

GOVERNOR DOUGLAS A. DUCEY

STATE OF ARIZONA
EXECUTIVE ORDER

Executive Order 2017-07
The establishment of Arizona as a
Second Chance Employer

WHEREAS, a strong Arizona is an Arizona that ensures “Opportunity For All”; and

WHEREAS, every Arizonan should have the opportunity to participate in the workforce, including those with a criminal background; and

WHEREAS, an estimated 1.5 million Arizona adults have arrests or convictions on their records; and

WHEREAS, Arizonans that have served their criminal sentence and are reentering society deserve a second chance; and

WHEREAS, research shows that a criminal conviction record reduces the likelihood of receiving a call back for a job interview by nearly 50%; and

WHEREAS, in the year after an incarcerated father is released, family income drops by approximately 15 percent from what it was before incarceration; and

WHEREAS, men with criminal records accounted for approximately 34% of healthy men aged 25-54 who are unemployed; and

WHEREAS, two years after release, nearly twice as many employed people with records had avoided another brush with the law than their unemployed counterparts; and

WHEREAS, employment is one of the most significant indicators of success in decreasing recidivism; and

WHEREAS, reducing recidivism will have a positive impact on the state budget with each percent reduction generating significant financial savings; and

WHEREAS, the State of Arizona is one of the largest employers in the State, employing individuals in various state government offices and a wide variety of positions; and

WHEREAS, the largest personnel system in Arizona state government is the State Personnel System, which is administered by the Arizona Department of Administration through statewide policies and procedures; and

WHEREAS, the Second Chance Box Policies set forth in this Order will allow those who have a criminal record the opportunity to explain their record, discuss any inaccuracies and enable State agencies to consider all relevant factors in hiring decisions.

NOW, THEREFORE, I, Douglas A. Ducey, by virtue of the authority vested in me by the Constitution and Laws of the State of Arizona, hereby declare the following:

1. The Arizona Department of Administration shall establish hiring procedures to be used by all State Agencies to ensure the following Second Chance Box Policies:
 - A. During the initial stage of an application process, (i) State Agency job applications shall not ask whether an applicant has a criminal record and (ii) a criminal record shall not disqualify an applicant from receiving an interview.
 - B. State Agencies may inquire into the criminal record of an applicant after the applicant has submitted a job application and provided an initial interview.
 - C. Notwithstanding the foregoing, convictions of particular crimes may preclude the applicant from employment in the particular job to which the person has applied.
 - D. Notwithstanding anything else in this Order, where a state or federal law prohibits a person from holding a job due to prior criminal conduct, a State Agency may inquire about an applicant's criminal record during the initial stage of an application process and may disqualify an applicant from further review for this reason.
 - E. These Second Chance Box Policies shall comply with all applicable state and federal laws and regulations regarding employment background checks.
2. The Arizona Department of Administration, in collaboration with the Arizona Office of Economic Opportunity, shall make various recommendations to the Governor's Office on a methodology to measure the success of this Order no later than July 1, 2018.
3. For the purposes of this Order, the term "State Agency" has the same meaning prescribed in A.R.S. § 41-741(15). This Order does not apply to, (i) state governmental units that are not included in A.R.S. § 41-741(15) and (ii) one or more offices headed by one or more statewide elected officials. Although these organizations are not included they are encouraged, along with private employers operating in Arizona, to adopt similar Second Chance Box Policies.
4. This Order does not confer any legal rights or remedies upon any persons and shall not be used as a basis for legal challenges to a State Agency's refusal to consider an applicant for employment, the removal of an applicant from consideration for employment, the denial of an employment application, or any inaction of a State Agency.



IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Arizona

Douglas R. Ducey
G O V E R N O R

DONE at the Capitol in Phoenix on this Sixth day of November in the Year Two Thousand Seventeen and of the independence of the United States of America the Two Hundred and Forty-Second.

ATTEST:

Michele Reagan

SECRETARY OF STATE