

## Recent Legislation Establishing Standards for Hiring People with Criminal Records

	<b>Purpose</b>	<b>Eliminates disclosure of past criminal convictions on employment applications (Ban the Box)</b>	<b>Background Check Stipulations</b>	<b>Exempt Employment Categories</b>	<b>Time Limit On Convictions that Employers May Consider</b>	<b>Required Considerations</b>
<p><i>Effective</i></p> <p><b>Boston</b></p> <p><i>City Ordinance: CBC Chp. IV: 4-7</i></p> <p>Applies to: City of Boston and City of Boston Vendors</p> <p><a href="http://www.nelp.org/docs/Uploads/BostonCORIOrdinance%2Epdf">http://www.nelp.org/docs/Uploads/BostonCORIOrdinance%2Epdf</a></p>	<p>Ensure that the City of Boston and persons and businesses supplying goods and services to City of Boston deploy fair policies relating to the screening/ identification of persons with criminal backgrounds.</p>	<p>Yes</p>	<p>Employer reviews qualifications of individual before history is obtained.</p>	<p>Under exigent circumstances, an Awarding Authority may grant a waiver of practices and policies relating to criminal history inquiries on a contract by contract basis.</p> <p>See CBC Chp. IV: 4-7.4 Waivers</p>	<p>(a) one year following release from custody or supervision for misdemeanor offenses (b) two years following release from custody or supervision for felony offenses (c) three years following completion of a felony sentence in prison as a result of having been denied parole or having violated parole.</p> <p>Mass. Regs. Code tit. 803, §3.06</p>	<ul style="list-style-type: none"> <li>• Relevance of crimes</li> <li>• Number of crimes</li> <li>• Age of crimes</li> <li>• Seriousness of crimes</li> <li>• Occurrences in life of applicant since crimes</li> </ul>
<p><i>Effective</i></p> <p><b>Chicago Mayor's Office</b></p> <p><i>Administrative Rule Change</i></p> <p>Applies to: Mayor's Office</p> <p><a href="http://egov.cityofchicago.org/city">http://egov.cityofchicago.org/city</a></p>	<p>*End blanket no hire policies in Mayor's office concerning individuals with criminal histories.</p> <p>*Adopt internal guidelines for the City of Chicago's personnel policies regarding criminal background checks and advocate for fair employment standards.</p> <p>*Not yet implemented, with City of Chicago Legal Department</p>	<p>Yes</p>	<p>Yes</p>	<p>N/A</p>	<p>Pending</p>	<ul style="list-style-type: none"> <li>• Passage of time since conviction</li> <li>• Evidence of rehabilitation</li> <li>• Balance the nature and severity of the crime with other factors</li> </ul>

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<p><i>Effective</i></p> <p><b>Indianapolis and Marion County</b></p> <p>City County Council City of Indianapolis- Marion County, Indiana</p> <p><b>Proposal No. 97, 2006</b></p> <p>Applies to: City, County employers and certain contractors who work with the City and County</p> <p>Sponsors: Councilors Sherron Franklin, Issac Randolph, Dane Mahern, and Vernon Brown</p> <p><a href="http://www6.indygov.org/council/proposals/2006/PROP06-097.PDF">http://www6.indygov.org/council/proposals/2006/PROP06-097.PDF</a></p>	<p>1) Encourages the development of a program for the employment of previously incarcerated persons, where appropriate, by the Consolidated City and County and certain contractors with the Consolidated City and County.</p> <p>2) Calls for a general resolution requiring the Department of Administration and Equal Opportunity to initiate a study that leads to a hiring policy for the Consolidated City and County for the employment, when appropriate job opportunities arise, of Marion County residents who have been previously incarcerated.</p>	<p>No</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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<p><i>Effective</i></p> <p><b>Minneapolis</b></p> <p><i>Resolution of the City of Minneapolis, Minnesota</i></p> <p>Sponsors: Councilors Elizabeth Glidden and Don Samuels</p> <p><a href="http://www.ci.minneapolis.mn.us/council/2006-meetings/20061222/Docs/FairHiringPractices_DRAFT_Resl.pdf">http://www.ci.minneapolis.mn.us/council/2006-meetings/20061222/Docs/FairHiringPractices_DRAFT_Resl.pdf</a></p>	<p>Direct the Human Resources Department to develop and adopt model hiring provisions to ensure individuals with criminal records are not unreasonably denied employment with the City of Minneapolis.</p>	<p>Yes.</p>	<p>Only after a conditional offer is made but before a medical test, if one is required.</p>	<p>City positions requiring a background check include but are not limited to: all police, fire, and water positions; any other classification that works with children; any other classification that handles money directly or has significant authority in transferring city funds; and any classification that drives for the City.</p>	<p>15 years</p>	<ul style="list-style-type: none"> <li>• Relationship of crime to the purposes of regulating public employment sought</li> <li>• Nature and seriousness of crime</li> <li>• Relationship of crime to ability, capacity, and fitness required for job</li> </ul>

