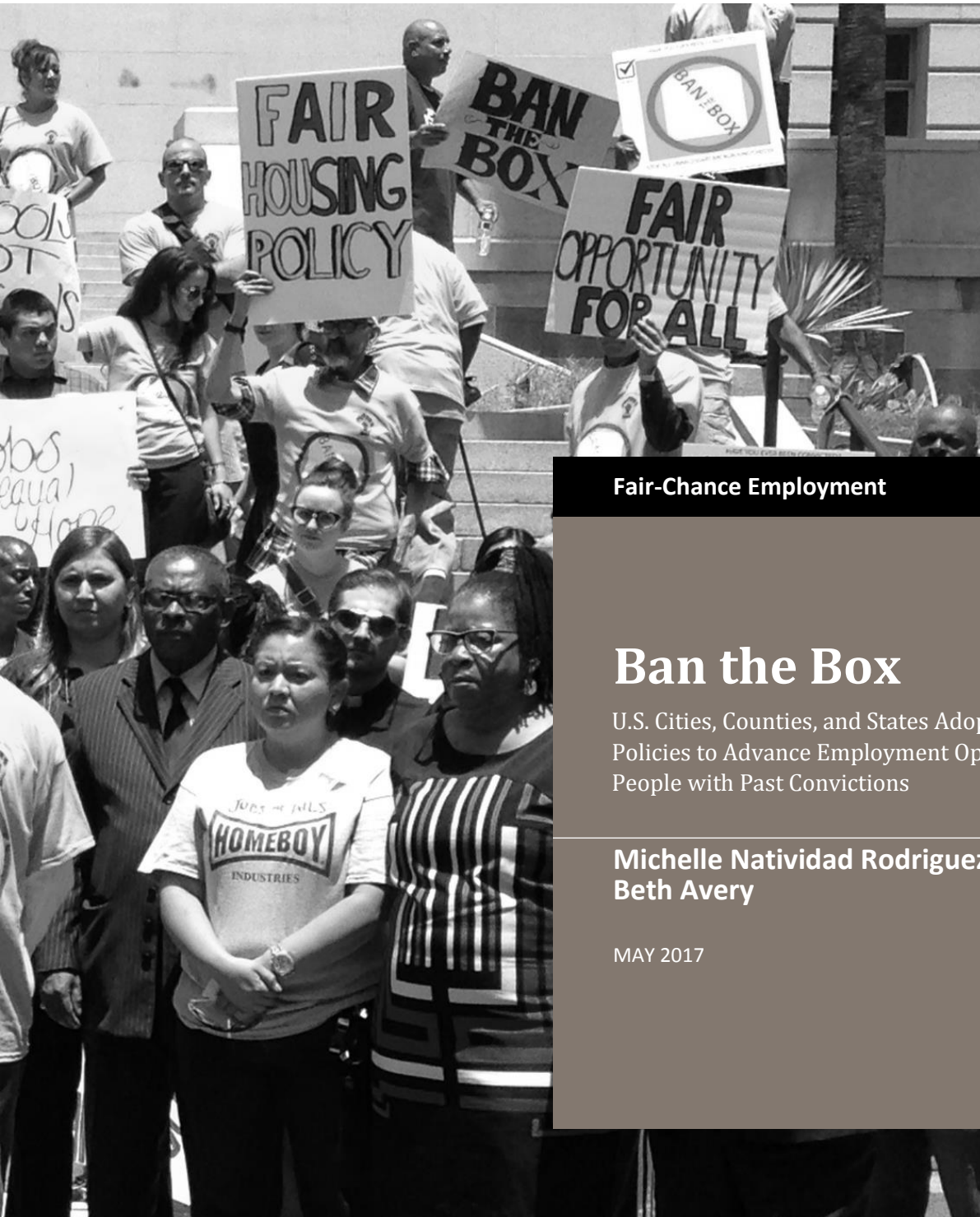




NATIONAL
EMPLOYMENT
LAW
PROJECT

GUIDE



Fair-Chance Employment

Ban the Box

U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions

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About NELP

For more than 45 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. For more information, visit us at www.nelp.org.

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Introduction

Nationwide, over 150 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. Born out of the work of [All of Us or None](#), 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 process.

Momentum for the policy has grown exponentially, particularly in recent years. At the national level, President Obama [endorsed](#) ban-the-box by directing federal agencies to delay inquiries into job applicants’ records until later in the hiring process.

27 states, the District of Columbia, and over 150 cities and counties have adopted ban-the-box or fair-chance policies.

A total of 27 states, representing nearly every region of the country, have adopted statewide policies—California (2013, 2010), Colorado (2012), Connecticut (2010, 2016), Delaware (2014), Georgia (2015), Hawaii (1998), Illinois (2014, 2013), Kentucky (2017), Louisiana (2016), Maryland (2013), Massachusetts (2010), Minnesota (2013, 2009), Missouri (2016), Nebraska (2014), New Jersey (2014), New Mexico (2010), New York (2015), Ohio (2015), Oklahoma (2016), Oregon (2015), Pennsylvania (2017), Rhode Island (2013), Tennessee (2016), Utah (2017), Vermont (2015, 2016), Virginia (2015), and Wisconsin (2016).

Nine states—Connecticut, Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, Oregon, Rhode Island, and Vermont—have mandated the removal of conviction history questions from job applications for *private* employers, a change that advocates embrace as the next step in the evolution of these policies.

More jurisdictions are also adopting policies that do more than “ban the box”; many incorporate the best practices set forth in the 2012 U.S. Equal Employment Opportunity Commission (EEOC) [guidance](#) on the use of arrest and conviction records in employment decisions and others adopt innovative strategies such as [targeted hiring](#). Robust [fair-chance hiring laws](#) delay records-related inquiries until after a [conditional offer](#) of employment and ensure a fairer decision-making process by requiring employers to consider the job-relatedness of a conviction, time passed, and mitigating circumstances or rehabilitation evidence.

Tallying up the population of the states and localities that have adopted the policy, now over 223 million people in the United States—over two-thirds of the U.S. population—live in a jurisdiction with some form of ban-the-box or fair-chance policy.

Fair-chance policies benefit everyone because they’re good for families and the local community. At an [event](#) in Oakland for employers to discuss reentry issues, one business owner spoke to the personal benefit of hiring people with records. “I’ve seen how a job makes all the difference,” says Derreck B. Johnson, founder and president of Home of

Nine states and 15 cities and counties extend their fair-chance laws to private employment.

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 states, the District of Columbia, and the over [150 cities and counties](#) that have taken steps to remove barriers to employment for qualified workers with records. A [chart](#) summarizing all the policies appears at the end of this guide.

Nine states, the District of Columbia, and 29 cities and counties now extend their fair-chance policies to government contractors. Nine states and 15 of those localities—Austin, Baltimore, Buffalo, Chicago, Columbia (MO), the District of Columbia, Los Angeles, Montgomery County (MD), New York City, Philadelphia, Portland (OR), Prince George’s County (MD), Rochester, San Francisco, and Seattle—extend their fair-chance laws to private employers within their jurisdictions.

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 desiring to launch a ban-the-box campaign. Embedded in the Toolkit is a range of resources to help draft a law, build your network, support your outreach, and even develop your media outreach. Here, are just a few of those resources:

- A [one-page Factsheet](#), explains the basics of the policy.
- A [Best Practices and Model Policies guide](#) provides model laws.
- The [Research Summary](#) is a compilation of supportive research.

For additional information, contact Senior Staff Attorney Michelle Natividad Rodriguez at mrodriguez@nelp.org

List of All Ban-the-Box & Fair-Chance Laws and Policies by State

ALABAMA

[BIRMINGHAM, AL](#)

ARIZONA

[GLENDALE, AZ](#)

[PHOENIX, AZ](#)

[PIMA COUNTY, AZ](#)

[TEMPE, AZ](#)

[TUCSON, AZ](#)

ARKANSAS

[PULASKI COUNTY, AR](#)

CALIFORNIA (state law)

[ALAMEDA COUNTY, CA](#)

[BERKELEY, CA](#)

[CARSON, CA](#)

[COMPTON, CA](#)

[EAST PALO ALTO, CA](#)

[LOS ANGELES, CA](#)

[OAKLAND, CA](#)

[PASADENA, CA](#)

[RICHMOND, CA](#)

[SACRAMENTO, CA](#)

[SAN FRANCISCO, CA](#)

[SANTA CLARA COUNTY, CA](#)

COLORADO (state law)

[DENVER, CO](#)

CONNECTICUT

(state law)

[BRIDGEPORT, CT](#)

[HARTFORD, CT](#)

[NEW HAVEN, CT](#)

[NORWICH, CT](#)

DELAWARE (state law)

[NEW CASTLE COUNTY, DE](#)

[WILMINGTON, DE](#)

DISTRICT OF COLUMBIA

(WASHINGTON D.C.) (law)

FLORIDA

[BROWARD COUNTY, FL](#)

[CLEARWATER, FL](#)

[DAYTONA BEACH, FL](#)

[FORT MYERS, FL](#)

[GAINESVILLE, FL](#)

[JACKSONVILLE, FL](#)

[MIAMI-DADE COUNTY, FL](#)

[ORLANDO, FL](#)

[POMPANO BEACH, FL](#)

[ST. PETERSBURG, FL](#)

[TAMPA, FL](#)

[TALLAHASSEE, FL](#)

[SARASOTA, FL](#)

GEORGIA (state policy)

[ALBANY, GA](#)

[ATLANTA, GA](#)

[AUGUSTA, GA](#)

[CHEROKEE COUNTY, GA](#)

[COLUMBUS, GA](#)

[FULTON COUNTY, GA](#)

[MACON-BIBB COUNTY, GA](#)

HAWAII (state law)

ILLINOIS (state law)

[CHICAGO, IL](#)

INDIANA

[INDIANAPOLIS, IN](#)

KANSAS

[JOHNSON COUNTY, KS](#)

[KANSAS CITY, KS](#)

[TOPEKA, KS](#)

KENTUCKY (state policy)

[LOUISVILLE, KY](#)

LOUISIANA (state law)

[BATON ROUGE, LA](#)
[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 (state policy)

[COLUMBIA, MO](#)
[JACKSON COUNTY, MO](#)
[KANSAS CITY, MO](#)
[ST. LOUIS, MO](#)

NEBRASKA (state law)

NEVADA

[NORTH LAS VEGAS](#)

NEW JERSEY (state law)

[ATLANTIC CITY, NJ](#)
[NEWARK, NJ](#)

NEW MEXICO (state law)

NEW YORK (state policy)

[ALBANY COUNTY, NY](#)
[BUFFALO, NY](#)
[DUTCHESS COUNTY, NY](#)
[ITHACA, NY](#)
[KINGSTON, NY](#)
[NEWBURGH, NY](#)
[NEW YORK, NY](#)
[ROCHESTER, NY](#)
[SYRACUSE, NY](#)
[TOMPKINS COUNTY, NY](#)
[ULSTER COUNTY, NY](#)
[WOODSTOCK, NY](#)
[YONKERS, NY](#)

NORTH CAROLINA

[ASHEVILLE, NC](#)
[BUNCOMBE COUNTY, NC](#)
[CARRBORO, NC](#)
[CHARLOTTE, NC](#)
[CUMBERLAND COUNTY, NC](#)
[DURHAM CITY, NC](#)
[DURHAM COUNTY, NC](#)
[MECKLENBURG COUNTY, NC](#)
[SPRING LAKE, NC](#)
[WAKE COUNTY, NC](#)

OHIO (state law)

[ALLIANCE, OH](#)
[AKRON, OH](#)
[CANTON, OH](#)
[CINCINNATI, OH](#)
[CLEVELAND, OH](#)
[CUYAHOGA COUNTY, OH](#)
[DAYTON, OH](#)
[FRANKLIN COUNTY, OH](#)
[HAMILTON COUNTY, OH](#)
[LUCAS COUNTY, OH](#)
[MASSILLON, OH](#)
[NEWARK, OH](#)
[STARK COUNTY, OH](#)
[SUMMIT COUNTY, OH](#)
[WARREN, OH](#)

[YOUNGSTOWN, OH](#)

OKLAHOMA (state policy)

OREGON (state law)

[MULTNOMAH COUNTY, OR](#)
[PORTLAND, OR](#)

PENNSYLVANIA (state policy)

