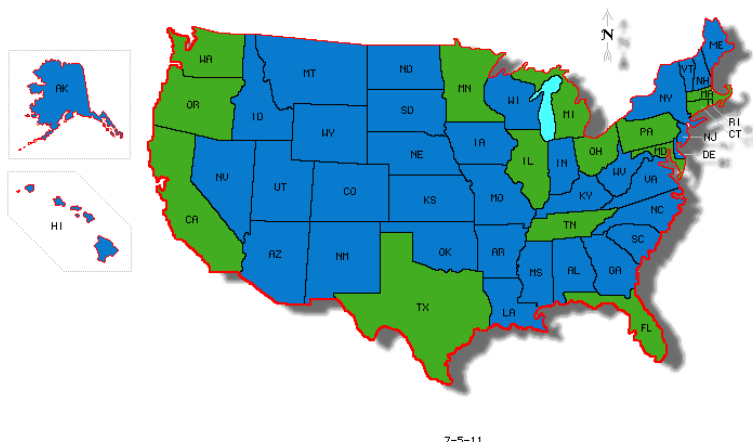


Ban the Box:

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

■ States where localities have banned the box



Cities and counties that have "banned the box":

- | | |
|---|---|
| <u>Alameda County, CA</u> | <u>Minneapolis, MN</u> |
| <u>Austin, TX</u> | <u>Multnomah County, OR</u> |
| <u>Baltimore, MD</u> | <u>New Haven, CT</u> |
| <u>Berkeley, CA</u> | <u>Norwich, CT</u> |
| <u>Boston, MA</u> | <u>Oakland, CA</u> |
| <u>Bridgeport, CT</u> | <u>Philadelphia, PA</u> |
| <u>Cambridge, MA</u> | <u>Providence, RI</u> |
| <u>Chicago, IL</u> | <u>San Francisco, CA</u> |
| <u>Cincinnati, OH</u> | <u>Seattle, WA</u> |
| <u>Detroit, MI</u> | <u>St. Paul, MN</u> |
| <u>Hartford, CT</u> | <u>Travis County, TX</u> |
| <u>Jacksonville, FL</u> | <u>Washington, DC</u> |
| <u>Kalamazoo, MI</u> | <u>Worcester, MA</u> |
| <u>Memphis, TN</u> | |

[Comparison Chart](#)

More and more urban areas across the United States are limiting discrimination in city and county jobs against people with criminal records. In the past year alone, cities in Connecticut, Washington, Michigan, Tennessee and Ohio have all joined the movement to ban the box. As Mayor Richard Daley explained when he announced Chicago's new hiring policy, "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."

Coincident with increased incarceration in the United States, urban communities are absorbing growing numbers of people with criminal records who are now struggling to find work and become reintegrated into their communities. More cities are tackling this "reentry" challenge by adopting a "smart on crime" agenda which promotes public safety by creating more employment, housing and drug treatment opportunities. In the process, leading cities are re-evaluating local policies that create unnecessary barriers to employment of people with criminal records.

As summarized below, a growing number of communities have taken the critical step of removing unfair barriers to employment in their hiring policies by removing the question on their job applications regarding an individual's criminal history, deferring background checks until the later

stages of the hiring process, and only performing background checks for certain positions. By opening the hiring process to emphasize current qualifications rather than past mistakes, communities open their doors to qualified individuals and reduce administrative costs.

Read below to follow the progress (in chronological order) as communities across the nation promote fairness in their hiring and employment practices. Information on statewide hiring initiatives may be found [here](#).

City Hiring Policies

Boston, MA Hiring Policy and City Council Ordinance

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

In 2004, Boston implemented policies that limit discrimination against people with criminal records in city government positions. In July 2006, Boston expanded those policies to require an estimated 50,000 private vendors that do business with the City to follow the same standards as used by the City, and revised its job application by removing the questions about criminal history. Significantly, the revised job application begins with an anti-discrimination statement providing applicants with notice 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.

