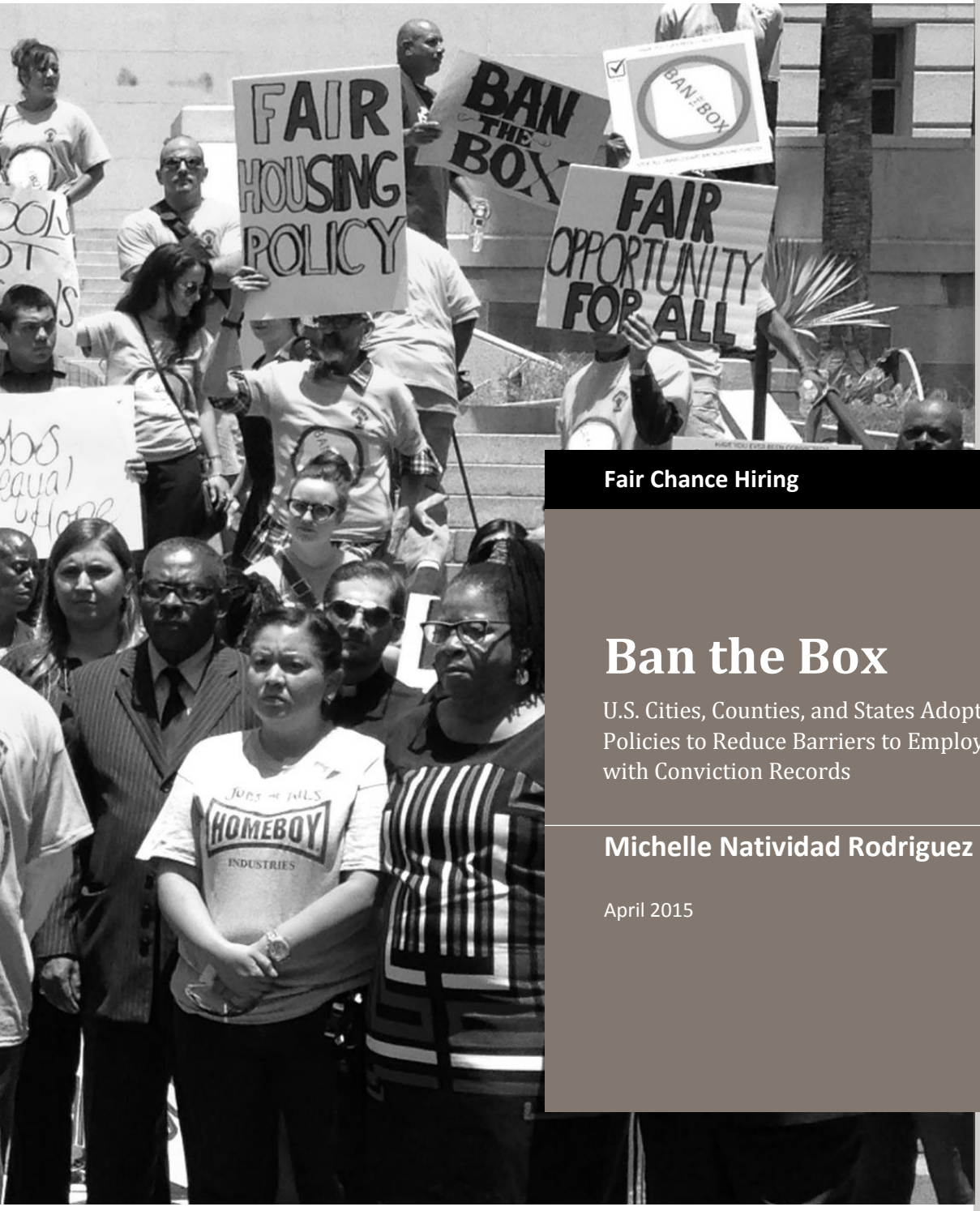
NELP NATIONAL EMPLOYMENT LAW PROJECT

GUIDE



Fair Chance Hiring

Ban the Box

U.S. Cities, Counties, and States Adopt Fair Hiring Policies to Reduce Barriers to Employment of People with Conviction Records

Michelle Natividad Rodriguez

April 2015

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About NELP

For more than 45 years, the National Employment Law Project has worked to restore the promise of economic opportunity for working families across America. In partnership with grassroots and national allies, NELP promotes policies to create good jobs, enforce hard-won workplace rights, and help unemployed workers regain their economic footing. For more information, visit us at www.nelp.org.

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Introduction

Nationwide, over 100 cities and counties have adopted what is widely known as "ban the box" so that employers consider a job candidate's qualifications first, without the stigma of a criminal record. These initiatives provide applicants a fair chance by removing the conviction history question on the job application and delaying the background check inquiry until later in the hiring.

Momentum for the policy has grown exponentially, particularly in recent years. There are a total of fifteen states representing nearly every region of the country that have adopted the policies —California (2013, 2010), Colorado (2012), Connecticut (2010), Delaware (2014), Georgia (2015), Hawaii (1998), Illinois (2014, 2013), Maryland (2013), Massachusetts (2010), Minnesota (2013, 2009), Nebraska (2014), New Jersey (2014), New Mexico (2010), Rhode Island (2013), and Virginia (2015). Six states—Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, and Rhode Island—have removed the conviction history question on job applications for private employers, which advocates embrace as the next step in the evolution of these policies.

15 states, Washington D.C., and 100 cities and counties have adopted fair hiring policies.

Federally, the U.S. Equal Employment Opportunity Commission (EEOC) endorsed removing the conviction question from the job application as a best practice in its 2012 guidance making clear that federal civil rights laws regulate employment decisions based on arrests and convictions. The Obama Administration's My Brother's Keeper Task Force also gave the movement a boost when it endorsed hiring practices "which give applicants a fair chance and allows employers the opportunity to judge individual job candidates on their merits."

Fair chance policies benefit everyone because they're good for families and the local community. At a recent event in Oakland for employers to discuss reentry issues, one business owner spoke to the personal benefit he finds from hiring people with records. "I've seen how a job makes all the difference," says Derreck B. Johnson, founder and president of Home of Chicken and Waffles in Oakland. "When I give someone a chance and he becomes my best employee, I know that I'm doing right by my community."

This resource guide documents the 15 states, Washington D.C., and the over 100 cities and counties—that have taken steps to remove barriers to employment for qualified workers with records. Six states, Washington D.C., and 25 cities and counties now extend the fair chance policy to government contractors or private employers. Of the localities, Baltimore, Buffalo, Chicago, Columbia (MO), Montgomery County (MD), Newark, Philadelphia, Prince George's County (MD), Rochester, San Francisco, Seattle, and Washington D.C. extend their fair chance laws to private employers in the area. A chart summarizing all the policies is at the end of this guide.

To support your state and local efforts to enact a fair chance policy, check out NELP's Fair Chance – Ban the Box Toolkit, which provides a step-by-step guide for advocates on how to launch a "ban the box" campaign. Embedded in the Toolkit is a range of resources

to draft a law, to build your network, to support your outreach, and even to develop your media outreach. Here, are just a few of the resources:

- A one-page Factsheet, explains the basics of the policy.
- A Voices in Support factsheet highlights voices around the nation in support.
- A Best Practices and Model Policies guide provides model laws.
- The Research Summary is a compilation of supportive research.
- The Compilation of Media provides links to notable articles, examples of op-eds, and e-campaign materials.

For additional information, contact Senior Staff Attorney Michelle Natividad Rodriguez at mrodriguez@nelp.org

List of All Ban the Box & Fair Chance Policies by State

ARIZONA
TUCSON, AZ

CALIFORNIA (state law)
ALAMEDA COUNTY, CA
BERKELEY, CA
CARSON, CA
COMPTON, CA
EAST PALO ALTO, CA
OAKLAND, CA
PASADENA, CA
RICHMOND, CA
SAN FRANCISCO, CA
SANTA CLARA COUNTY, CA

COLORADO (state law)

CONNECTICUT (state law)
BRIDGEPORT, CT
HARTFORD, CT
NEW HAVEN, CT
NORWICH, CT

DELAWARE (state law)
NEW CASTLE COUNTY, DE
WILMINGTON, DE

FLORIDA
CLEARWATER, FL
JACKSONVILLE, FL
POMPANO BEACH, FL
ST. PETERSBURG, FL
TAMPA, FL
TALLAHASSEE, FL

GEORGIA (state policy)
ALBANY, GA
ATLANTA, GA
FULTON COUNTY, GA
MACON-BIBB COUNTY, GA

HAWAII (state law)

ILLINOIS (state law)
CHICAGO, IL

INDIANA
INDIANAPOLIS, IN

KANSAS
KANSAS CITY, KS

KENTUCKY
LOUISVILLE, KY

LOUISIANA
NEW ORLEANS, LA

MARYLAND (state law)
BALTIMORE, MD
MONTGOMERY COUNTY, MD
PRINCE GEORGE'S COUNTY, MD

MASSACHUSETS (state law)
BOSTON, MA
CAMBRIDGE, MA
WORCESTER, MA

MICHIGAN
ANN ARBOR, MI
DETROIT, MI
EAST LANSING, MI
GENESEE COUNTY, MI
KALAMAZOO, MI
MUSKEGON COUNTY, MI

MINNESOTA (state law)
MINNEAPOLIS, MN
ST. PAUL, MN

MISSOURI
COLUMBIA, MO
KANSAS CITY, MO
ST. LOUIS, MO

NEBRASKA (state law)

