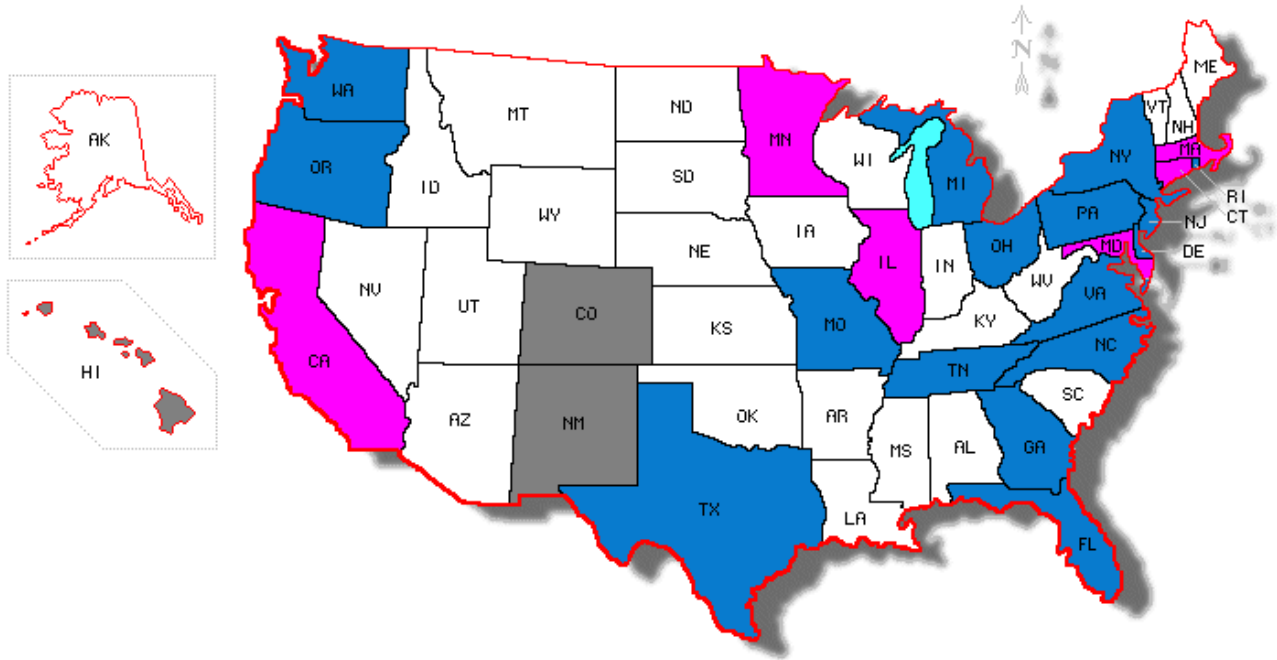


## Ban the Box:

### Major U.S. Cities and Counties Adopt Fair Hiring Policies to Remove Unfair Barriers to Employment of People with Criminal Records



- States where localities have banned the box
- States with statewide ban the box
- States with statewide ban the box and individual localities that have banned the box

#### Cities and counties that have banned the box:

- |   |  |  |
|---|--|--|
| 1. <a href="#">Alameda County, CA</a>     | 19. <a href="#">Durham City, NC</a>      | 37. <a href="#">Pittsburgh, PA</a>         |
| 2. <a href="#">Atlantic City, NJ</a>      | 20. <a href="#">Durham County, NC</a>    | 38. <a href="#">Providence, RI</a>         |
| 3. <a href="#">Atlanta, GA</a>            | 21. <a href="#">East Palo Alto, CA</a>   | 39. <a href="#">Richmond, CA</a>           |
| 4. <a href="#">Austin, TX</a>             | 22. <a href="#">Hartford, CT</a>         | 40. <a href="#">Richmond, VA</a>           |
| 5. <a href="#">Baltimore, MD</a>          | 23. <a href="#">Jacksonville, FL</a>     | 41. <a href="#">San Francisco, CA</a>      |
| 6. <a href="#">Berkeley, CA</a>           | 24. <a href="#">Kalamazoo, MI</a>        | 42. <a href="#">Santa Clara County, CA</a> |
| 7. <a href="#">Boston, MA</a>             | 25. <a href="#">Kansas City, MO</a>      | 43. <a href="#">Seattle, WA</a>            |
| 8. <a href="#">Bridgeport, CT</a>         | 26. <a href="#">Memphis, TN</a>          | 44. <a href="#">Spring Lake, NC</a>        |
| 9. <a href="#">Cambridge, MA</a>          | 27. <a href="#">Minneapolis, MN</a>      | 45. <a href="#">St. Paul, MN</a>           |
| 10. <a href="#">Canton, OH</a>            | 28. <a href="#">Multnomah County, OR</a> | 46. <a href="#">Tampa, FL</a>              |
| 11. <a href="#">Carrboro, NC</a>          | 29. <a href="#">Muskegon County, MI</a>  | 47. <a href="#">Travis County, TX</a>      |
| 12. <a href="#">Carson, CA</a>            | 30. <a href="#">New Haven, CT</a>        | 48. <a href="#">Washington, DC</a>         |
| 13. <a href="#">Chicago, IL</a>           | 31. <a href="#">New York, NY</a>         | 49. <a href="#">Wilmington, DE</a>         |
| 14. <a href="#">Cincinnati, OH</a>        | 32. <a href="#">Newark, NJ</a>           | 50. <a href="#">Worcester, MA</a>          |
| 15. <a href="#">Cleveland, OH</a>         | 33. <a href="#">Newport News, VA</a>     |  |
| 16. <a href="#">Compton, CA</a>           | 34. <a href="#">Norwich, CT</a>          |  |
| 17. <a href="#">Cumberland County, NC</a> | 35. <a href="#">Oakland, CA</a>          |  |
| 18. <a href="#">Detroit, MI</a>           | 36. <a href="#">Philadelphia, PA</a>     |  |

[Summary Table](#)

In a recent National Employment Law Project (NELP) report, we estimated that 65 million Americans—or one in four adults—have a criminal record that may show up on a routine background check report.<sup>1</sup> At the same time that the numbers of workers with criminal records have risen, the background check industry has expanded and overall, more employers are now using background checks as an employment screen than ever before. This resource guide documents the cities and counties that have recognized the devastating impact of these trends and taken steps to remove barriers to employment for qualified workers with criminal records, specifically by removing conviction history questions from job applications—a reform commonly known as “ban the box.”