[ALLEGHENY COUNTY, PA](#)
[ALLENTOWN, PA](#)
[BETHLEHEM, PA](#)
[LANCASTER, PA](#)
[PHILADELPHIA, PA](#)
[PITTSBURGH, PA](#)
[READING, PA](#)

RHODE ISLAND (state law)

[PROVIDENCE, RI](#)

SOUTH CAROLINA

[YORK COUNTY, SC](#)

TENNESSEE (state law)

[CHATTANOOGA, TN](#)
[HAMILTON COUNTY, TN](#)
[MEMPHIS, TN](#)
[NASHVILLE, TN](#)

TEXAS

[AUSTIN, TX](#)
[DALLAS COUNTY, TX](#)
[SAN ANTONIO, TX](#)
[TRAVIS COUNTY, TX](#)

UTAH (state law)

VERMONT (state law)

VIRGINIA (state policy)

[ALEXANDRIA, VA](#)
[ARLINGTON COUNTY, VA](#)
[BLACKSBURG, VA](#)
[CHARLOTTESVILLE, VA](#)
[DANVILLE, VA](#)
[FAIRFAX COUNTY, VA](#)
[FREDERICKSBURG, VA](#)
[HARRISONBURG, VA](#)
[HENRY COUNTY, VA](#)
[MONTGOMERY COUNTY, VA](#)
[NEWPORT NEWS, VA](#)
[NORFOLK, VA](#)
[PETERSBURG, VA](#)
[PORTSMOUTH, VA](#)
[PRINCE WILLIAM COUNTY, VA](#)
[RICHMOND, VA](#)
[ROANOKE, VA](#)
[STAUNTON, VA](#)
[VIRGINIA BEACH, VA](#)

WASHINGTON

[PIERCE COUNTY, WA](#)
[SEATTLE, WA](#)
[SPOKANE, WA](#)

WISCONSIN (state law)

[DANE COUNTY, WI](#)
[MADISON, WI](#)
[MILWAUKEE, WI](#)
[MILWAUKEE COUNTY, WI](#)

25 Ban-the-Box & Fair-Chance States

(Listed in alphabetical order.)

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, which applied to only 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](#). 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](#). The statute became operative on July 1, 2014.

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](#).

In addition to these ban-the-box policies, California Labor Code Section 432.7 also prohibits public and private employers from inquiring into, or basing a hiring decision on, any arrest that did not result in conviction (with limited exceptions). Effective January 1, 2017, [A.B. 1843](#) extends those prohibitions to all juvenile proceedings.

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 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. An agency may not disqualify an applicant based on an expunged, sealed, or pardoned conviction or charges dismissed pursuant to a deferred judgment, unless the agency first considers the four factors listed above.

This law does not apply when a statute bars licensing based on convictions nor to certain public safety or correction-related jobs. With some exceptions, the law prohibits agencies from issuing job advertisements that include blanket bans stating that a person with a criminal record may not apply. The [Colorado Criminal Justice Reform Coalition](#)

supported the legislation. Introduced by Rep. Claire Levy (D), see [bill information](#). The law took effect on August 8, 2012.

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 5237 (2016) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)** Signed on June 1, 2016 by Governor Dannel P. Malloy (D), [HB 5237](#) prohibits any employers—public or private—from inquiring about arrest and conviction history information on an initial employment application. Employers may not inquire about any erased records at any time. Prior convictions for which the prospective employee received a provisional pardon or certificate of rehabilitation cannot be the sole basis for discharge. The effective date of those requirements is January 1, 2017. The legislation also establishes a fair chance employment task force, effective immediately.

Commentary: Prior legislation, [HB 5207](#), took effect in 2010 and required state employers to wait until an applicant had been deemed otherwise qualified for the position before obtaining a criminal background report.

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 the offense; (2) time passed; and (3) nature of the 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](#). The act took effect on November 4, 2014 (180 days after enactment).

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. **GEORGIA EXECUTIVE ORDER (2015) (APPLIES TO STATE EMPLOYMENT)** Governor Nathan Deal (R) signed an [executive order](#) on February 23, 2015 which removed questions regarding criminal history from all applications for state employment. Under the executive order, inquiries into an applicant's criminal record are postponed until after "the initial stage of the state employment application process." In addition, the order prohibits the use of an applicant's criminal record as an automatic bar to

Through action by Republican Gov. Nathan Deal, Georgia became the first state in the Deep South to "ban the box."

employment, and provides applicants an opportunity to dispute the accuracy and relevance of any disqualifying conviction relied upon for rejection. Certain “sensitive governmental positions” are exempt. See [NELP’s press release](#).

Commentary: Georgia is the first state in the Deep South to adopt a fair hiring policy. A broad coalition of advocacy groups, including Atlantans Building Leadership for Empowerment, the Georgia Justice Project, 9to5 Atlanta, and various faith-based organizations, supported the executive order.

6. **HAWAII HOUSE BILL 3528 (1998) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)**

In 1998, Hawaii became the first state to delay conviction history inquiries; the law applies to private employers.

On July 15, 1998, Hawaii became the first state to adopt a fair-chance law applicable 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 the passage of 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.

7. **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](#). The law took effect on January 1, 2015.

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.

Kentucky
became the 25th
state and the
first in 2017 to
ban the box.

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8. **KENTUCKY EXECUTIVE ORDER (2017) (APPLIES TO STATE EMPLOYMENT IN EXECUTIVE BRANCH)** On February 1, 2017, Governor Matt Bevin (R) signed an [executive order](#) removing “questions regarding convictions and criminal history” from applications for jobs within the state executive branch. Instead, such inquiries must be delayed until the state agency contacts the applicant to offer an interview for the position. The executive order took effect immediately upon signing. See Governor Bevin’s [press release](#).

Commentary: Governor Bevin cited the need for “leadership by example” upon signing the order and challenged private businesses to remove conviction inquiries from their job applications. “It’s fair, it’s appropriate, it’s even-handed, and it’s what we’re going to do here in Kentucky. And it is my hope, my sincere hope, that many of our employers in this state will consider doing the same thing.”

9. **LOUISIANA HOUSE BILL 266 (2016) (APPLIES TO SOME STATE EMPLOYMENT)** Signed on June 8, 2016 by Governor John Bel Edwards (D), [HB 266, now Act 398](#), prohibits many state employers from inquiring into an applicant’s criminal history until after the applicant has been given an opportunity to interview. If no interview is to take place, employers may not ask about an applicant’s record until after a conditional offer of employment is extended to that applicant. The law applies to only “unclassified” state positions and further exempts law enforcement, corrections, and other positions for which the law requires a background check. The bill was introduced by Reps. C. Denise Marcelle (D) and Patricia Haynes Smith (D). The law took effect on August 1, 2016. See [bill information](#).

On May 3, 2017, following a [public hearing](#), the State Civil Service Commission adopted [Civil Service Rule 22.4.1](#) prohibiting state employers from inquiring about job applicants’ felony history on application forms for positions in the classified service. Instead, state employers may inquire about an applicant’s record during an interview or after a conditional offer of employment. The policy makes an exception for positions for which a legal restriction prohibits hiring an applicant with a particular conviction history.

Commentary: Louisiana was the first state in the Deep South to adopt a fair hiring policy via legislative action. The 2016 bill applied to only unclassified state employment, but a 2017 rule change extended the policy to classified state positions as well.

10. **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](#). The statute took effect on October 1, 2013.

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.

- 11. 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 (i) prior to being questioned about their history; and (ii) 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](#). The law took effect on November 4, 2010.

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.

- 12. 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 employment or licensure. Introduced by Sen. Bobby Joe Champion (DFL), see [bill information](#). The law took effect on January 1, 2014.

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.

13. MISSOURI EXECUTIVE ORDER 16-04 (2016) (APPLIES TO PUBLIC EMPLOYMENT)

Missouri Governor Jay Nixon (D) signed [Executive Order 16-04](#) on April 11, 2016, directing all departments, agencies and boards and commissions in the state’s executive branch to remove questions relating to an individual’s criminal history from initial employment applications. The order exempts applications for positions for which people with convictions would be automatically ineligible. Full implementation of the order was required within 90 days. See Governor Nixon’s [press release](#).

Commentary: When signing the order, Governor Nixon stated, “The action I’m taking today will ensure that state government continues to be a model for increasing economic opportunity, improving public safety, and strengthening communities. This is about fairness. Giving folks a fair chance to redeem their lives, support their families and make a contribution to their communities is a value we share as Missourians and as Americans.”

14. 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. Sec. 12 became operative on July 18, 2014 (three months after the 2014 legislative session adjourned on April 17, 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](#).

15. 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” (OTCA). A heavily amended [A1999](#) was passed and signed by Governor Chris Christie on August 11, 2014. The final language is available [here](#). 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](#). The law took effect on March 1, 2015. On December 7, 2015, the New Jersey Department of Labor and Workforce Development adopted implementing regulations ([N.J.A.C. 12:68](#)).

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.

- 16. NEW MEXICO SENATE BILL 254 (2010) (APPLIES TO PUBLIC EMPLOYMENT)** On March 8, 2010, Governor Bill Richardson (D) signed [S.B. 254](#) 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, which was introduced by Sen. Clinton D. Harden (R). See [bill information](#). The statute took effect on May 19, 2010.

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).

- 17. NEW YORK (2015) (APPLIES TO STATE EMPLOYMENT)** On September 21, 2015, Governor Andrew Cuomo announced that the state would “adopt ‘fair chance hiring’ for New York State agencies.” As explained in a [press release](#) about the policy change: “applicants for competitive positions with New York State agencies will not be required to discuss or disclose information about prior convictions until and unless the agency has interviewed the candidate and is interested in hiring him or her.”

Commentary: The fair-chance hiring policy was part of package of recommendations made by the state’s Council on Community Re-Entry and Reintegration, created in July 2014 by the governor.

New York’s
governor joined
three other
governors taking
fair-chance action
in 2015.

18. OHIO ADMINISTRATIVE POLICY HR-29 AND HOUSE BILL 56 (2015) (APPLIES TO PUBLIC EMPLOYMENT) As of June 1, 2015, the Ohio Department of Administrative Services removed questions about conviction and arrest history from the initial application for state employment per [HR-29](#). The Department also required that every hiring decision-maker weigh [factors](#) similar to those found in the EEOC guidance. On December 22, 2015, Governor John Kasich (R) signed into law [HB 56](#), which prohibits all public employers, including cities and counties, from including any questions about criminal records on initial applications for employment. The Ohio Fair Hiring Act also prohibits a felony conviction from being used against certain classes of public employees unless the conviction occurs while that person is employed in the civil service. The law took effect on March 23, 2016.

Commentary: The Ohio Fair Hiring Act arose from the recommendations and advocacy of a strong coalition led by the [Ohio Justice & Policy Center](#) and the [Ohio Organizing Collaborative](#).

19. OKLAHOMA (2016) EXECUTIVE ORDER 2016-03 (APPLIES TO STATE EMPLOYMENT) On February 24, 2016 Governor Mary Fallin (R) signed an [executive order](#) directing all state agencies to remove questions regarding convictions and criminal history from job applications. The executive order does not apply to “sensitive government positions” and positions where a felony conviction would automatically disqualify an applicant. It is intended to allow for an opportunity for applicants to discuss their conviction records and provide rehabilitation information.

Commentary: The Executive Order arose from recommendations by the Oklahoma Justice Reform Steering Committee, a broad-based advisory committee that Governor Fallin created by executive order in 2015. See Governor Fallin’s [press release](#).

20. OREGON HOUSE BILL 3025 (2015) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT) Signed on June 25, 2015, [HB 3025](#) prohibits an employer from inquiring about an applicant’s prior criminal convictions until the initial interview with the applicant. There are exceptions for positions where an applicant with a conviction history would be automatically disqualified by law, and for law enforcement, criminal justice positions, and volunteers. The law took effect on January 1, 2016.

Commentary: A coalition of community groups and labor championed the fair hiring legislation in Oregon under the campaign [Fair Shot for All](#), which also included minimum wage, wage theft, and racial profiling legislation as part of its agenda.

21. PENNSYLVANIA (2017) (APPLIES TO STATE EMPLOYMENT) On May 5, 2017, Governor Tom Wolf (D) [announced](#) that state agencies would adopt a [fair-chance hiring human resources policy](#) for non-civil service positions that fall under the governor’s jurisdiction. In addition to removing questions about conviction history from job applications, the policy prohibits consideration of certain record information, including arrests, expunged convictions, and convictions not related to an applicant’s job

suitability. Hiring entities are also required to consider the public's interest in employing individuals with records when making hiring decisions. The policy includes exceptions for security personnel, law enforcement, and those working with vulnerable populations. The HR policy takes effect on July 1, 2017.

