

# BAN THE BOX

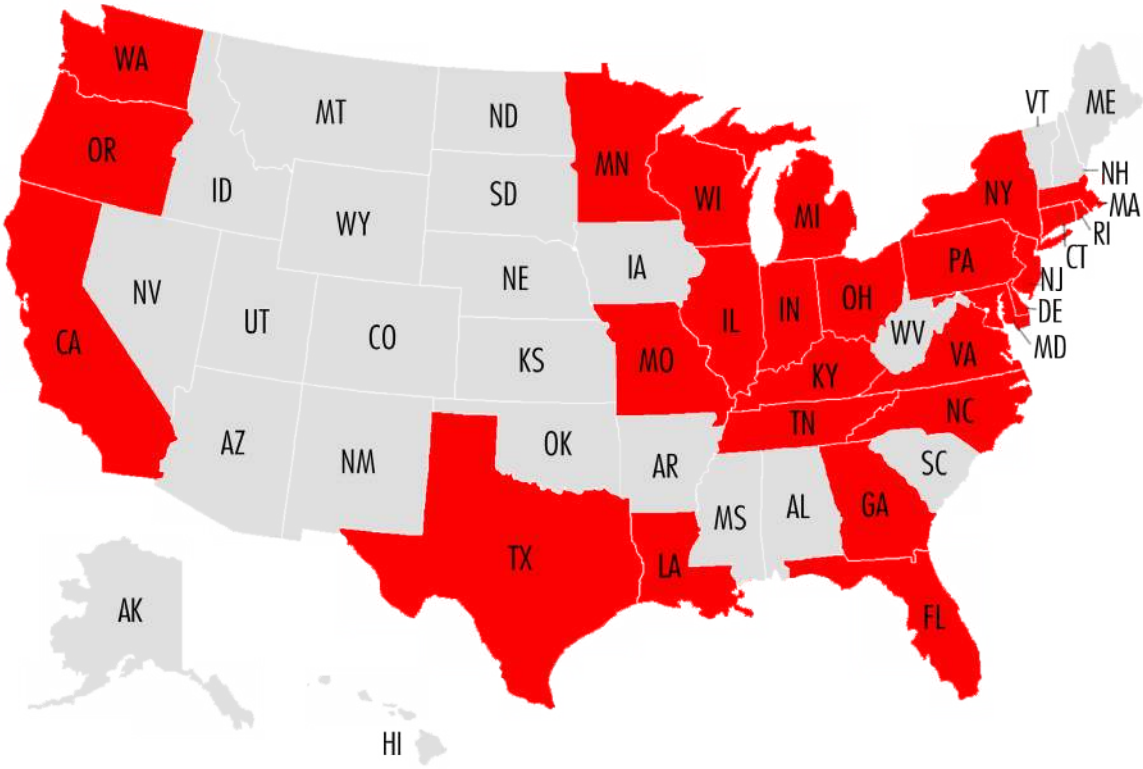
MAJOR U.S. CITIES AND COUNTIES ADOPT FAIR HIRING POLICIES  
TO REMOVE UNFAIR BARRIERS TO EMPLOYMENT  
OF PEOPLE WITH CRIMINAL RECORDS

**RESOURCE GUIDE**  
JULY 2014

**NELP**

National Employment  
Law Project

MAJOR U.S. CITIES AND COUNTIES ADOPT FAIR HIRING POLICIES  
TO REMOVE UNFAIR BARRIERS TO EMPLOYMENT OF PEOPLE WITH  
CRIMINAL RECORDS:



■ STATES WHERE CITIES OR  
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THE BOX