As Mayor Richard Daley explained when he announced Chicago's policy promoting fairness in employment, "Implementing this new policy won't be easy, but it's the right thing to do. . . . We cannot ask private employers to consider hiring former prisoners unless the City practices what it preaches." Endorsing the value of a policy that allows workers to be judged on their merits, not on an old or unrelated conviction, the U.S. Equal Employment Opportunity Commission issued a [revised guidance](#) in April 2012 on the use of arrest and conviction records in employment under Title VII of the Civil Rights Act of 1964. In the guidance, which applies to all public and private employers, the Commission recommended as a “best practice . . . that employers not ask about convictions on job applications and that, if and when they make such inquiries, the inquiries be limited to convictions for which exclusion would be job related for the position in question and consistent with business necessity.”

This updated guide summarizes the 43 local jurisdictions across the U.S. that have adopted “ban the box” in the past seven years, including Chicago, Jacksonville, Philadelphia, San Francisco, Memphis, and Baltimore—to highlight a few. The guide provides key information for local officials and advocates to initiate reforms in their communities, including contact information, media, and campaign material links. Just in 2011-2012, 14 cities and counties across the nation have adopted these policies emphasizing an applicant’s qualifications rather than his or her past mistakes, such as New York City, Cleveland, and Durham. Of special significance, 11 cities and counties now extend the ban the box policy to private contractors or in the case of Philadelphia and Newark, to private employers, as well. In addition, as profiled in separate paper [here](#), seven states have adopted ban the box policies.

Despite today’s challenging job market, the momentum in support of ban the box hiring reforms continues to grow. In addition to this updated guide, NELP is available to provide assistance to communities seeking to join the ban the box movement. For additional information, contact Michelle Natividad Rodriguez at [mrodriguez@nelp.org](mailto:mrodriguez@nelp.org).

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<sup>1</sup> Michelle Natividad Rodriguez & Maurice Emsellem, “65 Million Need Not Apply: The Case for Reforming Criminal Background Checks for Employment,” National Employment Law Project (2011), *available at* [http://nelp.3cdn.net/e9231d3aee1d058c9e\\_55im6wopc.pdf](http://nelp.3cdn.net/e9231d3aee1d058c9e_55im6wopc.pdf)

## **City Hiring Policies**

### **Boston, MA (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified candidates
- ✓ Background checks only required for some positions
- ✓ Policies applies to vendors/contractors doing business with the City
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment

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

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

### **Boston Resources**

- Boston City Council Ordinance (July 1, 2006), [click here](#)
- Boston Equal Opportunity Statement, [click here](#)

### **Boston Contacts**

Bill Kessler, Assistant Director  
Office of Human Resources  
[bill.kessler@cityofboston.gov](mailto:bill.kessler@cityofboston.gov)

Aaron Tanaka, Executive Director  
[Boston Workers Alliance](#)  
[atanaka@bostonworkersalliance.org](mailto:atanaka@bostonworkersalliance.org)

### **San Francisco, CA (board of supervisors resolution applies to City and County)**

- ✓ Banned the box
- ✓ Background check only for finalists for positions
- ✓ Incorporates EEOC language into selection criteria

The campaign to "ban the box" on San Francisco's applications for public employment was led by [All of Us or None](#), a national organizing initiative of formerly incarcerated people. In 2005, the San Francisco Board of Supervisors approved a resolution initiated by All of Us or None calling for San Francisco to eliminate hiring discrimination against people with criminal records by removing the

request for criminal history information on the initial job application for public employment. The resolution was implemented as a municipal hiring policy. An individual's past convictions can only be considered after an applicant has been identified as a finalist for a position. The exception is for those jobs where state or local laws expressly bar people with convictions from employment, in which case the City conducts its background review at an earlier stage of the hiring process.

In 2011, the [San Francisco Human Rights Commission](#) and the [San Francisco Reentry Council recommended](#) expanding the City's policy to all private employers, vendors, and most housing providers.

#### San Francisco Resources

- San Francisco Department of Human Resources Policy, [click here](#)
- San Francisco Board of Supervisors Resolution (Oct. 11, 2005), [click here](#)
- San Francisco Employment Application, [click here](#)

#### San Francisco Contacts

Ted Yamasaki, Managing Deputy Director      Linda Evans

Human Resources Department

[ted.yamasaki@sfgov.org](mailto:ted.yamasaki@sfgov.org)

[All of Us or None](#)

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

#### Chicago, IL (Mayor's initiative applies to City)

- ✓ Banned the box
- ✓ Background check only after conditional offer of employment
- ✓ Incorporates EEOC language into selection criteria

In May 2004, Chicago Mayor Richard Daley created the Mayoral Policy Caucus on Prisoner Reentry, bringing together government and community leaders to address the challenges facing the 20,000 people each year who return to Chicago after being released from prison. In January 2006, the Caucus issued a major report calling for broad reforms of City policy. Concurrently with the release of the report, Mayor Daley announced several major "reentry" initiatives, including reform of the City's hiring policies as recommended by the Caucus. The Mayor's press release described a new hiring policy requiring the City to "balance the nature and severity of the crime with other factors, such as the passage of time and evidence of rehabilitation . . . . Put more simply, this change means that city hiring will be fairer and more common sense."

Implementing the Mayor's hiring policy, the Chicago Department of Human Resources has issued guidelines imposing standards on all City agencies regulating hiring decisions related to people with criminal records. For the first time, Chicago now requires all agencies to take into account the age of an individual's criminal record, the seriousness of the offense, evidence of rehabilitation, and other mitigating factors before making hiring decisions. As part of the hiring process, the City also revised its job application in February 2007 to remove the question about criminal history. Now, after the City makes a conditional offer of employment, the applicant fills out a screening questionnaire card that requires disclosure of any criminal record.