Commentary: Governor Wolf explained his rationale in a statement: "Banning the box will allow prospective applicants with criminal records to be judged on their skills and qualifications and not solely on their criminal history, while preserving a hiring agency's ability to appropriately screen applicants as part of the hiring process."

- 22. 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. The law includes exceptions for positions from which 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](#). The statute took effect on January 1, 2014.

Commentary: [Direct Action for Rights and Equality](#) championed the efforts for years, producing the powerful video [Beyond the Box](#).

- 23. TENNESSEE SENATE BILL 2440 (2016) (APPLIES TO STATE EMPLOYMENT)** On April 14, 2016, Governor Bill Haslam (R) signed [SB 2440](#), which prohibits state agencies from inquiring about criminal records on any initial application form. For an applicant with a conviction record, the employer must consider the specific job duties, relationship of the offense to the job duties, time elapsed since the offense, age of the applicant at the time of the offense, frequency and seriousness of each offense, any submitted evidence of rehabilitation, and any public policy consideration relating to the benefits for employment for applicants with past convictions. The act took effect upon its signing.

Commentary: Senate Bill 2440 is the silver lining for a local ban-the-box setback in Tennessee. Despite emphasis on the importance of local government control, the governor signed SB 2103 in March 2016, which prevents cities and counties in the state from expanding fair-chance laws to local private employers.

- 24. UTAH HOUSE BILL 156 (2017) (APPLIES TO PUBLIC EMPLOYMENT)** On March 22, 2017, Governor Gary Herbert (R) signed [HB 156](#), which prohibits public employers from requiring an applicant to disclose conviction history before an initial interview or, if no interview is conducted, before a conditional job offer. The law provides for exceptions for situations where a law requires consideration of the applicant's conviction history as well as for law enforcement, criminal justice, tax commission, or alcoholic beverage control employers, as well as for applicants that will work with children or vulnerable

adults and nonemployee volunteers. The law took effect on May 8, 2017 (60 days after adjournment of the legislature).

Commentary: Sponsor [Rep. Sandra Hollins](#), a social worker by training, has sponsored an almost identical bill in at least one prior year. Whereas the bill failed in the House in 2016, it garnered 16 co-sponsors in the 2017 session.

- 25. VERMONT HOUSE BILL 261 (2016) (APPLIES TO PRIVATE AND PUBLIC EMPLOYMENT)** [House Bill 261](#) was signed by Governor Peter Shumlin (D) on May 3, 2016 making Vermont the eighth state to apply “ban the box” to the private sector. Under the law, an employer may not request criminal record information on its initial employment application form, and the prospective employee must be permitted the opportunity to explain the information, including rehabilitation. The effective date of the statute is July 1, 2017. See the [Governor’s press release](#).

Commentary: On April 21, 2015, Governor Peter Shumlin (D) signed an [executive order](#) that eliminated all criminal records inquiries from applications for state employment.

- 26. VIRGINIA EXECUTIVE ORDER 41 (2015) (APPLIES TO STATE EMPLOYMENT)** On April 3, 2015, Governor Terry McAuliffe (D) issued [Executive Order 41](#), ordering the removal of questions relating to criminal history from applications for state employment. State employment decisions may not be based on the criminal history of an applicant unless demonstrably job-related and consistent with business necessity. Compliance with the executive order was required within 90 days of its signing. See NELP’s [press release](#).

Commentary: Local advocates had been championing legislative action on “ban the box” for several years. After legislation continued to stall, advocates called for executive action.

- 27. WISCONSIN (2016) ASSEMBLY BILL 373 (APPLIES TO STATE EMPLOYMENT)** Governor Scott Walker signed [legislation](#) on February 12, 2016, which dramatically overhauled the state’s civil service system. A provision of the bill precludes the state from inquiring about a person’s record on the job application and delays inquiries until the applicant is certified for the position. The statute took effect on July 1, 2016.

Commentary: Senator Lena C. Taylor [commented](#) that the law represented “terrible changes in the state civil service system.” Nevertheless, “the new law includes a ray of hope to those with a prior record.”

State (Year law was adopted or policy announced)	Relevant Statutes and Policy	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")*	Notification of denial: N; Copy of record: C*
California (2010, 2013)	Cal. Lab. Code § 432.9 (2013); administrative action (2010)	—	Public (S, C)	—	Arrests, Expunged, Time limit	—
Colorado (2012)	Colo. Rev. Stat. § 24-5-101	—	Public (S, L)	"Direct relationship" between conviction and job	Arrests, Expunged	—
Connecticut (2010, 2016)	Conn. Gen. Stat. § 46a-80 (2010); Conn Gen. Stat. § 31- 51i (2016)	Private	Public (S, L**)	—	Arrests, Expunged	—
Delaware (2014)	Del. Code tit. 19, § 711(g); Del. Code tit. 29, § 6909B	—	Public (S, C)	Consider nature of offense and job	—	—
Georgia (2015)	Executive Order	—	Public (S)	—	—	—
Hawaii (1998)	Haw. Rev. Stat. §§ 378-2, 378- 2.5	Private	Public (S, C)	Conviction bears "rational relationship" to position	Time limit	—
Illinois (2013, 2014)	820 Ill. Comp. Stat. § 75 (2014); Executive Order 1 (2013)	Private	Public (S)	—	—	—
Kentucky (2017)	Executive Order		Public (S)			
Louisiana (2016)	La. Rev. Stat. Ann. § 42:1701	—	Public (S)	—	—	—
Maryland (2013)	Md. Code Ann., State Pers. & Pens. § 2-203	—	Public (S)	—	—	—
Massachusetts (2010)	Mass. Gen. Laws ch. 151B, § 4 (9 ½); ch. 6, §§ 171A, 172	Private	Public (S, L**, C)	—	Time limit	N, C
Minnesota (2009, 2013)	Minn. Stat. § 364	Private	Public (S, L**, C)	Conviction "directly relates" to position	Arrests, Expunged	N
Missouri (2016)	Executive Order 16-04	—	Public (S, L)	—	—	—
Nebraska (2014)	Neb. Rev. Stat. § 48-202	—	Public (S, C)	—	—	—
New Jersey (2014)	N.J. Stat. Ann. § 34:6B-11 to -19	Private	Public (S, C)	—	Expunged	—

* Some of these components existed prior to the legislation listed here.

**Removal of conviction inquiry from the licensing application is not required.

***Component included only in the Administrative Policy, not the state law.

State (Year reform was adopted)	Relevant Statutes and Policy	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")*	Notification of denial: N; Copy of record: C*
New Mexico (2010)	N.M. Stat. §§ 28-2-1 to 28-2-6	—	Public (S, L**, C)	Conviction "directly relates" to employment	Arrests	N
New York (2015)	Executive action	—	Public (S)	—	—	—
Ohio (2015)	HR-29 Administrative Policy; HB 56	—	Public (S, C)	Sufficient nexus between conviction and position***	Sealed or Expunged***	N***
Oklahoma (2016)	Executive Order 2016-03	—	Public (S)	—	—	—
Oregon (2015)	2015 Or. Laws Ch. 559	Private	Public (S, C)	—	—	—
Pennsylvania	Executive action		Public (S)		Arrests, Expunged	
Rhode Island (2013)	R.I. Gen. Laws §§ 28-5-6, 28-5-7	Private	Public (S, C)	—	Arrests	—
Tennessee (2016)	SB 2440	—	Public (S)	Consider specific duties and responsibilities of position	—	—
Utah (2017)	HB 156		Public (S, C)			
Vermont (2015, 2016)	Executive Order 03-15 (2015); 21 V.S.A. § 495j (2016)	Private	Public (S, C)	—	—	—
Virginia (2015)	Executive Order 41	—	Public (S)	Conviction must be job-related	—	—
Wisconsin (2016)	AB 373	—	Public (S)	—	—	—

* Some of these components existed prior to the legislation listed here.

**Removal of conviction inquiry from the licensing application is not required.

***Component included only in the Administrative Policy, not the state law.

Private-Employer Laws

Nine states and 15 localities extend their fair-chance laws to private employers.

Fair-chance laws and policies applicable to public employers are an important step toward ensuring that people with records have a fair chance to work. Achieving widespread opportunities for workers with records, however, necessitates changes in the hiring practices of private employers. As businesses recognize the [many advantages](#) of opening their workforces to talented applicants with records, many—like [Starbucks and Google](#)—adopt internal policies to ban the box and fairly consider an applicant’s record. Lawmakers can take an additional step toward ensuring sufficient opportunities for the [70 million Americans](#) with a record by supplementing employers’ internal policies with fair-chance laws applicable to the private sector.

As summarized in the chart on the following page, nine states and 15 cities and counties (including the District of Columbia) have adopted laws requiring private employers to ban the box and fairly consider applicants with records. (Follow the links to learn more about each policy.) Over 20 percent of the current U.S. population lives in these jurisdictions — that’s more than 67 million people. And that tally doesn’t include commuters who live outside yet work within one of these jurisdictions, thus benefiting from the laws.

Private-Employer Laws

Location	Ban the Box	Background check only for some positions	Background check only after conditional offer	EEOC-type criteria	Appeal or complaint (A); Copy of record (C); Look-back limit (L); Notice of denial (N);
STATES					
1. Connecticut	X				A
2. Hawaii	X		X	X	A, L
3. Illinois	X				A
4. Massachusetts	X				A, C, L, N
5. Minnesota	X			X	A
6. New Jersey	X				A
7. Oregon	X				A
8. Rhode Island	X				A
9. Vermont	X				A
LOCALITIES					
1. Austin, TX	X	X	X	X	A, N
2. Baltimore, MD	X	X	X	X	A
3. Buffalo, NY	X			X	A
4. Chicago, IL	X			X	A
5. Columbia, MO	X		X	X	A
6. District of Columbia	X		X	X	A
7. Los Angeles, CA	X		X	X	A, C, N
8. Montgomery County, MD	X				A, C, N
9. New York, NY	X		X	X	A, C, N
10. Philadelphia, PA	X		X	X	A, C, N
11. Portland, OR	X		X	X	A, N
12. Prince George's County, MD	X			X	A, C, N
13. Rochester, NY	X			X	A
14. San Francisco, CA	X			X	A, C, N
15. Seattle, WA	X			X	A, C, N

Local Ban-the-Box & Fair-Chance Laws and Policies

(Listed in chronological order by date a law or policy was first adopted)

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 city vendors to follow the City's hiring standards. The revised job application begins with an anti-discrimination statement listing "ex-offender status" as a protected classification. Background checks are not required for all positions. The ordinance includes an appeal and the right to present information. A broad community coalition, 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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Chuck Wynder Jr., Executive Director
[Boston Workers Alliance](#)
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 from 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. Private employers may not inquire into an applicant's conviction history until after a live interview or conditional offer.

San Francisco Resources

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

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

Fair-Chance Implementation Case Studies for Government Agencies, [available here](#).

San Francisco Contacts

Ted Yamasaki, Managing Deputy Director

Human Resources Department

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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. In January 2006, the Caucus issued a major report calling for broad reforms of City policy. 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

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

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

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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

[All of Us or None](#)

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 of support to Asm. Dickinson regarding state legislation (March 28, 2012), [available here](#).

Oakland Contact

Andrea Gourdine
Director, 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 the hiring policy to city vendors. 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.

Cambridge Resource

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

Cambridge Contact

Oman Bandar, Former Special Assistant to the Mayor
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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. 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. 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](#).

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. 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."

Travis County Resources

Memo, 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_allofusormone@yahoo.com

AUSTIN, TX (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)

- Background check only after conditional offer of employment
- Background checks only required for some positions

-
- Incorporates EEOC criteria in individualized assessment
 - Ordinance applies to public and private employers

The City approved a ban-the-box ordinance in October 2008. The criminal background investigation questions were removed from the on-line employment application. On March 24, 2016, Austin’s mayor signed a city council ordinance to cover private employers with at least 15 employees whose primary working location is in the City. The ordinance delays inquiries into an applicant’s conviction record until after a conditional offer of employment is made, and requires an individualized assessment of a candidate’s record that considers, at a minimum, the nature of any offense, the length of time since the offense, and the nature and duties of the job. The new law also creates a civil penalty of up to \$500 for each position for which an employer’s hiring practices violate the ordinance.