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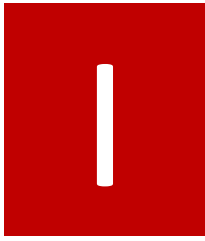
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In a 2011 National Employment Law Project (NELP) report, we estimated that 65 million Americans—or one in four adults—have a criminal record that may show up on a routine background check report.<sup>1</sup> Using updated information, NELP now estimates that 70 million Americans—still one in four adults—have a criminal record.<sup>2</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 66 local jurisdictions across the U.S. that have adopted “ban the box” in the past ten years, including Chicago, Jacksonville, Philadelphia, San Francisco, Memphis, and Baltimore—to highlight a few. The guide provides key information for local officials and advocates seeking to initiate reforms in their communities, including contact information, media, and campaign material links. Just in the first three months of 2014, 11 cities and counties across the nation have adopted these policies emphasizing an applicant’s qualifications rather than his or her past mistakes, such as Louisville, New Orleans, and Indianapolis. Of special significance, 20 cities and counties now extend the ban the box policy to private contractors or in the case of Buffalo, Seattle, Philadelphia, Newark, and Rochester to private employers, as well. In addition, over 12 states have adopted ban the box policies (see [Statewide Ban the Box](#)).

Despite today’s challenging job market, the momentum in support of ban the box fair 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) and check out NELP’s fair chance toolkit at [www.nelp.org/banthebox](http://www.nelp.org/banthebox).

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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)

<sup>2</sup> U.S. Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2012* (Jan. 2014) at Table 1, *available at* <https://www.ncjrs.gov/pdffiles1/bjs/grants/244563.pdf>. U.S. Census Bureau, Population Division, *available at* <http://www.census.org/population/age/data/2010comp.html>.

# 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 criteria in individualized assessment
- Right to appeal denial of employment

In 2004, Boston implemented policies that limit discrimination against people with criminal records in city government positions. In July 2006, Boston expanded those policies by removing the questions about criminal history from the job application and by requiring an estimated 50,000 private vendors that do business with the City to follow the City's hiring standards. 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  
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Chuck Wynder Jr., Executive Director  
[Boston Workers Alliance](#)  
[chuck@bostonworkersalliance.org](mailto:chuck@bostonworkersalliance.org)

## SAN FRANCISCO, CA (board of supervisors resolution applies to City and County (2005))

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

## Fair Chance Ordinance applies to private employers and affordable housing (2014)

- Banned the box
- Policy applies to private employers and to affordable housing
- Background check only after first live interview (jobs); background check only if otherwise qualified (housing)
- Incorporates EEOC criteria in individualized assessment (jobs and housing)
- Right to appeal denial of employment or housing

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

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. 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](#), the San Francisco Board of Supervisors unanimously passed the Fair Chance Ordinance on February 4, 2014.

### **SAN FRANCISCO RESOURCES**

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

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

### **SAN FRANCISCO CONTACTS**

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### **CHICAGO, IL** ([Mayor's initiative applies to City](#))

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

In May 2004, Chicago Mayor Richard Daley created the Mayoral Policy Caucus on Prisoner Reentry, bringing together government and community leaders to address the challenges facing the 20,000 people each year who return to Chicago after being released from prison. In January 2006, the Caucus issued a major report calling for broad reforms of City policy. Concurrent with the release of the report, Mayor Daley announced several major "reentry" initiatives, including reform of the City's hiring policies as recommended by the Caucus. 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 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), [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  
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[baxtere@crimeandjustice.org](mailto:baxtere@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 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, [click here](#)

## MINNEAPOLIS CONTACTS

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[Council on Crime and Justice](#)  
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## **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**

Jesse Stout

[All of Us or None](#)

[jesse@prisonerswithchildren.org](mailto:jesse@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 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), [click here](#)

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

### **OAKLAND CONTACTS**

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[All of Us or None](#)

[jesse@prisonerswithchildren.org](mailto:jesse@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 criteria in individualized assessment
- Right to appeal prior to adverse determination
- Provides copy of background check report

In May 2007, Cambridge implemented policies limiting discrimination against people with criminal records in city government positions. In January 2008, the City Council passed an ordinance



extending the requirements of Cambridge's hiring policy to private vendors that do business with the City.

