

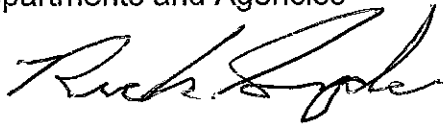


STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

EXECUTIVE DIRECTIVE
2018 – 4

DATE: September 7, 2018
TO: All Executive Branch Departments and Agencies
FROM: Governor Rick Snyder 
RE: Use of Criminal History in State Employment Screening

In my 2015 Special Message on Criminal Justice Reform I called for Michigan to build an “infrastructure for success” to help give prisoners the skills needed to succeed in the workforce and connect them to job opportunities in our improving state economy. Because most prisoners are released back into society, it is in everyone’s best interest for the state to do all that it can to help ex-offenders avoid returning to prison. Gainful employment is an essential part of successful reentry for most prisoners. Over the past three years we have made great strides in preparing prisoners to find work. During that time period, the number of prisoners completing an Employment Readiness program before release has tripled and the parolee employment rate has increased by more than 10%.

Despite these efforts, ex-offenders still face substantial obstacles in returning to productive society. One of the primary challenges they face is employers who initially screen out applicants that have a criminal history. While a job applicant’s criminal record is certainly a relevant consideration in an employment decision, applicants who are filtered out of the process at the beginning simply for having a record are denied the opportunity to show their qualifications. They are denied the benefit of explaining how their lives have changed through rehabilitation. Accordingly, with this Executive Directive, I am asking Michigan departments to set an example for other employers by not using criminal history as an initial screen for employment consideration. An applicant’s criminal history may be considered during the interview stage but it should not be used as a reason to automatically exclude an applicant for consideration at the outset of the process.

Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor. Section 8 of Article V of the Michigan Constitution places each principal department under the supervision of the Governor. Pursuant to these provisions of the Michigan Constitution, I direct the following:

Commencing October 1, 2018, except as otherwise provided in this directive, a state department or agency shall not include a question about an applicant's criminal history or convictions in a job application or job posting. These inquiries and a background check may, however, be conducted later in the hiring process. This prohibition does not apply to an application or posting for a specific position if state or federal law prohibits hiring candidates with criminal histories for the specific position in question.

A copy of this Directive shall be transmitted to the Civil Service Commission, which is urged to take any action necessary to ensure that these inquiries are not included in postings for all affected appointments to state classified positions.

The Department of Technology, Management and Budget, State Budget Office, State Personnel Director, and Office of the State Employer are empowered to take all necessary actions to enforce the requirements of this Directive and any related action taken by the Civil Service Commission.

This Directive is not binding on the Department of State or the Department of Attorney General. But to promote the important goal of giving ex-offenders every opportunity to reenter productive society, these departments are encouraged to voluntarily agree to follow its terms.