Austin Resources

Austin Ban the Box Resolution (Oct. 16, 2008), [available here](#).
Director of Human Resources and Civil Services featured in [HR Magazine](#).
Austin Ordinance No. 20160324-019 (Mar. 24, 2016), [available here](#).

Austin Contacts

[Council Member Gregorio Casar](#)
(512) 978-2104

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

Human Resources Manager

(510) 981-6807

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.

Norwich Resource

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

Norwich Contact

[Connecticut Pardon Team, Inc.](#)

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

Michael Fumiatti, Director of Purchasing

City of New Haven

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. On November 13, 2013, Seattle's Fair Chance Employment Ordinance went into effect. 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. 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's website for Fair Chance Employment Ordinance, [available here](#).

Fair-Chance Implementation Case Studies for Government Agencies, [available here](#).

Seattle Contact

Karina Bull

[Seattle Office for Civil Rights](#)

Karina.Bull@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

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

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.” 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

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. When considering an applicant’s record, the personnel director will consider individualized factors such as the nature, job-relatedness, and age of an offense. Candidates who are disqualified because of their criminal record have the right to appeal the personnel director’s decision to the Civil Service Commission, which 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

KALAMAZOO, MI (HIRING POLICY APPLIES TO CITY AND VENDORS)

- Policies apply to vendors/contractors doing business with the 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. On May 16, 2016, the Kalamazoo City Commission unanimously passed Resolution 16-20, requiring certain entities—those seeking (1) to provide goods and services to the City in the amount of more than \$25,000; (2) a tax abatement; or (3) an Economic Opportunity Fund (EOF) loan—to demonstrate a

commitment that they do not use past criminal histories to discriminate when hiring. More specifically, such entities must remove from initial job applications any questions about prior arrests or convictions. Applicants must also be provided with an opportunity to review and respond to any potentially disqualifying record. Implementing the resolution required amendments to at least three city policies, as explained in a report from the city attorney.

Kalamazoo Resource

Kalamazoo City Commission Minutes (May 16, 2016), [available here](#) (page 106).

Kalamazoo Resolution No. 16-20 (May 16, 2016), [available here](#).

Commission Agenda Report from City Attorney (May 6, 2016), [available here](#).

Amendments to Kalamazoo Economic Opportunity Fund Guidelines, [available here](#).

Amendments to Kalamazoo Tax Abatement Policy Amendments, [available here](#).

Amendments to Kalamazoo Ex-Offender Purchasing Policy, [available here](#).

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.

Memphis Resource

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

Memphis Contact

DeAndre Brown, Executive Director

[Lifeline to Success](#)

dbrown@lifeline2success.org

CINCINNATI, OH (CITY COUNCIL MOTION APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment
- Background check only after conditional offer of employment
- Right to appeal denial of employment

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- Provides copy of background check report

In August 2010, the City Council passed a motion in support of fair hiring. The City'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 and is given at least 10 business days to dispute the information. When considering an applicant's criminal history in making an employment decision, the Human Resources Department must consider 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 evidence of 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

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 Contractor Ordinance (July 1, 2012), [available here](#).

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

- Policies apply to public and private employers in the City
- Incorporates EEOC criteria in individualized assessment
- Background check only after conditional offer of employment
- Right to appeal denial of employment
- Provides copy of background check report

On March 31, 2011, Philadelphia became the first city to ban the box for both public and private positions. On December 15, 2015, Philadelphia Mayor Michael Nutter

signed an amended version of the ordinance into law that prohibits all employers from inquiring into applicants' conviction histories any time before conditional offers are made. The amendment also restricts inquiries to the last seven years of applicants' records; requires employers to determine whether a connection exists between an applicant's convicted offense and the particular position before disqualifying the applicant; requires employers to notify applicants in writing of rejections and to provide the applicant a copy of the criminal history report; and allows applicants 10 business days following a rejection to provide the employer an explanation or evidence of an inaccuracy in the criminal history report.

Philadelphia Resource

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

Philadelphia Office of Human Resources Report - Criminal Records Background Screening and Hiring Policy (Nov. 10, 2015), [available here](#).

Philadelphia City Council Ordinance (Dec. 15, 2015), [available here](#).

Philadelphia Mayor Executive Order (Dec. 15, 2015), [available here](#).

Philadelphia Contact

Brendan Lynch, Staff Attorney

[Community Legal Services of Philadelphia](#)

blynch@clsphila.org

DISTRICT OF COLUMBIA (WASHINGTON D.C.) (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 11 or more 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.

District of Columbia Resources

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

Fair-Chance Implementation Case Studies for Government Agencies, [available here](#).

District of Columbia Contact

Elliot Imse, Director of Policy & Communications
District of Columbia Office of Human Rights
(202) 727-4559

DURHAM, NC (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background check only after conditional offer

In February 2011, the City 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.

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

[Southern Coalition for Social Justice](#)

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 (APPLIES TO CITY, PRIVATE EMPLOYERS, AND LICENSING)

- Background check only after conditional offer.
- Policy applies to public and private employers in New York City that have more than four employees
- Incorporates EEOC criteria in individualized assessment

On June 10, 2015, the New York City Council passed the Fair Chance Act, prohibiting employers in New York City from asking about a job applicant's conviction record until the end of the hiring process. Under current state law, a candidate may only be denied if the conviction history is directly related to the job or poses an unreasonable risk based on certain factors, such as the time passed since the offense and its severity. Prior to a denial, an applicant is provided the employer's analysis and a copy of any background report. The job is then held open for three days for the employee to respond and the employer to weigh the candidate's evidence of rehabilitation. The Act includes a private right of action with attorneys' fees for violations. Prior to the Fair Chance Act's passage, applications for public employment in New York City did not include inquiries about criminal history under an August 2011 executive order from then-Mayor Michael Bloomberg.

New York City Resources

New York City Fair Chance Act (June 10, 2015), [available here](#).

Executive Order No. 151 (Aug. 4, 2011), [available here](#).

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

New York City Contact

Paul Keefe, Supervising Attorney

New York City Commission on Human Rights

pkeefe@cchr.nyc.gov

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

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 civil service testing applications that asks whether the

applicant has a felony conviction. Background checks will now be performed only on finalists for a position.

Cleveland Contacts

Natoya Walker Minor, Chief of Public Affairs
Director for Policy
Mayor's Office
nwalker@city.cleveland.oh.us

Stephen Johnson Grove, Deputy
[Ohio Justice & Policy Center](#)
sjohnsongrove@ohiojpc.org

MILWAUKEE COUNTY, WI (RESOLUTION APPLIES TO COUNTY)

On October 7, 2011, the Milwaukee County Board of Supervisors voted to remove questions about conviction history from the county initial employment application. The resolution further called on the county director of intergovernmental relations to convey to the governor and Wisconsin legislature that the State of Wisconsin should follow the lead of Milwaukee County and adopt ban-the-box legislation applicable to all public and private employers in the state.

Milwaukee County Resource

Milwaukee County Resolution No. 11-581, [available here](#).

Milwaukee County Contact

Carol Rubin, President
MOSES
carolrubin3@gmail.com

RICHMOND, CA (RESOLUTION APPLIES TO CITY AND VENDORS)

- Background checks only required for some positions
- Policy applies to vendors/contractors doing business with the City
- Incorporates EEOC criteria in individualized assessment

On November 22, 2011, the Richmond City Council passed a measure to ban the box for city applications, spurred by the [Safe Return Project-Pacific Institute](#), which [researched](#) the status of formerly incarcerated Richmond residents and is led by formerly incarcerated advocates. In July 2013, the City Council voted to broadly expand the policy to companies with more than 10 employees who do business with the city, as well as their subcontractors. The new ordinance prohibits inquiry into an applicant's criminal history at any time unless a background investigation is required by State or Federal law or the position has been defined as "sensitive."

Richmond, CA Resources

Richmond City Resolution 110-11 (Nov. 22, 2011), [available here](#).
Richmond City Council Ordinance (July 30, 2013), [available here](#).
Memo from Councilmember Beckles (July 30, 2013), [available here](#).

Richmond, CA Contacts

Safe Return Project
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. However, with the adoption of the New Jersey Opportunity to Compete Act, effective March 1, 2015, which applies to all public and private employers with 15 or more employees, this local ordinance is 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

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

Muskegon County Contact

Chairman Mahoney
commissioners@co.muskegon.mi.us

CARSON, CA (RESOLUTION APPLIES TO CITY)

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

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

Carson 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

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

Hamilton Contacts

David Helm, Assistant Director
Human Resources Department
david.helm@hamilton-co.org

Lori Chaney, Manager
Human Resources Department
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

PIERCE COUNTY (TACOMA, WA AREA; APPLIES TO COUNTY)

- Incorporates EEOC criteria in individualized assessment

The County does not have a formal policy, but has removed the question about criminal history from its application for employment with the County, and follows the EEOC guidance regarding the consideration of criminal records. With the exception of law enforcement positions, the County generally conducts background checks on the final candidate only and often after a conditional offer of employment has been made. If a conviction disqualifies the applicant, the County provides a pre-adverse action notice and explains how the applicant can obtain the record used in the decision. The applicant normally has time to review the record and correct inaccuracies before a final decision is made.

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

Reverend Jeff Moore

President of NAACP San Jose Chapter

info@sanjosenaacp.org

FRANKLIN COUNTY, OHIO (APPLIES TO COUNTY)

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

Effective June 19, 2012, Franklin County's Resolution 45712 removed questions about criminal background from its application for public employment. While all employees are subject to a background check at the time of hire, any offenses are reviewed to determine if the offense was "egregious or directly germane to the position." Positions at the Sheriff's office are exempt from the policy.

Franklin County Contact

Robert Young, Human Resources Director

rjyoung@franklincountyohio.gov

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

Spring Lake Job Application, [available here](#).

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

Spring Lake Contact

[Southern Coalition for Social Justice](#)

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

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

- Background check only after conditional offer of employment

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

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

Cuyahoga County 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. 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 is superseded by the state law.

Newark Resources

Newark 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

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

Durham County 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

[Southern Coalition for Social Justice](#)

CARRBORO, NC (APPLIES TO TOWN)

- Incorporates EEOC criteria in individualized assessment

On October 16, 2012, the Carrboro Board of Aldermen 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

Carrboro 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

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

Wilmington 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

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

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

Pittsburgh Contact

Dean Williams, Director, [Formerly Convicted Citizens Project](#)

(412) 295-8606

fccppitt@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 with mayoral support. In October 2014, the City Council unanimously voted to codify the policy in ordinance. 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

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

Atlanta Contact

Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer
[9to5](#) and [9to5 Atlanta](#)
Charmaine@9to5.org; Shannan@9to5.org

Marilynn Winn
Women on the Rise
marilynn@rjactioncenter.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

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

Tampa Contact

Sharon Streater, HOPE Lead Organizer
[HOPE](#)
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

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

Canton Contact

Joseph Martuccio, Law Director

[City of Canton](#)

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

Richmond 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

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

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

Kansas City Contact

[Kansas City Human Relations Department](#)

(816) 513-1836

hrdgeneral.inquiries@kcmo.org

STARK COUNTY, OH (ADMINISTRATIVE POLICY APPLIES TO COUNTY)

In May 2013, County Commissioners amended the employee handbook and employment application forms to remove language that prohibits them from hiring anyone convicted of a felony.

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

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

Buffalo 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

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

Administrative policy announcement (July 2013, begins at 37:38), [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

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

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Flintridge Center
jaylene@flintridge.org

Tiffany Jacobs-Quinn, Human Resources Manager
City of Pasadena Human Resources Department
tjacobsquinn@cityofpasadena.net

PETERSBURG, VA (RESOLUTION APPLIES TO CITY)

- Background check only after conditional offer of employment

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

Virginia Beach 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

AKRON, OH (ADMINISTRATIVE POLICY APPLIES TO CITY)

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

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

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

Akron Contact

Kris Rininger, Personnel Analyst II

Personnel Department

krininger@akronohio.gov

LUCAS COUNTY, OH (TOLEDO AREA, POLICY APPLIES TO COUNTY)

On October 29, 2013, Lucas County Commissioners voted unanimously to remove all questions about an applicant's criminal background from applications for employment with any department under the Commissioners' authority. The county only conducts a background check after an applicant is selected as a finalist.