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

### **CAMBRIDGE RESOURCE**

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

### **CAMBRIDGE CONTACT**

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

### **BALTIMORE, MD** (hiring policy applies to City, ordinance applies to public and private employers)

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

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

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

### **BALTIMORE RESOURCES**

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

Baltimore Employment Application, [click here](#)

Baltimore Ordinance (2014), [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 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), [click here](#)  
Berkeley Employment Application, [click here](#)

### **BERKELEY CONTACTS**

David Abel  
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## **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 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, [click here](#)

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

### **NEW HAVEN CONTACTS**

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

Michael Fumiatti, Director of Purchasing  
City of New Haven  
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## **SEATTLE, WA** (ordinance applies to City and private employers)

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

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

Adding to the state law that prohibits public agencies from refusing to hire someone or grant a license based solely on a criminal conviction, the new policy applies to both the City of Seattle and private employers. The ordinance prohibits employers from inquiring into an applicant's criminal history until after the employer has identified qualified applicants. Employers are permitted to conduct criminal history investigations and may exclude individuals from employment based on the applicant's criminal history if there is a legitimate business reason for doing so. The ordinance defines "legitimate business reason" and requires employers to consider a list of factors, including those enumerated by the EEOC. Finally, before an employer takes a negative employment decision based on an applicant's criminal history, the employer must identify to the applicant what information they are using to make the decision and provide the applicant with a minimum of two days in which to correct or explain that information.

### **SEATTLE RESOURCES**

Seattle Personnel Director McDermott's Memo (April 24, 2009), [click here](#)  
Seattle Personnel Rule 10.3 – Criminal Background Checks, [click here](#)  
Seattle Ordinance Number 124201, [click here](#)  
Seattle Office of Civil Rights Fact Sheet, [click here](#)  
Seattle Job Assistance Ordinance Final Rules, [click here](#)  
Seattle Job Assistance Ordinance FAQs, [click here](#)  
Seattle Employers Card, English, [click here](#)

### **SEATTLE CONTACT**

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## **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**

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

## **HARTFORD CONTACT**

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## **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 criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report upon request

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

## **WORCESTER RESOURCE**

Worcester City Ordinance (June 23, 2009), [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 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), [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 criteria in individualized assessment
- Right to appeal denial of employment

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

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

the duties and responsibilities of the job and the bearing the conviction has on the applicants' fitness and ability to perform such duties and responsibilities; evidence of rehabilitation and the interest of the City in protecting property and the welfare and safety of public and employees." Candidates who are disqualified because of their criminal record have the right to appeal the Personnel Director's decision to the Civil Service Commission. The Commission has the authority to "grant the appellant such relief as the Commission deems appropriate or to deny the appeal."

### **BRIDGEPORT RESOURCE**

Bridgeport Resolution Amending Civil Service Rules (Oct. 5, 2009), [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 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 criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

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

If, after conducting a background investigation, the City makes an adverse hiring decision, the applicant is entitled to a copy of his or her "conviction history report with a highlight(s) of the particular conviction(s) that relate to the job's responsibilities, thus warranting a denial of employment." The applicant may then provide information rebutting the accuracy and/or relevance of the conviction history report. The ordinance includes a list of factors the City must consider when making an employment determination based on an applicant's conviction record.

### **MEMPHIS RESOURCE**

Memphis City Ordinance (May 18, 2010), [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 criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

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

## **CINCINNATI RESOURCE**

Cincinnati Motion in Support of Fair Hiring (June 9, 2010), [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 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), [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 public and private employers in the City

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

### **PHILADELPHIA RESOURCE**

Philadelphia City Council Ordinance (Feb. 17, 2011), [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](#)  
(215) 564-6005  
[geninfo@prisonsociety.org](mailto:geninfo@prisonsociety.org)