### Chicago Resources

- Mayor Daley's Press Release (Jan. 24, 2006), [click here](#)
- Report of the Mayoral Policy Caucus on Prisoner Reentry (Jan. 2006), [click here](#)
- Chicago Department of Human Resources Guidelines (June 5, 2007), [click here](#)
- Chicago Employment Application, [click here](#)

### Chicago Contact

Soo Choi, Commissioner of Human Resources  
(312) 744-4966

### **St. Paul, MN (Mayor's directive and city council resolution apply to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified candidates
- ✓ Background checks only required for some positions
- ✓ Incorporates EEOC language into selection criteria

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), [click here](#)
- Report of the Council on Crime and Justice, [click here](#)
- St. Paul City Council Resolution, [click here](#)
- St. Paul Employment Application, [click here](#)

### St. Paul Contacts

Angie Nalezny, Director  
Human Resources Department  
[angie.nalezny@ci.stpaul.mn.us](mailto:angie.nalezny@ci.stpaul.mn.us)

Mark Haase, VP of Operations  
[Council on Crime and Justice](#)  
[hassem@crimeandjustice.org](mailto:hassem@crimeandjustice.org)

### **Minneapolis, MN (city council resolution applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Background checks only required for some positions
- ✓ Incorporates EEOC language into selection criteria

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, [click here](#)

#### Minneapolis Contacts

Councilmember Elizabeth Glidden

Minneapolis City Council

[elizabeth.glidden@ci.minneapolis.mn.us](mailto:elizabeth.glidden@ci.minneapolis.mn.us)

Mark Haase, VP of Operations

[Council on Crime and Justice](#)

[hassem@crimeandjustice.org](mailto:hassem@crimeandjustice.org)

#### **East Palo Alto, CA (administrative hiring policy applies to City)**

- ✓ Banned the box

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

#### East Palo Alto Resource

- Application, [click here](#)

#### East Palo Alto Contact

Linda Evans

[All of Us or None](#)

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

#### **Oakland, CA (city administrator hiring policy applies to City)**

- ✓ Banned the box
- ✓ Background check only after conditional offer of employment
- ✓ Background checks only required for some positions
- ✓ Incorporates EEOC language into selection criteria
- ✓ 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), [click here](#)
- Letter to Asm. Dickinson regarding support of ban the box (March 28, 2012), [click here](#)

### Oakland Contacts

Linda Evans

[All of Us or None](#)

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

Andrea Gourdine

Director, Dept. of Human Resources Management

(510) 238-3112

### **Cambridge, MA (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Background checks only required for some positions
- ✓ Policies applies to vendors/contractors doing business with the City
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal prior to adverse determination
- ✓ Provides copy of background check report

In May 2007, Cambridge implemented policies limiting discrimination against people with criminal records in city government positions. In January 2008, the City Council passed an ordinance extending the requirements of Cambridge's hiring policy to private vendors that do business with the City.

Consistent with the City's hiring policy, vendors contracting with Cambridge wait to conduct a criminal background check until the job applicant is found to be "otherwise qualified" for the position. To determine the applicant's suitability for the position, vendors are required to consider a variety of factors, including "the relevance of the crime to the position sought," the age and seriousness of the crime, and evidence of rehabilitation. In addition, the Cambridge ordinance requires the vendor to notify the applicant of a potential adverse decision based on the criminal record. The employer must give the applicant a copy of the criminal record and the right to present information related to the accuracy and relevancy of the information reported.

### Cambridge Resource

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

### Cambridge Contact

Oman Bandar, Former Special Assistant to the Mayor

[bandar\\_omar@hotmail.com](mailto:bandar_omar@hotmail.com)

### **Baltimore, MD (board of estimates hiring policy applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Background checks only required for some positions

In December 2007, with the backing of Mayor Sheila Dixon, the City of Baltimore's Board of Estimates unanimously approved changes to the City's administrative hiring policy. The Board of Estimates—composed of the Mayor, President of the City Council, Comptroller, City Solicitor, and Director of Public Works—is the governing body that oversees the fiscal and administrative functions of the City. In accordance with the policy, the City removed the criminal history question from its job application.

Applicants are not asked about their criminal history on the initial application. Instead, where applicable, the applicant's criminal history is reviewed at the final stages in the hiring process.

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.

#### Baltimore Resources

- Baltimore Policy on Positions of Trust (Feb. 3, 2008), [click here](#)
- Baltimore Employment Application, [click here](#)

#### Baltimore Contact

Melissa Chalmers Broome, Senior Policy Advocate

[Job Opportunities Task Force](#)

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

#### **Austin, TX (ordinance applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Background checks only required for some positions

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

#### Austin Resource

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

#### Austin Contact

Mark Washington, Director of Human Resources and Civil Services

(512) 974-3400

#### **Berkeley, CA (human resource department hiring policy applies to City)**

- ✓ Banned the box
- ✓ Background check only after conditional offer of employment
- ✓ Background checks only required for some positions
- ✓ Incorporates EEOC language into selection criteria



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), [click here](#)
- Berkeley Employment Application, [click here](#)

#### Berkeley Contacts

David Abel  
Human Resources Manager  
(510) 981-6807

Linda Evans  
[All of Us or None](#)  
[linda@prisonerswithchildren.org](mailto:linda@prisonerswithchildren.org)

#### **Norwich, CT (ordinance applies to City)**

- ✓ Banned the box
- ✓ Background check only after conditional offer of employment

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

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

#### Norwich Resource

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

#### Norwich Contact

[Connecticut Pardon Team, Inc.](#)  
(866) 251-3810  
[info@connecticutpardonteam.com](mailto:info@connecticutpardonteam.com)

### **New Haven, CT (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ Background check only after conditional offer of employment
- ✓ Policies applies to vendors/contractors doing business with the City
- ✓ Incorporates EEOC language into selection criteria
- ✓ 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, [click here](#)
- New Haven Release of Information, [click here](#)

### **New Haven Contacts**

Amy Meek, Reentry Coordinator  
Mayor's Office, [Prison Reentry Initiative](#)  
[ameek@newhavenct.net](mailto:ameek@newhavenct.net)

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

### **Seattle, WA (personnel director hiring policy applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Background checks only required for some positions
- ✓ 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. Based on the policy, Seattle does not ask job applicants about arrests or prior convictions on job applications, and limits the categories of jobs which require background checks. An individual's past conviction history is not considered until later in the hiring process and only for jobs falling within specific categories. The applications for jobs which require a background check include a disclaimer stating that a background check will be required.