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<p><i>Effective</i></p> <p><b>San Francisco</b></p> <p><i>City Resolution No. 764-05</i></p> <p>Applies to: City and County of San Francisco</p> <p><a href="http://www.sfgov.org/site/uploadedfiles/bdsupport/resolutions05/r0764-05.pdf">http://www.sfgov.org/site/uploadedfiles/bdsupport/resolutions05/r0764-05.pdf</a></p>	<p>Urge the Civil Service Commission and Department of Human Resources to review and revise current policies and procedures where appropriate so that people who have been in prison or convicted of criminal activity are not unreasonably denied city employment.</p>	Yes	<p>Past convictions considered only after the applicant has been identified as a serious candidate for the position.</p>	<p>In its job announcements, the City attempts to identify any convictions that preclude employment in a particular job.</p>	N/A	<ul style="list-style-type: none"> <li>• Relationship of crime to job</li> <li>• Evidence of rehabilitation</li> <li>• Severity of crime</li> </ul>
<p><i>Effective</i></p> <p><b>St. Paul</b></p> <p><i>Mayoral Directive to the City of St. Paul's Human Resources Department</i></p> <p>Applies to: City Employers</p> <p>Sponsors: City of St. Paul, Mayor's Office</p> <p><a href="http://www.nelp.org/docUploads/St%2EPaulPolicy%2DMemo%2Epdf">http://www.nelp.org/docUploads/St%2EPaulPolicy%2DMemo%2Epdf</a></p>	<p>Comply with the stipulations contained in the proposed resolution, "<i>Resolution City of St. Paul, Minnesota</i>," including removing the question of criminal records from initial employment application. The Mayor is also authoring a letter to the private sector urging companies to follow the lead of the City in hiring practices.</p>	Yes	<p>A background check will not be conducted on an applicant not otherwise qualified for the position.</p>	<p>Positions include, but are not limited to: all police, fire and water positions; any other classification that works with children; any other classification that handles money directly or has significant authority in transferring city funds; and any classification that drives for the City.</p>	15 years	<ul style="list-style-type: none"> <li>• Relationship of crime to the purposes of regulating public employment sought</li> <li>• Nature and seriousness of crime</li> <li>• Relationship of crime to ability, capacity, and fitness required for job</li> <li>• Sufficient evidence of rehabilitation</li> </ul>

