitivity" that a review of the applicant's criminal history is warranted. The comprehensive law also requires that the person reviewing the background report be trained to do so, and that they apply a list of factors to be considered. Finally, applicants may appeal if an adverse decision is made based on the criminal history.

#### **WORCESTER RESOURCE**

Worcester City Ordinance (June 23, 2009), [available here](#)

#### **WORCESTER CONTACT**

Steve O'Neill, Executive Director for Inter-state Organizing

[Ex-Prisoners and Prisoners Organizing for Community Advancement](#)

(508) 410-7676

[steve@exprisoners.org](mailto:steve@exprisoners.org)



### ***JACKSONVILLE, FL (ORDINANCE APPLIES TO CITY)***

- Background check only after applicant selected for hire
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

In 2008, the City Council adopted an ordinance reforming both its hiring procedures and its contractor bidding policies. In July 2009, the City's Human Resources Department released the revised standard. The directive states that department heads will "not inquire about or consider criminal background check information in making a hiring decision." Instead, "criminal information disclosure is required as part of the post-offer new hire process." (emphasis in original). The application instructions even encourage people with a criminal record to apply for city jobs. The criminal background check screening is centralized in the Human Resources Department. Moreover, the screening process requires taking into account the specific duties of the job, the age of the offense, and rehabilitation. Denied applicants may appeal to Human Resources. Contractors are required to tally job opportunities for people with criminal records and report back to the City.

### **JACKSONVILLE RESOURCES**

Jacksonville City Council Ordinance (Nov. 10, 2008), [available here](#)

Jacksonville Human Resources Directive (July 8, 2009), [available here](#)

Jacksonville Background Screening Summary (May 10, 2010), [available here](#)

### **JACKSONVILLE CONTACT**

Employee Services Department

(904) 630-1287

### ***BRIDGEPORT, CT (CIVIL SERVICE RULES APPLY TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

In October 2009, Bridgeport's City Council ratified changes to the City's civil service rules regarding criminal history investigations of applicants. Under the rules, the Personnel Director will seek information about applicants' criminal histories only after the applicant has been found "otherwise eligible" to take the civil service examination. The initial employment application includes a disclaimer that criminal history information will be sought later in the application or examination process.

In addition to considering the criminal histories of applicants later in the hiring process, the rules require the Personnel Director to consider the following factors when making an employment decision based on a person's criminal history: "the nature and seriousness of the offense; time elapsed since the conviction; age when convicted; the degree to which the conviction is related to the duties and responsibilities of the job and the bearing the conviction has on the applicants' fitness and ability to perform such duties and responsibilities; evidence of rehabilitation and the interest of the City in protecting property and the welfare and safety of public and employees." Candidates who are

disqualified because of their criminal record have the right to appeal the Personnel Director's decision to the Civil Service Commission. The Commission has the authority to "grant the appellant such relief as the Commission deems appropriate or to deny the appeal."

#### **BRIDGEPORT RESOURCE**

Bridgeport Resolution Amending Civil Service Rules (Oct. 5, 2009), [available here](#)

#### **BRIDGEPORT CONTACT**

Nadine Nevins, Managing Attorney

[Connecticut Legal Services](#)

[nnevins@connlegalservices.org](mailto:nnevins@connlegalservices.org)

#### ***KALAMAZOO, MI (CITY MANAGER HIRING POLICY APPLIES TO CITY)***

In January 2010 the city manager announced that the city would no longer ask about prior criminal history on its applications for employment. This decision came after months of pressure from a newly formed coalition, spearheaded by the Community Workers Center of Kalamazoo and convened by the Michigan Organizing Project. Members of the coalition continue to demand similar changes from other local units of government and eventually from the private sector.

#### **KALAMAZOO CONTACT**

[Michigan Organizing Project](#)

(269) 344-2423

#### ***MEMPHIS, TN (ORDINANCE APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

In June 2010, the Memphis City Council passed an ordinance to reduce barriers to employment for the City's estimated 8,915 citizens on probation or parole. The ordinance bans the box and, "except as otherwise dictated by state and federal law," permits inquiry into an applicant's criminal history only after the applicant has been determined to be otherwise qualified. However, the ordinance still requires applicants to complete a form listing their entire criminal history prior to the City conducting a background check. If, after conducting a background investigation, the City makes an adverse hiring decision, the applicant is entitled to a copy of his or her "conviction history report with a highlight(s) of the particular conviction(s) that relate to the job's responsibilities, thus warranting a denial of employment." The applicant may then provide information rebutting the accuracy and/or relevance of the conviction history report. The ordinance includes a list of factors the City must consider when making an employment determination based on an applicant's conviction record.

#### **MEMPHIS RESOURCE**

Memphis City Ordinance (May 18, 2010), [available here](#)

## **MEMPHIS CONTACT**

DeAndre Brown, Executive Director

[Lifeline to Success](#)

[dbrown@lifeline2success.org](mailto:dbrown@lifeline2success.org)

## ***CINCINNATI, OH (CITY COUNCIL MOTION APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

In August 2010, the Cincinnati City Council passed a motion in support of fair hiring. Cincinnati's employment applications no longer request information on an applicant's criminal history and background checks are conducted only after a contingent offer of employment has been made. If a criminal background check is the basis for denying employment, the applicant receives a copy of all documents containing criminal record information and is given at least 10 business days to dispute or correct the included information. Finally, when considering an applicant's criminal history in making an employment decision, the Cincinnati Human Resources Department must consider certain criteria, including whether the past offense(s) directly relate to the job responsibilities, the age of the person at the time of the offense(s), and any documentation or testimony demonstrating an applicant's rehabilitation.

## **CINCINNATI RESOURCE**

Cincinnati Motion in Support of Fair Hiring (June 9, 2010), [available here](#)

## **CINCINNATI CONTACT**

Stephen Johnson Grove, Deputy Director for Policy

[Ohio Justice & Policy Center](#)

[sjohnsongrove@ohiojp.org](mailto:sjohnsongrove@ohiojp.org)

## ***DETROIT, MI (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Policies apply to vendors/contractors doing business with the City

In September 2010, Detroit's City Council voted unanimously to ban the box on City applications. The amendments to the Detroit City Code prohibit inquires or consideration concerning criminal convictions for City employees until an applicant is interviewed or is found to be otherwise qualified for employment by the City. The ordinance further revises the City's job application to include a statement that "criminal convictions are not a bar to City employment, provided, that the prior criminal activity is not directly related to the position being sought." As of July 1, 2012, the City has required business vendors and contractors to remove the conviction history question from job applications.

## **DETROIT RESOURCE**

Detroit City Ordinance (Sept. 13, 2010), [available here](#)

## **DETROIT CONTACT**

Council Member Kwame Kenyatta  
Detroit City Council  
[k-kenyatta\\_mb@detroitmi.gov](mailto:k-kenyatta_mb@detroitmi.gov)

## ***PHILADELPHIA, PA (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)***

- Policies apply to public and private employers in the City

On March 31, 2011, Philadelphia became the first city to ban the box for both public and private positions. The ordinance prohibits any employer from asking about, considering, or sharing information regarding non-conviction arrests that are not pending. The ordinance further prohibits inquiry into an applicant's conviction history "during the application process," defined as the time beginning when an applicant inquires about the employment and ending when the employer has accepted an application, or "before and during the first interview." Employers must then wait until after an applicant has completed an application and had a first interview before inquiring into the applicant's conviction history. The ordinance provides an exception from these rules "if the inquires or adverse actions prohibited [above] are specifically authorized by any other applicable law."