As described in Seattle's policy, state law prohibits public agencies from refusing to hire someone or refusing to grant a license based solely on a criminal conviction. However, a person can be denied employment with a public agency or a license based on a prior felony conviction that is directly related to the employment, provided it is less than 10 years old. The background check does not consider arrests that did not result in conviction. Finally, should Seattle decide not to hire someone

based on his or her conviction history, the City provides the applicant with a copy of the background report, a copy of “A Summary of Your Rights Under the Fair Credit Reporting Act,” and allows the applicant ten working days to respond to a proposed non-hiring action. Seattle is currently considering expanding the ban the box policy to private employers.

#### Seattle Resources

- Seattle Personnel Director McDermott’s Memo (April 24, 2009), [click here](#)
- Seattle Personnel Rule 10.3 – Criminal Background Checks, [click here](#)

#### Seattle Contact

Brenda Anibarro, Policy Analyst  
Seattle Office for Civil Rights  
[brenda.anibarro@seattle.gov](mailto:brenda.anibarro@seattle.gov)

#### **Providence, RI (administrative hiring policy applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants

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, [click here](#)

#### Providence Contact

Margareta Wingate, Deputy Director  
Human Resources  
(401) 421-7740 ext. 616  
[mwingate@providenceri.com](mailto:mwingate@providenceri.com)

#### **Hartford, CT (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ 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 language into selection criteria
- ✓ 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), [click here](#)
- Hartford Vendor Ban the Box Policy (April 13, 2009), [click here](#)

#### Hartford Contact

Sarah Diamond

Clean Slate Committee

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

#### **Worcester, MA (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified candidates
- ✓ Background checks only required for some positions
- ✓ Policies applies to vendors/contractors doing business with the City
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment
- ✓ Provides copy of background check report upon request

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

#### Worcester Resource

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

#### Worcester Contact

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

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

(508) 410-7676

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

### **Jacksonville, FL (ordinance applies to City)**

- ✓ Banned the box
- ✓ Background check only after applicant selected for hire
- ✓ Incorporates EEOC language into selection criteria
- ✓ 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), [click here](#)
- Jacksonville Human Resources Directive (July 8, 2009), [click here](#)
- Jacksonville Background Screening Summary (May 10, 2010), [click here](#)

### **Jacksonville Contact**

Employee Services Department  
(904) 630-1287

### **Bridgeport, CT (civil service rules apply to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment

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

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

City in protecting property and the welfare and safety of public and employees.” Candidates who are disqualified because of their criminal record have the right to appeal the Personnel Director’s decision to the Civil Service Commission. The Commission has the authority to “grant the appellant such relief as the Commission deems appropriate or to deny the appeal.”

#### Bridgeport Resource

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

#### Bridgeport Contact

Nadine Nevins, Managing Attorney

[Connecticut Legal Services](#)

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

#### **Kalamazoo, MI (city manager hiring policy applies to City)**

- ✓ Banned the box

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

#### Kalamazoo Resource

- ✓ Kalamazoo Employment Application, [click here](#)

#### Kalamazoo Contact

[Michigan Organizing Project](#)

(269) 344-2423

#### **Memphis, TN (ordinance applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment
- ✓ Provides copy of background check report

In June 2010, the Memphis City Council passed an ordinance to reduce barriers to employment for the City’s estimated 8,915 citizens on probation or parole. The ordinance bans the box and, “except as otherwise dictated by state and federal law,” permits inquiry into an applicant’s criminal history only after the applicant has been determined to be otherwise qualified. However, the ordinance still requires applicants to complete a form listing their entire criminal history prior to the City conducting a background check.

If, after conducting a background investigation, the City makes an adverse hiring decision, the applicant is entitled to a copy of his or her “conviction history report with a highlight(s) of the

particular conviction(s) that relate to the job's responsibilities, thus warranting a denial of employment." The applicant may then provide information rebutting the accuracy and/or relevance of the conviction history report. The ordinance includes a list of factors the City must consider when making an employment determination based on an applicant's conviction record.

#### Memphis Resources

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

#### Memphis Contact

DeAndre Brown, Executive Director

[Lifeline to Success](#)

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

#### **Cincinnati, OH (city council motion applies to City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment
- ✓ Provides copy of background check report

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

#### Cincinnati Resource

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

#### Cincinnati Contact

Stephen Johnson Grove, Deputy Director for Policy

[Ohio Justice & Policy Center](#)

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

#### **Detroit, MI (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified applicants
- ✓ 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 inquiries 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), [click here](#)

#### Detroit Contact

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

#### **Philadelphia, PA (ordinance applies to City and private employers)**

- ✓ Banned the box
- ✓ Background check only after applicant selected
- ✓ Policies apply to private employers in the City

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

#### Philadelphia Resource

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

#### Philadelphia Contacts

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

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

#### **Washington, District of Columbia (ordinance applies to District)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria



In December 2010, the nation's capital joined the movement to ban the box by passing the Returning Citizens Public Employment Inclusion Act of 2010. After congressional review, the law went into effect in 2011. For non-covered positions, public employers are prohibited from inquiring into an applicant's criminal history during the initial screening of applications. If a public employer considers an applicant's criminal history, the applicant is permitted to provide an explanation of their history to the employer, and the employer must consider rehabilitation and other evidence of good conduct. Importantly, public employers are required to consider the beneficial public policy of ensuring access to jobs for people with a criminal record.