NEW JERSEY (state law)
ATLANTIC CITY, NJ
NEWARK, NJ

NEW MEXICO (state law)

NEW YORK
BUFFALO, NY
NEW YORK, NY
ROCHESTER, NY
SYRACUSE, NY
ULSTER COUNTY, NY
YONKERS, NY

NORTH CAROLINA
CARRBORO, NC
CHARLOTTE, NC
CUMBERLAND COUNTY, NC
DURHAM CITY, NC
DURHAM COUNTY, NC
SPRING LAKE, NC

OHIO
AKRON, OH
CANTON, OH
CINCINNATI, OH
CLEVELAND, OH
CUYAHOGA COUNTY, OH
DAYTON, OH
HAMILTON COUNTY, OH
MASSILLON, OH
SUMMIT COUNTY, OH
YOUNGSTOWN, OH

OREGON
MULTNOMAH COUNTY, OR
PORTLAND, OR

PENNSYLVANIA
ALLEGHENY COUNTY, PA
LANCASTER, PA
PHILADELPHIA, PA
PITTSBURGH, PA

RHODE ISLAND (state law)
PROVIDENCE, RI

TENNESSEE
HAMILTON COUNTY, TN
MEMPHIS, TN

TEXAS
AUSTIN, TX
TRAVIS COUNTY, TX

VIRGINIA (state policy)
ALEXANDRIA, VA
ARLINGTON COUNTY, VA
CHARLOTTESVILLE, VA
DANVILLE, VA
FAIRFAX COUNTY, VA
FREDERICKSBURG, VA
NEWPORT NEWS, VA
NORFOLK, VA
PETERSBURG, VA
PORTSMOUTH, VA
RICHMOND, VA
ROANOKE, VA
VIRGINIA BEACH, VA

WASHINGTON
SEATTLE, WA
SPOKANE, WA

WASHINGTON D.C.

WISCONSIN
DANE COUNTY, WI
MILWAUKEE COUNTY, WI

15 Ban the Box & Fair Chance State Policies

1. ***CALIFORNIA ASSEMBLY BILL 218 (2013) (APPLIES TO PUBLIC EMPLOYMENT)*** Signed on October 10, 2013 by Governor Edmond "Jerry" Brown (D), AB 218 removes questions about convictions from state agency, city, county and special district job applications and postpones such inquiries until later in the hiring process. The bill was initially introduced in 2012 as AB 1831 applying only to cities and counties. After the first effort stalled in the senate, AB 218 was introduced in 2013. Sponsoring organizations included the National Employment Law Project, Legal Services for Prisoners with Children, All of Us or None, and PICO California. Law enforcement positions are exempted, as are other positions that require a criminal background check by law. More than 100 organizations, spanning labor, interfaith, reentry, civil rights, employment, criminal justice, and others groups, formed a coalition that strongly supported the bill. AB 218 was also endorsed by several major newspapers, including *The New York Times*, *Los Angeles Times*, and *Sacramento Bee*. Introduced by Asm. Roger Dickinson (D), see bill information. See NELP's press release.

   ***Commentary*:** Before AB 218 and under the administration of Governor Arnold Schwarzenneger (R), an administrative policy removing the conviction question from state job applications was adopted in 2010. On the effective date of the legislation, NELP released a survey of the largest cities and counties in California, which revealed statewide implementation of the law.

2. ***COLORADO HOUSE BILL 1263 (2012) (APPLIES TO STATE EMPLOYMENT AND LICENSING)*** Signed on May 29, 2012 by Governor John Hickenlooper (D), HB 1263 prohibits state agencies and licensing agencies from performing a background check until the agency determines that the applicant is a finalist for the position or the applicant receives a conditional offer. In determining whether a conviction disqualifies an applicant from employment or licensing, the state or licensing agency must consider (1) the nature of the conviction; (2) the direct relationship of the conviction to the job; (3) rehabilitation and good conduct; and (4) the time elapsed since the conviction. The law further prevents agencies from using arrests not leading to conviction in deciding whether to deny or withdraw an offer. Agencies may not disqualify an applicant based on an expunged, sealed, or pardoned conviction or charges dismissed pursuant to a deferred judgment, unless the agencies first consider the four factors listed above.

   This law does not apply where a statute bars licensing based on convictions nor to certain public safety or correction-related jobs. The law addresses blanket bans in job advertisements that include a statement that a person with a criminal record may not apply. The legislation was supported by the Colorado Criminal Justice Reform Coalition. Introduced by Rep. Claire Levy (D), see bill information.

   ***Commentary*:** Prior to the bill, Colorado state employment applications omitted any inquiries about applicants' convictions or arrests. Thus, unlike the typical fair hiring

legislation, this bill does not include language that requires removing the question about convictions on the application.

3. ***CONNECTICUT HOUSE BILL 5207 (2010) (APPLIES TO STATE EMPLOYMENT)*** Connecticut's HB 5207 unanimously passed both the house and senate, but was vetoed by the Governor. Nonetheless, legislators overrode the veto. Taking effect on October 1, 2010, state employers must wait until an applicant has been deemed otherwise qualified for the position before obtaining a criminal background report. HB 5207 amended existing law (§ 46a-80), which already included the following provisions directed to state agencies and licensing. First, the existing law prohibited applicants from being disqualified solely because of a conviction. Second, it required consideration of (1) the nature of the crime and its relationship to the job or occupation; (2) rehabilitation; and (3) the time elapsed since the conviction or release before making an employment or licensure determination. Third, an applicant must be provided with a written letter of rejection specifically stating the evidence presented and reasons for rejection. Finally, existing law also prohibited the use or dissemination of records of arrests that did not lead to conviction, or records of convictions that had been erased. Introduced by Labor and Public Employees Committee, see bill information.

   ***Commentary*:** Laying the foundation for the bill's sweeping support in the legislature, advocates formed a coalition (including A Better Way Foundation) that won fair chance policies locally in Norwich, Hartford, and New Haven in 2009.

4. ***DELAWARE HOUSE BILL 167 (2014) (APPLIES TO PUBLIC EMPLOYMENT)*** Signed on May 8, 2014, HB 167, applies to the state, its agencies, and political subdivisions, such as cities and counties. This bill prohibits the public employer from inquiring into or considering criminal or credit histories of an applicant until after the completion of the first interview. When reviewing a criminal history, the public employer must consider: (1) nature of offense; (2) time passed; and (3) nature of job. Police forces and other positions with a statutory mandate for background checks are exempted. Governor Jack A. Markell endorsed the bill in his State of the State address. Introduced by Rep. James ("J.J.") Johnson (D), see bill information. See NELP's press release.

   Under the leadership of Republican Gov. Nathan Deal, Georgia became the first state in the Deep South to "ban the box."

   Commentary: In the initial bill version, the public employer was directed to consider a criminal record using a combination of factors in the EEOC Guidance and the 1979 Uniform Law Commissioners' Model Sentencing and Corrections Act. These factors clarified the job-relatedness analysis. However, the bill was amended and the EEOC factors above replaced the language. In addition, the provision encouraging state vendors to adopt similar policies was removed.

5. ***GEORGIA EXECUTIVE ORDER (2015) (APPLIES TO STATE EMPLYOMENT)*** Governor Nathan Deal (R) signed an executive order on February 23, 2015 which removed questions regarding criminal history from all applications for state employment. Under the executive order, inquiries into an applicant's criminal record are postponed until after "the initial stage of the state employment application process." In addition, the

order prohibits the use of an applicant's criminal record as an automatic bar to employment, and provides applicants an opportunity to dispute the accuracy and relevance of any disqualifying conviction relied upon for rejection. Certain "sensitive governmental positions" are exempt. See NELP's press release.

Commentary: Georgia is the first state in the Deep South to adopt a fair hiring policy. A broad coalition of advocacy groups, including Atlantans Building Leadership for Empowerment, the Georgia Justice Project, 9to5 Atlanta, and various faith-based organizations, supported the executive order.

6. ***HAWAII HOUSE BILL 3528 (1998) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)*** In 1998, Hawaii became the first state to adopt a fair chance law as applied to both public and private employment. The statute, Haw. Rev. Stat. § 378-2.5, prohibits employers from inquiring into an applicant's conviction history until after a conditional offer of employment has been made. The offer may be withdrawn if the applicant's conviction bears a "rational relationship" to the duties and responsibilities of the position sought. Under the law, employers may only consider an employee's conviction record within the most recent ten years, excluding periods of incarceration. Prior to HB 3528, the definition of unlawful discriminatory practices (§ 378-2) included "arrest and court record" as an impermissible reason for an employer to "refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual."

   Commentary: NELP recommends prohibiting employers from inquiring into a conviction until after a conditional offer as one of the strongest means to change employer behavior of categorically rejecting the job applications of people with records.