Lucas County Resource

Lucas County Press Release (Oct. 28, 2013), [available here](#).

CLEARWATER, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Incorporates EEOC criteria in an individualized assessment

At the recommendation of the City Attorney, the City removed the conviction record inquiry from its employment application in 2013 to comply with the related EEOC guidance. Criminal background checks are required for all applicants, but are not conducted until after the City narrows down its list of qualified candidates. In addition, the City follows the EEOC's guidance when determining whether a conviction relates to the position for which an applicant has applied. The background check is limited to convictions and the City does not consider arrests.

Clearwater Resource

Employment Application [available here](#).

Clearwater Contact

Dina Hyson, Human Resources Manager

(727) 562-4871

dina.hyson@myclearwater.com

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)

- Background check only after conditional offer of employment

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

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

Councilmember Vop Osili
[City of Indianapolis, City Council](#)
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

[Southern Coalition for Social Justice](#)

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

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

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

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

Youngstown Contact

Rebecca Soldan, Community Organizer

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

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

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

East Lansing Contact

Nathan Triplett, Mayor

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

Ann Arbor 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

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

Rochester Contacts

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Judicial Process Commission
ipc6@rocipc.org

Mike Bleeg, Coordinator
Safer Monroe Area Reentry Team
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Reyna Ramolete Hayashi, Workers' Rights Attorney
[Empire Justice Center](http://EmpireJusticeCenter.org)
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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

Genesee County 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

Danville Resolution (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

PORTLAND, OR (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)

- Policies apply to public and private employers in the city
- Background check after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment
- Complaint process

In July 2014, the City of Portland removed from its employment application language informing applicants that they may be required to sign a criminal history statement.

Portland expanded its policy on November 25, 2015, when the city council unanimously approved an ordinance requiring that any conviction history inquiry by private employers be delayed until a conditional offer is extended to the job applicant. Rescinding a conditional offer requires an employer to determine in good faith that a specific offense is job-related after performing an individualized assessment that considers (i) the nature of the offense, (ii) time elapsed, and (iii) the specific job sought by the applicant. The ordinance applies to private employers with at least six employees as well as city employers, with the exception of law enforcement and criminal justice positions. A separate procedure is used for certain “sensitive positions.” The city is contracting with the Oregon Bureau of Labor and Industries to enforce the new restrictions through a complaint process; the ordinance allows for civil penalties. The ordinance took effect on July 1, 2016, and the city has issued administrative rules further explaining the ordinance.

Portland Resources

Portland Press Release after administrative action (July 9, 2014), [available here](#).

Ordinance (Nov. 25, 2015), [available here](#).

Administrative Rules (2016), [available here](#).

Frequently Asked Questions (FAQs) from the Portland mayor’s office, [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 & Shannan Reaze, Organizer

[9to5](#) and [9to5 Atlanta](#)

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Marilynn Winn

Women on the Rise

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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 of Spokane (July 31, 2014), [available here](#).

Spokane Contact

Julie Schaffer, Attorney

[Center for Justice](#)

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

HARRISONBURG, VA (CITY COUNCIL DECISION APPLIES TO CITY)

- Background check after conditional offer of employment
- Right to appeal prior to adverse determination

On August 26, 2014, the Harrisonburg City Council unanimously moved to remove criminal history questions from the city's employment application. According to the city manager, the city maintains a policy of conducting criminal history background checks after a conditional offer of employment. If an offer of employment is rescinded based on the results of a background check, applicants are informed and given the opportunity to explain or correct any erroneous information.

Harrisonburg Resource

City Council Meeting Minutes (Aug. 26, 2014), [available here](#) (pages 5-6).

TUCSON, AZ (RESOLUTION APPLIES TO CITY)

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

On August 27, 2014, the City of Tucson committed to removing the question about conviction history from the city job application. On March 17, 2015, a resolution was adopted by the mayor and city council directing the city to identify positions that require background checks and performing them after a contingent offer. The policy is directed to be consistent with the EEOC guidance.

Tucson Resources

Tucson Job Application, [available here](#).

Tucson Resolution No. 22373 (March 17, 2015), [available here](#).

Tucson Administrative Directive, [available here](#).

Tucson Contact

Ellen Katz

William E. Morris Institute for Justice

eskatz@qwestoffice.net

MADISON, WI (RESOLUTION APPLIES TO CITY; ORDINANCE APPLIES TO CITY CONTRACTORS)

- Background check after conditional offer of employment
- Complaint process (for city contractors, pursuant to ordinance)

On September 2, 2014, the Common Council of the City of Madison adopted a resolution requiring the removal of criminal history inquiries from applications for city jobs (with limited exceptions). The resolution prohibits criminal background checks until after a conditional offer of employment and requires specific notice be provided to an applicant disqualified because of his/her background check. The resolution took effect on September 5, 2014.

On November 25, 2015, the Common Council also adopted an ordinance extending ban the box to city contractors (with certain exceptions). It prohibits criminal history inquiries or background checks until after a conditional offer of employment. It requires contractors to post a city-provided notice informing job applicants about the ordinance’s requirements. Job applicants may file complaints with the City of Madison Department of Civil Rights. The ordinance allows for monetary penalties for violations. The ordinance applies to contracts worth over \$25,000 awarded or renewed on January 1, 2016 or later.

Madison Resources

Resolution No. 14-00679 (Sept. 2, 2014), [available here](#).

Report to Common Council on impact of ban the box (July 16, 2014), [available here](#).

Ordinance No. 15-00128 (Nov. 25, 2015), [available here](#).

Notice that contractors must prominently post, [available here](#).

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 (Sept. 23, 2014), [available here](#).

Fairfax County Contact

Susan Woodruff, Director

Fairfax County Department of Human Resources

susan.woodruff@fairfaxcounty.gov

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

St. Louis Job Application, [available here](#).

St. Louis 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

Lancaster City Council approval of resolution, [available here](#).

Lancaster 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

Roanoke 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 Yonkers Mayor’s Office, [available here](#).

Yonkers Job Application, [available here](#).

Yonkers Contact

Juanita Lewis

Community Voices Heard

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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

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

Arlington County Contact

Marcy Foster, Director

Department of Human Resources

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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 with 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 10th and the law took 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

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

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

WOODSTOCK, NY (ADMINISTRATIVE POLICY APPLIES TO CITY)

On November 18, 2014, the Town Board voted unanimously to remove questions regarding criminal history from applications for employment with the town.

Woodstock Resources

Woodstock Resolution, [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. On April 14, 2015, the county council approved a resolution adopting rules and regulations further interpreting the ordinance.

Prince George’s County Resource

Prince George’s County Ordinance (Nov. 19, 2014), [available here](#).

Prince George’s County Resolution (Apr. 14, 2015), [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

Allegheny County 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

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- 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

Columbia Ordinance and supporting documents (Dec. 1, 2014), [available here](#).

POMPANO BEACH, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

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

The City eliminated all questions regarding criminal records from its employment applications in December 2014. Criminal background checks are conducted after an initial interview. According to the Human Resources Director, applicants are notified of the reasons for denial and provided a copy of the background check report.

Pompano Beach Resource

Pompano Beach City Manager’s Memorandum (Dec. 1, 2014), [available here](#).

Pompano Beach Contact

Vincent Marchione, Human Resources Analyst

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vincent.marchione@copbfl.com

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

Ulster County 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 ordinance. 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 is 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](#)
arosenthal@communityalternatives.org and pwarth@communityalternatives.org

ALLIANCE, OH (POLICY APPLIES TO CITY)

- Background checks only required for some positions
- Provides copy of background check report upon request

The City eliminated all questions regarding criminal records from its employment applications around December 2014, but did not pass an ordinance requiring this change. According to the Safety Service Coordinator, criminal background checks are conducted for public safety positions and for positions where an individual would come into contact with money, once the finalists for the position are selected. The past crimes that are considered are those directly related to the position. Applicants are notified of the reasons for denial, and provided a copy of the background check report upon request.

Alliance Resource

Barbara J. Sferra, Safety Service Coordinator
(330) 821-3110

WARREN, OH (RESOLUTION APPLIES TO CITY)

- Background checks only required for some positions

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- Background checks after conditional offer of employment

On January 14, 2015 the City Council passed a resolution to express support for the Ban the Box campaign, commend similar initiatives in other communities, and to encourage the Mayor of the City of Warren to submit a Ban the Box policy so that the City of Warren can implement the policy. The policy has not yet been implemented.

Warren Resource

Warren Resolution, [available here](#).

Warren Contact

David Daugherty, Personnel Supervisor
330-841-2608
ddaugherty@warren.org

TALLAHASSEE, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

Based on the City Manager’s recommendation, on January 28, 2015 the City Commission approved a measure to remove any questions regarding criminal history from applications for employment with the City. The City will conduct a background check after selecting the top candidate(s). The measure supplements the existing policy requiring the City to consider how the conviction relates to the job. Arrests are not considered.

Tallahassee Resource

Tallahassee City Commission Meeting Memorandum, [available here](#).

Tallahassee Contact

Ellen Blair, Human Resources Director
(850) 891-8538

MACON-BIBB COUNTY, GA (ORDINANCE APPLIES TO COUNTY)

- Provides copy of background check report

On February 17, 2015, county commissioners voted 6-3 to remove any questions from the county application that ask about criminal records. The policy applies to applications for professional licenses as well. Background checks are still required for all applicants for employment, but if an applicant is rejected because of her criminal record, the County must provide the applicant with a copy of the record used and indicate the portions of the record that resulted in disqualification.

Macon-Bibb County Resource

Macon-Bibb County Commissioners’ Ordinance, [available here](#).

Macon-Bibb County Contacts

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Women on the Rise
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Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer
[9to5](#) and [9to5 Atlanta](#)
Charmaine@9to5.org; Shannan@9to5.org

READING, PA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background checks after conditional offer of employment

As of March 9, 2015, applications for employment with the City no longer include any questions relating to an applicant's criminal history. The City still conducts background checks on all applicants, but only after a conditional offer is made.

ALBANY, GA (RESOLUTION APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment

Albany's City Commissioners passed a resolution on March 24, 2015 that directs the Human Resources Department to remove from the City's employment application any questions about an applicant's criminal record. The City still conducts background checks on all applicants for City employment once they are selected for an interview. According to the Human Resources Director, the City follows the EEOC guidance and does not generally consider an arrest record. If an application is denied because of an applicant's criminal record, the applicant is notified of the reason for denial and provided an opportunity to dispute inaccuracies and/or present evidence of rehabilitation.

Albany Resource

Albany City Commissioners' Resolution [available here](#).

ALLENTOWN, PA (ORDINANCE APPLIES TO CITY)

- Background checks after conditional offer of employment

On April 1, 2015, Allentown's City Council voted unanimously to eliminate the criminal history inquiry from applications for City employment. The City will not conduct a background check until after making a conditional offer of employment. Applications for a position as a police officer, firefighter, or 911 operator will still include the criminal conviction inquiry.

ORLANDO, FL (POLICY APPLIES TO CITY)

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

On May 15, 2015, the City of Orlando announced a new policy that eliminates the criminal history inquiry from applications for City employment. The City does not conduct a background check until making a conditional offer of employment. For

applicants to the police and fire department and to summer seasonal employees who work with children and people with disabilities, the criminal history inquiry will remain on the application. Applicants who are rejected due to criminal history are provided notification of the reason for the denial.

Orlando Contacts

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Faith in Florida
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Mykal Tairu
Program Coordinator
Vincentian Reentry Organizing Project
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COLUMBUS, GA (ORDINANCE APPLIES TO CITY)

- Background check after hiring process is complete
- Incorporates EEOC criteria in individualized assessment

On May 29, 2015, the mayor of Columbus signed an ordinance removing the criminal history inquiry from applications to non-public safety Department positions. The City does not conduct a background check until a candidate has been selected. Candidates may request a copy of the record. If an application is denied because of an applicant's criminal record, the applicant is notified of the reason for denial and, on a case-by-case basis, may be provided an opportunity to dispute inaccuracies.

Columbus Resource

Columbus Ordinance (May 29, 2015), [available here](#)
Columbus Administrative Policy (May 12, 2015), [available here](#)

DAYTONA BEACH, FL (POLICY APPLIES TO CITY)

On June 1, 2015, the City announced in a press conference that it would enact a ban-the-box policy, effective on July 1st. A job applicant with the city will not disclose conviction information until the City has expressed a "desire to hire the individual."