#### Washington, DC Resources

- District of Columbia Code, [click here](#)
- District of Columbia Employment Application, [click here](#)
- District of Columbia Criminal History Disclosure Form, [click here](#)

#### Washington, DC Contact

April Frazier, Community Reentry Coordinator

[Public Defender Service](#)

[afrazier@pdsdc.org](mailto:afrazier@pdsdc.org)

#### **Durham, NC (administrative hiring policy applies to City)**

- ✓ Banned the box
- ✓ Background check only after conditional offer

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

#### Durham Resources

- City Application, [click here](#)
- Human Resource Management Memo (April 18, 2011), [click here](#)

#### Durham Contact

Daryl V. Atkinson, Staff Attorney

[Southern Coalition for Social Justice](#)

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

#### **Compton, CA (ordinance applies to City and contractors)**

- ✓ Banned the box
- ✓ Background check only after conditional offer
- ✓ Policies applies to contractors doing business with the City
- ✓ Incorporates EEOC language into selection criteria

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

#### Compton Contact

Josh Kim, Staff Attorney

[A New Way of Life](#)

[joshua@anewwayoflife.org](mailto:joshua@anewwayoflife.org)

#### **New York City, NY (executive order applies to City and some contractors)**

- ✓ Banned the box
- ✓ Policies applies to contractors doing business with the Human Services Department

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

#### New York Resources

- Executive Order (Aug. 4, 2011), [click here](#)
- Article 23-A of the Correction Law, [click here](#)

#### **Cleveland, OH Policy (administrative hiring policy applies to City)**

- ✓ Banned the box

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  
Mayor's Office  
[nwalker@city.cleveland.oh.us](mailto:nwalker@city.cleveland.oh.us)

Stephen JohnsonGrove, Deputy Director for Policy  
Ohio Justice & Policy Center  
[sjohnsongrove@ohiojpc.org](mailto:sjohnsongrove@ohiojpc.org)  
[www.ohiojpc.org](http://www.ohiojpc.org)

### **Richmond, CA (city council resolution applies to City)**

- ✓ Banned the box
- ✓ Background checks only required for some positions

On November 22, 2011, the Richmond City Council passed a measure to ban the box for city applications. The City only inquires about criminal backgrounds for those positions in which a background check is required by law or justified by business necessity. Efforts in Richmond were spurred by the [Safe Return Project-Pacific Institute](#), who [researched](#) the status of formerly incarcerated Richmond residents and is led by formerly incarcerated advocates. The City is exploring expanding the policy to vendors.

### Richmond, CA Resources

- Richmond City Resolution 110-11 (Nov. 22, 2011), [click here](#)

### Richmond, CA Contacts

Eli Moore  
Program Co-Director  
Pacific Institute  
[emoore@pacinst.org](mailto:emoore@pacinst.org)

Leslie Knight  
Assistant City Manager/Human Resources Management Director  
(510) 620-6602

### **Atlantic City, NJ (ordinance applies to City and vendors)**

- ✓ Banned the box
- ✓ Background check only after conditional offer given
- ✓ Policies applies to vendors/contractors doing business with the City
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment

Approved by Mayor Langford on December 23, 2011, Atlantic City, NJ banned the box for city positions. The ordinance also requires all vendors doing business with the City to have practices, policies and standards that are consistent with the City's, and makes consideration of vendors' hiring policies, practices and standards part of the criteria to be considered when awarding contracts. The ordinance permits a background check only after a conditional offer has been given, requires consideration of rehabilitation and the EEOC criteria, and gives applicants a right to appeal a denial of employment.

### Atlantic City Resource

- City of Atlantic City, NJ Ordinance (Dec. 7, 2011), [click here](#)

### **Carson, CA (city council resolution applies to City)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria

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

#### **Carson Resource**

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

#### **Carson Contact**

Josh Kim, Staff Attorney

[A New Way of Life](#)

[joshua@anewwayoflife.org](mailto:joshua@anewwayoflife.org)

### **Spring Lake, NC (administrative hiring policy applies to Town)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria

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

#### **Spring Lake Resources**

- Application, [click here](#)
- Administrative Policies and Procedures (July 16, 2012), [click here](#)

#### **Spring Lake Contact**

Daryl V. Atkinson, Staff Attorney

[Southern Coalition for Social Justice](#)

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

### **Newport News, VA (administrative hiring policy applies to City)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria

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), [click here](#)

#### Newport News Contact

Good Seed Good Ground

(757) 244-0199

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

#### **Newark, NJ (ordinance applies to City, private employers, licensing, and housing)**

- ✓ Banned the box
- ✓ Background check only after conditional offer
- ✓ Background checks only required for some positions
- ✓ Policies apply to private employers, licensing, and housing
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment
- ✓ Provides copy of background check report

On September 19, 2012, the Municipal Council passed the most comprehensive ban the box ordinance in the nation to date. The ordinance applies to the City, private employers, local licensing, and to housing as well. Inquiries into an applicant's criminal history are delayed until a conditional offer of employment is made by the employer, and there is a limited "lookback" period for offenses, ranging from eight years for indictable offenses and five years for disorderly persons convictions or municipal ordinance convictions. Several other components of the ordinance stand out, including: a prohibition on advertisements that limit eligibility based on the criminal record; an enforcement provision with fines for violations; and detailed mandated notices to denied applicants. The [New Jersey Institute for Social Justice](#) and the Integrated Justice Alliance worked closely with the sponsor of the ordinance, Councilmember Ron C. Rice, Jr., to help achieve this important milestone.