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<p><i>Effective</i></p> <p><b>Hawaii</b></p> <p><i>Hawaii Revised Statute: § 378-2.5</i></p> <p>Applies to: All public and private employers except the federal government</p> <p><a href="http://www.hawaii.gov/hcrc/HRS378.html">http://www.hawaii.gov/hcrc/HRS378.html</a></p>	<p>Establish guidelines for employers regarding inquiries into conviction records.</p>	<p>Yes</p>	<p>Employers may inquire only after a conditional offer has been made.</p>	<p>Does not apply to employers who are expressly permitted to inquire into an individual's criminal history for employment purposes pursuant to any federal or state law.</p> <p>See Statute § 378-2.5 Section (d) 1-17</p>	<p>Most recent 10-year period excluding any years of incarceration.</p>	<ul style="list-style-type: none"> <li>• Convictions can be considered insofar as they rationally relate to employment</li> <li>• Offer may be withdrawn if conviction bears direct relationship to position</li> </ul>
<p><i>Effective</i></p> <p><b>Illinois</b></p> <p><i>House Joint Resolution 107</i></p> <p>Applies to: Public and Private Employers</p> <p><a href="http://www.ilga.gov/legislation/fulltext.asp?DocName=&amp;SessionId=51&amp;GA=95&amp;DocTypeID=HJR&amp;DocNum=8&amp;GAID=9&amp;LegID=27159&amp;SpecSess=&amp;Session">http://www.ilga.gov/legislation/fulltext.asp?DocName=&amp;SessionId=51&amp;GA=95&amp;DocTypeID=HJR&amp;DocNum=8&amp;GAID=9&amp;LegID=27159&amp;SpecSess=&amp;Session</a></p>	<p>Establishes a legislative task force on employment of persons with past criminal convictions. Provide recommended legislation to aid people with criminal records obtain employment without increasing risk to other persons or property.</p>	<p>No</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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<p><i>Effective</i></p> <p><b>Illinois</b></p> <p><i>Public Act 094-1067 (SB 1279)</i></p> <p>Applies to: Public and private employers</p>	<p>Provides a tax credit to employers that hire qualified individuals, (veterans and people with criminal records).</p>	No	N/A	Individuals convicted of violent crimes, criminal sexual offenses, and Class X felons.	N/A	
<p><i>Effective</i></p> <p><b>Kansas</b></p> <p><i>Statutes Annotated §22-4710</i></p> <p>Applies to: Public and private employers</p> <p><a href="http://www.lac.org/toolkits/standards/Kansas%20Employment%20Discrimination%20Statute.pdf">http://www.lac.org/toolkits/standards/Kansas%20Employment%20Discrimination%20Statute.pdf</a></p>	<p>Set standards prohibiting employment discrimination based on conviction record.</p>	No	N/A	N/A	N/A	<ul style="list-style-type: none"> <li>• Direct relationship between job and criminal history</li> <li>• Reasonable bearing of the criminal history on the applicant's trustworthiness or the safety of customers and employers</li> </ul>

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<p><i>Effective</i></p> <p><b>Minnesota</b></p> <p><i>Minnesota Statutes Chapter 364</i></p> <p>Applies to: State employers</p> <p><a href="http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP&amp;year=2006&amp;section=364#stat.364.03.0html">http://ros.leg.mn/bin/getpub.php?pubtype=STAT_CHAP&amp;year=2006&amp;section=364#stat.364.03.0html</a></p>	<p>Encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship.</p>	<p>No</p>	<p>N/A</p>	<p>Exceptions include law enforcement, school district employment, juvenile corrections, fire protection, private detectives, emergency medical services personnel, commercial drivers, school bus drivers, and those individuals seeking licenses to practice medicine.</p> <p><a href="http://www.revisor.leg.state.mn.us/stats/364/09.html">http://www.revisor.leg.state.mn.us/stats/364/09.html</a></p>	<p>15 years</p>	<ul style="list-style-type: none"> <li>• Nature and seriousness of crime</li> <li>• Relationship of crime to ability, capacity, and fitness required for job</li> <li>• Competent evidence of sufficient rehabilitation to perform duties of public employment</li> </ul>