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

## **WASHINGTON, DISTRICT OF COLUMBIA** (ordinance applies to District)

- Banned the box
- Incorporates EEOC criteria in individualized assessment

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 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), [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 <a href="mailto:nwalker@city.cleveland.oh.us">nwalker@city.cleveland.oh.us</a>	Stephen Johnson Grove, Deputy Director for Policy <a href="mailto:sjohnsongrove@ohiojpc.org">Ohio Justice &amp; Policy Center</a> <a href="mailto:sjohnsongrove@ohiojpc.org">sjohnsongrove@ohiojpc.org</a>
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### **RICHMOND, CA** (city council resolution applies to City and vendors)

- Banned the box
- Background check only for otherwise qualified candidates
- 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 ban the box 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), [click here](#)  
Richmond City Council Ordinance (July 30, 2013), [click here](#)  
Memo to Mayor and Council from Councilmember Beckles (July 30, 2013), [click here](#)

### **RICHMOND, CA CONTACTS**

Safe Return Project  
[group@safereturnproject.org](mailto:group@safereturnproject.org)

## **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 criteria in individualized assessment
- Right to appeal denial of employment

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

### **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 criteria in individualized assessment

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

### **CARSON RESOURCE**

City Council Resolution (March 6, 2012), [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 criteria in individualized assessment

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

### **SPRING LAKE RESOURCES**

Application, [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 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), [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
- 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 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 criteria in individualized assessment

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

## **CARRBORO RESOURCES**

Employment application, [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** (ordinance applies 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 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 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 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 City)

- Banned the box
- Background check only for otherwise qualified candidates and after interview
- Incorporates EEOC criteria in individualized assessment

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**

Kansas City Human Relations Department  
(816) 513-1836  
[hrdgeneral.inquiries@kcmo.org](mailto:hrdgeneral.inquiries@kcmo.org)

## **PORTSMOUTH, VA** (administrative action applies to City)

- Banned the box

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 RESOURCES**

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

## **PORTSMOUTH CONTACT**

James Bailey, Regional Director

[CURE Virginia, Inc.](#)

(713) 582-1316

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

## **BUFFALO, NY** (ordinance applies to City, vendors, and private employers)

- Banned the box
- Background check only at or after first interview
- 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 RESOURCES**

- Ordinance Amendment (June 2013), [click here](#)

## **BUFFALO CONTACT**

Jeffrey M. Conrad, Western New York Regional Director

[Center for Employment Opportunities](#)

(716) 842-6320 ext 501

[jconrad@ceoworks.org](mailto:jconrad@ceoworks.org)

## **NORFOLK, VA** (administrative action applies to City)

- Banned the box
- Incorporates EEOC criteria in individualized assessment

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

## **NORFOLK RESOURCES**

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

## **NORFOLK CONTACT**

James Bailey, Regional Director

[CURE Virginia, Inc.](#)

(713) 582-1316

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

## **PETERSBURG, VA** (resolution applies to City)

- Banned the box

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

## **MASSILLON, OH** (civil service requirement applies to City)

- Banned the box
- 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 RESOURCES**

- Massillon Civil Service Commission Letter, [click here](#)

## **NEW ORLEANS, LA** (policy applies to City)

- Banned the box
- Background check only for otherwise qualified candidates
- 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 RESOURCES**

- New Orleans Policy Memorandum No. 129, [click here](#)

## **INDIANAPOLIS, IN** (ordinance applies to City, County, licensing, and vendors)

- Banned the box
- Background check only after a first interview
- Policies applies 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 RESOURCES**

- Indianapolis Ordinance, [click here](#)

### **INDIANAPOLIS CONTACT**

Shoshanna Spector, Executive Director  
IndyCAN  
[shoshanna@indykan.org](mailto:shoshanna@indykan.org)

Councilmember Vop Osili  
City of Indianapolis, City Council  
[voposili@gmail.com](mailto:voposili@gmail.com)

### **CHARLOTTE, NC** (administrative action applies to City)

- Banned the box

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 RESOURCES**

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

### **CHARLOTTE CONTACT**

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

### **LOUISVILLE, KY** (ordinance applies to City and vendors)

- Banned the box
- Background check only for otherwise qualified candidates
- 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 RESOURCES**