7. ***ILLINOIS HOUSE BILL 5701 (2014) (APPLIES TO PRIVATE EMPLOYERS)*** Introduced on February 14, 2014, HB 5701, the "Job Opportunities for Qualified Applicants Act," applies to employers with 15 or more employees and employment agencies. Employers may not inquire into an applicant's criminal record until the applicant has been selected for an interview by the employer or until after a conditional offer of employment is made to the applicant. Positions that have state or federal law exclusions based on certain convictions are exempted. The bill authorizes the imposition of warnings and civil penalties against violators. The bill was signed by Governor Pat Quinn on July 19, 2014. Introduced by Rep. Rita Mayfield (D), see bill information. See NELP's press release.

   Commentary: The bill applies to only private employers, because Governor Pat Quinn issued an executive order in 2013, Order 1, which required the Illinois Bureau of Personnel in the Department of Central Management Services (CMS) to modify the Application for State Employment (the "CMS100") for all state employing agencies, boards, and commissions.

8. ***MARYLAND SENATE BILL 4 (2013) (APPLIES TO STATE EMPLOYMENT)*** Signed on May 2, 2013 by Governor Martin O'Malley (D), SB 4 adds Article 2-203, Chapter 160 to the state code and prohibits state public employers from inquiring into the criminal history of an applicant for employment until the applicant has been provided an opportunity for an interview. Exceptions to the law include positions within the Department of Corrections, the Office of the Sheriff for any county, or where a background check is required by law. Introduced by Sen. Catherine Pugh (D), see bill information.

   ***Commentary*:** Job Opportunities Task Force led efforts on the bill for three prior years, which built a strong statewide coalition. The law includes a sunset provision of June 30, 2018.

9. ***MASSACHUSETTS SENATE BILL 2583 (2010) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)*** Governor Deval Patrick (D) signed Chapter 256 of the Acts of 2010 on August 6, 2010. Under Senate Bill 2583, employers can no longer use an initial written employment application to ask whether an applicant has been convicted unless there is a legal restriction that applies to the specific job or occupation. The law requires that applicants receive a copy of their criminal history report (1) prior to being questioned about their history; and (2) if an adverse decision is made based on the report. As a self-auditing mechanism, individuals are able to determine if the report was run through the state system. With certain exceptions, criminal records provided by the state may only contain (1) felony convictions for 10 years following disposition; (2) misdemeanor convictions for 5 years following disposition; and (3) pending criminal charges. The legislation was supported by a broad coalition (including Massachusetts Law Reform Institute and Boston Workers Alliance (BWA)). See bill information, MCAD factsheet, and BWA factsheet.

   ***Commentary*:** The bill uniquely tackles the issue of inaccurate commercial background checks by creating an incentive for employers to use the state's database, which then limits the length of time that criminal history information is available. It also ensures that a denied applicant receives a copy of his or her record, paralleling one component of the federal consumer protection law, the Fair Credit Reporting Act, which applies to commercially-prepared background checks.

10. ***MINNESOTA SENATE BILL 523 (2009, 2013) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)*** Signed on May 13, 2013 by Governor Mark Dayton (D), SF 523 amends Minn. Stat. § 364 et seq. This amendment expands the law from 2009 to cover not only public-sector hiring, but also adds that private employers may not inquire into an applicant's criminal history until after the applicant has been selected for an interview or before a conditional offer of employment. It also establishes penalties for private employers including fines for failure to comply. Behind the legislative win, the Minnesota Second Chance Coalition built on the 2009 success of HF 1301, which added section 364.021 to Minn. Stat. § 364 et seq. applying ban-the-box to public employment. Longstanding statutory protections preceding that bill, dating back to 1974, include a

prohibition against disqualifying applicants from public employment or licensure unless the conviction is "directly related" to the position of employment or occupational license sought, a requirement that job-related factors be considered, and a ban on using records of arrest not followed by valid conviction, annulled or expunged convictions, and misdemeanor convictions for which no jail sentence can be imposed when evaluating applicants for public employment or licensure. Introduced by Sen. Bobby Joe Champion (DFL), see bill information.

***Commentary*:** HF 1301 was signed by then-Governor Tim Pawlenty (R). Like HF 1301, SF 523 was an example of bipartisanship. Spurred by the state legislation, the Minneapolis-based retailer Target announced it would ban-the-box nationally. To support implementation, the Minnesota Department of Human Rights has provided educational materials for employers.

11. ***NEBRASKA LEGISLATIVE BILL 907 (2014) (APPLIES TO PUBLIC EMPLOYMENT)*** Originally introduced in January 2014 as LB 932, the legislation applies to public employers—the state, counties, and cities. Public employers are prohibited from inquiring into a job applicant's criminal history until after the employer has determined the applicant meets the minimum job requirements. Law enforcement positions and other positions with mandated background check requirements are exempted, as well as school districts regarding specific information. The language of LB 932 was added as Sec. 12 to the more comprehensive prison reform legislation intended to reduce the inmate population, LB 907. Governor Dave Heineman (R) signed LB 907 on April 16, 2014. LB 932 was introduced by Sen. Bill Avery (D) and LB 907 was introduced by Sen. Brad Ashford (D), see bill information. See NELP's press release.

    Commentary: Although exemptions are generally unnecessary with fair chance legislation because a background check is delayed, not prevented, exemptions can serve to assuage fears. Supporters include the City of Omaha; in fact, Mayor Jean Stothert (R) cited her support for the legislation in her 2014 state of the city address.

12. ***NEW JERSEY ASSEMBLY HOUSE BILL 1999 AND SENATE BILL 1484 (2014) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)*** Initial versions were introduced in 2013, but were reintroduced in 2014 as A1999 and S1484, known as "The Opportunity to Compete Act." A heavily amended A1999 was passed and signed by Governor Chris Christie on August 11, 2014. The bill mandates that public and private employers cannot inquire into a candidate's criminal history until the employer has conducted the first interview with the candidate. Employers may not consider expunged or pardoned convictions when making an employment decision. Introduced to Senate by Sens. Sandra B. Cunningham (D), M. Teresa Ruiz (D), and Raymond J. Lesniak (D) and introduced to Assembly by Asms. Bonnie Watson Coleman (D), Jerry Green (D), and L. Grace Spencer (D), see bill information. See NELP's press release.

    Commentary: Leading up to the introduction of the legislation, the New Jersey Institute for Social Justice engaged the private employer community through business

roundtables as discussed in NELP's webinar. The original version of the bill, available here, included numerous strong provisions, such as delaying inquiry until a conditional offer.

13. ***NEW MEXICO SENATE BILL 254 (2010) (APPLIES TO PUBLIC EMPLOYMENT)*** On March 8, 2010, Governor Bill Richardson (D) signed this measure into law adding N.M. Stat. § 28-2-3 to the existing "Criminal Offender Employment Act" (1974). The bipartisan effort resulted in public employers, including cities and counties, being prohibited from inquiring into an applicant's conviction history on an initial employment application until an applicant has been "selected as a finalist." The law permits convictions to be considered when determining eligibility for public employment or licensure, but convictions "may not operate as an automatic bar." The law further prohibits, for employment and licensing, the use of records of arrest not leading to conviction and misdemeanor convictions not involving moral turpitude. Drug Policy Alliance New Mexico led the efforts on the bill. Introduced by Sen. Clinton D. Harden (R), see bill information.

    ***Commentary*:** The bill amended existing law, which permits a "moral turpitude" conviction that "directly relates" to employment to be the basis for denial. The existing law requires a written statement to the applicant of the reasons for denial and provides the parameters for a presumption of rehabilitation (§ 28-2-4).

14. ***RHODE ISLAND HOUSE BILL 5507 (2013) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)*** Signed into law on July 15, 2013, by Governor Lincoln Chafee (D), HB 5507 prohibits an employer from inquiring about an applicant's prior criminal convictions until the first interview with the applicant. An employer may inquire about the applicant's criminal convictions during the first interview. There are exceptions for positions where an applicant with a conviction history would be automatically disqualified by law. Introduced by Reps. Scott Slater (D), Michael W. Chippendale (R), Anastasia Williams (D), Joseph S. Almeida (D), and Grace Diaz (D), see bill information.

    Gov. Terry McAuliffe took executive action in April 2015, making Virginia the most recent state to adopt fair hiring.

    ***Commentary*:** Rhode Island became the fourth state in the nation to implement ban-the-box for private employers statewide. Direct Action for Rights and Equality championed the efforts for years, producing the powerful video Beyond the Box.

15. ***VIRGINIA EXECUTIVE ORDER 41 (2015) (APPLIES TO STATE EMPLOYMENT)*** Signed on April 3, 2015 by Governor Terry McAuliffe (D), Executive Order 41 removes questions relating to criminal history from the state employment application. State employment decisions will not be based on the criminal history of an individual unless demonstrably job-related and consistent with business necessity. See NELP's press release.

    ***Commentary*:** Local advocates had been championing legislative action on "ban the box" for several years. After the latest legislation stalled, advocates called for executive action.

