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FOR IMMEDIATE RELEASE: July 1, 2014

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New Survey Finds California's "Ban the Box" Law Takes Hold Across the State, Meeting AB 218's July 1st Deadline

Sacramento, CA—Public employers across the state have successfully put in place new job applications to comply with a California law, which takes effect today, to remove questions about convictions from state and local government job applications and postpone such inquiries until later in the hiring process. A [survey](#) released today by the [National Employment Law Project](#) (NELP) details these compliance efforts. As a result of the new law, the one-in-four adult Californians, or seven million adults, with a criminal record will have a fair chance to compete for public sector jobs.

"When we first introduced the bill nearly two-and-a-half years ago, our goal was to advance a simple but powerful message—that everyone who works hard deserves a second chance to turn their lives around and give back to their communities," said Assemblymember Roger Dickinson (D-Sacramento), who championed the measure commonly known as "ban the box" (AB 218). "We are heartened to see that the state's public sector employers have embraced fair-chance hiring and that they are now setting an example for the private sector to follow."

AB 218, which was signed into law on October 10, 2013, requires the state, counties, cities, and special districts to remove the conviction-history question from their job applications. Instead, the covered employers are allowed to ask the question when the applicant meets the "minimum employment qualifications" for the job, or later in the hiring process. Certain employers, such as law enforcement and school districts, are exempt from the law. Any job positions subject to a criminal background check by an occupational or licensing law are also exempt.

The NELP [survey](#) documented the fair-chance hiring practices of the 10-largest cities and 10-largest counties across the state, covering three-quarters of California's population:

- All of the 10-largest counties and 10-largest cities in the state removed the conviction-history question from their job applications and delayed the criminal background check until later in the hiring process.
- These counties and cities represent a broad cross-section of the state, from Los Angeles, San Diego, Orange, and Riverside counties in **Southern California**, to Fresno, Bakersfield, and Sacramento in the **Central Valley**, to Alameda, Contra Costa, Santa Clara counties and San Francisco in the **Bay Area**.

- Of the 10-largest counties, which have a population greater than 952,000, only Alameda, Santa Clara, and Riverside counties had a policy in place before AB 218 was signed into law. And of the 10-largest cities, which have a population of more than 346,000, only Oakland, San Diego, and San Francisco had a policy in place prior to AB 218.
- Around half of the largest counties and cities (Los Angeles County, San Diego County, Riverside County, Santa Clara County, and the cities of Anaheim, Fresno, Oakland, San Diego, and San Jose) went beyond what is required by the new law, delaying the criminal-history inquiry until the employer makes a conditional offer of employment, or later. (AB 218 permits the inquiry earlier in the process, when the individual is found minimally qualified for the job.)
- In addition, San Francisco passed a local ordinance extending the policy to private sector employers as well. Los Angeles Mayor Eric Garcetti and City Councilman Curren D. Price, Jr. are considering a measure for employers doing business in the city. Two cities, Richmond and Compton, extend their fair-chance hiring policy to the cities' private vendors.

AB 218 [was backed](#) by a cross-section of civil rights and labor groups, law enforcement officials, and public employers, and was sponsored by All of Us or None, Legal Services for Prisoners with Children, the National Employment Law Project, and PICO California.

"AB 218 provided us with the mandate to adopt ban-the-box, which we're proud to embrace, but it's just a first step of our evolving process to ensure that all our residents share in the promise of economic opportunity," said Contra Costa County Supervisor John Gioia, who's been a leading voice in that county's efforts to bring meaningful services for the formerly incarcerated.

In addition to the county and city policies, the State of California has also implemented the requirements of AB 218. The state had in place a policy that was adopted in June 2010 under the Schwarzenegger administration, which is now being updated.

Fair-chance hiring policies have taken hold across the United States, and now cover [almost 70 cities and counties](#) and [12 states](#). In addition, the governors of Illinois and New Jersey are expected to sign recently passed legislation, and Georgia's governor is poised to issue an executive order covering state employment. Four states—Hawaii, Massachusetts, Minnesota, and Rhode Island—have extended their policies to private sector employers. Several major retailers, including Walmart, Target, and Bed Bath & Beyond, have embraced fair-chance hiring policies as well.

Most recently, President Obama's "My Brother's Keeper" Task Force also endorsed fair-chance hiring. The [task-force report](#) recommended "implement[ing] reforms to promote successful reentry, including hiring practices, such as 'Ban the Box,' which give applicants a fair chance and allow employers the opportunity to judge individual job applicants on their merits as they reenter the workforce."

Download the survey: [Implementation of California "Ban the Box" Legislation \(AB 218\)](#)

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