For jobs with the City or a vendor that does business with the City, background checks are performed 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” that a background check is warranted. When required by law or a “good faith determination” of necessity, background checks are conducted only on those applicants who are found to be “otherwise qualified” for the position. This often means a background check is not conducted until a conditional offer of employment has been made. This critical protection ensures that everyone is first considered for employment based on their actual skills and experience before the City or vendor considers the age and seriousness of the crime and the “occurrences in the life of the Applicant since the crime(s).” The Boston ordinance also creates import appeals rights for those denied employment based on a criminal record 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:

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City of Boston
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Chicago, IL Hiring Policy

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

In May 2004, Chicago Mayor Richard Daley created the Mayoral Policy Caucus on Prisoner Reentry, bringing together government and community leaders to address the challenges facing the 20,000 people each year who return to Chicago after being released from prison. In January 2006, the Caucus issued a major report calling for broad reforms of City policy, including recommending that the Mayor "Adopt internal guidelines for the City of Chicago's personnel policies regarding criminal background checks, and advocate for fair employment standards."

At the same time that the report was released, 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 new 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, the City of 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 their hiring decisions. As part of the new hiring process, the City of Chicago 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 Contacts:

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San Francisco, CA Ban the Box Policy and City Council Resolution

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

The campaign to "ban the box" on San Francisco's applications for public employment was led by All of Us or None, a community-based organization of formerly incarcerated people and their families. All of Us or None argued that requiring all job applicants to check a box on the initial job application indicating whether they have been "convicted by a court" unfairly discriminated against people with criminal records by discouraging them from even applying, and thus limited the hiring pool of qualified candidates for public employment. In 2005, the San Francisco Board of Supervisors approved a resolution initiated by All of Us or None calling for the City and County of 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, and San Francisco effectively banned the box.

Like Boston's ordinance, San Francisco's policy (which took effect in June 2006) seeks to prevent discrimination on the basis of a criminal record by removing conviction history information from the initial application. Now, many public employers can consider an individual's past convictions only after an applicant has been identified as a finalist for a position. The only 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 early state of the hiring process.

San Francisco Resources:

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

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St. Paul, MN Mayor's Directive and City Council Resolution

- ❑ Banned the box
- ❑ Background check only for otherwise qualified candidates
- ❑ Background checks only required for some positions

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.

Citing a leading report issued by the Council on Crime and Justice, which includes recommendations on city hiring policies, the Mayor also called on the private sector to play a major role promoting reforms that remove unfair barriers to employment of people with criminal records.

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](#)

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Minneapolis, MN City Council Resolution

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

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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Mark Haase, VP of Operations

Council on Crime and Justice

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Cambridge, MA Hiring Policy and City Council Ordinance

- ❑ Banned the box
- ❑ Background check only for otherwise qualified applicants
- ❑ Background checks only required for some positions
- ❑ Policies applies to vendors/contractors doing business with the City
- ❑ Incorporates EEOC language into selection criteria

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 if the employer plans to make an adverse decision based on his or her 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 Resources:

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

Cambridge Contacts:

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Tony Winsor

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Baltimore, MD Board of Estimates Hiring Policy

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

In December 2007, with the backing of Mayor Sheila Dixon, the City of Baltimore's Board of Estimates unanimously approved changes to the City's administrative hiring policy. The Board of Estimates — which is 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 new policy, the City removed the criminal history question from its job application. Applicants are not asked about their criminal history on the initial application. Instead, where applicable, the applicant's criminal history is reviewed at the final stages in the hiring process.

The City also implemented a new policy to determine which positions qualified as “Positions of Trust” and thus require a background check. Employment applications for positions that are not positions of trust do not require applicants to disclose prior convictions or any other criminal history information.

Baltimore Resources:

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

Baltimore Contacts:

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Austin, TX Ban the Box Ordinance

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

Following Travis County's lead, the City of Austin 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 the position. For public safety/law enforcement positions, the Austin Police Department conducts the criminal background investigation.