State (Year reform was adopted)	Relevant Statutes and Policy	Employers: Private and Public (State: S, Licensing: L, Cities and Counties: C)		Job-Related Screening*	Limits information (Arrests not leading to convictions: "Arrests"; Expunged or similar: "Expunged"; Time limit on record: "Time limit")*	Notification of denial: N; Copy of record: C*
California (2010, 2013)	Cal. Lab. Code § 432.9	—	Public (S, C)	—	Arrests, Expunged, Time limit	—
Colorado (2012)	Colo. Rev. Stat. § 24-5-101	—	Public (S, L)	Whether there is "direct relationship" between conviction and job	Arrests, Expunged	—
Connecticut (2010)	Conn. Gen. Stat. § 46a-80	—	Public (S, L**)	Consider nature of crime and relationship to the job	Arrests, Expunged	N, C
Delaware (2014)	Del. Code tit. 19, § 711(g); Del. Code tit. 29, § 6909B	—	Public (S, C)	Consider nature of offense and job	—	—
Georgia (2015)	Executive Order	—	Public (S)	—	—	—
Hawaii (1998)	Haw. Rev. Stat. §§ 378-2, 378-2.5	Private	Public (S, C)	Conviction bears "rational relationship" to position	Time limit	—
Illinois (2013, 2014)	820 Ill. Comp. Stat.§ 75; Executive Order 1 (2013)	Private	Public (S)	—	—	—
Maryland (2013)	Md. Code Ann., State Pers. & Pens. § 2-203	—	Public (S)	—	—	—
Massachusetts (2010)	Mass. Gen. Laws ch. 151B, § 4 (9 ½); ch. 6, §§ 171A, 172	Private	Public (S, L**, C)	—	Time limit	N, C
Minnesota (2009, 2013)	Minn. Stat. § 364	Private	Public (S, L**, C)	Conviction "directly relates" to position	Arrests, Expunged	N
Nebraska (2014)	Neb. Rev. Stat. § 48-202	—	Public (S, C)	—	—	—
New Jersey (2014)	AB 1999	Private	Public (S, C)	_	Expunged	_
New Mexico (2010)	N.M. Stat. §§ 28-2-1 to 28-2-6	—	Public (S, L**, C)	Conviction "directly relates" to employment	Arrests	N
Rhode Island (2013)	R.I. Gen. Laws §§ 28-5-6, 28-5-7	Private	Public (S, C)	—	Arrests	—
Virginia (2015)	Executive Order 41	–	Public (S)	Conviction must be job-related	–	–

* Some of these components existed prior to the legislation listed here.
**Removal of conviction inquiry from the licensing application is not required.

Local Ban the Box & Fair Chance Policies

(Listed in chronological order)

BOSTON, MA (ORDINANCE APPLIES TO CITY AND VENDORS)

- 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 city vendors to follow the City's hiring standards. The revised job application begins with an anti-discrimination statement listing "ex-offender status" as a protected classification. Background checks are not required for all positions. The ordinance includes an appeal and the right to present information. A broad community coalition, Massachusetts Alliance to Reform CORI (MARC), supported these developments.

Boston Resources

Boston City Council Ordinance (July 1, 2006), available here
Boston Equal Opportunity Statement, available here

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SAN FRANCISCO, CA (BOARD OF SUPERVISORS RESOLUTION APPLIES TO CITY AND COUNTY (2005))

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

SAN FRANCISCO FAIR CHANCE ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND AFFORDABLE HOUSING (2014)

- Policy applies to private employers and to affordable housing
- Incorporates EEOC criteria in individualized assessment (jobs and housing)
- Right to appeal denial of employment or housing
- Provides copy of background check report

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 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 affordable 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 (LCCR), 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), available here
San Francisco Fair Chance Ordinance (Feb. 4, 2014), available here

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CHICAGO, IL (MAYOR'S INITIATIVE; ORDINANCE APPLIES TO PRIVATE EMPLOYERS)

- Policy applies to private employers
- 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. In January 2006, the Caucus issued a major report calling for broad reforms of City policy. Implementing the Mayor's hiring policy, the Chicago Department of Human Resources issued guidelines and removed the question about criminal history from the job application. In November 2014, the City Council passed an ordinance that extended the city policy to all private employers, including those that are exempted from the state law (which covers private employers with more than 15 employees). Conviction history inquiry is permitted after the candidate is selected for an interview or after conditional offer. The ordinance was referred to the Council by Mayor Rahm Emanuel.

Chicago Resources

Mayor Daley's Press Release (Jan. 24, 2006), available here
Report of the Mayoral Policy Caucus on Prisoner Reentry (Jan. 2006), available here
Chicago Department of Human Resources Guidelines (June 5, 2007), available here

City Council Ordinance O2014-8347 (Nov. 5, 2014), available here

Chicago Contact
Mona Noriega, Chairman and Commissioner
Commission on Human Relations
(312)744-4111

ALAMEDA COUNTY (OAKLAND & BERKELEY, CA AREA; RESOLUTION APPLIES TO COUNTY)

- Incorporates EEOC criteria in individualized assessment

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), available here
Alameda County Letter to Asm. Roger Dickinson (March 28, 2012), available here

Alameda County Contact
Rodney Brooks, Chief of Staff
Office of Supervisor Keith Carson
rodney.brooks@acgov.org

ST. PAUL, MN (MAYOR'S DIRECTIVE AND CITY COUNCIL RESOLUTION APPLY TO CITY)

- 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), available here
Report of the Council on Crime and Justice, available here
St. Paul City Council Resolution, available here
St. Paul Employment Application, available here

St. Paul Contacts
Angie Nalezny, Director
Human Resources Department
angie.nalezny@ci.stpaul.mn.us

MINNEAPOLIS, MN (RESOLUTION APPLIES TO CITY)

- 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, available here

Minneapolis Contacts
Councilmember Elizabeth Glidden
Minneapolis City Council
elizabeth.glidden@ci.minneapolis.mn.us

EAST PALO ALTO, CA (ADMINISTRATIVE POLICY APPLIES TO CITY)
Inquiries regarding criminal histories are delayed until the applicant is a finalist.

East Palo Alto Resource
Application, available here

East Palo Alto Contact
Jesse Stout
All of Us or None
jesse@prisonerswithchildren.org

OAKLAND, CA (CITY ADMINISTRATOR HIRING POLICY APPLIES TO CITY)

- Background check only after 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), available here
Letter to Asm. Dickinson regarding support of ban the box (March 28, 2012), available here

Oakland Contacts

Jesse Stout
All of Us or None
jesse@prisonerswithchildren.org

Andrea Gourdine
Director, Human Resources Management
(510) 238-3112

MULTNOMAH COUNTY (PORTLAND, OR AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)

- 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), available here

Multnomah County Contact
Human Resources Department
(503) 988-5015 x85015

CAMBRIDGE, MA (ORDINANCE APPLIES TO CITY AND VENDORS)

- 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 the hiring policy to city vendors. 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.

Cambridge Resource
Cambridge City Council Ordinance (Jan. 28, 2008), available here

Cambridge Contact
Oman Bandar, Former Special Assistant to the Mayor
bandar_omar@hotmail.com

BALTIMORE, MD (HIRING POLICY APPLIES TO CITY, ORDINANCE APPLIES TO PUBLIC AND PRIVATE EMPLOYERS)

- 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. 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. 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), available here
Baltimore Employment Application, available here
Baltimore Ordinance (2014), available here

Baltimore Contact
Caryn Aslan, Policy Associate
Job Opportunities Task Force
caryn@jotf.org

TRAVIS COUNTY (AUSTIN, TX AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)

- 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. 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."

Travis County Resources
Memo, Travis County Director of Human Resources (April 15, 2008), available here
Travis County Guidelines for Hiring Ex-Offenders (April 21, 2008), available here
Travis County Employment Application, available here

Travis County Contact
Steven Huerta, Chairman

All of Us or None Texas
tac_allofusornone@yahoo.com

AUSTIN, TX (ORDINANCE APPLIES TO CITY)

- 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. 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), available 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)

- 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), available here
Berkeley Employment Application, available here

Berkeley Contacts

David Abel
Human Resources Manager
(510) 981-6807

Jesse Stout
All of Us or None
jesse@prisonerswithchildren.org

NORWICH, CT (ORDINANCE APPLIES TO CITY)

- 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.