## **PHILADELPHIA RESOURCE**

Philadelphia City Council Ordinance (Feb. 17, 2011), [available here](#)

## **PHILADELPHIA CONTACTS**

Brendan Lynch, Staff Attorney  
[Community Legal Services of Philadelphia](http://Community Legal Services of Philadelphia)  
[blynch@clsphila.org](mailto:blynch@clsphila.org)

Ann Schwartzmann, Policy Director  
[The Pennsylvania Prison Society](http://The Pennsylvania Prison Society)  
(215) 564-6005  
[geninfo@prisonsociety.org](mailto:geninfo@prisonsociety.org)

Rue Landau, Executive Director  
[Philadelphia Commission on Human Relations](http://Philadelphia Commission on Human Relations)  
(215) 686-4673  
[rue.landau@phila.gov](mailto:rue.landau@phila.gov)

## ***WASHINGTON, DISTRICT OF COLUMBIA (ORDINANCE APPLIES TO DISTRICT AND PRIVATE EMPLOYERS)***

- Background check only after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment
- Policies apply to public and private employers in the District

In December 2010, the nation's capital joined the fair chance movement by passing the Returning Citizens Public Employment Inclusion Act of 2010, which went into effect in 2011 for public employers. On July 14, 2014, the Council of the District of Columbia voted unanimously to pass the Fair Criminal Records Screening Act of 2014, which applies to private employers. Under the new law, an employer that employs more than ten employees in the District cannot make any inquiry into an applicant's conviction until after making a conditional offer of employment. A conditional offer can only be

withdrawn for a “legitimate business reason,” which must consider job-relatedness of the offense, time passed, rehabilitation and other factors. A complaint process may be initiated with the Office of Human Rights and violation of the act may result in fines, of which half shall be awarded to the complainant. Reporting requirements are also included in the law such as voluntarily provided data on the hiring of applicants with records.

#### **WASHINGTON, D.C. RESOURCE**

Fair Criminal Record Screening Amendment Act of 2014, [available here](#)

#### **WASHINGTON, D.C. CONTACTS**

Marina Streznewski, Executive Director  
DC Jobs Council  
[mstreznewski@dcjobscouncil.org](mailto:mstreznewski@dcjobscouncil.org)

Ari Weisbard, Deputy Director  
Employment Justice Center  
[aweisbard@dcejc.org](mailto:aweisbard@dcejc.org)

#### ***DURHAM, NC (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background check only after conditional offer

In February 2011, the City of Durham removed questions about criminal history from all employment applications. Potential employees who have been given a conditional offer of employment are subject to a background check as are volunteers. Background investigations are conducted on applicants for public safety positions, financially sensitive positions, and positions in direct contact with minors before applicants are placed in finalist status.

#### **DURHAM RESOURCES**

City Application, [available here](#)

Human Resource Management Memo (April 18, 2011), [available here](#)

“The Benefits of Ban the Box: A Case Study of Durham, NC”, [available here](#)

#### **DURHAM CONTACT**

Daryl V. Atkinson, Staff Attorney  
[Southern Coalition for Social Justice](http://SouthernCoalitionforSocialJustice.org)  
[daryl@scsj.org](mailto:daryl@scsj.org)

#### ***COMPTON, CA (RESOLUTION AND HIRING POLICY APPLIES TO CITY AND CONTRACTORS)***

- Background check only after conditional offer
- Policies applies to contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment

On April 5, 2011, the City of Compton passed a resolution to provide equal employment opportunities for people with criminal records, effective July 1, 2011. A criminal background check is delayed until after a conditional offer of employment is made. The city prohibits the consideration of any convictions that are not job-related in the course of an employment decision. Factors to consider include: (1) whether the position provides the opportunity for the commission of a similar offense; (2)

whether the individual has committed other offenses since the conviction; (3) the nature and gravity of the offense and; (4) time since the offense. In order to promote model hiring policies, the City requires employers that receive local government contracts to adopt the same hiring policies.

#### **COMPTON RESOURCES**

Compton Resolution (April 5, 2011), [available here](#)

Compton Standard Operating Manual (July 1, 2011), [available here](#)

#### **COMPTON CONTACT**

[A New Way of Life](#)

(323) 563-3575

#### ***NEW YORK CITY, NY (EXECUTIVE ORDER APPLIES TO CITY AND SOME CONTRACTORS)***

- Policies applies to City and contractors doing business with the Human Services Department

In August 2011, New York City Mayor Michael Bloomberg announced a \$130 million initiative to increase the education and employment prospects for African American and Latino men. Recognizing the disparate impact of criminal records on these communities and the effect on employment, Mayor Bloomberg also signed Executive Order No. 151 banning the box. The policy prohibits City agencies from asking about an applicant's criminal history on initial job application documents or in the initial interview. When an agency does review an applicant's criminal history, it is limited to considering felony convictions, unsealed misdemeanor convictions, and pending charges. Agencies may request waivers to make additional inquiries. In efforts to expand the policy, the City has now extended the ban the box policy to contractors doing business with the Human Services Department. These contractors may not may inquiries about convictions until after the first interview.

#### **NEW YORK RESOURCES**

Executive Order (Aug. 4, 2011), [available here](#)

Article 23-A of the Correction Law, [available here](#)

#### ***CUMBERLAND COUNTY (FAYETTEVILLE, NC AREA; APPLIES TO COUNTY)***

On September 6, 2011, the Cumberland County Commissioners unanimously voted to ban the box and implement a new pre-employment background check policy.

#### **CUMBERLAND COUNTY CONTACT**

Julean Self

Assistant Human Resources Director

[jself@co.cumberland.nc.us](mailto:jself@co.cumberland.nc.us)

#### ***CLEVELAND, OH POLICY (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On September 26, 2011, the City of Cleveland announced its ban the box policy. Developed in collaboration with the [Ohio Justice & Policy Center](#), the policy removes the checkbox on city job and



## **RICHMOND, CA CONTACTS**

Safe Return Project

[group@safereurnproject.org](mailto:group@safereurnproject.org)

### ***ATLANTIC CITY, NJ (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Background check only after conditional offer
- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

Approved by Mayor Langford on December 23, 2011, Atlantic City, NJ banned the box for city positions. The ordinance also requires all vendors doing business with the City to have practices, policies and standards that are consistent with the City's, and makes consideration of vendors' hiring policies, practices and standards part of the criteria to be considered when awarding contracts. The ordinance permits a background check only after a conditional offer has been given, requires consideration of rehabilitation and the EEOC criteria, and gives applicants a right to appeal a denial of employment. However, with the adoption of the New Jersey Opportunity to Compete Act, effective March 1, 2015, which applies to all public and private employers that employ 15 or more employees, this local ordinance will be superseded by the state law.

### **ATLANTIC CITY RESOURCE**

City of Atlantic City Ordinance (Dec. 7, 2011), [available here](#)

### ***MUSKEGON COUNTY (NORTHWEST OF GRAND RAPIDS, MI AREA; APPLIES TO COUNTY)***

Recognizing the need to prioritize employment opportunities for successful re-entry, the Muskegon County Board of Commissioners voted to remove inquiry into criminal history from the written application for all opportunities unless required by local, state, or federal law.

### **MUSKEGON COUNTY RESOURCE**

Resolution (Jan. 12, 2012), [available here](#)

### **MUSKEGON COUNTY CONTACT**

Chairman Mahoney

[commissioners@co.muskegon.mi.us](mailto:commissioners@co.muskegon.mi.us)

### ***CARSON, CA (RESOLUTION APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

On March 6, 2012, the City Council of Carson passed a resolution to support ban the box efforts. The resolution describes ban the box as delaying disclosure of past convictions until after an offer of employment is made. At that point, a separate conviction history form is collected and investigated for an individualized assessment that considers the length of time since the conviction, relevance to the position, and evidence of rehabilitation.



## **CARSON RESOURCE**

City Council Resolution (March 6, 2012), [available here](#)

## **CARSON CONTACT**

[A New Way of Life](#)

(323) 563-3575

## ***HAMILTON COUNTY, OH (CINCINNATI AREA; APPLIES TO COUNTY)***

- Background check only after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment

In March 2012, the County modified its application for county jobs in order to remove criminal record inquiries from the job application. After a conditional job offer has been made, the county then evaluates criminal history based on the requirements of the job and the nature of the offense. This assessment does not apply to positions where there are statutory prohibitions on hiring people with certain kinds of convictions. If a person is denied, he or she is provided with an explanation of the rejection and may request a copy of the background check that shows the disqualifying offense.