Austin Resources:

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

Austin Contacts:

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Rochion Gregg
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Berkeley, CA Hiring Policy

- ❑ Banned the box
- ❑ Disclosure of conviction history required only for otherwise qualified applicants
- ❑ Background checks only required for some positions
- ❑ Incorporates EEOC language into selection criteria

In October 2008, the City of Berkeley’s Human Resources Department eliminated disclosure of conviction history information from the City’s job application at the request of City Council. According to the new procedure, 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 it keeps confidential within the Department. 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, the City is to rely on the self-disclosure of the application. The new process applies to all city hires except those hired by the Police Department.

Berkeley Resources:

- ❑ Berkeley Hiring Policy Memo (Nov. 18, 2008), [click here](#)
- ❑ Berkeley Employment Application, [click here](#)

Berkeley Contacts:

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(510) 981-6807

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Norwich, CT Ordinance

- ❑ Banned the box
- ❑ Background check only after conditional offer of employment is made

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, paving the way for other cities 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 making 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 information pertaining to any criminal convictions.

Norwich Resources:

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

Norwich Contacts:

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jcaron@connecticutpardonteam.org

New Haven, CT Hiring Policy

- ❑ Banned the box
- ❑ Background check only for otherwise qualified applicants
- ❑ Policies applies to vendors/contractors doing business with the City
- ❑ Incorporates EEOC language into selection criteria
- ❑ Right to appeal denial of employment

In February 2009, the City of New Haven's Board of Alderman approved an ordinance that requires the City and its vendors wait to conduct a criminal background check until the job applicant is found to be "otherwise qualified" for the position. Under the ordinance, the City and its vendors cannot require applicants to disclose their conviction history until an 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:

New Haven Mayor's Office
(203) 946-8200

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Seattle, WA Hiring Policy

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

In April 2009, the Personnel Director for the City of Seattle issued a memo to all department heads announcing the completion and implementation of the Citywide Personnel Rule for Criminal Background Checks. Based on the policy, Seattle does not ask job applicants about arrests or prior convictions on job applications, and limits the categories of jobs which require or allow for background checks prior to employment. In addition, an individual's past conviction history is not considered until later in the hiring process, and only for jobs falling within specific categories. The applications for jobs which require a background check include a disclaimer stating that a background check will be required. Thus, criminal background information is not required on the application.

As described in Seattle's new policy, Washington State law prohibits public agencies from refusing to hire someone or refusing to grant a license based solely on a criminal conviction. However, a person can be denied employment with a public agency or a license based on a prior felony conviction that is directly related to the employment, provided it is less than 10 years old. The background check does not consider arrests that did not result in conviction. Finally, should Seattle decide not to hire someone based on his or her conviction history, the City provides the applicant with a copy of the background report, a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act," and allows the applicant ten working days to respond to proposed non-hiring action.

Seattle Resources:

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

Seattle Contacts:

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Providence, RI Hiring Policy

- ❑ 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 hearing from Maurice Emsellem, Policy Co-Director of NELP, and HR representatives from three cities

that had already successfully “banned the box,” the group of stakeholders agreed to change Providence’s hiring policies.

In April 2009, the HR department removed the language relating to information on criminal charges from its online and paper application. 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 Resources:

- ❑ Providence Employment Application, [click here](#)

Providence Contacts:

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Hartford, CT City and Vendor Hiring Policy

- ❑ Banned the box
- ❑ Background check only after conditional offer of employment
- ❑ Background checks only required for some positions
- ❑ Policies applies to vendors/contractors doing business with the City
- ❑ Incorporates EEOC language into selection criteria

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, and to “assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from prison.” While the ordinance has not yet been implemented, 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 Contacts:

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Worcester, MA City and Vendor Hiring Ordinance

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

In 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” and is intended to ensure “fair policies and practices in screening, hiring, and retaining persons with criminal histories.” 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. Importantly, 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. Worcester’s 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 are provided with a complaint procedure if an adverse decision is made on the basis of their criminal history.

Worcester Resources:

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

Worcester Contacts:

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Jacksonville, FL Ordinance

- ❑ Banned the box
- ❑ Background check only after applicant selected
- ❑ Incorporates EEOC language into selection criteria

In 2008, Jacksonville’s City Council adopted an ordinance reforming both its hiring procedures and its contractor bidding policies to promote employment of people with a criminal record. In July 2009, the City’s Human Resources Department released the revised standard. The directive implementing the “ban the box” ordinance states that the city 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 the original].