#### Newark Resources

- Ordinance #12-1630 (Sept. 19, 2012), (link pending)
- Applicant Criminal Records Consideration Form, (link pending)
- Notices, (link pending)

#### Newark Contact

Scott Nolen, Director of Equal Justice

[New Jersey Institute for Social Justice](#)

973-624-9400, Ext. 32

[snolen@njisj.org](mailto:snolen@njisj.org)

### **Carrboro, NC (ordinance applies to Town)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria

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

### **Carrboro Resources**

- Employment application, [click here](#)
- Human Resources Memo, [click here](#)

### **Wilmington, DE (Mayoral Executive Order and city council resolution apply to City)**

- ✓ Banned the box
- ✓ Background check only after conditional offer

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

### **Wilmington Resources**

- Executive Order 2013-3, click [here](#)
- City Council Resolution 12-086, click [here](#)

### **Pittsburgh, PA (ordinances apply to City and contractors)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified candidates
- ✓ Policies applies to vendors/contractors doing business with the City
- ✓ Right to appeal denial of employment

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

### **Pittsburgh Resources**

- Ordinance 2012-0013, applies to city positions, click [here](#)
- Ordinance 2012-0015, applies to contractors, click [here](#)

### **Pittsburgh Contact**

Dean Williams, Director

[Formerly Convicted Citizens Project](#)

(412) 295-8606

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

### **Atlanta, GA (ordinance applies to City)**

- ✓ Banned the box
- ✓ Background check after conditional offer

On January 1, 2013, the City of Atlanta removed the box from their application. This was an administrative action by the Commissioner of Human Resource, with Mayor Reed signing off on the action.

### **Atlanta Resources**

- Commissioner of Human Resources Memorandum, click [here](#)

### **Atlanta Contacts**

Marilynn B. Winn, Organizer

[9to5](#)

404-222-0037

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

Charmaine Davis, Georgia State Director

[9to5](#)

404-222-0037

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

### **Tampa, FL (ordinance applies to City)**

- ✓ Banned the box
- ✓ Background check after conditional offer
- ✓ Right to provide additional information if found ineligible

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 Resources**

- Ordinance 2013-3, click [here](#)

### **Tampa Contact**

Sharon Streater, HOPE Lead Organizer

[HOPE](#)

813-325-0455

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

### **Canton, OH (Civil Service Commission rules)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified candidates
- ✓ Incorporates EEOC language into selection criteria

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 those detailed by the EEOC.

#### Canton Resources

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

#### Canton Contact

Joseph Martuccio, Law Director

[City of Canton](#)

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

#### **Richmond, VA (ordinance applies to the City)**

- ✓ Banned the box

On March 25, 2013, the Richmond City Council unanimously passed an ordinance 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, VA Resources

- Resolution No. 2013-R, 87-85, click [here](#)

#### Richmond, VA Contact

Richard Walker, Founder & CEO

[Bridging the Gap in Virginia](#)

804-545-1974

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

#### **Kansas City, MO (ordinance applies to the City)**

- ✓ Banned the box
- ✓ Background check only for otherwise qualified candidates and after interview
- ✓ Incorporates EEOC language into selection criteria

Recognizing the role of employment in reducing recidivism, Kansas City, MO, 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 Resources

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

### Kansas City Contact

Mickey Dean, Deputy Director  
Kansas City Human Relations Department.  
816-513-1836  
[Mickey.Dean@kcmo.org](mailto:Mickey.Dean@kcmo.org)

## **County Hiring Policies**

### **Alameda County, (Oakland & Berkeley, CA area; resolution applies to County)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria

In October 2006, the Alameda County Board of Supervisors unanimously adopted a resolution urging the Civil Service Commission and the Department of Human Resources to implement a "pilot project . . . in order to mitigate or eliminate the negative impact against individuals who have been incarcerated or otherwise have criminal convictions to assist with the successful reintegration into the community." Beginning in March 2007, Alameda County removed the question on the job application that required all applicants to list their criminal convictions.

Self-disclosure of criminal history information does not occur until the last step of the examination process and fingerprinting for background checks is performed after a conditional offer. In addition, to protect against potential discrimination, a special unit in the Human Resources Department performs an analysis to determine if the conviction is, in fact, related to the specific functions of the job. As reported by the Interim Director of Human Resources Services in March 2012, the County has not had any problems with the policy and "has benefited from hiring dedicated and hardworking County employees because of the policy change."

### Alameda County Resources

- Alameda County Board of Supervisors Resolution (Oct. 3, 2006), [click here](#)
- Alameda County Letter to Asm. Roger Dickinson (March 28, 2012), [click here](#)

### Alameda County Contacts

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

Dorsey Nunn, Executive Director  
[Legal Services for Prisoners with Children](#)  
[dorsey@prisonerswithchildren.org](mailto:dorsey@prisonerswithchildren.org)

Linda Evans  
[All of Us or None](#)  
[linda@prisonerswithchildren.org](mailto:linda@prisonerswithchildren.org)

### **Multnomah County (Portland, OR area; administrative policy applies to County)**

- ✓ Banned the box
- ✓ Incorporates EEOC language into selection criteria

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), [click here](#)

#### **Multnomah County Contact**

Human Resources Department  
(503) 988-5015 x85015

### **Travis County, (Austin, TX area; administrative policy applies to County)**

- ✓ Banned the box
- ✓ Background check only after applicant selected for hire
- ✓ Background checks only required for some positions
- ✓ Incorporates EEOC language into selection criteria

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

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

#### **Travis County Resources**

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

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

#### Travis County Contact

Steven Huerta, Chairman

All of Us or None Texas

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

#### **Cumberland County (Fayetteville, NC area; applies to County)**

- ✓ Banned the box

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

#### Cumberland County Contact

Julean Self

Assistant Human Resources Director

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

#### **Muskegon County (Northwest of Grand Rapids, MI area; applies to County)**

- ✓ Banned the box

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

#### Muskegon County Resource

- Resolution in Support of “Move-the-Box” Initiative Regarding Criminal Background Checks (Jan. 12, 2012), [click here](#)

#### Muskegon County Contact

Chairman Mahoney

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

#### **Santa Clara County, (San Jose, CA area; applies to County)**

- ✓ Banned the box

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, [click here](#)

### Santa Clara County Contacts

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

Reverend Jeff Moore  
President of NAACP San Jose Chapter  
[info@sanjosenaacp.org](mailto:info@sanjosenaacp.org)