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<p><i>Effective</i></p> <p><b>New York State</b></p> <p><i>New York Correction Law Article 23-A Sections 750--755 Licensure and Employment of Persons Previously Convicted of One or More Criminal Offenses</i></p> <p>Applies to: Public agencies and private employers</p> <p><a href="http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS">http://public.leginfo.state.ny.us/menugetf.cgi?COMMONQUERY=LAWS</a></p>	<p>Prohibits denial of employment or licensure by reason of a finding that applicant has been previously convicted of one or more criminal offenses, or by reason of a finding of lack of “good moral character” when such finding is based upon the fact that the applicant has previously been convicted of one or more criminal offenses.</p>	<p>No</p>	<p>N/A</p>	<p>Except where a mandatory forfeiture, disability or bar to employment is imposed by law, and has not been removed by an executive pardon, certificate of relief from disabilities or certificate of good conduct</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• The specific duties and responsibilities necessarily related to the license or employment sought.</li> <li>• The bearing, if any, the criminal offense(s) will have on his fitness or ability to perform one or more such duties or responsibilities.</li> <li>• The time which has elapsed since the occurrence of the criminal offense or offenses.</li> <li>• The age of the person at the time of occurrence of the criminal offense(s).</li> <li>• The seriousness of the offense or offenses.</li> <li>• Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.</li> <li>• The legitimate interest of the public agency or private employer in protecting property, and the safety and welfare of specific individuals or the general public.</li> </ul>



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<p><i>Effective</i></p> <p><b>Wisconsin</b></p> <p><i>Wisconsin Fair Employment Law</i></p> <p>Applies to: All employers</p> <p><a href="http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&amp;fn=default.htm&amp;vid=WI:Default&amp;d=stats&amp;jd=111.31">http://nxt.legis.state.wi.us/nxt/gateway.dll?f=templates&amp;fn=default.htm&amp;vid=WI:Default&amp;d=stats&amp;jd=111.31</a></p>	<p>It is the intent of the legislature to protect by law the rights of all individuals to obtain gainful employment and to enjoy privileges free from employment discrimination because of age, race, creed, color, disability, marital status, sex, national origin, ancestry, sexual orientation, arrest record, conviction record, membership in the national guard, state defense force or any other reserve component of the military forces of the United States or this state or use or nonuse of lawful products off the employer's premises during nonworking hours, and to encourage the full, nondiscriminatory utilization of the productive resources of the state to the benefit of the state, the family and all the people of the state.</p>	<p>No</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>Employers can only consider convictions insofar as they substantially relate to the particular nature of the employment or affect an applicant's bondability.</li> </ul>

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<p><i>Proposed</i></p> <p><b>Alameda County (California)</b></p> <p><i>Resolution of the Board of Supervisors of Alameda County Resolution No. 2006-389</i></p> <p>Applies to: Alameda County employers</p> <p><a href="http://www.nelp.org/docs/Uploads/AlamedaResolution%2Epdf">http://www.nelp.org/docs/Uploads/AlamedaResolution%2Epdf</a></p>	<p>Urges the Civil Service Commission and the Department of Human Resource Services to review and revise current policies and procedures, where appropriate, so that individuals in our society who have previously been incarcerated or convicted of criminal convictions are not unreasonably denied or prohibited from equally competing for County employment.</p>	<p>Yes</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>Evidence of rehabilitation</p>
<p><i>Proposed</i></p> <p><b>Baltimore</b></p> <p><i>Baltimore City's Re-entry and Re-integration Steering Committee</i></p> <p><a href="http://www.oedworks.com/exoffender.htm">http://www.oedworks.com/exoffender.htm</a> (see minutes)</p>	<p>Urges city agencies to evaluate their hiring policies in regards to ex-offenders in order to promote ex-offender employment and safety in the city of Baltimore and to promote the employment of ex-offenders in municipal jobs.</p>	<p>No</p>	<p>Background check is not done until after hiring. Personal information, i.e. social security and/or fingerprinting cannot be asked for until hiring is complete.</p>	<p>Police Officer. Steering Committee is urging each city department and agency to review exempt categories.</p>	<p>Depends on agency and sensitivity of the position sought.</p>	<p>N/A</p>