## **HAMILTON RESOURCE**

Human Resources Policy Manual, [available here](#)

## **HAMILTON CONTACTS**

David Helm, Assistant Director  
Human Resources Department  
[david.helm@hamilton-co.org](mailto:david.helm@hamilton-co.org)

Lori Chaney, Manager  
Human Resources Department  
[lori.chaney@hamilton-co.org](mailto:lori.chaney@hamilton-co.org)

## ***DAYTON, OH (APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

The City lacks a formal policy, but has removed the conviction history question from the job application. The City conducts a background check before the candidate list is sent to the relevant hiring department, but after the candidate list has been narrowed. For non-sensitive positions the City considers the age of the offense and the nature of the conviction. If individuals are denied after this assessment, they have the right to appeal the decision to the Civil Service Board and are also provided a written explanation of the denial.

## **DAYTON CONTACT**

Ken Thomas, Senior Employment Manager  
Civil Service Department  
[ken.thomas@daytonohio.gov](mailto:ken.thomas@daytonohio.gov)

### **SANTA CLARA COUNTY (SAN JOSE, CA AREA; APPLIES TO COUNTY)**

On May 1, 2012, the County adopted a procedure to remove the question on the job application that requires candidates to disclose criminal conviction histories. Once candidates have been tentatively selected, Human Resources will evaluate the conviction history. The Board of Supervisors supported this reform to eliminate the unnecessary disqualification of job applicants and increase the county's hiring pool of candidates.

### **SANTA CLARA COUNTY RESOURCE**

Santa Clara Employment Application, [available here](#)

### **SANTA CLARA COUNTY CONTACTS**

Supervisor Dave Cortese

[dave.cortese@bos.sccgov.org](mailto:dave.cortese@bos.sccgov.org)

Reverend Jeff Moore

President of NAACP San Jose Chapter

[info@sanjosenaacp.org](mailto:info@sanjosenaacp.org)

### **SPRING LAKE, NC (ADMINISTRATIVE POLICY APPLIES TO TOWN)**

- Incorporates EEOC criteria in individualized assessment

Effective June 25, 2012, the Town of Spring Lake adopted a comprehensive statement of policy regarding criminal background checks for positions with the Town. According to the policy, an applicant's conviction will be reviewed on a case-by-case basis. The policy offers one of the most comprehensive lists of factors to determine whether there is a "substantial relationship between the conviction and the position" and whether the applicant should be excluded.

### **SPRING LAKE RESOURCES**

Application, [available here](#)

Administrative Policies and Procedures (July 16, 2012), [available here](#)

### **SPRING LAKE CONTACT**

Daryl V. Atkinson, Staff Attorney

[Southern Coalition for Social Justice](#)

[daryl@scsj.org](mailto:daryl@scsj.org)

### **NEWPORT NEWS, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)**

- Incorporates EEOC criteria in individualized assessment

In a memo dated July 13, 2012 from the City Manager, the administration outlines a plan to remove the question about conviction histories from city job applications by October 1, 2012. Exempted positions include those in public safety, child welfare, and elder care departments. The memo specifically references the EEOC guidance and the City's policy of complying with the guidance. The City was petitioned to consider ban the box in May by [Good Seed, Good Ground](#), a local non-profit group whose mission is to rebuild the lives of youth. Newport News is the first city in Virginia to ban the box.

## **NEWPORT NEWS RESOURCE**

City Manager and Human Resources Manager Memo (July 13, 2012), [available here](#)

## **NEWPORT NEWS CONTACT**

Good Seed Good Ground

(757) 244-0199

[info@goodseedgoodground.org](mailto:info@goodseedgoodground.org)

## ***HAMILTON COUNTY, TN (CHATTANOOGA, TN AREA; APPLIES TO COUNTY)***

The County removed all questions relating to criminal history from the county job application in 2012. The procedure was changed to ensure that the application process would be unbiased. The county now runs a background check after selecting a candidate for an open position. If the background check reveals a history, the candidate is allowed to explain the circumstances.

## **HAMILTON COUNTY CONTACT**

Mike Dunne, External Communications Manager

Hamilton County Mayor's Office

[michaeld@hamiltontn.gov](mailto:michaeld@hamiltontn.gov)

## ***CUYAHOGA COUNTY, OH (CLEVELAND, OH AREA; ORDINANCE APPLIES TO COUNTY)***

- Background check only after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment

In August 2012, the County Council passed an ordinance that prohibits the County from inquiring about convictions on job applications. The Council recognized that only considering conviction history after a conditional job offer “promotes the fair consideration of all applicants for employment and contributes to the County’s reentry efforts.” The ordinance requires the following factors to be considered: the nature of the conviction, the length of time since the conviction, the specific job duties of the position, and any evidence of rehabilitation. The ordinance went into effect on September 30, 2012.

## **CUYAHOGA COUNTY RESOURCES**

Ordinance No. O2012-0005 (Aug. 28, 2012), [available here](#)

Cuyahoga County Code Section 306, [available here](#)

## ***NEWARK, NJ (ORDINANCE APPLIES TO CITY, PRIVATE EMPLOYERS, LICENSING, AND HOUSING)***

- Background check only after conditional offer
- Background checks only required for some positions
- Applies to private employers, licensing, and housing
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

On September 19, 2012, the Municipal Council passed a comprehensive ordinance. The ordinance applies to the City, private employers, local licensing, and to housing as well. Inquiries into an applicant's criminal history are delayed until a conditional offer of employment is made by the employer, and there is a limited "lookback" period for offenses, ranging from eight years for indictable offenses and five years for disorderly persons convictions or municipal ordinance convictions. Several other components of the ordinance stand out, including a prohibition on advertisements that limit eligibility based on the criminal record; an enforcement provision with fines for violations; and detailed mandated notices to denied applicants. The [New Jersey Institute for Social Justice](#) and the Integrated Justice Alliance worked closely with the sponsor of the ordinance, Councilmember Ron C. Rice, Jr. However, with the adoption of the New Jersey Opportunity to Compete Act, effective March 1, 2015, which applies to all public and private employers that employ 15 or more employees, this local ordinance will be superseded by the state law.

#### **NEWARK RESOURCES**

Ordinance #12-1630 (Sept. 19, 2012), [available here](#)

#### **NEWARK CONTACT**

[New Jersey Institute for Social Justice](#)

(973) 624-9400

#### ***SUMMIT COUNTY, OH (AKRON, OH AREA; APPLIES TO COUNTY)***

- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment

In September 2012, based on the recommendation of the Human Resources Department, the Summit County Executive, Russell M. Pry, authorized the removal of conviction history questions from the job application. Background checks are only required for security-sensitive positions and are conducted after the interview. If an applicant has a conviction, then the County considers the age and nature of the offense and the duties of the relevant job position.

#### **SUMMIT COUNTY CONTACT**

Christine Higham, Deputy Director

Human Resources Department

[chigham@summitoh.net](mailto:chigham@summitoh.net)

#### ***DURHAM COUNTY (DURHAM, NC AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

- Background check only after applicant selected for hire
- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

Effective October 1, 2012, the County does not inquire into an applicant's criminal history on an initial employment application form, unless explicitly mandated by law. The threshold for inquiry is after an applicant's credentials have been reviewed, it has been determined that the applicant is otherwise qualified for a position, and the applicant has been recommended for hire by the department where the vacancy exists. Records of criminal arrests, dismissals, or convictions which have been expunged may not be used. The policy explicitly incorporates language from the 2012 updated EEOC guidance—for example, applicants are provided the opportunity for an individualized assessment.

#### **DURHAM COUNTY RESOURCES**

Administrative Procedure (effective Oct. 1, 2012), [available here](#)

“The Benefits of Ban the Box: A Case Study of Durham, NC”, [available here](#)

#### **DURHAM COUNTY CONTACT**

Daryl V. Atkinson, Staff Attorney

[Southern Coalition for Social Justice](#)

[daryl@scsj.org](mailto:daryl@scsj.org)

#### **CARRBORO, NC (APPLIES TO TOWN)**

- Incorporates EEOC criteria in individualized assessment

On October 16, 2012, the Carrboro Board of Alderman voted unanimously to ban the box on Town of Carrboro job applications. The [Orange County Partnership to End Homelessness](#) initially proposed the measure.

#### **CARRBORO RESOURCES**

Employment application, [available here](#)

Human Resources Memo (Oct. 16, 2012), [available here](#)

#### **WILMINGTON, DE (MAYORAL EXECUTIVE ORDER AND CITY COUNCIL RESOLUTION APPLY TO CITY)**

- Background check only after conditional offer

On December 6, 2012, the Wilmington City Council passed a resolution urging the City's Administration to ban the box on City employment applications. In response, Mayor Baker signed Executive Order 2012-3 on December 10, 2012, banning the box on initial job applications with the City. Wilmington will now conduct criminal background checks on applicants for non-uniformed positions after a conditional offer of employment has been provided.