Not only was the criminal history question removed from the job application, the application instructions go a step further and encourage people with a criminal record to apply for city jobs.

Significantly, the criminal background check screening is centralized in the City's Human Resources Department so the criminal record information is not shared with the other city agencies. Moreover, especially strong standards apply to the City's screening process, taking into account the specific duties of the job, the age of the offense, and rehabilitation.

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 Contacts:

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Bridgeport, CT Civil Service Rules

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

In October 2009, Bridgeport's City Council ratified changes to the City's civil service rules regarding criminal history investigations of applicants. Under the new 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 new 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 Resources:

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

Bridgeport Contacts:

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Kalamazoo, MI Hiring Policy

- ❑ Banned the box

In January 2010 Kalamazoo became the first city to ban the box in the new year. 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 will continue to demand similar changes from other local units of government and eventually from the private sector.

Kalamazoo Resources:

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

Kalamazoo Contacts:

Michigan Organizing Project
930 Lake Street
Kalamazoo, MI 49001
(269) 344-1967
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Oakland, CA City Policy

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

Oakland's job application, revised March 2010, no longer requests information on the applicant's criminal history. The application does, however, note that a Conviction History Packet may be required as part of the employment process. Applicants are required to check and initial whether they will disclose such information when requested to do so by the City. It is unclear if applicants who do not consent to such disclosure will be considered for employment.

The FAQ section of the City's website states that criminal records do not automatically disqualify an applicant and that individual consideration will be given to each case to determine the "job-relatedness" of the prior offense(s). Finally, the website states that "any record of conviction(s) will be reviewed and may result in a request for additional information or termination if warranted."

Oakland Resources:

- ❑ Oakland Employment Application, [click here](#)

Oakland Contacts:

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Memphis, TN Ordinance

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

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 new 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 new ordinance still requires applicants to complete a form listing their entire criminal history prior to the City conducting a background check.

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

Memphis Resources:

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

Cincinnati, OH City Council Ordinance

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

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 Resources:

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

Cincinnati Contacts:

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Ohio Justice & Policy Center
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www.ohiojp.org

Detroit, MI City Ordinance

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

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."

Detroit Resources:

- ❑ Detroit City Ordinance (Sept. 13, 2010), [click here](#)

Detroit Contacts:

Council Member Kwame Kenyatta
Detroit City Council
k-kenyatta_mb@detroitmi.gov

Philadelphia, Pennsylvania

- ❑ Banned the box
- ❑ Background check only after applicant selected

On March 31, 2011, Philadelphia became the first city to ban the box for both public and private positions. The new 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 Resources:

- ❑ Philadelphia City Council Ordinance (February 17, 2011), [click here](#)

Philadelphia Contacts

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Washington, District of Columbia Ordinance

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

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

Washington, DC Resources:

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

Washington, DC Contacts

April Frazier, Community Reentry Coordinator
Public Defender Service
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County Hiring Policies

Alameda County (Oakland, CA area) Pilot Program

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

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, revising the means and timing of when applicants are required to disclose past criminal history records upon the application for public employment in the County of Alameda 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."

Under the pilot program, which began in April 2007, Alameda County removed the question on the job application that required all applicants to list their criminal convictions. Modeled after the San Francisco policy, the criminal history inquiry now takes place later in the hiring process. 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.

Alameda County Resources:

- ❑ Alameda County Board of Supervisors Resolution (Oct. 3, 2006), [click here](#)

Alameda County Contacts:

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Linda Evans
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Multnomah County (Portland, OR area) Hiring Policy

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

In October 2007, Multnomah County removed the question about criminal history from both on-line and hard-copy applications. The Multnomah County policy is similar to the policy implemented in the City and County of San Francisco. The Portland-based group, Partnership for Safety and Justice, was instrumental in the adoption of the new 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 Resources:

- ❑ Multnomah County Human Resources Memo (Oct. 10, 2007), [click here](#)