Daytona Beach Resource

Daytona Beach Implementation of Fair Chance Policy and Procedure, [available here](#)

Daytona Beach Contacts

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Mykal Tairu
Program Coordinator
Vincentian Reentry Organizing Project
mykal@svdporlando.org

TACOMA, WA (RESOLUTION APPLIES TO CITY)

- Background check after hiring process is complete
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

On June 30, 2015, the Tacoma City Council voted unanimously to remove any inquiry into conviction history from its job applications for city applications. The City will continue to run background checks on all employees, but will consider whether the offense relates to the position and will only consider conviction history after extending a conditional offer. The inquiry will remain for applications for police officers and positions that work directly with children.

Tacoma Resource

Tacoma Resolution, [available here](#)

Tacoma Background and Reference Check Guidelines, [available here](#)

Tacoma Contact

Mary McDougal
Human Resources Director
253-502-8781
mmcdougal@cityoftacoma.org

WICHITA, KS (POLICY APPLIES TO CITY)

- Background check after hiring process is complete
- Incorporates EEOC criteria in individualized assessment

As of July 9, 2015, the City of Wichita no longer inquires about criminal history for city jobs. With the exception of law enforcement positions, which still requires a background check before an offer is made, Wichita now considers conviction history only after a conditional offer has been made, and considers factors like the nature and severity of the offense, how much time has passed, and whether the offense is related to the job.

Wichita Contact

Chris Bezruki
Human Resources Director
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cbezruki@wichita.gov

TOPEKA, KS (ADMINISTRATIVE DECISION APPLIES TO CITY)

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

As of July 2015, applications for employment with the City of Topeka no longer include questions about criminal records. The City conducts background checks for all positions after extending a conditional offer of employment, with some

exceptions. The City also considers the time elapsed since the conviction, the nature of the conviction, and how it relates to the duties of the job. If the conditional offer is withdrawn, the City first notifies the applicant and provides the applicant with a copy of the record. The applicant has the opportunity to correct inaccuracies and explain the circumstances of a conviction before a final decision is made.

NEWARK, OH (RESOLUTION APPLIES TO CITY)

On July 20, 2015, the Newark City Council unanimously passed a resolution removing the conviction history inquiry from its applications. The Newark Think Tank on Poverty led the initiative to pass the resolution, with the help of Councilmember Jeremy Blake.

NEWBURGH, NY (RESOLUTION APPLIES TO CITY)

The Newburgh City Council unanimously approved a resolution removing a question about convictions from city applications on August 10, 2015, with exceptions. The city can still ask applicants about their conviction history during the interview and will conduct background checks thereafter.

Newburgh Resource

City Council Resolution No. 199-2015, [available here](#)

GLENDALE, AZ (ADMINISTRATIVE DECISION APPLIES TO CITY)

- Background check after conditional offer of employment

In September 2015, the City of Glendale removed the question about criminal records from the City's application for employment. The City only conducts a background check after extending a conditional offer of employment, and limits the criminal record inquiry to convictions that occurred within the last seven years.

KINGSTON, NY (RESOLUTION APPLIES TO CITY)

In September, 2015, the Kingston City Council passed a resolution to remove questions related to criminal convictions and charges from City employment applications. City employers can still ask questions regarding criminal records during job interviews and conduct background checks on applicants.

Kingston Resource

City Council Resolution No. 186 of 2015, [available here](#) (page 7).

MIAMI-DADE COUNTY, FL (ORDINANCE APPLIES TO COUNTY)

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

On October 6, 2015, the Miami-Dade Board of County Commissioners passed an ordinance regarding county employment. The county may not conduct a background check until after an applicant is selected as a finalist and receives a

conditional offer of employment. The ordinance also prohibits the consideration of arrests that did not result in conviction and sealed, expunged, and pardoned convictions. It further mandates that the county consider how a conviction relates to the job and how much time has elapsed since the applicant was convicted, and requires that the applicant be given five days to respond to a potential withdrawal of the conditional offer before a final decision is made.

Miami-Dade Resource

Miami-Dade County Ordinance, [available here](#).

PRINCE WILLIAM COUNTY, VA (RESOLUTION APPLIES TO COUNTY)

On October 13, 2015, the Prince William Board of County Supervisors adopted a resolution directing the county executive to remove conviction questions from initial county employment applications. Applicants are now asked about their criminal conviction history only after they have completed the interview process (with exceptions for certain law enforcement positions). The policy took effect on November 1, 2015.

Prince William Resource

Resolution 15-672 (Oct. 13, 2015), [available here](#).

NASHVILLE, TN (ADMINISTRATIVE POLICY APPLIES TO CITY)

On November 10, 2015, the Metro Civil Service Commission voted unanimously to remove questions regarding criminal history from the application for employment with the City. The policy took effect by January 1, 2016 and included exceptions for police and fire departments.

PIMA COUNTY, AZ (TUSCON AREA; RESOLUTION APPLIES TO COUNTY)

On November 10, 2015, the Pima County Board of Supervisors passed a resolution that removes the inquiry about an applicant's criminal record from the application for County employment. The County will still conduct background checks later in the hiring process, and the resolution will not apply to certain professions.

Pima Resource

Pima County Press Release, [available here](#).

BATON ROUGE, LA (RESOLUTION APPLIES TO CITY)

On November 10, 2015, the East Baton Rouge Parish Metro Council eliminated questions regarding criminal history from the application for employment with the City. The resolution does not apply to certain positions.

DALLAS COUNTY, TX (ADMINISTRATIVE POLICY APPLIES TO COUNTY)

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

The Dallas County Commissioners voted unanimously on November 17, 2015 on a policy for the County. The County will delay requesting criminal history until later in the hiring process, consider how an offense relates to the position sought, the time elapsed since conviction, and evidence of rehabilitation in deciding whether a conviction is disqualifying. The policy also provides that applicants should be given the opportunity to review the background check and challenge its relevance and accuracy.

Dallas Resource

Dallas Guidelines for Hiring Applicants with Records, [available here](#).

Dallas Contact

Josh Gravens
Organize Justice
josh@organizejustice.org

GAINESVILLE, FL (APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment

City commissioners voted on November 19, 2015 to remove the criminal history inquiry from the city's employment application. Human Resources reviews the criminal history information received, and when negative information is obtained, makes individual assessments, considering the age of the offense and its relevance to the job in making hiring decisions.

Gainesville Resource

Gainesville Legislative Information, [available here](#).

CHATTANOOGA, TN (RESOLUTION & ORDINANCE APPLY TO CITY)

On December 1, 2015, the Chattanooga City Council adopted a resolution to prohibit city departments from inquiring into a job applicant's conviction history on "any preliminary employment application documents." City employers may only inquire into and consider an applicant's conviction record as part of a normal background check after an application is submitted.

On December 15, 2015, the city council approved Ordinance No. 13007 to amend the Chattanooga City Charter to remove the requirement that all employees of the city be eligible to vote in Tennessee and replace it with a Tennessee residency requirement. Voters of Chattanooga overwhelmingly approved Ordinance No. 13007 on November 8, 2016, and the ordinance takes effect 60 days later (January 7, 2017).

Chattanooga Resource

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

Chattanooga Ordinance No. 13007, [available here](#).

Chattanooga Contact

Nicole Gwyn, Clerk to the City Council
nsgwyn@chattanooga.gov

FORT MYERS, FL (RESOLUTION APPLIES TO CITY)

On December 7, 2015, the Fort Myers City Council unanimously adopted Resolution No. 2015-61, which removes questions about felony convictions from city job applications and requires that the review of conviction records later in the hiring process must include consideration of “legitimate business necessity.” City hiring managers were to receive training within 90 days after the resolution was adopted. The resolution made exceptions for police and fire department applications.

Fort Myers Resources

City Council Meeting Minutes (Dec. 7, 2015), [available here](#).
Fort Myers Resolution No. 2015-61, [available here](#).

ITHACA, NY (ADMINISTRATIVE POLICY APPILES TO CITY)

On December 23, 2015, the City of Ithaca announced that it will be implementing a ban the box policy for public employers. Ithaca’s Director of Human Resources stated to the media, “[T]his community cannot afford to pass up talented, capable people in search of a second chance. At the very least, banning the box may eliminate unconscious bias or the perception of it. We are excited to model, through this initiative, what the city believes and practices.”

Ithaca Resource

City of Ithaca News Release, [available here](#).

BLACKSBURG, VA (RESOLUTION APPLIES TO CITY)

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

On January 19, 2016, the Blacksburg Town Council directed Town staff to remove questions about criminal history from applications for employment with the Town. In a press release, the Town Attorney stated that under the new policy, background checks will be conducted only after the best candidate for a position is identified, and that any consideration of criminal history at that stage should take into account the details of the conviction along with the job requirements.

Blacksburg Resource

Blacksburg Town Press Release, [available here](#).

ASHEVILLE, NC (RESOLUTION APPLIES TO CITY)

The Asheville City Council passed a resolution on January 26, 2016 expressing its commitment to the Ban the Box movement and its support for the City amending its employment application so as not to require disclosure of an applicant’s criminal record during the initial job application process, except for certain sensitive positions.

Asheville Resource

Asheville City Council Resolution 16-29, [available here](#) (page 5).

MONTGOMERY COUNTY, VA (RESOLUTION APPLIES TO COUNTY)

On January 26, 2016, the Montgomery County Board of Supervisors passed a unanimous resolution to ban the box for County jobs, removing a question about conviction history from the County employment application.

Montgomery County Resource

Montgomery County Board of Supervisors Resolution R-FY-15-76, [available here](#).

DUTCHESS COUNTY, NY (ADMINISTRATIVE POLICY APPLIES TO COUNTY)

Effective February 1, 2016, questions regarding criminal convictions, dishonorable military discharges, and firings from previous jobs will be removed from all Dutchess County exams, recruitments and employment applications. County Executive Marcus Molinaro issued the ban the box policy as part of a broader initiative to advance diversity which also included appointing a new Equal Employment/Human Rights Officer, reconstituting the County’s Human Rights Commission, and launching a workforce diversity taskforce to develop recommendations to diversify the pool of applicants for County jobs.

Dutchess County Resource

Dutchess County News Release, [available here](#).

BIRMINGHAM, AL (EXECUTIVE ORDER APPLIES TO CITY)

- Right to contest content of record

On February 4, 2016, Birmingham Mayor William A. Bell, Sr., signed an executive order directing the City’s Human Resources Department to implement hiring policies for City jobs intended to “encourage the full participation of motivated and qualified persons with criminal histories in the workforce.” The Mayor’s hiring policy goals include prohibiting the use of a criminal record as an automatic bar to employment, removing questions related to criminal history from the initial stages of the application process, and providing applicants the opportunity to discuss inaccuracies or contest the content of their record and to provide any information that demonstrates rehabilitation.

Birmingham Resources

Birmingham Executive Order, [available here](#).

U.S Department of Justice Press Release, [available here](#).

STAUNTON, VA (CITY COUNCIL DECISION APPLIES TO CITY)

On February 25, 2016, the Staunton City Council decided to remove the criminal history question from the city's employment application. All interviewed candidates instead complete a criminal conviction disclosure form after interviewing.

Staunton Resource

Staunton City Council Minutes (Feb. 25, 2016), [available here](#).

CHEROKEE COUNTY, GA (RESOLUTION APPLIES TO COUNTY)

- Incorporates EEOC criteria in individualized assessment
- Right to appeal prior to adverse determination

On March 1, 2016, the Cherokee County Board of Supervisors unanimously passed a resolution removing questions or checkboxes about conviction records from County employment applications, and delaying disclosure of records and background checks until after an interview has been conducted. Any candidate with a conviction will be given the opportunity to demonstrate that the conviction should not be disqualifying for the position. Before making a decision based on conviction records, the employer must consider the nature and gravity of the offense, the time passed since the offense, and the nature of the job.

Cherokee County Resource

Cherokee County Resolution, [available here](#).