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<p><i>Proposed</i></p> <p><b>Cambridge, Massachusetts</b></p> <p><i>City Council Policy Order Resolutions 0-14 0-35</i></p> <p>&lt;<a href="http://www.cambridge.ma.gov/cityClerk/SearchResults.cfm?searchType=keyword&amp;newSearch=1&amp;keyword=CORI&amp;date_lo=4%2F24%2F2006&amp;date_hi=&amp;search3=Search">http://www.cambridge.ma.gov/cityClerk/SearchResults.cfm?searchType=keyword&amp;newSearch=1&amp;keyword=CORI&amp;date_lo=4%2F24%2F2006&amp;date_hi=&amp;search3=Search</a>&gt; Resolutions: 0-14 &amp; 0-35</p>	<p>City Manager and Mayor initiative to create a safety taskforce to analyze the impact of city hiring practices.</p> <p>City Council support of a referendum to make much needed changes to law in the area of granting pardons to ex-offenders who cannot now find employment due to unintended consequences of the present law.</p>	No	N/A	N/A	N/A	N/A

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<p><i>Proposed</i></p> <p><b>Chicago</b></p> <p><i>Resolution to Memorialize the Illinois General Assembly and the United States Congress to Include the Previously Incarcerated (Ex-offenders) as Party to the Civil Rights Act of 1964</i></p> <p>Applies to: Public and private employers</p> <p>Sponsored By: Ed H. Smith, Alderman-28<sup>th</sup> Ward</p>	<p>Urge the City of Chicago to work with the Illinois General Assembly and the United States Congress to craft and adopt standards for public and private employers to guide the consideration of qualified candidates with criminal histories for employment.</p>	<p>Yes</p>	<p>N/A</p>	<p>Law Enforcement or areas in which predatory sex offenders could do harm</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Length of time since conviction/ incarceration</li> <li>• Rehabilitation</li> <li>• Offense category</li> <li>• Education and employment experience</li> </ul>

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<p><i>Proposed</i></p> <p><b>Indianapolis</b></p> <p>City County Council City of Indianapolis- Marion County, Indiana</p> <p><i>Proposal No. 427, 2006</i></p> <p>Applies to: Vendors who do business with the City and County Sponsors: Councilors Sherron Franklin and Isaac Randolph</p> <p><a href="http://www.indygov.org/NR/rdonlyres/e6aegj2c/bjfiea5twx23hhnjxqvd/yudumsou2qclqjp4yrmv/4ifdwqqvyyjti3edowf2/qgs3nlivfd6yz3okcsmgg/Prop427.pdf">http://www.indygov.org/NR/rdonlyres/e6aegj2c/bjfiea5twx23hhnjxqvd/yudumsou2qclqjp4yrmv/4ifdwqqvyyjti3edowf2/qgs3nlivfd6yz3okcsmgg/Prop427.pdf</a></p>	<p>Amends the Revised Code of the Consolidated City and County by amending <a href="#">Chapter 581, Human Relations, Equal Opportunity</a> by adding section (b).</p> <p>Calls for the amendment of present City and County contracting procedures with outside vendors, in order to provide previously incarcerated individuals an opportunity to work in their community.</p>	<p>No</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>