### Durham County, NC (Durham, NC area; administrative policy applies to County)

- ✓ Banned the box
- ✓ Background check only after applicant selected for hire
- ✓ Incorporates EEOC language into selection criteria
- ✓ Right to appeal denial of employment
- ✓ Provides copy of background check report

Effective October 1, 2012, the County will 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 Resource

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

### Durham County Contact

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

## Additional Resources

### Reports

**"Cities Pave the Way: Promising Reentry Policies that Promote Local Hiring of People with Criminal Records"** (July 2010) Strategy guide prepared by the National Employment Law Project (NELP) and the National League of Cities Institute for Youth, Education and Families that highlights local hiring models that facilitate the reentry of people with criminal records. [Click here.](#)

**City of Los Angeles Personnel Department Report** (Feb. 26, 2007) Report prepared for the City Council's Personnel Committee that recommends removal of criminal record questions from the City of Los Angeles' employment application. [Click here.](#)

**"Ban the Box to Promote Ex-Offender Employment"** (Oct. 2007) Article by Jessica S. Henry and James B. Jacobs, published in *Criminology and Public Policy*, Vol. 6 No. 4, 2007 at 755-762. Henry and Jacobs examine the movement to "ban the box," discuss the changes made by specific cities, pose

questions about the effectiveness of the changes, and conclude that the "ban the box" is a smart societal investment. [Click here](#).

**National League of Cities Weekly Newsletter** "Cities Adopt Hiring Policies to Facilitate Prisoner Reentry" (May 22, 2006) "Major cities, including Boston, Chicago and San Francisco, have recently adopted new hiring policies that would reduce barriers to municipal employment for former prisoners. While former offenders would still be kept out of certain occupations, the policies align with a new public safety agenda in which cities are creating opportunities for employment, housing and drug treatment to reduce recidivism. By focusing on crime prevention, this 'smart on crime' approach responds to the disproportionate number of former offenders re-entering society through large U.S. cities. Polls show widespread support across America for rehabilitation as a public safety strategy." [Click here](#).

### **Presentations**

**National League of Cities Audio Conference** "Banning the Box: Facilitating the Reentry of Former Offenders into the Workforce & Community" (Jan. 18, 2007) Co-sponsored by the National Employment Law Project and the National HIRE Network . [Click here](#).

**U.S. Conference of Mayors Annual Conference** "New City Hiring Policies Promote Public Safety by Reducing Barriers to Employment of People with Criminal Records" (June 4, 2006) NELP Presentation. [Click here](#).

### **Media Coverage**

**Komo News** "Seattle proposal would delay criminal background checks on job applicants" (Sept. 5, 2012) "Councilman Bruce Harrell believes people with criminal backgrounds are less likely to become repeat offenders if they have a better chance of entering the workforce. His proposal would prevent most employers in the city from viewing a job applicant's criminal record until late in the hiring process. It might seem surprising, but many local business owners are in favor of the proposed legislation." [Click here](#).

**ESR News** "Detroit Ban the Box Ordinance Requires City Vendors and Contractors to Remove Criminal Record Question on Job Applications" (July 26, 2012) Attorney Lester Rosen, founder and CEO of background check firm Employment Screening Resources (ESR) states, "We are suggesting to private employers that they also consider a 'ban the box' approach. Asking about criminal records early in the hiring process serves as a knock-out punch before candidates have a chance to be considered on their qualifications, and unnecessarily exposes employers to allegations they are automatically tossing out applications with a criminal record." Rosen also says that when employers ask about a past criminal record, they "need to make an effort to not ask a broadly worded question that may encompass criminal records that are either too old or irrelevant for the job, since that can have the impact of imposing a lifetime ban on an applicant." [Click here](#).

**The Sacramento Bee** "A Job is Best Crime Prevention Program" (June 27, 2012) "The job hunt is tough for everybody these days. But imagine having a criminal record. Many employers, including cities and

counties, won't consider hiring someone with a criminal past, no matter how long ago the crime was committed, how minor the offense might have been, or how thoroughly the applicant has turned his life around." [Click here.](#)

**Detroit Fox News Channel 2** *"City of Detroit Finalized New Hiring Policy for Vendors to Remove Criminal Record Question from Job Applications"* (May 2, 2012) The City of Detroit is letting its contractors know that they must remove the criminal record question from their job applications by July 1, 2012. [Click here.](#)

**CQ Reporter** *"Criminal Records and employment: Should barriers be eased for ex-prisoners?"* (April 20, 2012) "Many former prisoners are turned away from jobs because of their criminal records. The federal government, more than 30 cities and at least 26 states limit the kind of criminal-background information employers can obtain or when they can request it. Advocates for ex-prisoners say such restrictions don't go far enough in making it easier for former offenders to find work." [Click here.](#)

**National Radio Project, Making Contact** *"Ban the Box! The Campaign for Post-Prison Employment"* (March 13, 2012) "It's not even the crime that counts sometimes. Or the time in prison. It's that little box on an application that asks you to reveal if you have a criminal history. Checking that box can mean the difference between failure and success." [Click here.](#)

**Gotham Gazette** *"City Shuts the 'Box' to Open Job Opportunities"* (Sept. 26, 2011) "The unemployment rates for people of color already vastly exceed those of whites – averaging 16.0 percent for African Americans and 12.5 percent for Latinos nationally last year, compared with 8.7 percent for whites. In addition, workers of color are disproportionately represented in the criminal justice system . . . Moving the question until later in the process allows workers to be considered on their merits, reduces the risk that agencies would use overbroad or blanket policies that run afoul of federal and state civil rights laws, and still ensures that background checks are performed when necessary to ensure safety and security." [Click here.](#)

**San Francisco Chronicle** *"A Second Chance for Convicts"* (July 26, 2011) "A proposal being considered by San Francisco's Human Rights Commission [that] would . . . increase public safety in our communities - thoughtfully, humanely and for the long term. Although the proposal is still in the works, the concept is that people with arrests and convictions would no longer be rejected out of hand from a job or housing simply because of their record." [Click here.](#)