- Louisville Metro Council Ordinance, [click here](#)

### **LOUISVILLE CONTACT**

Robert Owens, Lead Organizer  
CLOUT  
[clout@bellsouth.net](mailto:clout@bellsouth.net)

## **ALEXANDRIA, VA** (policy applies to City)

- Banned the box

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 RESOURCES**

- Alexandria Policy Memorandum, [click here](#)

## **EAST LANSING, MI** (ordinance applies to City)

- Banned the box
- Background check only for otherwise qualified candidates

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**

- Ordinance, [click here](#)
- Recording of City Council meeting, [click here](#)

### **EAST LANSING CONTACTS**

Nathan Triplett, Mayor  
[ntriplett@gmail.com](mailto:ntriplett@gmail.com)

## **ANN ARBOR, MI** (ordinance applies to City)

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

On May 5, the Ann Arbor City Council voted unanimously to ban the box for city employment. The new ordinance 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 RESOURCES**

- Ordinance, [click here](#)

## **ROCHESTER, NY** (ordinance applies to City, vendors, and private employers)

- Banned the box
- Background check only at or after first interview
- Applies to public and private employers and vendors

On May 20, 2014, the Rochester City Council unanimously passed the Opportunity to Compete Act. 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 RESOURCES**

- Rochester Ordinance, [click here](#)

### **ROCHESTER CONTACTS**

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Judicial Process Commission  
585-325-7727  
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Safer Monroe Area Reentry Team  
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Reyna Ramolete Hayashi, Workers' Rights Attorney  
[Empire Justice Center](#)  
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## **COUNTY HIRING POLICIES**

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

- Banned the box
- Incorporates EEOC criteria in individualized assessment

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

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

### **ALAMEDA COUNTY RESOURCES**

Alameda County Board of Supervisors Resolution (Oct. 3, 2006), [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)

Jesse Stout  
All of Us or None  
[jesse@prisonerswithchildren.org](mailto:jesse@prisonerswithchildren.org)

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

- Banned the box
- 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), [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 criteria in individualized assessment

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

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

### **TRAVIS COUNTY RESOURCES**

- Memo from Travis County Director of Human Resources (April 15, 2008), [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** (Durham, NC area; administrative policy applies to County)

- Banned the box
- 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 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](#)  
[daryl@scsj.org](mailto:daryl@scsj.org)

#### **DANE COUNTY** (Madison, WI area; administrative policy applies to County)

- Banned the box

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 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, [click here](#)

#### **MILWAUKEE COUNTY** (Milwaukee, WI; resolution applies to County)

- Banned the box

In 2011, Milwaukee County banned the box for county employment. The resolution further calls on the Director of Intergovernmental Relations to convey to the Governor and Wisconsin State Legislature that the State of Wisconsin should follow the lead of Milwaukee County and extend "ban the box" legislation for all public and private employers in the state.

#### **MILWAUKEE COUNTY RESOURCE**

- Milwaukee County Resolution, [click here](#)

#### **NEW CASTLE COUNTY** (Wilmington, DE area; administrative policy applies to County)

- Banned the box

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, [click here](#)



## **GENESEE COUNTY** (Flint, MI area; ordinance applies to County)

- Banned the box
- Background check only 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 goes 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 Ordinance, [click here](#)

# **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**

**Putting Our Communities Back to Work: Targeted Hire and Ban the Box policies** Webinar with Partnership for Working Families hosted by NELP (Nov. 15, 2013). [Click here.](#)

**Making the Business Case for Reducing Barriers to Employment for Individuals with Criminal Records** Webinar with New Jersey Institute for Social Justice hosted by NELP (June 14, 2013). [Click here.](#)