#### **WILMINGTON RESOURCES**

Executive Order 2013-3, [available here](#)

City Council Resolution 12-086, [available here](#)

***PITTSBURGH, PA (ORDINANCE APPLIES TO CITY AND CONTRACTORS)***

- Policies applies to vendors/contractors doing business with the City
- Right to appeal denial of employment

On December 17, 2012, the Pittsburgh City Council passed two ban the box ordinances; one that applies to city employment and one that applies to contractors. The [Formerly Convicted Citizens Project](#) worked on the campaign for two years.

**PITTSBURGH RESOURCES**

Ordinance 2012-0013, applies to city positions, [available here](#)

Ordinance 2012-0015, applies to contractors, [available here](#)

**PITTSBURGH CONTACT**

Dean Williams, Director

[Formerly Convicted Citizens Project](#)

(412) 295-8606

[fccpitt@gmail.com](mailto:fccpitt@gmail.com)

***ATLANTA, GA (ORDINANCE APPLIES TO CITY)***

- Provides copy of background check

On January 1, 2013, the City removed the conviction history question from its job application. This administrative action was supported by the Mayor. In October 2014, the City Council unanimously voted to codify the policy in an ordinance. The ordinance specifically recognizes that “lack of employment is a significant factor in recidivism rates,” and “barriers to employment for formerly incarcerated people are significant factors in the creation of a permanent underclass.” Under the ordinance, the City may only inquire into an applicant’s conviction history once it has determined that the applicant is otherwise qualified for the position. If the City then makes an adverse employment action based on the results of the background check, the City must notify the applicant of the decision within 30 days and provide the applicant with a copy of the background check highlighting the disqualifying convictions.

**ATLANTA RESOURCE**

Ordinance No. 14-O-1399 (Oct. 6, 2014), [available here](#)

**ATLANTA CONTACT**

Charmaine Davis, Georgia State Director

[9to5](#)

[Charmaine@9to5.org](mailto:Charmaine@9to5.org)

***TAMPA, FL (ORDINANCE APPLIES TO CITY)***

- Background check after conditional offer

On January 14, 2013, the Mayor of Tampa signed the ban the box ordinance approved by the City Council. Advocates in Tampa continue to work on expanding the ordinance to include contractors.

#### **TAMPA RESOURCE**

Ordinance 2013-3 (Jan. 14, 2013), [available here](#)

#### **TAMPA CONTACT**

Sharon Streater, HOPE Lead Organizer

[HOPE](#)

[hopeinc@fdn.com](mailto:hopeinc@fdn.com)

#### ***CANTON, OH (CIVIL SERVICE COMMISSION RULES APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

The Canton Civil Service Commission has amended the civil service examination rules. Under the new amendment, the Civil Service Commission will now examine applicants and may certify as eligible a person convicted of a felony or misdemeanor who is not precluded from holding a specific position under federal or state law, provided the conviction does not bear a direct and substantial relationship to the position. To determine whether a conviction bears a direct and substantial relationship to the position, the Human Resources Director will consider a list of factors, including EEOC-type factors.

#### **CANTON RESOURCE**

Rule IV, Examinations, Section 15, Amendment, [available here](#)

#### **CANTON CONTACT**

Joseph Martuccio, Law Director

[City of Canton](#)

[joe.martuccio@cantonohio.gov](mailto:joe.martuccio@cantonohio.gov)

#### ***RICHMOND, VA (RESOLUTION APPLIES TO CITY)***

On March 25, 2013, the Richmond City Council unanimously passed a resolution to ban the box on City job applications. Except when required by federal or state law or for positions that the City Council, by resolution, has determined should be exempt, initial job applications may no longer inquire into an applicant's criminal conviction history. Attached to the resolution is a document that includes those positions determined by the City Council to be exempt from the ban the box ordinance.

#### **RICHMOND RESOURCE**

Resolution No. 2013-R, 87-85 (March 25, 2013), [available here](#)

#### **RICHMOND CONTACT**

Richard Walker, Founder & CEO

[Bridging the Gap in Virginia](#)

[rwalker@bridgingthegapinvirginia.org](mailto:rwalker@bridgingthegapinvirginia.org)

***KANSAS CITY, MO (ORDINANCE APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

Recognizing the role of employment in reducing recidivism, Kansas City joined the movement to ban the box on April 4, 2013. Interestingly, the ordinance prohibits the City from using or accessing the following criminal records information: records of arrests not followed by valid conviction; convictions which have been annulled or expunged; pleas of guilty without conviction; and misdemeanor convictions for which no jail sentence can be imposed. Further, suspended imposition of sentence is not considered a conviction for purposes of the ordinance. While the ordinance is limited to City hiring, private employers are urged to adopt fair hiring practices that encourage the rehabilitation of people with criminal records.

**KANSAS CITY RESOURCE**

Rule IV, Examinations, Section 15, Amendment, [available here](#)

**KANSAS CITY CONTACT**

[Kansas City Human Relations Department](#)

(816) 513-1836

[hrdgeneral.inquiries@kcmo.org](mailto:hrdgeneral.inquiries@kcmo.org)

***PORTSMOUTH, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On June 2013, the Portsmouth City Manager made the administrative decision to ban the box. The City Manager notified the City Council that City employment applications would no longer request criminal history information from job applicants.

**PORTSMOUTH RESOURCE**

Letter from Portsmouth Human Resources Director (July 2013), [available here](#)

**PORTSMOUTH CONTACT**

James Bailey, Regional Director

[CURE Virginia, Inc.](#)

[jbailey383@aol.com](mailto:jbailey383@aol.com)

***BUFFALO, NY (ORDINANCE APPLIES TO CITY, VENDORS, AND PRIVATE EMPLOYERS)***

- Applies to public and private employers and vendors

On June 11, 2013, the Common Council of Buffalo banned the box for public and private employers within the city of Buffalo as well as for vendors who do business with the city. The ordinance permits consideration of a candidate's criminal history only after an application has been submitted and not before the initial interview.

**BUFFALO RESOURCE**

Ordinance Amendment (June 2013), [available here](#)



## **BUFFALO CONTACT**

Jeffrey M. Conrad, Western New York Regional Director  
[Center for Employment Opportunities](#)  
(716) 842-6320 ext 501  
[jconrad@ceoworks.org](mailto:jconrad@ceoworks.org)

## ***NORFOLK, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

On July 23, 2013, the Norfolk Assistant City Manager made a presentation to the City Council informing the Council that the City had decided to administratively ban the box on all City applications except for those positions that are deemed sensitive in nature. The City will continue with the current practice of reviewing the criminal history of all applicants by weighing the gravity of the offense, the length of time since conviction, and whether the conviction is applicable to the job.

## **NORFOLK RESOURCES**

Announcement of the administrative policy (July 2013, starts at 37:38 min mark), [available here](#)  
Presentation by Assistant City Manager (July 2013), [available here](#)

## **NORFOLK CONTACT**

James Bailey, Regional Director  
[CURE Virginia, Inc.](#)  
(713) 582-1316  
[jbailey383@aol.com](mailto:jbailey383@aol.com)

## ***PASADENA, CA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

In July 2013, the City Manager removed the conviction history question from the city job application.

## **PASADENA CONTACTS**

Jaylene Moseley  
Flintridge Center  
[Jaylene@flintridge.org](mailto:Jaylene@flintridge.org)

Tiffany Jacobs-Quinn, Human Resources Manager  
City of Pasadena Human Resources Department  
[tjacobsquinn@cityofpasadena.net](mailto:tjacobsquinn@cityofpasadena.net)

## ***PETERSBURG, VA (RESOLUTION APPLIES TO CITY)***

On September 3, 2013, the Petersburg City Council adopted a resolution to amend the City's job applications to remove inquiry into an applicant's criminal history. The Council had directed the Human Resources department to provide information on ban the box. The Director of Human Resources submitted a memo that recommended the Council adopt the ban the box resolution. The City continues to use a supplemental questionnaire to obtain criminal history information from applicants applying to safety sensitive and/or security related positions.