**Bloomberg** *"A Simple, Cost-Free Remedy for the Hard-Core Unemployed: View"* (Aug. 25, 2011) "After banning the box in 2007, Minneapolis, which alone seems to have collected data on the ban's effect, found that fewer job applicants were rejected because of a criminal conviction. . . . What's more, considering criminal history only at the point of a job offer reduced staff time spent on screening prospective employees. Other jurisdictions would be wise to adopt the reform in their hiring practices, as would companies, voluntarily." [Click here.](#)

**New York Times** *"New Haven May Ease Hiring of Ex-Criminals"* (Feb. 13, 2009) "If the proposal is approved, New Haven will join other cities, including San Francisco, Baltimore and Minneapolis, that have voted to remove the question [regarding criminal history] on their job applications. Proponents

of the move say that people who have done their time deserve jobs, too, and the current job application question usually means they are dismissed out of hand no matter what their skills.” [Click here.](#)

***New York Times Editorial “Cities That Lead the Way”*** (March 31, 2006) “Three cities -- Boston, Chicago and San Francisco - have taken groundbreaking steps aimed at de-emphasizing criminal histories for qualified applicants for city jobs, except in law enforcement, education and other sensitive areas where people with convictions are specifically barred by statute. . . . Taken together, the recent developments in Boston, Chicago and San Francisco symbolize a step forward in terms of fairness for law-abiding ex-offenders, who are often barred from entire occupations because of youthful mistakes and minor crimes committed in the distant past.” [Click here.](#)

### **Campaign Materials – Videos**

- **“Rally for Second Chances: Reentry Lobby Day, Annapolis, Maryland.”** Job Opportunities Task Force (March 1, 2012) [Click here.](#)
- **“The Next Right Thing: Removing Employment Barriers.”** Prepared by HARP, ROAR, and Partnership for Safety and Justice (July 13, 2011) [Click here.](#)
- **“Boxed Out: Criminal Records & The ‘Ban the Box’ Movement in Philadelphia.”** Penn Program on Documentaries and the Law (Dec. 6, 2011) [Click here.](#)
- **“Rhode Island Moves to Ban the Box!”** (Feb. 7, 2011) [Click here.](#)
- **“The Good Example.”** gritTV program featuring A Better Way Foundation (July 28, 2010) [Click here.](#)
- **“Locked Up, Locked Out – Part 1 (Community Summits & Ban the Box).”** All of Us or None (July 1, 2009) [Click here.](#)
- The NC Justice Center has a series of interviews of people with conviction histories discussing ban the box. [Click here.](#)

### **Campaign Materials – Other Supporting Documents**

- **Model Letter in Support of Local Hiring Initiatives.** Prepared by the National Employment Law Project and the National H.I.R.E. Network . [Click here.](#)
- **Materials in Support of Statewide Ban the Box Legislation for Cities and Counties in California.** Prepared by the National Employment Law Project and others. Includes factsheet, FAQ, and examples of letters of support from labor, law enforcement, and human resources. [Click here.](#)
- **All of Us or None’s Ban the Box Campaign Tools.** Includes best practices for hiring procedures

in public employment, a sample resolution, and endorsement materials among other key resources. Prepared by All of Us or None. [Click here](#).

### **Technical Assistance**

For more information about city hiring policies that limit discrimination against people with criminal records, or for help developing similar policies for other cities, Contacts:

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### Summary of Highlights of Local Ban the Box Policies

Location	Employers Regulated		Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria incorporated	Right to appeal (A) or provides copy of background check report (C)
	Vendors or Private ERs	Public Employers				
<b>CALIFORNIA</b>						
Alameda County		X				
Berkeley		X	X		X	
Carson		X				
Compton	X	X			X	
East Palo Alto		X				
Oakland		X	X	X	X	A, C
Richmond		X	X			
San Francisco		X		X	X	
Santa Clara County		X				
<b>CONNECTICUT</b>						
Bridgeport		X			X	A
Hartford	X	X	X	X	X	A
New Haven	X	X		X	X	A, C
Norwich		X		X		
<b>DELAWARE</b>						
Wilmington		X		X		
<b>DISTRICT OF COLUMBIA</b>		X			X	
<b>FLORIDA</b>						
Jacksonville		X		X	X	A
Tampa		X		X		A
<b>GEORGIA</b>						
Atlanta		X		X		
<b>ILLINOIS</b>						
Chicago		X		X	X	
<b>MARYLAND</b>						
Baltimore		X	X		X	
<b>MASSACHUSETTS</b>						
Boston	X	X	X			A
Cambridge	X	X			X	A, C
Worcester	X	X	X		X	A, C
<b>MICHIGAN</b>						
Detroit	X	X				
Kalamazoo		X				
Muskegon County		X				
<b>MINNESOTA</b>						
Minneapolis		X	X		X	
St. Paul		X	X		X	
<b>MISSOURI</b>						
Kansas City		X		X	X	
<b>NEW JERSEY</b>						
Atlantic City	X	X		X	X	A
Newark	X	X	X	X	X	A, C

Location	Employers Regulated		Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria incorporated	Right to appeal (A) or provides copy of background check report (C)
	Vendors or Private ERs	Public Employers				
<b>NEW YORK</b>						
New York	X*	X				
<b>NORTH CAROLINA</b>						
Carrboro		X			X	
City of Durham		X		X		
Durham County		X		X	X	A, C
Cumberland County		X				
Spring Lake		X			X	
<b>OHIO</b>						
Canton		X		X	X	
Cincinnati		X			X	A, C
Cleveland		X				
<b>OREGON</b>						
Multnomah County		X			X	
<b>PENNSYLVANIA</b>						
Philadelphia	X	X		X		
Pittsburgh	X	X		X		A
<b>RHODE ISLAND</b>						
Providence		X				
<b>TENNESSEE</b>						
Memphis		X			X	A, C
<b>TEXAS</b>						
Austin		X	X			
Travis County		X	X	X	X	
<b>VIRGINIA</b>						
Newport News		X			X	
Richmond		X				
<b>WASHINGTON</b>						
Seattle		X	X			A, C

\*Policies applies to contractors doing business with the Human Services Department