Multnomah County Contacts:

Travis Graves, Director
Human Resources Department
travis.graves@co.multnomah.or.us

Patty Katz, Program Director
Partnership for Safety and Justice
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Travis County (Austin, TX area) Hiring Policy

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

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

In order to foster better integration of people with criminal records into the county workforce, the Human Resources Department trains hiring managers to consider "circumstances such as length of time since offense, seriousness of the offense, frequency of criminal incidents, and other mitigating factors." Additional training assists all new employees, including people with criminal records, in adapting to the workplace environment. Also significant, the Human Resources Department is developing a brochure highlighting the new county hiring guidelines to distribute at job fairs and other recruiting events.

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 Contacts

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Steven Huerta, Chairman
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Proposed City and County Hiring Policies

Ban the box initiatives have been proposed in multiple cities and counties, including City and County of Los Angeles ([2006 Los Angeles City Council resolution](#), [Personnel Department Report](#), [Los Angeles Board of Supervisors hearing](#)), Newark, New Jersey, and the City and County of Philadelphia ([Philadelphia City Council bill](#), [Hearing Testimony of Sharon Dietrich](#)).

Additional Resources

Reports

- **“Cities Pave the Way: Promising Reentry Policies that Promote Local Hiring of People with Criminal Records”** ([Click here](#))

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.

- **City of Los Angeles Personnel Department Report** ([Click here](#))

Report prepared for the City Council's Personnel Committee that recommends removal of criminal record questions from the City of Los Angeles' employment application.

- **“Ban the Box to Promote Ex-Offender Employment”** ([Click here](#))

Article by Jessica S. Henry and James B. Jacobs, published in *Criminology and Public Policy*, Vol. 6 No. 4, 2007, pp 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.

- **National League of Cities Weekly Newsletter** ([Click here](#))

"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."

Presentations

- **National League of Cities Audio Conference**

"Banning the Box: Facilitating the Reentry of Former Offenders into the Workforce & Community" ([Click here](#))

Co-sponsored by the National Employment Law Project and the National HIRE Network (January 18, 2007)

❑ **U.S. Conference of Mayors Annual Conference**

"New City Hiring Policies Promote Public Safety by Reducing Barriers to Employment of People with Criminal Records" ([Click here](#))

NELP Presentation (June 4, 2006)

Editorials & Articles

❑ ***New York Times* Editorial** ([Click here](#))

"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."

❑ ***Star Tribune* Editorial**

"Twin Cities Adopt Smart Job Stances: Effort is to Help Stop Revolving Prison Door" (January 2, 2007)

"As anyone who's spent time searching the Internet knows, background checks for criminal records are easier than ever to conduct; it's understandable that companies increasingly use them to pare job seekers. Nevertheless, a countervailing big-city trend has found its way to Minneapolis and St. Paul, and it deserves both explanation and praise. Both cities took steps in December to remove from initial job application forms the box requiring disclosure of a criminal record."

❑ ***San Francisco Chronicle*** ([Click here](#))

"Dellums Wants to Offer Oakland Jobs to Ex-Cons" (March 6, 2007)

"In one of Dellums' first public pronouncements since taking office in January, he told a group of Oakland hills residents last week that he plans to direct the city council to consider altering the application form for some city jobs to avoid questions about past criminal histories."

❑ ***Austin American-Statesman* Commentary** ([Click here](#))

"La Vigne: Aid Reintegration of Ex-prisoners" (April 26, 2008)

"Travis County commissioners made a heroic move this week, opening the doors to thousands of former prisoners who have hit a brick wall when seeking employment. The barrier? That little box on a county job application that asks if the applicant has been convicted of a crime. The banning of that box, a seemingly small gesture, will speak volumes to those trying to lead productive, law-abiding lives after spending time behind bars and to local lawmakers throughout the nation."

❑ ***Remindernews*** ([Click here](#))

"Norwich City Council sets state precedent with Beyond the Box" (December 5, 2008)

"Norwich City Council members set a precedent for the state on Monday, Dec. 1, when they voted unanimously to approve an ordinance that would eliminate the check box asking about a criminal background from applicants for city jobs. Hartford, Waterbury, and Bridgeport are all considering similar moves, but Norwich is the first city to actually take action."