## **PETERSBURG RESOURCES**

Petersburg Memo and Resolution, [available here](#)

Petersburg Employment Application, [available here](#)  
Petersburg Supplemental Questionnaire, [available here](#)

***VIRGINIA BEACH, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background check after conditional offer of employment

The City removed the conviction history inquiry from its general job application in November 2013. The Human Resources Department proposed the change, which was then reviewed by the City Attorney and approved by the City Manager. According to the policy, background checks are conducted on all applicants who are conditionally offered employment with the City. The inquiry takes into account the nature of the offense and its relation to the work sought. If an applicant is denied a position because of information on their background check, the applicant may ask about the information that contributed to the rejection.

**VIRGINIA BEACH RESOURCES**

City Job Application, [available here](#)  
Human Resources Memorandum (Oct. 16, 2013), [available here](#)  
Announcement to Employees, [available here](#)

**VIRGINIA BEACH CONTACT**

Bill Edwards, Manager of Staffing & Compensation  
Department of Human Resources  
[wedwards@vbgov.com](mailto:wedwards@vbgov.com)

***AKRON, OH (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Right to appeal

On October 29, 2013, the Civil Service Commission adopted several policy changes for the city's approximately 1,800 jobs. Under the revised policy, applicants to non-safety-sensitive positions need not check the box asking about convictions. The policy requires a background check before applicants are certified for an interview. If the background check reveals a conviction, then a committee evaluates a candidate's suitability for the job based on factors including job-relatedness and time passed since the conviction. A candidate who is rejected may appeal the decision to the personnel director. An appeal allows the applicant an opportunity to present rehabilitation or relevant evidence.

**AKRON RESOURCE**

Conviction Records Policy for Classified Positions, [available here](#)

**AKRON CONTACT**

Kris Rininger, Personnel Analyst II  
Personnel Department  
[krininger@akronohio.gov](mailto:krininger@akronohio.gov)

***MASSILLON, OH (CIVIL SERVICE REQUIREMENT APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

On January 3, 2014, the Massillon Civil Service Commission voted to adopt a “ban the box” policy and disclosure requirement for the City. The City will no longer seek criminal history information from applicants on initial job applications. After the City determines the best candidates for the position, it will ask about criminal history information during the interview. The City will also continue to perform criminal background checks. While the City will consider specific factors, no appeal or waiver process is outlined in the memo explaining the policy.

**MASSILLON RESOURCE**

Massillon Civil Service Commission Letter (Jan. 17, 2014), [available here](#)

***NEW ORLEANS, LA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

On January 10, 2014, the City of New Orleans Chief Administrative Office released a policy memorandum announcing the City’s new Policy for Review of Employment Candidates’ Criminal History (Ban the Box). Wishing to safely remove barriers that impede otherwise qualified individuals from obtaining employment with the City, New Orleans will no longer request criminal history information from job applicants until after they have been interviewed and found to be otherwise qualified for the position. In addition, the applicant will receive a copy of his or her background check and has an opportunity to comment on the record prior to a final employment decision.

**NEW ORLEANS RESOURCE**

New Orleans Policy Memorandum No. 129 (Jan. 10, 2014), [available here](#)

***NEW CASTLE COUNTY (WILMINGTON, DE AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

At the encouragement of the County Council Pro Tempore, New Castle County Executive Gordon signed an executive order removing criminal conviction history information from the County’s non-uniformed employment applications on January 28, 2014, saying, “When people have paid their debt to society, they are ready to work and become contributing members of the community once again.”

**NEW CASTLE COUNTY RESOURCE**

New Castle County Executive Order Press Release (Feb. 14, 2014), [available here](#)

***DANE COUNTY (MADISON, WI AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

When approached by Madison Organizing in Strength, Equity and Solidarity (MOSES) about banning the box for county job applications, Dane County Executive Joe Parisi needed no convincing. As a state legislator in 2009, Parisi had unsuccessfully pushed a bill to ban the box at the state level. After speaking with MOSES, Parisi removed questions of criminal history from the county application in

February 2014 saying, “We don’t have to condone what they did to get in trouble, but I, personally, want people who’ve served their debt to society to get back into the workforce.”

#### **DANE COUNTY RESOURCE**

Dane County Application, [available here](#)

#### **DANE COUNTY CONTACT**

Carol Rubin, President

MOSES

[carolrubin3@gmail.com](mailto:carolrubin3@gmail.com)

#### ***INDIANAPOLIS, IN (ORDINANCE APPLIES TO CITY, COUNTY, LICENSING, AND VENDORS)***

- Policies apply to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment

On February 24, 2014, the Consolidated City of Indianapolis and Marion County (City) passed a fair chance ordinance by 26-2 with the support of Republican Mayor Greg Ballard. The ordinance prohibits City or County agencies and vendors from inquiring into an applicant’s conviction history until after the first interview. If no interview is conducted, the employer is prohibited from making inquiries or gathering any information regarding the applicant’s criminal convictions.

#### **INDIANAPOLIS RESOURCE**

Indianapolis Ordinance (March 7, 2014), [available here](#)

#### **INDIANAPOLIS CONTACTS**

Shoshanna Spector, Executive Director

[IndyCAN](#)

[shoshanna@indykan.org](mailto:shoshanna@indykan.org)

Councilmember Vop Osili

[City of Indianapolis, City Council](#)

[voposili@gmail.com](mailto:voposili@gmail.com)

#### ***CHARLOTTE, NC (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On February 28, 2014, Charlotte City Manager Ron Carlee announced that the City had “banned the box” for City applications. The Charlotte Human Resources director said she expected the number of applications for city jobs to increase as a result of the decision.

#### **CHARLOTTE RESOURCE**

Charlotte Human Resources Pre-Employment Background Check Policy, [available here](#)

#### **CHARLOTTE CONTACT**

Daryl V. Atkinson, Staff Attorney

[Southern Coalition for Social Justice](#)

[daryl@scsj.org](mailto:daryl@scsj.org)

### ***CHARLOTTESVILLE, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

In March 2014, the City removed the question about conviction history from the city job application. “This is another example of our commitment to being a City of Second Chances for ex-offenders who are searching for meaningful employment,” said the mayor. The City will continue to conduct background checks before making final employment offers.

### **CHARLOTTESVILLE RESOURCES**

Press Release (March 24, 2014), [available here](#)

City Council Minutes (April 7, 2014), [available here](#)

### **CHARLOTTESVILLE CONTACT**

Galloway Beck, Director

[beck@charlottesville.org](mailto:beck@charlottesville.org)

### ***LOUISVILLE, KY (ORDINANCE APPLIES TO CITY AND VENDORS)***

- Policies applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment

On March 13, 2014, the Louisville Metro Council unanimously passed a fair chance ordinance. The bipartisan victory was praised by Mayor Fischer as “compassionate legislation.” The ordinance prohibits City agencies from inquiring into an applicant’s conviction history until after the applicant has been found “otherwise qualified.” The ordinance states that the City prefers to do business with vendors who have adopted policies that are consistent with the City, and that consideration of vendors’ criminal history policies will be part of the performance criteria used by the City when awarding contracts.

### **LOUISVILLE RESOURCE**

Louisville Metro Council Ordinance (March 13, 2014), [available here](#)

### **LOUISVILLE CONTACT**

Robert Owens, Lead Organizer

**CLOUT**

[clout@bellsouth.net](mailto:clout@bellsouth.net)

### ***ALEXANDRIA, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background check after conditional offer of employment

On March 19, 2014, the City Manager of Alexandria released a policy memorandum announcing the City’s new ban the box policy. Pursuant to the new policy, inquiries regarding prior criminal history will only be made after a conditional offer of employment has been issued. The City Manager notes that implementation of this policy is likely to increase equity in the recruitment process, broaden the pool of candidates seeking City employment, and provide Alexandrians with records a better chance at achieving gainful employment.

## **ALEXANDRIA RESOURCE**

Alexandria Policy Memorandum (March 19, 2014), [available here](#)

### ***YOUNGSTOWN, OH (RESOLUTION APPLIES TO CITY)***

- Background check after conditional offer of employment

On March 19, 2014, the city council voted unanimously to support a resolution to “ban the box” from city employment applications with the support of the mayor. Under the resolution, background checks are conducted only after the city is prepared to make an offer of employment.