BETHLEHEM, PA (ADMINISTRATIVE POLICY APPLIES TO CITY)

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

On March 1, 2016, Bethlehem Mayor Robert Donchez directed the city's human resources personnel and department heads to delay inquiries about criminal history until the final stage of the hiring process (with exceptions for certain law enforcement positions). After the city determines that an individual is qualified and a finalist for a position, a criminal history background check will be performed. If the individual has a record, human resources will coordinate with the solicitor's office to conduct an individual assessment according to EEOC guidelines. Upon receiving a conditional offer of employment, all applicants are further required to provide the city with a Pennsylvania Child Abuse History Clearance, Federal Criminal History Background Check, and a Pennsylvania State Police Clearance. The policy took effect on March 14, 2016.

Bethlehem Resource

Mayor's Office Memorandum, [available here](#).

MECKLENBURG COUNTY, NC (RESOLUTION APPLIES TO COUNTY)

On March 16, 2016, the Mecklenburg County Board of Commissioners passed a motion directing the county manager to modify the County's application for employment by removing the question about criminal convictions.

Mecklenburg County Resource

BOCC Meeting Minutes (Mar. 16, 2016), [available here](#) (page 18-21).

PHOENIX, AZ (ADMINISTRATIVE REGULATION APPLIES TO CITY)

- Background check only for finalists for positions
- Incorporates EEOC criteria in individualized assessment
- Right to appeal prior to adverse determination

Effective April 18, 2016, the City of Phoenix moved the process of disclosure of prior convictions from the employment application stage to the finalist interview stage for most city positions. The hiring authority reviews any disclosed convictions and works with the department's human resources supervisor to evaluate applicants' records in accordance with the EEOC guidance. Only convictions within the past seven years may be considered. If the hiring authority finds a conviction to be disqualifying, the applicant shall be provided a pre-adverse action disclosure letter and given 10 calendar days to dispute the record or provide any mitigating information with the background check vendor.

Phoenix Resource

Phoenix Administrative Regulation 2.81 Revised, [available here](#).

WAKE COUNTY, NC (ORDINANCE APPLIES TO COUNTY)

- Background check only for finalists for positions
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report
- Right to appeal denial of employment

On April 18, 2016 the Board of Supervisors approved an ordinance to require that the initial application form not inquire about prior convictions. Background checks will be conducted only after the applicant has been recommended for hire. An applicant's record cannot be used as a basis for denial unless a conviction is job-related as determined by an individualized assessment incorporating EEOC guidelines. Before taking an adverse action, hiring departments must obtain concurrence from human resources and provide the applicant with a pre-adverse action disclosure form, a copy of the background report, and notice of the applicant's right to dispute the information in the report.

Wake County Resources

Wake County Ordinance, [available here](#).

Wake County Human Resources Policy, [available here](#).

BUNCOMBE COUNTY, NC (RESOLUTION APPLIES TO COUNTY)

On April 19, 2016, the Buncombe County Board of Commissioners adopted a resolution to remove criminal history questions from the county's initial job application.

Buncombe County Resources

Board of Commissioners Meeting Minutes (April 19, 2016), [available here](#).

Buncombe County Resolution (April 19, 2016), [available here](#).

SARASOTA, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background check only for finalists for positions
- Incorporates EEOC criteria

Effective May 1, 2016, the City of Sarasota delayed when in the hiring process criminal history information is disclosed and reviewed. Near the final phase of the selection process, applicants' records are reviewed and considered along with the nature and age of the offense as well as the nature of the job sought.

Sarasota Resource

City of Sarasota Press Release (May 13, 2016), [available here](#).

JOHNSON COUNTY, KS (ADMINISTRATIVE POLICY APPLIES TO COUNTY)

- Background check after conditional offer of employment

On May 19, 2016, the Johnson County Board of County Commissioners approved a motion endorsing the county manager's decision to remove criminal history questions from the beginning of the application process (except for certain positions related to public safety). The applicant's background check is conducted after an offer of employment is extended.

Johnson County Resources

BOCC Meeting Transcript (May 12, 2016), [available here](#) (page 11).

BOCC Meeting Transcript (May 19, 2016), [available here](#) (page 29).

BROWARD COUNTY, FL (ORDINANCE APPLIES TO COUNTY)

- Background check only for finalists for positions
- Provides copy of background check report
- Right to appeal prior to adverse determination

On June 14, 2016, the Broward County Board of County Commissioners approved an ordinance delaying inquiries about county job applicants' criminal histories until the final phase of the hiring process. After reviewing a finalist's criminal history, the

county determines whether any convictions or pending charges are job-related and whether business necessity prevents hiring the individual. If the county declines to offer employment because of a finalist's criminal history, the county must provide the individual with a copy of the record and an explanation of its assessment of that record. Within five business days, the applicant may contest the accuracy of the reported information or provide evidence of mitigating circumstances or rehabilitation. The ordinance took effect on June 16, 2016, and the county administrator was allowed an additional 90 days to implement it.

Broward County Resource

Ordinance No. 2016-18 (June 15, 2016), [available here](#).

PULASKI COUNTY, AR (ORDINANCE APPLIES TO COUNTY)

- Background check after conditional offer of employment
- Provides copy of background check report
- Right to appeal prior to adverse determination
- Incorporates EEOC criteria in individualized assessment

On June 28, 2016, the Pulaski County Quorum Court unanimously passed an ordinance removing criminal history questions from the county's initial employment applications. Such inquiries are delayed until after a conditional offer of employment. The county employer is required to conduct an individualized assessment and consider the nature and gravity of the offense, the time passed since the offense, and the nature of the job. If the county rescinds an offer employment based on a finalist's criminal history, the county must provide the applicant with an adverse-action letter that specifies the deadline by which the individual may contest the accuracy of the reported information or provide evidence of rehabilitation. The background check report will be provided upon request. The ordinance took effect within 60 days after adopted.

Pulaski County Resources

County Ordinance 16-I-29A (June 28, 2016), [available here](#).

County Quorum Court Meeting Minutes (June 28, 2016), [available here](#).

HENRY COUNTY, VA (ADMINISTRATIVE ACTION APPLIES TO COUNTY)

Effective July 1, 2016, Henry County removed the criminal history inquiry that had previously appeared on its initial employment application. Following a request from the Martinsville/Henry County Chapter of Virginia Organizing, the change to the employment application was announced and the new application distributed at a meeting of county managers.

Henry County Resource

Employment application with question omitted, [available here](#).

Henry County Contact

Nik Belanger, Southside Organizer

Virginia Organizing

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TOMPKINS COUNTY, NY (RESOLUTION APPLIES TO COUNTY)

On July 5, 2016, the Tompkins County Legislature unanimously adopted a resolution of support for the commissioner of personnel to implement procedures to remove criminal conviction questions from the county's employment application. Criminal conviction disclosures and subsequent inquiries are now delayed until later in the hiring process. The personnel department considers whether an individual's conviction is related to the position.

Tompkins County Resource

County Legislature Meeting Highlights (July 5, 2016), [available here](#).

DENVER, CO (EXECUTIVE ORDER APPLIES TO CITY)

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

On July 11, 2016, Mayor Michael B. Hancock [announced](#) that the City and County of Denver would ban the box from job applications, beginning in August 2016. On July 25, 2016, the mayor amended Executive Order No. 135 "The Use of Background Checks in Hiring and Employment Decisions," adding Section 3.1.1, which prohibits conviction history inquiries until the applicant has been extended a conditional offer of employment (with certain exceptions). Even before the July 2016 update, Sections 3.1.7 and 3.1.8 of Executive Order No. 135 already limited agency consideration of arrests and required agencies to consider (i) the nature of the conviction, (ii) existence of a "strong correlation" between the conviction and job sought, (iii) the number of convictions, (iv) the recentness of convictions, and (v) any evidence of rehabilitation.

Denver Resource

Executive Order No. 135 (July 25, 2016), [available here](#).

Denver Contact

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Denver Office of Human Resources

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TEMPE, AZ (ADMINISTRATIVE ACTION APPLIES TO CITY)

On August 29, 2016, the Tempe Merit System Board approved changes to the City of Tempe Personnel Rules that removed criminal history questions from city job applications. Instead, applicants are asked about their conviction histories after completing the first interview and being selected as a finalist for the position. At that

point, finalists must complete a “criminal background questionnaire,” and later, successful applicants will undergo fingerprint background checks as a condition of accepting employment. The Personnel Rules were revised to incorporate these changes on September 22, 2016.

Tempe Resources

Tempe Merit System Board Meeting Minutes (Aug. 29, 2016), [available here](#).
City of Tempe Personnel Rules (Sept. 22, 2016), [available here](#).

Tempe Contact

Ellen Katz, Director
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SACRAMENTO, CA (ORDINANCE APPLIES TO CITY CONTRACTORS)

On September 6, 2016, the Sacramento City Council adopted a ban-the-box ordinance applicable to city contractors with at least 20 employees. Covered city contractors are prohibited from inquiring into a job applicant’s conviction history until determining that he or she meets the minimum qualifications for the position sought. A violation of that prohibition would constitute a material breach of the city contract and authorize the city to terminate the contract. The ordinance makes exceptions for (i) positions for which the employer is required to conduct a background check, and (ii) positions that will not involve work on a city contract. The ordinance applies to contracts of at least \$100,000 awarded after January 1, 2017.

Sacramento Resources

City Ordinance No. 2016-0036 (Sept. 6, 2016), [available here](#).
City Council Meeting Minutes (Sept. 6, 2016), [available here](#).

MILWAUKEE, WI (RESOLUTION APPLIES TO CITY)

On October 11, 2016, the Common Council of the City of Milwaukee voted 13-to-2 to adopt a resolution requiring the Department of Employee Relations not to ask about an applicant’s criminal history on the initial city employment application. Instead, background checks are only to be conducted when the applicant is placed on an “employee eligibility list.” Although city officials already delayed conviction inquiries pursuant to a practice instituted by the mayor several years previously, the Common Council resolution renders this change permanent. The resolution expressly applies to all civilian positions within the police and fire departments to the fullest extent permitted by law. The Common Council resolution further encourages all Milwaukee employers to ban the box.

Milwaukee Resource

Resolution No. 120663 (Oct. 11, 2016), [available here](#).

Common Council Meeting Minutes (Oct. 11, 2016), [available here](#) (pages 11-12).

Milwaukee Contact

Astar N. Herndon, State Director

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(414) 274-0925

JACKSON COUNTY, MO (ADMINISTRATIVE ACTION APPLIES TO COUNTY)

On November 6, 2016, Jackson County Executive Frank White, Jr. promulgated Executive Order 16-16, which prohibits criminal history inquiries from appearing on initial applications for county jobs.

Jackson County Resource

Executive Order 16-16 (Nov. 7, 2016), [available here](#).

SAN ANTONIO, TX (ADMINISTRATIVE ACTION APPLIES TO CITY)

On December 7, 2016, the San Antonio City Council Governance Committee supported a staff recommendation to remove all questions about criminal history from the civilian job application. (Councilman Rey Saldaña had previously urged the adoption of a fair chance hiring ordinance.) City Manager Sheryl Sculley then issued a memorandum indicating that inquiries into criminal history would be delayed until after a conditional job offer. After receiving the background check results, human resources staff conduct an individualized assessment, considering (i) job relatedness of a conviction, (ii) offense level, (iii) time elapsed, (iv) mitigating circumstances, and (v) rehabilitation evidence. Human resources staff consult with the City Attorney's Office when questions arise regarding job relatedness. The policy applies to the civilian job application, which excludes the fire and police departments.

San Antonio Resource

City Manager Fair Chance Hiring Memorandum (Dec. 7, 2016), [available here](#).

San Antonio Contact

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City of San Antonio

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LOS ANGELES, CA (ORDINANCE APPLIES TO CITY & PRIVATE EMPLOYERS)

- Background check after conditional offer of employment
- Provides copy of background check report

-
- Right to appeal prior to adverse determination
 - Incorporates EEOC criteria in individualized assessment

On December 9, 2016, Mayor Eric Garcetti approved an ordinance delaying public and private employer inquiries into job applicants' conviction histories. The ordinance applies broadly to businesses in the city that employ at least 10 people, with certain exceptions. Employers may not ask about an applicant's record until a conditional offer of employment has been extended. After learning of an applicant's record, employers must consider factors including (i) age of the offense, (ii) nature of the offense, and (iii) specific duties of the job sought. Written notice must be provided to applicants. The ordinance provides for a private right of action for aggrieved job applicants.