Norwich Resource
Norwich Ordinance Section 16-11 (Dec. 1, 2008), available here

Norwich Contact
Connecticut Pardon Team, Inc.
info@connecticutpardonteam.com

NEW HAVEN, CT (ORDINANCE APPLIES TO CITY AND VENDORS)

- 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, available here
New Haven Release of Information, available here

New Haven Contacts

Eric Rey, Reentry Coordinator
Mayor's Office, Prison Reentry Initiative
ERey@newhavenct.net

Michael Fumiatti, Director of Purchasing
City of New Haven
mfumiatti@newhavenct.net

SEATTLE, WA (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)

- 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. 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), available here
Seattle Personnel Rule 10.3 – Criminal Background Checks, available here
Seattle Ordinance Number 124201, available here
Seattle Office of Civil Rights Fact Sheet, available here
Seattle Job Assistance Ordinance Final Rules, available here
Seattle Job Assistance Ordinance FAQs, available here
Seattle Employers Card, English, available here

Seattle Contact
Brenda Anibarro, Policy Analyst
Seattle Office for Civil Rights
brenda.anibarro@seattle.gov

PROVIDENCE, RI (ADMINISTRATIVE POLICY APPLIES TO CITY)
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, available here

Providence Contact
Margareta Wingate, Deputy Director
Human Resources
(401) 421-7740 ext. 616
mwingate@providenceri.com

HARTFORD, CT (ORDINANCE APPLIES TO CITY AND VENDORS)
- 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), available here
Hartford Vendor Ban the Box Policy (April 13, 2009), available here

Hartford Contact
Sarah Diamond
Clean Slate Committee
sdiamond193@gmail.com

WORCESTER, MA (ORDINANCE APPLIES TO CITY AND VENDORS)

- 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." 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), available 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

JACKSONVILLE, FL (ORDINANCE APPLIES TO CITY)

- 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), available here
Jacksonville Human Resources Directive (July 8, 2009), available here
Jacksonville Background Screening Summary (May 10, 2010), available here

Jacksonville Contact
Employee Services Department
(904) 630-1287

BRIDGEPORT, CT (CIVIL SERVICE RULES APPLY TO CITY)

- 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. 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), available here

Bridgeport Contact
Nadine Nevins, Managing Attorney
Connecticut Legal Services
nnevins@connlegalservices.org

KALAMAZOO, MI (CITY MANAGER HIRING POLICY APPLIES TO CITY)
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)

- 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.

Memphis Resource
Memphis City Ordinance (May 18, 2010), available here

Memphis Contact
DeAndre Brown, Executive Director
Lifeline to Success
dbrown@lifeline2success.org

CINCINNATI, OH (CITY COUNCIL MOTION APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment
- Provides copy of background check report

In August 2010, the City Council passed a motion in support of fair hiring. The City'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 and is given at least 10 business days to dispute the information. When considering an applicant's criminal history in making an employment decision, the Human Resources Department must consider 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 evidence of rehabilitation.

Cincinnati Resource
Cincinnati Motion in Support of Fair Hiring (June 9, 2010), available here

Cincinnati Contact
Stephen Johnson Grove, Deputy Director for Policy
Ohio Justice & Policy Center
sjohnsongrove@ohiojp.org

DETROIT, MI (ORDINANCE APPLIES TO CITY AND VENDORS)

- 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), available here
Detroit Contractor Ordinance (July 1, 2012), available here

PHILADELPHIA, PA (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)

- 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), available here

Philadelphia Contact
Brendan Lynch, Staff Attorney
Community Legal Services of Philadelphia
blynch@clsphila.org

WASHINGTON, DISTRICT OF COLUMBIA (ORDINANCE APPLIES TO DISTRICT AND PRIVATE EMPLOYERS)

- Background check only after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment
- Policies apply to public and private employers in the District

In December 2010, the nation's capital joined the fair chance movement by passing the Returning Citizens Public Employment Inclusion Act of 2010, which went into effect in 2011 for public employers. On July 14, 2014, the Council of the District of Columbia voted unanimously to pass the Fair Criminal Records Screening Act of 2014, which applies to private employers. Under the new law, an employer that employs more than ten employees in the District cannot make any inquiry into an applicant's conviction until after making a conditional offer of employment. A conditional offer can only be withdrawn for a "legitimate business reason," which must consider job-relatedness of the offense, time passed, rehabilitation and other factors. A complaint process may be initiated with the Office of Human Rights and violation of the act may result in fines, of which half shall be awarded to the complainant. Reporting requirements are also included in the law such as voluntarily provided data on the hiring of applicants with records.

Washington, D.C. Resource
Fair Criminal Record Screening Amendment Act of 2014, available here

Washington, D.C. Contact
Marina Streznewski, Executive Director
DC Jobs Council
mstreznewski@dcjobscouncil.org

DURHAM, NC (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background check only after conditional offer

In February 2011, the City 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.

Durham Resources
City Application, available here
Human Resource Management Memo (April 18, 2011), available here
"The Benefits of Ban the Box: A Case Study of Durham, NC", available here

Durham Contact
Daryl V. Atkinson, Staff Attorney
Southern Coalition for Social Justice
daryl@scsj.org

COMPTON, CA (RESOLUTION AND HIRING POLICY APPLIES TO CITY AND CONTRACTORS)

- 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), available here
Compton Standard Operating Manual (July 1, 2011), available here

Compton Contact
A New Way of Life
(323) 563-3575

NEW YORK CITY, NY (EXECUTIVE ORDER APPLIES TO CITY AND SOME CONTRACTORS)

- Policies applies to City and 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), available here
Article 23-A of the Correction Law, available here

CUMBERLAND COUNTY (FAYETTEVILLE, NC AREA; APPLIES TO COUNTY)
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

CLEVELAND, OH POLICY (ADMINISTRATIVE POLICY APPLIES TO CITY)
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
Director for Policy
Mayor's Office
nwalker@city.cleveland.oh.us

Stephen Johnson Grove, Deputy
Ohio Justice & Policy Center
sjohnsongrove@ohiojpc.org

MILWAUKEE COUNTY (MILWAUKEE, WI AREA; RESOLUTION APPLIES TO COUNTY)
On October 7, 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, available here

Milwaukee County Contact
Carol Rubin, President
MOSES
carolrubin3@gmail.com

RICHMOND, CA (RESOLUTION APPLIES TO CITY AND VENDORS)
- 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 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), available here
Richmond City Council Ordinance (July 30, 2013), available here
Memo from Councilmember Beckles (July 30, 2013), available here

Richmond, CA Contacts
Safe Return Project
group@safereturnproject.org

ATLANTIC CITY, NJ (ORDINANCE APPLIES TO CITY AND VENDORS)

- Background check only after conditional offer
- 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. However, with the adoption of the New Jersey Opportunity to Compete Act, effective March 1, 2015, which applies to all public and private employers that employ 15 or more employees, this local ordinance is superseded by the state law.

Atlantic City Resource
City of Atlantic City Ordinance (Dec. 7, 2011), available here

MUSKEGON COUNTY (NORTHWEST OF GRAND RAPIDS, MI AREA; APPLIES TO COUNTY)

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 (Jan. 12, 2012), available here

Muskegon County Contact
Chairman Mahoney
commissioners@co.muskegon.mi.us

CARSON, CA (RESOLUTION APPLIES TO CITY)

- 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), available here

Carson Contact
A New Way of Life
(323) 563-3575

HAMILTON COUNTY, OH (CINCINNATI AREA; APPLIES TO COUNTY)

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

In March 2012, the County modified its application for county jobs in order to remove criminal record inquiries from the job application. After a conditional job offer has been made, the county then evaluates criminal history based on the requirements of the job and the nature of the offense. This assessment does not apply to positions where there are statutory prohibitions on hiring people with certain kinds of convictions. If a person is denied, he or she is provided with an explanation of the rejection and may request a copy of the background check that shows the disqualifying offense.

Hamilton Resource
Human Resources Policy Manual, available here

Hamilton Contacts

David Helm, Assistant Director
Human Resources Department
david.helm@hamilton-co.org

Lori Chaney, Manager
Human Resources Department
lori.chaney@hamilton-co.org

DAYTON, OH (APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment
- Right to appeal denial of employment

The City lacks a formal policy, but has removed the conviction history question from the job application. The City conducts a background check before the candidate list is sent to the relevant hiring department, but after the candidate list has been narrowed. For non-sensitive positions the City considers the age of the offense and the nature of the conviction. If individuals are denied after this assessment, they have the right to appeal the decision to the Civil Service Board and are also provided a written explanation of the denial.

Dayton Contact

Ken Thomas, Senior Employment Manager
Civil Service Department
ken.thomas@daytonohio.gov

SANTA CLARA COUNTY (SAN JOSE, CA AREA; APPLIES TO COUNTY)

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, available here

Santa Clara County Contacts

Supervisor Dave Cortese
dave.cortese@bos.sccgov.org

Reverend Jeff Moore
President of NAACP San Jose Chapter
info@sanjosenaacp.org

SPRING LAKE, NC (ADMINISTRATIVE POLICY APPLIES TO TOWN)

- 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, available here
Administrative Policies and Procedures (July 16, 2012), available here

Spring Lake Contact
Daryl V. Atkinson, Staff Attorney
Southern Coalition for Social Justice
daryl@scsj.org

NEWPORT NEWS, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- 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), available here

Newport News Contact
Good Seed Good Ground
(757) 244-0199
info@goodseedgoodground.org

HAMILTON COUNTY, TN (CHATTANOOGA, TN AREA; APPLIES TO COUNTY)
The County removed all questions relating to criminal history from the county job application in 2012. The procedure was changed to ensure that the application process would be unbiased. The county now runs a background check after selecting a candidate for an open position. If the background check reveals a history, the candidate is allowed to explain the circumstances.

Hamilton County Contact
Mike Dunne, External Communications Manager
Hamilton County Mayor's Office
michaeld@hamiltontn.gov

CUYAHOGA COUNTY, OH (CLEVELAND, OH AREA; ORDINANCE APPLIES TO COUNTY)

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

In August 2012, the County Council passed an ordinance that prohibits the County from inquiring about convictions on job applications. The Council recognized that only considering conviction history after a conditional job offer "promotes the fair consideration of all applicants for employment and contributes to the County's reentry efforts." The ordinance requires the following factors to be considered: the nature of the conviction, the length of time since the conviction, the specific job duties of the position, and any evidence of rehabilitation. The ordinance went into effect on September 30, 2012.