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<p><i>Proposed</i></p> <p><b>Los Angeles County &amp; Los Angeles City Council</b></p> <p><i>Request for Criminal Conviction History on Employment Applications</i></p> <p>Department of Human Resources</p> <p>Applies to: Los Angeles County Departments</p> <p><a href="http://dhr.lacounty.info/cms1_049433.pdf">http://dhr.lacounty.info/cms1_049433.pdf</a></p> <p><a href="http://www.nelp.org/docUploads/L%2EA%2EPerry%2DResolution%2Epdf">http://www.nelp.org/docUploads/L%2EA%2EPerry%2DResolution%2Epdf</a></p>	<p>1) Conduct a comprehensive analysis to determine to what extent departments are inappropriately disqualifying applicants due to prior convictions.</p> <p>2) Examine the feasibility of implementing an application process which does not deter qualified and rehabilitated individuals from applying for employment.</p> <p>3) Develop recommendations to improve training of human resources personnel in order to eliminate any unfair discrimination against qualified and rehabilitated applicants.</p>	<p>No</p>	<ul style="list-style-type: none"> <li>• 15 Departments: during final selection process</li> <li>• 17 Departments: after job offer</li> <li>• 4 Departments: at time of new hire orientation</li> <li>• 3 Departments: after initial selection interview</li> </ul>	<p>Any applicant for County employment who has been convicted of workers' compensation fraud is barred from employment with the County of Los Angeles. (Ord. 2004-0044 § 1, 2004.)</p> <p>Departments: Beaches and Harbors, Children &amp; Family Services, Community Development Commission, County Counsel, Museum of Art, Museum of Natural History, Ombudsman, and Parks &amp; Recreation</p>	<p>10 years. No time limit on sexual offenses or for registered sex offenders. Specific serious felony convictions over 10 years old will also be reported.</p>	<ul style="list-style-type: none"> <li>• Age of applicant at time of offense</li> <li>• Recency of offense</li> <li>• Relationship between the offense and position</li> <li>• Evidence of rehabilitation</li> </ul>

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<p><i>Proposed</i></p> <p><b>Newark, NJ</b></p> <p><i>City of Newark 100 Day Plan</i></p> <p>Applies to: City employers and contractors who do businesses with the City</p> <p><a href="http://www.ci.newark.nj.us/100DayPlan/100-Day_Plan.pdf">http://www.ci.newark.nj.us/100DayPlan/100-Day_Plan.pdf</a></p>	<p>The Mayor and the City Council will reduce legal restrictions in municipal hiring and contracting for residents with criminal records, where appropriate.</p>	<p>No</p>	<p>Performance of a background check only after an individual is determined to be otherwise qualified for a position for which certain kinds of convictions are deemed relevant</p>	<p>N/A</p>	<p>N/A</p>	<p>Individualized consideration, with the opportunity to provide evidence of rehabilitation and to contest accuracy of information contained in the background check</p>

## Recent Legislation Establishing Standards for Hiring People with Criminal Records

	<b>Purpose</b>	<b>Eliminates disclosure of past criminal convictions on employment applications (Ban the Box)</b>	<b>Background Check Stipulations</b>	<b>Exempt Employment Categories</b>	<b>Time Limit On Convictions that Employers May Consider</b>	<b>Required Considerations</b>
<p><i>Proposed</i></p> <p><b>Philadelphia</b></p> <p><i>Bill No. 060578</i></p> <p>Applies to: City agencies, all private companies that do business with the City, and private employers who employ more than 10 people</p> <p>Sponsor: Council Member Donna Reed Miller</p> <p><a href="http://webapps.phila.gov/council/attachments/2144.pdf">http://webapps.phila.gov/council/attachments/2144.pdf</a></p>	<p>Amends Title 9 of the Philadelphia Code, entitled "Regulation of Businesses, Trades, and Professions," by enacting a new Chapter 9-3000 entitled "Fair Criminal Record Screening Standards," to establish provisions and requirements for the screening of criminal records by certain employers within the City of Philadelphia, all under terms and conditions</p>	<p>Yes</p>	<ul style="list-style-type: none"> <li>• No City or County agency or private employer shall conduct a criminal background check unless it is required by law or the employer has determined the position to be of such sensitivity that a criminal background check is warranted.</li> <li>• The criminal background check shall be conducted through the Pennsylvania State Police only.</li> <li>• Prior to conducting a criminal background check on an applicant, a City or County agency or private employer must first review the qualifications of the applicant and determine if the applicant is otherwise qualified for the position.</li> </ul>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• Specific duties and responsibilities necessarily related to license or employment sought</li> <li>• The bearing the criminal offense(s) will have on his fitness or ability to perform duties and responsibilities</li> <li>• The time elapsed since the offense(s)</li> <li>• The age of person at the time of occurrence of offense(s)</li> <li>• The seriousness of the offense(s)</li> <li>• Any information produced by the person, or produced on his behalf, in regard to his rehabilitation and good conduct.</li> </ul>