**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**

**San Francisco Chronicle** "Push to ban crime box on job applications expands" (Dec. 10, 2013) San Francisco Supervisor Jane Kim wants to make this question virtually obsolete on job applications in San Francisco: Have you been convicted of a crime? Kim is proposing to expand the city's existing ban by having it include most private employers, publicly funded housing providers and city contractors. [Click here.](#)

**New York Times** "A Second Chance in California" (Oct. 4, 2013) The California Legislature passed a bill in September that bars government agencies from asking job applicants about criminal convictions until the agency has determined that the applicant meets minimum qualifications for the job. This measure will help remove unfair barriers to employment that keep millions of qualified workers trapped at the margins of society. Gov. Jerry Brown should sign this sensible bill. [Click here.](#)

**Los Angeles Times** "To help ex-cons, ban the box" (July 3, 2013) There is a growing movement nationwide to "ban the box" from employment applications and end discrimination against people who have spent time behind bars. It is time for California to join the movement, cautiously but deliberately. Cautiously, because employers have a right to know who their workers are and a duty to protect their businesses and workplaces; and deliberately, because we're foolishly punishing ourselves by not welcoming safe and potentially productive people into the workplace. [Click here.](#)

**The New York Times** "An Unfair Barrier to Employment" (May 5, 2013) Sixty-five million Americans have criminal records that might cause them to be denied jobs, even for arrests or minor convictions that occurred in the distant past. The problem, however, has become so acute that a growing number of states and municipalities have explicitly prohibited public agencies — and in some cases, private businesses — from asking about an applicant's criminal history until the applicant reaches the interview stage or receives a conditional job offer. [Click here.](#)

**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**

- **“Beyond the Box: The Ban the Box Movement in Rhode Island.”** (March 20, 2013) [Click here.](#)
- **“Rally for Second Chances: Reentry Lobby Day, Annapolis, Maryland.”** Job Opportunities Task Force (March 1, 2012) [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 NC Justice Center has a series of interviews of people with conviction histories discussing ban the box. [Click here.](#)

### **CAMPAIGN MATERIALS – OTHER SUPPORTING DOCUMENTS**

- **National Employment Law Project’s Fair Chance Toolkit.** [Click here.](#)
- **Materials in Support of Statewide Ban the Box Legislation for Cities and Counties in California 2013 and Materials in Support of San Francisco’s local efforts.** Includes factsheet, FAQ, and examples of letters of support from labor, law enforcement, and human resources. Click [here](#) for state and click [here](#) for local.
- **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.](#)
- **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:

National Employment Law Project  
[www.nelp.org/banthebox](http://www.nelp.org/banthebox)

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[www.allofusornone.org](http://www.allofusornone.org)

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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	X			
San Francisco	X*	X		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>						
New Castle County		X				
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>INDIANA</b>						
Indianapolis	X	X			X	
<b>KENTUCKY</b>						
Louisville	X	X			X	
<b>LOUISIANA</b>						
New Orleans		X			X	C
<b>MARYLAND</b>						
Baltimore	X	X	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>						
Ann Arbor		X		X	X	
Detroit	X	X				
East Lansing		X				
Genesee County		X		X		
Kalamazoo		X				
Muskegon County		X				

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>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
<b>NEW YORK</b>						
Buffalo	X	X		X		
New York	X**	X				
Rochester	X	X		X		
<b>NORTH CAROLINA</b>						
Carrboro		X			X	
Charlotte		X				
Cumberland County		X				
Durham City		X		X		
Durham County		X		X	X	A, C
Spring Lake		X			X	
<b>OHIO</b>						
Canton		X		X	X	
Cincinnati		X			X	A, C
Cleveland		X				
Massillon		X			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>						
Alexandria		X				
Newport News		X			X	
Norfolk		X			X	
Petersburg		X				
Portsmouth		X				
Richmond		X				
<b>WASHINGTON</b>						
Seattle	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>WISCONSIN</b>						
<b>Dane County</b>		X				
<b>Milwaukee</b>		X				

\* San Francisco Fair Chance Act applies to private employers.

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