Cuyahoga County Resources

Ordinance No. O2012-0005 (Aug. 28, 2012), available here
Cuyahoga County Code Section 306, available here

NEWARK, NJ (ORDINANCE APPLIES TO CITY, PRIVATE EMPLOYERS, LICENSING, AND HOUSING)

- 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 a comprehensive ordinance. 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. However, with the adoption of the New Jersey Opportunity to Compete Act, effective March 1, 2015, which applies to all public and private employers that employ 15 or more employees, this local ordinance is superseded by the state law.

Newark Resources

Ordinance #12-1630 (Sept. 19, 2012), available here

Newark Contact

New Jersey Institute for Social Justice
(973) 624-9400

SUMMIT COUNTY, OH (AKRON, OH AREA; APPLIES TO COUNTY)

- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment

In September 2012, based on the recommendation of the Human Resources Department, the Summit County Executive, Russell M. Pry, authorized the removal of conviction history questions from the job application. Background checks are only required for security-sensitive positions and are conducted after the interview. If an applicant has a conviction, then the County considers the age and nature of the offense and the duties of the relevant job position.

Summit County Contact
Christine Higham, Deputy Director
Human Resources Department
chigham@summitoh.net

DURHAM COUNTY (DURHAM, NC AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)

- 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 does 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 Resources
Administrative Procedure (effective Oct. 1, 2012), available here
"The Benefits of Ban the Box: A Case Study of Durham, NC", available here

Durham County Contact
Daryl V. Atkinson, Staff Attorney
Southern Coalition for Social Justice
daryl@scsj.org

CARRBORO, NC (APPLIES TO TOWN)

- 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, available here
Human Resources Memo (Oct. 16, 2012), available here

WILMINGTON, DE (MAYORAL EXECUTIVE ORDER AND CITY COUNCIL RESOLUTION APPLY TO CITY)

- 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, available here
City Council Resolution 12-086, available here

PITTSBURGH, PA (ORDINANCE APPLIES TO CITY AND CONTRACTORS)

- 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, available here
Ordinance 2012-0015, applies to contractors, available here

Pittsburgh Contact
Dean Williams, Director
Formerly Convicted Citizens Project
(412) 295-8606
fccppitt@gmail.com

ATLANTA, GA (ORDINANCE APPLIES TO CITY)

- Provides copy of background check

On January 1, 2013, the City removed the conviction history question from its job application with mayoral support. In October 2014, the City Council unanimously voted to codify the policy in ordinance. Under the ordinance, the City may only inquire into an applicant's conviction history once it has determined that the applicant is otherwise qualified for the position. If the City then makes an adverse employment action based on the results of the background check, the City must notify the applicant of the decision within 30 days and provide the applicant with a copy of the background check highlighting the disqualifying convictions.

Atlanta Resource
Ordinance No. 14-O-1399 (Oct. 6, 2014), available here

Atlanta Contact
Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer
9to5 and 9to5 Atlanta
Charmaine@9to5.org; Shannan@9to5.org

Marilynn Winn
Women on th Rise
marilynn@rjactioncenter.org

TAMPA, FL (ORDINANCE APPLIES TO CITY)

- Background check after conditional offer

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 Resource
Ordinance 2013-3 (Jan. 14, 2013), available here

Tampa Contact
Sharon Streater, HOPE Lead Organizer
HOPE
hopeinc@fdn.com

CANTON, OH (CIVIL SERVICE COMMISSION RULES APPLIES TO CITY)

- 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 EEOC-type factors.

Canton Resource
Rule IV, Examinations, Section 15, Amendment, available here

Canton Contact
Joseph Martuccio, Law Director
City of Canton
joe.martuccio@cantonohio.gov

RICHMOND, VA (RESOLUTION APPLIES TO CITY)
On March 25, 2013, the Richmond City Council unanimously passed a resolution 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 Resource
Resolution No. 2013-R, 87-85 (March 25, 2013), available here

Richmond Contact
Richard Walker, Founder & CEO
Bridging the Gap in Virginia
rwalker@bridgingthegapinvirginia.org

KANSAS CITY, MO (ORDINANCE APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment

Recognizing the role of employment in reducing recidivism, Kansas City 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 Resource
Rule IV, Examinations, Section 15, Amendment, available here

Kansas City Contact
Kansas City Human Relations Department
(816) 513-1836
hrdgeneral.inquiries@kcmo.org

PORTSMOUTH, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)
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 Resource
Letter from Portsmouth Human Resources Director (July 2013), available here

Portsmouth Contact
James Bailey, Regional Director
CURE Virginia, Inc.
jbailey383@aol.com

BUFFALO, NY (ORDINANCE APPLIES TO CITY, VENDORS, AND PRIVATE EMPLOYERS)

- 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 Resource
Ordinance Amendment (June 2013), available here

Buffalo Contact
Jeffrey M. Conrad, Western New York Regional Director
Center for Employment Opportunities
(716) 842-6320 ext 501
jconrad@ceoworks.org

NORFOLK, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- 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), available here
Presentation by Assistant City Manager (July 2013), available here

Norfolk Contact
James Bailey, Regional Director
CURE Virginia, Inc.
(713) 582-1316
jbailey383@aol.com

PASADENA, CA (ADMINISTRATIVE POLICY APPLIES TO CITY)
In July 2013, the City Manager removed the conviction history question from the city job application.

Pasadena Contacts

Jaylene Moseley
Flintridge Center
Jaylene@flintridge.org

Tiffany Jacobs-Quinn, Human Resources Manager
City of Pasadena Human Resources Department
tjacobsquinn@cityofpasadena.net

PETERSBURG, VA (RESOLUTION APPLIES TO CITY)
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, available here
Petersburg Employment Application, available here
Petersburg Supplemental Questionnaire, available here

VIRGINIA BEACH, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background check after conditional offer of employment

The City removed the conviction history inquiry from its general job application in November 2013. The Human Resources Department proposed the change, which was then reviewed by the City Attorney and approved by the City Manager. According to the policy, background checks are conducted on all applicants who are

conditionally offered employment with the City. The inquiry takes into account the nature of the offense and its relation to the work sought. If an applicant is denied a position because of information on their background check, the applicant may ask about the information that contributed to the rejection.

Virginia Beach Resources
City Job Application, available here
Human Resources Memorandum (Oct. 16, 2013), available here
Announcement to Employees, available here

Virginia Beach Contact
Bill Edwards, Manager of Staffing & Compensation
Department of Human Resources
wedwards@vbgov.com

***AKRON, OH* (*ADMINISTRATIVE POLICY APPLIES TO CITY*)**

- Incorporates EEOC criteria in individualized assessment
- Right to appeal

On October 29, 2013, the Civil Service Commission adopted several policy changes for the city's approximately 1,800 jobs. Under the revised policy, applicants to non-safety-sensitive positions need not check the box asking about convictions. The policy requires a background check before applicants are certified for an interview. If the background check reveals a conviction, then a committee evaluates a candidate's suitability for the job based on factors including job-relatedness and time passed since the conviction. A candidate who is rejected may appeal the decision to the personnel director. An appeal allows the applicant an opportunity to present rehabilitation or relevant evidence.

Akron Resource
Conviction Records Policy for Classified Positions, available here

Akron Contact
Kris Rininger, Personnel Analyst II
Personnel Department
krininger@akronohio.gov

CLEARWATER, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Incorporates EEOC criteria in an individualized assessment

At the recommendation of the City Attorney, the City removed the conviction record inquiry from its employment application in 2013 to comply with the related EEOC guidance. Criminal background checks are required for all applicants, but are not conducted until after the City narrows down its list of qualified candidates. In

addition, the City follows the EEOC's guidance when determining whether a conviction relates to the position for which an applicant has applied. The background check is limited to convictions and the City does not consider arrests.

Clearwater Resource
Employment Application available here

Clearwater Contact
Dina Hyson, Human Resources Manager
(727) 562-4871
dina.hyson@myclearwater.com

MASSILLON, OH (CIVIL SERVICE REQUIREMENT APPLIES TO CITY)

- 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 Resource
Massillon Civil Service Commission Letter (Jan. 17, 2014), available here

NEW ORLEANS, LA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- 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 Resource
New Orleans Policy Memorandum No. 129 (Jan. 10, 2014), available here

NEW CASTLE COUNTY (WILMINGTON, DE AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)

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 (Feb. 14, 2014), available here

DANE COUNTY (MADISON, WI AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)

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 in February 2014 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, available here

Dane County Contact

Carol Rubin, President
MOSES
carolrubin3@gmail.com

INDIANAPOLIS, IN (ORDINANCE APPLIES TO CITY, COUNTY, LICENSING, AND VENDORS)

- Policies apply 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 Resource

Indianapolis Ordinance (March 7, 2014), available here

Indianapolis Contacts

Shoshanna Spector, Executive Director
IndyCAN
shoshanna@indycan.org

Coucilmember Vop Osili
City of Indianapolis, City Council
voposili@gmail.com

CHARLOTTE, NC (ADMINISTRATIVE POLICY APPLIES TO CITY)

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 Resource

Charlotte Human Resources Pre-Employment Background Check Policy, available here

Charlotte Contact

Daryl V. Atkinson, Staff Attorney
Southern Coalition for Social Justice
daryl@scsj.org

CHARLOTTESVILLE, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)

In March 2014, the City removed the question about conviction history from the city job application. "This is another example of our commitment to being a City of Second Chances for ex-offenders who are searching for meaningful employment," said the mayor. The City will continue to conduct background checks before making final employment offers.