Also on December 9, 2016, Mayor Garcetti approved an ordinance governing city contractors' consideration of criminal history information during their hiring processes. The ordinance prohibits city contractors (and subcontractors) from inquiring into a job applicant's record until after extending that applicant a conditional offer of employment. Before revoking any such offer, the contractor must conduct a written assessment, explaining the job-relatedness of the applicant's record and examining the factors set forth in the 2012 EEOC Guidance. When taking adverse action on the basis of the applicant's record, the contractor must provide a written notice, including a copy of that written assessment and any supporting materials, such as the applicant's background check report. The employer may not fill the position for five business days, during which the applicant may submit additional information. Violation of the ordinance constitutes a material breach of the city contract, and the ordinance also provides for monetary penalties.

The Los Angeles Department of Public Works, Bureau of Contract Administration is tasked with enforcing the ordinances and collecting civil monetary penalties (effective July 1, 2017). Both ordinances took effect on January 22, 2017.

Los Angeles Resources

City of Los Angeles Ordinance No. 184652 (Dec. 9, 2016), [available here](#).
City of Los Angeles Ordinance No. 184653 (Dec. 9, 2016), [available here](#).
Rules and Regulations Implementing Los Angeles Ordinance, [available here](#).

Los Angeles Contacts

A New Way of Life	LA Voice
(323) 563-3575	(213) 384-7404

AUGUSTA, GA (ADMINISTRATIVE POLICY APPLIES TO CITY/COUNTY)

- Incorporates EEOC criteria in individualized assessment

On December 20, 2016, the Augusta Commission voted in favor of banning the box from Augusta job applications but sent the policy to the Administrative Services

Committee to determine the details. On January 17, 2017, the Augusta Commission voted to approve the policy revisions that were approved by the committee on January 10, 2017. The policy bans the box from Augusta job applications, except applications for positions requiring that the worker not have a record. Pursuant to the policy, a job applicant is not asked about his or her record until he or she is selected as a finalist for the position sought. After the applicant's record is received, the human resources department conducts an individualized assessment, considering the age, nature, and job-relatedness of the offense(s) and affording the applicant an opportunity to explain any mitigating circumstances. If human resources recommends rejecting an applicant because of his/her record, that determination is reviewed by the Augusta EEOC/Compliance Department (and the Augusta Administrator, as needed). Note: Augusta-Richmond County is a consolidated city-county government.

Augusta Resources

Augusta Fair Chance Policy (dated Jan. 5, 2017), [available here](#).
Augusta Commission Meeting Minutes (Jan. 17, 2017), [available here](#).
Augusta Commission Meeting Minutes (Dec. 20, 2016), [available here](#).

YORK COUNTY, SC (RESOLUTION APPLIES TO COUNTY)

- Background check after conditional offer of employment

On January 17, 2017, the York County Council unanimously approved a fair chance resolution applicable to hiring for county jobs. Although confusingly structured, the resolution appears to delay record-related inquiries until after a conditional offer has been extended to the applicant.

York County Resource

York County Commission Resolution (Jan. 17, 2017), [available here](#).

ALBANY COUNTY, NY (LOCAL LAW APPLIES TO COUNTY)

- Background check after conditional offer of employment
- Provides copy of background check report
- Right to appeal prior to adverse determination

The Albany County Legislature approved the Albany County Fair Chance Act in a 32 to 3 vote on February 13, 2017. The act prohibits the County of Albany from inquiring into a job applicant's conviction record until after a conditional offer of employment is extended, and then, only if the employer makes a good faith determination that a background check is warranted or required for the position sought. Furthermore, the county may not inquire about an applicant's arrest history at any time during the application process.

Albany County Resource

Albany County Fair Chance Act, [available here](#).

NORTH LAS VEGAS, NV (ADMINISTRATIVE ACTION APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment

On October 14, 2016, Mayor Pro Tem Isaac Barron announced that the City of North Las Vegas would ban the box. City Manager Qiong X. Liu approved the city's ban-the-box administrative policy (dated February 9, 2017). Conviction inquiries are delayed until the interview phase of the application process. When considering an applicant's record, city personnel conduct an individualized assessment, taking into account such factors as the nature and age of the offense, nature of the job sought, as well as mitigating circumstances, evidence of rehabilitation.

North Las Vegas Resource

North Las Vegas Ban the Box Policy (Feb. 9, 2017), [available here](#).

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 (A)
	Private	Vendors	Public				
ALABAMA							
1. Birmingham			X				A
ARIZONA							
2. Glendale			X		X		
3. Phoenix			X		X	X	N, C, A
4. Pima County			X				
5. Tempe			X		X		
6. Tucson			X	X	X	X	A
ARKANSAS							
7. Pulaski County			X		X	X	N, A
8. CALIFORNIA (State law)							
			X				
9. Alameda County			X				
10. Berkeley			X	X		X	
11. Carson			X				
12. Compton		X	X			X	
13. East Palo Alto			X				
14. Los Angeles	X	X	X		X	X	N, C, A
15. Oakland			X	X	X	X	N, C, A
16. Pasadena			X				
17. Richmond		X	X	X			
18. Sacramento		X					
19. San Francisco	X ¹	X ¹	X			X	N, C, A
20. Santa Clara County			X				
21. COLORADO (State law)							
			X			X	A
22. Denver			X		X	X	
23. CONNECTICUT (State law)							
	X	X	X				A
24. Bridgeport			X			X	N, A
25. Hartford		X	X	X	X	X	N, A
26. New Haven		X	X		X	X	N, C, A
27. Norwich			X		X		
28. DELAWARE (State law)							
			X			X	
29. New Castle County			X				
30. Wilmington			X		X		
31. District of Columbia							
	X	X	X		X	X	A
FLORIDA							
32. Broward County			X		X	X	N, C, A
33. Clearwater			X			X	

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 (A)
	Private	Vendors	Public				
34. Daytona Beach			X		X		
35. Gainesville			X			X	
36. Fort Myers			X				
37. Jacksonville			X		X	X	N, A
38. Miami-Dade County			X		X	X	N
39. Orlando			X		X	X	N, C
40. Pompano Beach			X				N, C
41. Sarasota			X		X	X	
42. St. Petersburg			X				
43. Tampa			X		X		N
44. Tallahassee			X			X	
45. GEORGIA (State policy)			X				
46. Albany			X			X	N, A
47. Atlanta			X				N, C
48. Augusta			X		X	X	
49. Cherokee County			X			X	A
50. Columbus			X		X	X	N, A
51. Fulton County			X	X		X	N, C
52. Macon-Bibb County			X				N, C
53. HAWAII (State law)	X	X	X		X	X	A
54. ILLINOIS (State law)	X	X	X				A
55. Chicago	X	X	X			X	A
INDIANA							
56. Indianapolis		X	X			X	
KANSAS							
57. Johnson County			X		X		
58. Kansas City			X			X	
59. Wichita			X		X	X	N, C, A
60. Topeka			X		X	X	N, C, A
KENTUCKY							
61. Louisville		X	X			X	
62. LOUISIANA (State law)			X				
63. Baton Rouge			X				
64. New Orleans			X	X			C
65. MARYLAND (State law)			X				
66. Baltimore	X	X	X	X	X	X	A
67. Montgomery County	X	X	X				N, C, A

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 (A)
	Private	Vendors	Public				
68. Prince George's County	X	X	X			X	N, C, A
69. MASSACHUSETTS (State law)	X	X	X				N, C, A
70. Boston		X	X	X			N, A
71. Cambridge		X	X			X	N, C, A
72. Worcester		X	X	X		X	N, C, A
MICHIGAN							
73. Ann Arbor			X		X	X	
74. Detroit		X	X				
75. East Lansing			X				
76. Genesee County			X		X		
77. Kalamazoo		X	X				C
78. Muskegon County			X				
79. MINNESOTA (State law)	X	X	X			X ²	N ² , A
80. Minneapolis			X	X		X	
81. St. Paul			X	X		X	
82. MISSOURI (State policy)			X				
83. Columbia	X	X	X		X	X	A
84. Jackson County			X				
85. Kansas City			X		X	X	
86. St. Louis			X	X			
87. NEBRASKA (State law)			X				
NEVADA							
88. North Las Vegas			X			X	
89. NEW JERSEY (State law)	X	X	X				A
90. Atlantic City ⁴		X ⁴	X ⁴		X ⁴	X ⁴	N ⁴
91. Newark ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	X ⁴	N ⁴ , C ⁴
92. NEW MEXICO (State law)			X			X	N
93. NEW YORK (State policy)			X				
94. Albany County			X	X	X		N, C, A
95. Buffalo	X	X	X			X	A
96. Dutchess County			X				
97. Ithaca			X				
98. Kingston			X				
99. Newburgh			X				

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 (A)
	Private	Vendors	Public				
100. New York City	X	X	X		X	X	N, C, A
101. Rochester	X	X	X			X	A
102. Syracuse		X	X		X	X	N, C, A
103. Tompkins County			X				
104. Ulster County			X				
105. Woodstock			X				
106. Yonkers			X				
NORTH CAROLINA							
107. Asheville			X				
108. Buncombe County			X				
109. Carrboro			X			X	
110. Charlotte			X				
111. Cumberland County			X	X			
112. Durham City			X	X		X	
113. Durham County			X	X		X	N, C, A
114. Mecklenburg County			X				
115. Spring Lake			X	X			N
116. Wake County			X		X	X	N, C, A
117. OHIO (State law)			X			X ³	
118. Alliance			X	X			N, C
119. Akron			X			X	A
120. Canton			X		X	X	
121. Cincinnati			X			X	N, C, A
122. Cleveland			X				
123. Cuyahoga County			X		X	X	
124. Dayton			X			X	N
125. Franklin County			X		X	X	N
126. Hamilton County			X				
127. Lucas County			X				
128. Massillon			X			X	
129. Newark			X				
130. Stark County			X				
131. Summit County			X	X		X	
132. Warren			X	X	X		N
133. Youngstown			X		X		
134. OKLAHOMA (State policy)			X				
135. OREGON (State law)	X	X	X				A
136. Multnomah County			X			X	

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 (A)
	Private	Vendors	Public				
137. Portland	X	X	X		X	X	N, A
138. PENNSYLVANIA (State policy)			X				
139. Allegheny County			X	X	X	X	
140. Allentown			X		X		
141. Bethlehem			X		X	X	
142. Lancaster			X		X	X	
143. Philadelphia	X	X	X		X	X	N, C, A
144. Pittsburgh		X	X		X		N
145. Reading			X		X		
146. RHODE ISLAND (State law)			X	X	X		A
147. Providence			X				
SOUTH CAROLINA							
148. York County			X		X		
149. TENNESSEE (State law)			X			X	A
150. Chattanooga			X				
151. Hamilton County			X		X		
152. Memphis			X			X	N, C, A
153. Nashville			X				
TEXAS							
154. Austin	X	X	X	X	X	X	N, A
155. Dallas County			X			X	A
156. San Antonio			X		X	X	
157. Travis County			X	X	X	X	
158. UTAH (state law)			X				
159. VERMONT (State law)			X	X	X		A
160. VIRGINIA (State policy)				X		X	
161. Alexandria			X		X		
162. Arlington County			X				
163. Blacksburg			X		X	X	
164. Charlottesville			X				
165. Danville			X		X	X	
166. Fairfax County			X		X		
167. Fredericksburg			X		X	X	N
168. Harrisonburg			X		X		N, A
169. Henry County			X				
170. Montgomery County			X				
171. Newport News			X			X	

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 (A)
	Private	Vendors	Public				
172. Norfolk			X			X	
173. Petersburg			X				
174. Portsmouth			X				
175. Prince William County			X				
176. Richmond			X				
177. Roanoke			X				
178. Staunton			X				
179. Virginia Beach			X		X	X	
WASHINGTON							
180. Seattle	X	X	X			X	N, C, A
181. Spokane			X				
182. Tacoma			X		X	X	N, C
183. Pierce County			X			X	N
184. WISCONSIN (State law)							
			X				
185. Dane County			X				
186. Madison		X ⁵	X ⁵		X		N ⁶ , A ⁷
187. Milwaukee			X				
188. Milwaukee County			X				

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

² Applies only to public employers.

³ Applies only to state agencies.

⁴ Superseded by state law.

⁵ Madison ordinance applies to vendors, and separate resolution applies to public city hiring.

⁶ The Madison resolution requires public entities provide notice to disqualified applicants.

⁷ The Madison ordinance allows job applicants to file complaints with the city alleging contractor violations.