## **YOUNGSTOWN RESOURCE**

Resolution (March 19, 2014), [available here](#)

## **YOUNGSTOWN CONTACT**

Rebecca Soldan, Community Organizer

[Rebecca@mvorganizing.org](mailto:Rebecca@mvorganizing.org)

[Mahoning Valley Organizing Collaborative \(MVOC\)](#)

### ***EAST LANSING, MI (RESOLUTION APPLIES TO CITY)***

Passed unanimously by the City Council on April 15, 2014, East Lansing’s ban the box policy was introduced by Mayor Nathan Triplett. During discussion, Mayor Triplett noted his support of the policy was motivated by the need to “remove unnecessary bias from the pre-screening stage of the [hiring] process” and to make East Lansing a model employer in the state.

## **EAST LANSING RESOURCES**

Resolution (April 15, 2014), [available here](#)

Recording of City Council meeting, [available here](#)

## **EAST LANSING CONTACT**

Nathan Triplett, Mayor

[ntriplett@gmail.com](mailto:ntriplett@gmail.com)

### ***ANN ARBOR, MI (RESOLUTION APPLIES TO CITY)***

- Background check after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment

On May 5, 2014 the Ann Arbor City Council voted unanimously to ban the box for city employment. The new resolution declares the City’s policy of not barring employment based on conviction history unless the exclusion is job-related for the position in question and consistent with business necessity. If the City seeks to deny an applicant based on conviction history, the City must perform an individualized assessment that takes into account the factors recommended by the EEOC.

## **ANN ARBOR RESOURCE**

Resolution (May 5, 2014) [available here](#)

### ***ROCHESTER, NY (ORDINANCE APPLIES TO CITY, VENDORS, AND PRIVATE EMPLOYERS)***

- Applies to public and private employers and vendors

On May 20, 2014, the Rochester City Council unanimously passed an ordinance for fair employment screening. It was signed by the Mayor two days later. Modeled on the Buffalo ordinance, all public and private employers within the City of Rochester are prohibited from inquiring into an applicant's conviction history on an initial job application and must wait until after the first interview.

## **ROCHESTER RESOURCE**

Ordinance (May 22, 2014), [available here](#)

## **ROCHESTER CONTACTS**

Valerie White-Whittick, Mentor Coordinator  
Judicial Process Commission  
[Jpc6@rocjpc.org](mailto:Jpc6@rocjpc.org)

Mike Bleeg, Coordinator  
Safer Monroe Area Reentry Team  
[mbleeg@rochester.rr.com](mailto:mbleeg@rochester.rr.com)

Reyna Ramolete Hayashi, Workers' Rights Attorney  
[Empire Justice Center](#)  
[rhayashi@empirejustice.org](mailto:rhayashi@empirejustice.org)

### ***GENESEE COUNTY (FLINT, MI AREA; RESOLUTION APPLIES TO COUNTY)***

- Background check after conditional offer of employment

Recognizing that asking about conviction history on job applicants may introduce bias into the hiring process, Genesee County Commissioners voted unanimously to “ban the box.” The new policy, which went into effect on June 1, 2014, requires the County to wait until a conditional offer of employment is to be made before conducting a background check and ensures that applicants be provided an opportunity to discuss the circumstances of his or her conviction history.

## **GENESEE COUNTY RESOURCE**

Resolution, [available here](#)

### ***DANVILLE, VA (RESOLUTION APPLIES TO CITY)***

- Background check after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment

On June 3, 2014, the Danville Chapter of Virginia Organizing wrote a letter supporting a “ban the box” initiative in Danville. In response, Mayor Sherman Saunders signed a resolution that amended the city employment application to omit questions about conviction history. Under the new policy, background checks are conducted only after there has been a conditional offer of employment. The

nature and age of the offense and the nature of the job are considered. Applicants are also given the opportunity to explain their conviction history.

#### **DANVILLE RESOURCE**

Resolution to Amend City Employment Application (June 17, 2014), [available here](#)

#### **DANVILLE CONTACTS**

Marty Jackson

Danville Chapter, Virginia Organizing  
(434) 429-8109

Sara Weller, Director

Department of Human Resources  
[sara.weller@danvilleva.gov](mailto:sara.weller@danvilleva.gov)

#### ***PORTLAND, OR (ADMINISTRATIVE POLICY APPLIES TO CITY)***

In July 2014, the City of Portland removed language from its employment applications that stated applicants may be required to sign a criminal history statement. Questions about criminal background, if relevant to a position, would be asked later in the hiring process. “This is a win-win,” said Mayor Charlie Hales. “This removes a barrier to employment with the City, which will attract a more diverse pool of applicants to City jobs—one step in addressing the collective impact of crime.” [Local advocates](#) are seeking to expand the policy to private employers in the city.

#### **PORTLAND RESOURCE**

Portland Press Release (July 9, 2014), [available here](#)

#### ***FULTON COUNTY (ATLANTA, GA AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

On July 16, 2014, Fulton County issued a policy and procedure for fair criminal record screening. The policy explicitly incorporates the EEOC guidance. The Personnel Department is directed to remove questions about convictions from job application forms. The County is prohibited from inquiring into criminal history during the application process or before or during the first interview. An applicant need not disclose any arrests not leading to convictions, erased convictions, or juvenile adjudications. Background checks are limited to sensitive job positions. Applicants are notified of any adverse action and are provided a copy of the background check and notified of the conviction that is deemed job-related.

#### **FULTON COUNTY RESOURCE**

Fair Criminal Record Screening Policy and Procedure (July 16, 2014), [available here](#)

#### **FULTON COUNTY CONTACT**

Charmaine Davis, Georgia State Director

[9to5](http://9to5.org)

[Charmaine@9to5.org](mailto:Charmaine@9to5.org)



***SPOKANE, WA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

Spokane Mayor David Condon directed the Human Resources Department by letter on July 31, 2014 to draft policies and procedures that would delay a background check inquiry until the City has determined that the applicant meets the minimum qualifications for the job.

**SPOKANE RESOURCE**

Letter from Mayor (July 31, 2014), [available here](#)

**SPOKANE CONTACT**

Julie Schaffer, Attorney

[Center for Justice](#)

[julie@cforjustice.org](mailto:julie@cforjustice.org)

***FREDERICKSBURG, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background check after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment

In 2014, the Human Resources Department and the City Attorney recommended a “ban the box” policy to the City Manager, who approved the new process. The City only conducts a background check after a conditional offer of employment has been made. If potentially negative information is identified, the City considers the age and nature of the offense in relation to the job position. If an applicant is denied, he or she will receive written notice that includes a description of the disqualifying information as well as the name of the company that ran the background check. The applicant has the opportunity to correct any misreported information.

**FREDERICKSBURG CONTACT**

Robert F. Bell, Director

Department of Human Resources

(540) 372-1028

***TUCSON, AZ (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background checks only required for some positions

On August 27, 2014, the City of Tucson removed the question about conviction history from the city job application. Of the 555 job classifications for city positions, only 135 require any kind of background check at any stage in the hiring process. For the positions that do require a background check, the timing of the inquiry varies by position. Currently, the City’s Equal Opportunity Programs Division (EOPD) is working to formalize the hiring policy.

**TUCSON RESOURCE**

City Job Application, [available here](#)

## TUCSON CONTACTS

Ellen Katz

William E. Morris Institute for Justice

[eskatz@qwestoffice.net](mailto:eskatz@qwestoffice.net)

Matthew Larsen, Lead Civilian Investigator

Equal Opportunity Programs Division

[matthew.larsen@tucsonaz.gov](mailto:matthew.larsen@tucsonaz.gov)

### ***FAIRFAX COUNTY, VA (WASHINGTON, D.C. METRO AREA; APPLIES TO COUNTY)***

- Background check after conditional offer of employment

Fairfax County does not inquire about criminal records on its job applications. Public safety jobs and “certain sensitive positions” are the exceptions. Background checks are conducted after a conditional offer. The goal of the policy change was to “increas[e] the chances that an applicant will be judged more holistically, reach the interview stage, and hopefully be more likely to be hired.”