Charlottesville Resources

Press Release (March 24, 2014), available here
City Council Minutes (April 7, 2014), available here

Charlottesville Contact

Galloway Beck, Director
beck@charlottesville.org

LOUISVILLE, KY (ORDINANCE APPLIES TO CITY AND VENDORS)

- 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 Resource
Louisville Metro Council Ordinance (March 13, 2014), available here

Louisville Contact
Robert Owens, Lead Organizer
CLOUT
clout@bellsouth.net

ALEXANDRIA, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background check after conditional offer of employment

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 Resource
Alexandria Policy Memorandum (March 19, 2014), available here

YOUNGSTOWN, OH (RESOLUTION APPLIES TO CITY)

- Background check after conditional offer of employment

On March 19, 2014, the city council voted unanimously to support a resolution to "ban the box" from city employment applications with the support of the mayor. Under the resolution, background checks are conducted only after the city is prepared to make an offer of employment.

Youngstown Resource
Resolution (March 19, 2014), available here

Youngstown Contact
Rebecca Soldan, Community Organizer
Rebecca@mvorganizing.org
Mahoning Valley Organizing Collaborative (MVOC)

EAST LANSING, MI (RESOLUTION APPLIES TO CITY)

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

Resolution (April 15, 2014), available here
Recording of City Council meeting, available here

East Lansing Contact

Nathan Triplett, Mayor
ntriplett@gmail.com

ANN ARBOR, MI (RESOLUTION APPLIES TO CITY)

- Background check after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment

On May 5, 2014 the Ann Arbor City Council voted unanimously to ban the box for city employment. The new resolution 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 Resource

Resolution (May 5, 2014) available here

ROCHESTER, NY (ORDINANCE APPLIES TO CITY, VENDORS, AND PRIVATE EMPLOYERS)

- Applies to public and private employers and vendors

On May 20, 2014, the Rochester City Council unanimously passed an ordinance for fair employment screening. 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 Resource

Ordinance (May 22, 2014), available here

Rochester Contacts

Valerie White-Whittick, Mentor Coordinator
Mike Bleeg, Coordinator

Judicial Process Commission
Jpc6@rocjpc.org

Safer Monroe Area Reentry Team
mbleeg@rochester.rr.com

Reyna Ramolete Hayashi, Workers' Rights Attorney
Empire Justice Center
rhayashi@empirejustice.org

GENESEE COUNTY (FLINT, MI AREA; RESOLUTION APPLIES TO COUNTY)

- Background check 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 went 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
Resolution, available here

DANVILLE, VA (RESOLUTION APPLIES TO CITY)

- Background check after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment

On June 3, 2014, the Danville Chapter of Virginia Organizing wrote a letter supporting a "ban the box" initiative in Danville. In response, Mayor Sherman Saunders signed a resolution that amended the city employment application to omit questions about conviction history. Under the new policy, background checks are conducted only after there has been a conditional offer of employment. The nature and age of the offense and the nature of the job are considered. Applicants are also given the opportunity to explain their conviction history.

Danville Resource
Resolution to Amend City Employment Application (June 17, 2014), available here

Danville Contacts
Marty Jackson
Danville Chapter, Virginia Organizing
(434) 429-8109

Sara Weller, Director
Department of Human Resources
sara.weller@danvilleva.gov

PORTLAND, OR (ADMINISTRATIVE POLICY APPLIES TO CITY)
In July 2014, the City of Portland removed language from its employment applications that stated applicants may be required to sign a criminal history statement. Questions about criminal background, if relevant to a position, would be

asked later in the hiring process. "This is a win-win," said Mayor Charlie Hales. "This removes a barrier to employment with the City, which will attract a more diverse pool of applicants to City jobs—one step in addressing the collective impact of crime." Local advocates are seeking to expand the policy to private employers.

Portland Resource
Portland Press Release (July 9, 2014), available here

FULTON COUNTY (ATLANTA, GA AREA; ADMINISTRATIVE POLICY APPLIES TO COUNTY)

- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

On July 16, 2014, Fulton County issued a policy and procedure for fair criminal record screening. The policy explicitly incorporates the EEOC guidance. The Personnel Department is directed to remove questions about convictions from job application forms. The County is prohibited from inquiring into criminal history during the application process or before or during the first interview. An applicant need not disclose any arrests not leading to convictions, erased convictions, or juvenile adjudications. Background checks are limited to sensitive job positions. Applicants are notified of any adverse action and are provided a copy of the background check and notified of the conviction that is deemed job-related.

Fulton County Resource
Fair Criminal Record Screening Policy and Procedure (July 16, 2014), available here

Fulton County Contact
Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer
9to5 and 9to5 Atlanta
Charmaine@9to5.org; Shannan@9to5.org

Marilynn Winn
Women on th Rise
marilynn@rjactioncenter.org

SPOKANE, WA (ADMINISTRATIVE POLICY APPLIES TO CITY)
Spokane Mayor David Condon directed the Human Resources Department by letter on July 31, 2014 to draft policies and procedures that would delay a background check inquiry until the City has determined that the applicant meets the minimum qualifications for the job.

Spokane Resource
Letter from Mayor (July 31, 2014), available here

Spokane Contact
Julie Schaffer, Attorney
Center for Justice
julie@cforjustice.org

FREDERICKSBURG, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background check after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment

In 2014, the Human Resources Department and the City Attorney recommended a "ban the box" policy to the City Manager, who approved the new process. The City only conducts a background check after a conditional offer of employment has been made. If potentially negative information is identified, the City considers the age and nature of the offense in relation to the job position. If an applicant is denied, he or she will receive written notice that includes a description of the disqualifying information as well as the name of the company that ran the background check. The applicant has the opportunity to correct any misreported information.

Fredericksburg Contact
Robert F. Bell, Director
Department of Human Resources
(540) 372-1028

TUCSON, AZ (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Background checks only required for some positions

On August 27, 2014, the City of Tucson removed the question about conviction history from the city job application. Of the 555 job classifications for city positions, only 135 require any kind of background check at any stage in the hiring process. For the positions that do require a background check, the timing of the inquiry varies by position. Currently, the City's Equal Opportunity Programs Division (EOPD) is working to formalize the hiring policy.

Tucson Resource
City Job Application, available here

Tucson Contact
Ellen Katz
William E. Morris Institute for Justice
eskatz@qwestoffice.net

FAIRFAX COUNTY, VA (WASHINGTON, D.C. METRO AREA; APPLIES TO COUNTY)

- Background check after conditional offer of employment

Fairfax County does not inquire about criminal records on its job applications. Public safety jobs and "certain sensitive positions" are the exceptions. Background checks are conducted after a conditional offer. The goal of the policy change was to "increas[e] the chances that an applicant will be judged more holistically, reach the interview stage, and hopefully be more likely to be hired."

Fairfax County Resource
Statement of Supervisor Catherine M. Hudgins, available here

Fairfax County Contact
Susan Woodruff, Director
Fairfax County Department of Human Resources
susan.woodruff@fairfaxcounty.gov

ST. PETERSBURG, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)
On October 21, 2014, St. Petersburg Mayor Rick Kriseman announced his "City of Opportunity" initiatives related to fair hiring practices. Effective January 1, 2015, the city will remove the question asking city job applicants if they have a criminal record.

St.Petersburg Contacts
Pinellas County Ex-Offender Re-Entry Coalition (PERC)
Faith in Florida

ST. LOUIS, MO (ADMINISTRATIVE POLICY APPLIES TO CITY)
- Background checks only required for some positions
- Incorporates EEOC criteria in an individualized assessment

As of March 2013, the City no longer automatically disqualified city job applicants with prior felonies. In October 2014, the City removed all questions about conviction history from its job application. The City now only screens later in the hiring process and only for certain sensitive positions. Missouri Senator Jamilah Nasheed stated in support, "Ban the box gives people with records a fair chance to re-enter the workforce and make positive contributions to society."

St. Louis Resources
City Job Application, available here
Mayoral Press Release, available here

St. Louis Contact
Richard R. Frank, Director
Personnel Department
(314) 622-4308

LANCASTER, PA (RESOLUTION APPLIES TO CITY)

- Background check for finalists
- Incorporates EEOC criteria in an individualized assessment

By resolution, the City approved a new hiring policy effective October 1, 2014. Applicants will not be asked about a criminal record. Criminal background checks will be performed on finalists. If a finalist has a criminal record, human resources shall consider the nation of the position, accessibility to youth and the elderly, nature of the offense as related to the job duties, time passed, age of the applicant at the time of offense, and facts surrounding the offense.