❑ ***New Haven Independent*** ([Click here](#))

“‘Ban the Box’ Gets Thumbs Up” (February 4, 2009)

“Anderson was one of almost two dozen people who testified Tuesday night in favor of the proposal presented by Community Services Administrator Kica Matos. It would require all city departments and private companies doing business with the city to remove the box from job applications, unless they get a waiver. The point of the proposal is to help level the playing field for ex-offenders.”

❑ ***New York Times*** ([Click here](#))

“New Haven May Ease Hiring of Ex-Criminals” (February 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.”

❑ ***New Haven Register*** ([Click here](#))

“Aldermen vote to ‘ban the box’” (February 18, 2009)

“In what was characterized as a ‘landmark piece of legislation,’ the Board of Aldermen Tuesday approved a ‘ban the box’ ordinance that will remove the criminal history question from city job applications and require city contractors and vendors to follow suit.”

❑ ***New Haven Register Opinion*** ([Click here](#))

“‘Ban the box’ ordinance promotes equal opportunities, public safety” (March 5, 2009)

“In February, the New Haven Board of Aldermen passed a ‘ban the box’ ordinance, aimed at ensuring that individuals will not be uniformly and unfairly denied legitimate employment opportunities on the basis of past criminal convictions.”

❑ ***Ann Arbor Chronicle*** ([Click here](#))

“Ban the Box, Hire Fairly” (January 27, 2010)

“In 2008, approximately 12,500 citizens returned from prison to the communities of Michigan. Within two years, nearly half of them will return to prison. And research by the Justice Policy Center at The Urban Institute has shown that a principal factor in such high recidivism is a lack of employment opportunities. It is not a lack of adequate qualifications, but rather the social stigma surrounding a felony conviction that prevents many ex-prisoners from landing a job . . . One way to ensure a fair shot is to prohibit discrimination based on criminal history – by banning the box on application forms that requires applicants to check it if they have been convicted of a crime.”

❑ ***ABC News*** ([Click here](#))

“Nebraska May ‘Ban the Box’ on Employment Applications” (May 5, 2010)

“‘Ban the Box’ is a slogan for a nationwide initiative, launched independently in various states and cities, to enact legislation that would prohibit public employers from disqualifying ex-offenders based solely on their criminal history. . . Erasing the box is not about sweeping past mistakes under the rug or creating loopholes for ex-offenders, supporters of such bills say, it’s simply about giving ex-offenders a chance to speak for themselves instead of having the box represent their whole story.”

Campaign Materials

- **Model Letter in Support of Local Hiring Initiatives** ([Click here](#))

Prepared by the National Employment Law Project and the National H.I.R.E. Network

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, contact:

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Review of City & County Ban the Box Policies

City or County, State	Employers Regulated		Background Checks Only for Some Positions	Screening Factors Include Evidence of Rehabilitation
	Vendors or Private ERs	Public Employers		
CALIFORNIA				
Alameda County		X		
Berkeley		X		X
Oakland		X		
San Francisco		X		
CONNECTICUT				
Bridgeport		X		
Hartford	X	X	X	
New Haven		X		X
Norwich		X		
DISTRICT OF COLUMBIA		X		X
FLORIDA				
Jacksonville		X		X
ILLINOIS				
Chicago		X		X
MARYLAND				
Baltimore		X	X	X
MASSACHUSETTS				
Boston	X	X	X	
Cambridge	X	X		X
Worcester	X	X	X	X
MICHIGAN				
Detroit		X		
Kalamazoo		X		
MINNESOTA				
Minneapolis		X	X	X
St. Paul		X	X	X
OHIO				
Cincinnati		X		X
OREGON				
Multnomah County		X		X
PENNSYLVANIA				
Philadelphia	X	X		
RHODE ISLAND				
Providence		X		
TENNESSEE				
Memphis		X		X
TEXAS				
Austin		X	X	
Travis County		X	X	
WASHINGTON				
Seattle		X	X	