### **FAIRFAX COUNTY RESOURCE**

Statement of Supervisor Catherine M. Hudgins, [available here](#)

### **FAIRFAX COUNTY CONTACT**

Susan Woodruff, Director

Fairfax County Department of Human Resources

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### ***ST. PETERSBURG, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On October 21, 2014, St. Petersburg Mayor Rick Kriseman announced his “City of Opportunity” initiatives related to fair hiring practices. Effective January 1, 2015, the city will remove the question asking city job applicants if they have a criminal record.

### **ST.PETERSBURG CONTACTS**

[Pinellas County Ex-Offender Re-Entry Coalition \(PERC\)](#)

[Faith in Florida](#)

### ***ST. LOUIS, MO (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background checks only required for some positions
- Incorporates EEOC criteria in an individualized assessment

As of March 2013, the City no longer automatically disqualified city job applicants with prior felonies. In October 2014, the City removed all questions about conviction history from its job application. The City now only screens later in the hiring process and only for certain sensitive positions. Missouri Senator Jamilah Nasheed stated in support, “Ban the box gives people with records a fair chance to re-enter the workforce and make positive contributions to society.”

### **ST. LOUIS RESOURCES**

City Job Application, [available here](#)

Mayoral Press Release, [available here](#)

## **ST. LOUIS CONTACT**

Richard R. Frank, Director  
Personnel Department  
(314) 622-4308

## **LANCASTER, PA (RESOLUTION APPLIES TO CITY)**

- Background check for finalists
- Incorporates EEOC criteria in an individualized assessment

By resolution, the City approved a new hiring policy effective October 1, 2014. Applicants will not be asked about a criminal record. Criminal background checks will be performed on finalists. If a finalist has a criminal record, human resources shall consider the nature of the position, accessibility to youth and the elderly, nature of the offense as related to the job duties, time passed, age of the applicant at the time of offense, and facts surrounding the offense.

## **LANCASTER RESOURCES**

City Council approval of resolution, [available here](#)  
Policy memo, [available here](#)

## **ROANOKE, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)**

On October 9, 2014, the City Manager indicated at a city council meeting that the question about a job applicant's conviction history would be removed from the initial application for most city positions. By January 2015, the city will have developed a new hiring process intended to provide people with records a fair opportunity at employment.

## **ROANOKE RESOURCE**

City Council Agenda (Oct. 9, 2014), [available here](#)

## **YONKERS, NY (ADMINISTRATIVE POLICY APPLIES TO CITY)**

In November 2014, Community Voices Heard worked with the Mayor's office to remove the box asking an application to disclose his or her criminal history.

## **YONKERS RESOURCES**

Statement from Mayor's Office, [available here](#)  
Job application, [available here](#)

## **YONKERS CONTACT**

Juanita Lewis  
Community Voices Heard  
[juanita@cvhaction.org](mailto:juanita@cvhaction.org)

### ***ARLINGTON COUNTY, VA (ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

In November 2014, the County eliminated questions about convictions from its employment application. “Taking this step reinforces our commitment to fair hiring practices,” said the director of the human resources department. Exceptions are for positions related to public safety. Conviction inquiries are delayed until the applicant has an interview. The County conducts background checks on all applicants before confirming employment. Applicants with records are given the opportunity to provide a written explanation of their record. The County explains, “Allowing these candidates to proceed further into the process creates opportunities that may otherwise have been lost, and provides candidates with a more level playing field during the application process.”

### **ARLINGTON COUNTY RESOURCES**

Press Release (Nov. 3, 2014), [available here](#)

### **ARLINGTON COUNTY CONTACT**

Marcy Foster, Director

Department of Human Resources

[mfoste@arlingtonva.us](mailto:mfoste@arlingtonva.us)

### ***MONTGOMERY COUNTY, MD (WASHINGTON D.C. METRO AREA; ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND COUNTY)***

- Applies to private employers and county
- Provides copy of background check
- Complaint process

Consideration of the legislation entailed extensive analysis by the County. The County found that “when people with criminal histories are denied a fair chance at employment, the entire community pays the cost in the form of diminished public safety, increased government spending on law enforcement and social services, and reduced government revenue in the form of lost income and sales taxes.” The law covers employers in the County that have 15 or more full-time employees. Employers may not conduct an investigation of an applicant’s conviction history until after the conclusion of the first interview. If the employer intends to rescind a conditional offer, the employer must provide the applicant with a copy of the background check and specify the disqualifying information and give the applicant seven days to review the information. Applicants may file a complaint with the director of the human rights commission. County Executive Ike Leggett signed the legislation on November 10<sup>th</sup> and the law will take effect on January 1, 2015.

### **MONTGOMERY COUNTY RESOURCES**

Action Packet (Oct. 21, 2014), [available here](#)

Legislation (Oct. 28, 2014), [available here](#)

Press Release (Oct. 28, 2014), [available here](#)

## **MONTGOMERY COUNTY CONTACT**

Neil Greenberger, Legislative Information Officer  
[neil.greenberger@montgomerycountymd.gov](mailto:neil.greenberger@montgomerycountymd.gov)

## ***KANSAS CITY AND WYANDOTTE COUNTY, KANSAS (“KCK”) (ORDINANCE APPLIES TO CITY)***

- Incorporates EEOC criteria in an individualized assessment

On November 6, 2014, the Unified Government (UG) Board of Commissioners unanimously voted to pass an ordinance in “KCK” (Kansas City, Kansas) that will eliminate the field requesting disclosure of criminal convictions from the UG employment application. A petition for the change, with over 300 signers, was submitted in September 2014, stating: “We believe that just as all Citizens must pay taxes, all Citizens should have a fair chance at employment that is sustained by those same tax dollars.”

## **KCK RESOURCES**

Agenda and Ordinance (Nov. 6, 2014), [available here](#)

## ***PRINCE GEORGE’S COUNTY, MD (WASHINGTON D.C. METRO AREA; ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND COUNTY)***

- Applies to private employers and county
- Incorporates EEOC criteria in an individualized assessment
- Provides copy of background check report
- Complaint process

On November 19, 2014, the county council unanimously passed a bill that sets fair standards for screening criminal records during the hiring process. The bill is intended to “enhance the health and safety of the community by assisting individuals with criminal records to lawfully provide for themselves and their families.” Under the legislation, an employer is not permitted to inquire about a job applicant’s arrest or conviction record until after a first job interview. In making an employment decision based on a person’s record, employers are only allowed to consider offenses that specifically demonstrate unfitness for the desired position. If an employer decides to rescind a job offer based on a record, they must notify the applicant of that decision, specify the information on which the decision is based, and provide a copy of the background check to the applicant. The county executive signed the bill on December 4, 2014.

## **PRINCE GEORGE’S COUNTY RESOURCE**

Ordinance (Nov. 19, 2014), [available here](#)

## ***ALLEGHENY COUNTY, PA (PITTSBURGH, PA AREA; APPLIES TO COUNTY)***

- Background checks only for some positions
- Background checks after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment

On November 24, 2014, the county executive announced that the county will remove questions regarding criminal history from its employment application. For the positions that do require a background check, it will be conducted only after a conditional offer of employment has been made. A candidate's criminal history will be evaluated on a case-by-case basis that includes consideration of the age of the offense and the nature of the position sought. The human resources director stated that "[the policy will] increase the diversity of our employees and ensure that we reach a greater audience in our efforts to attract the most qualified candidates."

#### **ALLEGHENY COUNTY RESOURCE**

Press Release (Nov. 24, 2014), [available here](#)

#### ***COLUMBIA, MO (ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND CITY)***

- Applies to private employers and city
- Background checks after conditional offer of employment
- Complaint process

On December 1, 2014, the city council unanimously approved a fair chance ordinance that prohibits employers from inquiring into an applicant's criminal history until after a conditional offer of employment. Under the ordinance, employers are allowed to notify applicants in writing of specific offenses that would disqualify them from a position. Employers are also encouraged to consider the nature of the offense, the time since the offense, and any rehabilitation measures taken since the offense. The city's Human Rights Commission wrote a letter of support. The Mayor's Task Force on Community Violence made the initial, formal recommendation to the council.

#### **COLUMBIA RESOURCE**

Supporting documents and ordinance (Dec. 1, 2014), [available here](#)

#### ***ULSTER COUNTY, NY (KINGSTON, NY AREA; EXECUTIVE ORDER APPLIES TO COUNTY)***

On December 16, 2014, the county executive signed the executive order to remove the conviction history question from the county's job application. Instead, the personnel department will consider convictions only after the first interview. In the press release, the county executive commented that "if we are serious about fighting discrimination and bias, it is simply the right thing to do." The order is effective on January 1, 2015.

#### **ULSTER COUNTY RESOURCES**

Executive Order No. 2-2014 (Dec. 16, 2014), [available here](#)

Press Release (Dec. 16, 2014), [available here](#)

#### ***SYRACUSE, NY (ORDINANCE APPLIES TO CITY, LICENSURE, AND CONTRACTORS)***

- Applies to city employment and licensure; and applies to city contractors
- Background checks after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment

On December 8, 2014 the city council resoundingly voted 8-1 to enact the Syracuse Fair Employment and Licensure Ordinance. The council president stated that "this legislation is probably the most important piece of legislation that we will all pass in our tenures in office from a civil rights and human rights perspective." Under the ordinance, the city and its contractors shall not inquire into an applicant's criminal history until an applicant is extended a conditional offer of employment. A conditional offer may be withdrawn if there is a direct relationship between a conviction and the job position or if there is a finding of unreasonable risk. Prior to an adverse action, the applicant is provided with a copy of the criminal history report, which also identifies disqualifying information. The applicant has the opportunity to provide countervailing evidence prior to a final adverse action. As a component of enforcement, the city is required to audit the hiring practices of the city and its contractors. The ordinance will be effective March 22, 2015.

### **SYRACUSE RESOURCES**

Syracuse Fair Employment and Licensure Ordinance (Dec. 8, 2014), [available here](#)  
Center for Community Alternatives Press Release (Dec. 8, 2014), [available here](#)

### **SYRACUSE CONTACTS**

Alan Rosenthal and Patricia Worth  
Center for Community Alternatives  
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## **TECHNICAL ASSISTANCE**

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Jesse Stout

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Roberta Meyers

[National H.I.R.E. Network](#)

[rampeoples@hirenetwork.org](mailto:rampeoples@hirenetwork.org)



## SUMMARY OF FAIR CHANCE BAN THE BOX POLICIES

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint process (A)
	Private	Vendors	Public				
<b>ARIZONA</b>							
1. Tucson			X	X			
<b>2. CALIFORNIA (State law)</b>			X				
3. Alameda County			X				
4. Berkeley			X	X		X	
5. Carson			X				
6. Compton		X	X			X	
7. East Palo Alto			X				
8. Oakland			X	X	X	X	N, C, A
9. Pasadena			X				
10. Richmond		X	X	X			
11. San Francisco	X <sup>1</sup>	X <sup>1</sup>	X		X	X	N, C, A
12. Santa Clara County			X				
<b>13. COLORADO (State law)</b>			X			X	A
<b>14. CONNECTICUT (State law)</b>			X			X	N, C
15. Bridgeport			X			X	N, A
16. Hartford		X	X	X	X	X	N, A
17. New Haven		X	X		X	X	N, C, A
18. Norwich			X		X		
<b>19. DELAWARE (State law)</b>			X			X	
20. New Castle County			X				
21. Wilmington			X		X		
<b>FLORIDA</b>							
22. Jacksonville			X		X	X	N, A
23. St. Petersburg			X				
24. Tampa			X		X		N
<b>GEORGIA</b>							
25. Atlanta			X				N, C
26. Fulton County			X	X		X	N, C
<b>27. HAWAII (State law)</b>	X	X	X		X	X	A
<b>28. ILLINOIS (State law)</b>	X	X	X				A
29. Chicago	X	X	X		X	X	A
<b>INDIANA</b>							
30. Indianapolis		X	X			X	
<b>KANSAS</b>							
31. Kansas City			X			X	
<b>KENTUCKY</b>							
32. Louisville		X	X			X	

<sup>1</sup> San Francisco Fair Chance Ordinance applies to private employers, not the City and County. The City and County has a separate policy.

## SUMMARY OF FAIR CHANCE BAN THE BOX POLICIES

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint process (A)
	Private	Vendors	Public				
<b>LOUISIANA</b>							
33. New Orleans			X	X			C
<b>34. MARYLAND (State law)</b>			X				
35. Baltimore	X	X	X	X	X	X	A
36. Montgomery County	X	X	X				N, C, A
37. Prince George's County	X	X	X			X	N, C, A
<b>38. MASSACHUSETTS (State law)</b>	X	X	X				N, C
39. Boston		X	X	X			N, A
40. Cambridge		X	X			X	N, C, A
41. Worcester		X	X	X		X	N, C, A
<b>MICHIGAN</b>							
42. Ann Arbor			X		X	X	
43. Detroit		X	X				
44. East Lansing			X				
45. Genesee County			X		X		
46. Kalamazoo			X				
47. Muskegon County			X				
<b>48. MINNESOTA (State law)</b>	X	X	X		X	X <sup>2</sup>	N <sup>2</sup>
49. Minneapolis			X	X		X	
50. St. Paul			X	X		X	
<b>MISSOURI</b>							
51. Columbia	X	X	X		X		A
52. Kansas City			X		X	X	
53. St. Louis			X	X			
<b>54. NEBRASKA (State law)</b>			X				
<b>55. NEW JERSEY (State law)</b>	X	X	X				A
56. Atlantic City		X	X		X	X	N
57. Newark	X	X	X	X	X	X	N, C
<b>58. NEW MEXICO (State law)</b>			X			X	N
<b>NEW YORK</b>							
59. Buffalo	X	X	X		X		
60. New York		X <sup>3</sup>	X				
61. Rochester	X	X	X		X		
62. Syracuse		X	X		X	X	N, C, A
63. Ulster County			X				
64. Yonkers			X				

<sup>2</sup> Applies only to public employers.

<sup>3</sup> Policies apply to contractors doing business with the Human Services Department.

## SUMMARY OF FAIR CHANCE BAN THE BOX POLICIES

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint process (A)
	Private	Vendors	Public				
<b>NORTH CAROLINA</b>							
65. Carrboro			X			X	
66. Charlotte			X				
67. Cumberland County				X			
68. Durham City				X		X	
69. Durham County				X		X	N, C, A
70. Spring Lake				X			N
<b>OHIO</b>							
71. Akron			X			X	A
72. Canton			X		X	X	
73. Cincinnati			X			X	N, C, A
74. Cleveland			X				
75. Cuyahoga County			X		X	X	
76. Dayton			X			X	N
77. Hamilton County			X				
78. Massillon			X			X	
79. Summit County			X	X		X	
80. Youngstown			X		X		
<b>OREGON</b>							
81. Multnomah County			X			X	
82. Portland			X				
<b>PENNSYLVANIA</b>							
83. Allegheny County			X	X	X	X	
84. Lancaster			X		X	X	
85. Philadelphia	X	X	X		X		A
86. Pittsburgh		X	X		X		N
<b>87. RHODE ISLAND (State law)</b>	X	X	X				
88. Providence			X				
<b>TENNESSEE</b>							
89. Hamilton County							
90. Memphis			X			X	N, C, A
<b>TEXAS</b>							
91. Austin			X	X			
92. Travis County			X	X	X	X	
<b>VIRGINIA</b>							
93. Alexandria			X		X		
94. Arlington County			X				
95. Charlottesville			X				
96. Danville			X		X	X	
97. Fairfax County			X		X		
98. Fredericksburg			X		X	X	N
99. Newport News			X			X	
100. Norfolk			X			X	

## SUMMARY OF FAIR CHANCE BAN THE BOX POLICIES

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint process (A)
	Private	Vendors	Public				
101. Petersburg			X				
102. Portsmouth			X				
103. Richmond			X				
104. Roanoke			X				
105. Virginia Beach			X		X	X	
<b>WASHINGTON</b>							
106. Seattle	X	X	X	X			N, C, A
107. Spokane			X				
108. Washington D.C.	X	X	X		X	X	A
<b>WISCONSIN</b>							
109. Dane County			X				
110. Milwaukee County			X				