Lancaster Resources
City Council approval of resolution, available here
Policy memo, available here

ROANOKE, VA (ADMINISTRATIVE POLICY APPLIES TO CITY)
On October 9, 2014, the City Manager indicated at a city council meeting that the question about a job applicant's conviction history would be removed from the initial application for most city positions. By January 2015, the city will have developed a new hiring process intended to provide people with records a fair opportunity at employment.

Roanoke Resource
City Council Agenda (Oct. 9, 2014), available here

YONKERS, NY (ADMINISTRATIVE POLICY APPLIES TO CITY)
In November 2014, Community Voices Heard worked with the Mayor's office to remove the box asking an application to disclose his or her criminal history.

Yonkers Resources
Statement from Mayor's Office, available here
Job application, available here

Yonkers Contact
Juanita Lewis
Community Voices Heard
juanita@cvhaction.org

ARLINGTON COUNTY, VA (ADMINISTRATIVE POLICY APPLIES TO COUNTY)
In November 2014, the County eliminated questions about convictions from its employment application. "Taking this step reinforces our commitment to fair hiring practices," said the director of the human resources department. Exceptions are for positions related to public safety. Conviction inquiries are delayed until the applicant has an interview. The County conducts background checks on all

applicants before confirming employment. Applicants with records are given the opportunity to provide a written explanation of their record. The County explains, "Allowing these candidates to proceed further into the process creates opportunities that may otherwise have been lost, and provides candidates with a more level playing field during the application process."

Arlington County Resources
Press Release (Nov. 3, 2014), available here

Arlington County Contact
Marcy Foster, Director
Department of Human Resources
mfoste@arlingtonva.us

MONTGOMERY COUNTY, MD (WASHINGTON D.C. METRO AREA; ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND COUNTY)

- Applies to private employers and county
- Provides copy of background check
- Complaint process

Consideration of the legislation entailed extensive analysis by the County. The County found that "when people with criminal histories are denied a fair chance at employment, the entire community pays the cost in the form of diminished public safety, increased government spending on law enforcement and social services, and reduced government revenue in the form of lost income and sales taxes." The law covers employers in the County that have 15 or more full-time employees. Employers may not conduct an investigation of an applicant's conviction history until after the conclusion of the first interview. If the employer intends to rescind a conditional offer, the employer must provide the applicant with a copy of the background check and specify the disqualifying information and give the applicant seven days to review the information. Applicants may file a complaint with the director of the human rights commission. County Executive Ike Leggett signed the legislation on November 10th and the law will take effect on January 1, 2015.

Montgomery County Resources
Action Packet (Oct. 21, 2014), available here
Legislation (Oct. 28, 2014), available here
Press Release (Oct. 28, 2014), available here

Montgomery County Contact
Neil Greenberger, Legislative Information Officer
neil.greenberger@montgomerycountymd.gov

KANSAS CITY AND WYANDOTTE COUNTY, KANSAS ("KCK") (ORDINANCE APPLIES TO CITY)

- Incorporates EEOC criteria in an individualized assessment

On November 6, 2014, the Unified Government (UG) Board of Commissioners unanimously voted to pass an ordinance in "KCK" (Kansas City, Kansas) that will eliminate the field requesting disclosure of criminal convictions from the UG employment application. A petition for the change, with over 300 signers, was submitted in September 2014, stating: "We believe that just as all Citizens must pay taxes, all Citizens should have a fair chance at employment that is sustained by those same tax dollars."

KCK Resources
Agenda and Ordinance (Nov. 6, 2014), available here

PRINCE GEORGE'S COUNTY, MD (WASHINGTON D.C. METRO AREA; ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND COUNTY)

- Applies to private employers and county
- Incorporates EEOC criteria in an individualized assessment
- Provides copy of background check report
- Complaint process

On November 19, 2014, the county council unanimously passed a bill that sets fair standards for screening criminal records during the hiring process. The bill is intended to "enhance the health and safety of the community by assisting individuals with criminal records to lawfully provide for themselves and their families." Under the legislation, an employer is not permitted to inquire about a job applicant's arrest or conviction record until after a first job interview. In making an employment decision based on a person's record, employers are only allowed to consider offenses that specifically demonstrate unfitness for the desired position. If an employer decides to rescind a job offer based on a record, they must notify the applicant of that decision, specify the information on which the decision is based, and provide a copy of the background check to the applicant. The county executive signed the bill on December 4, 2014.

Prince George's County Resource
Ordinance (Nov. 19, 2014), available here

ALLEGHENY COUNTY, PA (PITTSBURGH, PA AREA; APPLIES TO COUNTY)

- Background checks only for some positions
- Background checks after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment

On November 24, 2014, the county executive announced that the county will remove questions regarding criminal history from its employment application. For the positions that do require a background check, it will be conducted only after a conditional offer of employment has been made. A candidate's criminal history will be evaluated on a case-by-case basis that includes consideration of the age of the offense and the nature of the position sought. The human resources director stated that "[the policy will] increase the diversity of our employees and ensure that we reach a greater audience in our efforts to attract the most qualified candidates."

Allegheny County Resource
Press Release (Nov. 24, 2014), available here

COLUMBIA, MO (ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND CITY)

- Applies to private employers and city
- Background checks after conditional offer of employment
- Complaint process

On December 1, 2014, the city council unanimously approved a fair chance ordinance that prohibits employers from inquiring into an applicant's criminal history until after a conditional offer of employment. Under the ordinance, employers are allowed to notify applicants in writing of specific offenses that would disqualify them from a position. Employers are also encouraged to consider the nature of the offense, the time since the offense, and any rehabilitation measures taken since the offense. The city's Human Rights Commission wrote a letter of support. The Mayor's Task Force on Community Violence made the initial, formal recommendation to the council.

Columbia Resource
Supporting documents and ordinance (Dec. 1, 2014), available here

POMPANO BEACH, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

- Incorporates EEOC criteria in an individualized assessment
- Provides copy of background check report

The City eliminated all questions regarding criminal records from its employment applications in December 2014. Criminal background checks are conducted after an initial interview. According to the Human Resources Director, applicants are notified of the reasons for denial and provided a copy of the background check report.

Pompano Beach Resource
City Manager's Memorandum (Dec. 1, 2014), available here

Pompano Beach Contact
Vincent Marchione, Human Resources Analyst
(954) 786-4627
vincent.marchione@copbfl.com

ULSTER COUNTY, NY (KINGSTON, NY AREA; EXECUTIVE ORDER APPLIES TO COUNTY)
On December 16, 2014, the county executive signed the executive order to remove the conviction history question from the county's job application. Instead, the personnel department will consider convictions only after the first interview. In the press release, the county executive commented that "if we are serious about fighting discrimination and bias, it is simply the right thing to do." The order is effective on January 1, 2015.

Ulster County Resources
Executive Order No. 2-2014 (Dec. 16, 2014), available here
Press Release (Dec. 16, 2014), available here

SYRACUSE, NY (ORDINANCE APPLIES TO CITY, LICENSURE, AND CONTRACTORS)
- Applies to city employment and licensure; and applies to city contractors
- Background checks after conditional offer of employment
- Incorporates EEOC criteria in an individualized assessment

On December 8, 2014 the city council resoundingly voted 8-1 to enact the ordinance. Under the ordinance, the city and its contractors shall not inquire into an applicant's criminal history until an applicant is extended a conditional offer of employment. A conditional offer may be withdrawn if there is a direct relationship between a conviction and the job position or if there is a finding of unreasonable risk. Prior to an adverse action, the applicant is provided with a copy of the criminal history report, which also identifies disqualifying information. The applicant has the opportunity to provide countervailing evidence prior to a final adverse action. As a component of enforcement, the city is required to audit the hiring practices of the city and its contractors. The ordinance is effective March 22, 2015.

Syracuse Resources
Syracuse Fair Employment and Licensure Ordinance (Dec. 8, 2014), available here
Center for Community Alternatives Press Release (Dec. 8, 2014), available here

Syracuse Contacts
Alan Rosenthal and Patricia Worth
Center for Community Alternatives
arosenthal@communityalternatives.org and pwarth@communityalternatives.org

TALLAHASSEE, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)

Based on the City Manager's recommendation, on January 28, 2015 the City Commission approved a measure to remove any questions regarding criminal history from applications for employment with the City. The City will conduct a background check after selecting the top candidate(s). The measure supplements the existing policy requiring the City to consider how the conviction relates to the job. Arrests are not considered.

Tallahassee Resource

Tallahassee City Commission Meeting Memorandum, available here

Tallahassee Contact

Ellen Blair, Human Resources Director
(850) 891-8538

MACON-BIBB COUNTY, GA (ORDINANCE APPLIES TO COUNTY)

- Provides copy of background check report

On February 17, 2015, county commissioners voted 6-3 to remove any questions from the county application that ask about criminal records. The policy applies to applications for professional licenses as well. Background checks are still required for all applicants for employment, but if an applicant is rejected because of her criminal record, the County must provide the applicant with a copy of the record used and indicate the portions of the record that resulted in disqualifcation.

Macon-Bibb County Resource

Macon-Bibb County Commissioners' Ordinance, available here

Macon-Bibb County Contacts

Opie D. Bowen; Assistant County Attorney
(478) 751-7671
obowen@maconbibb.us

Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer
9to5 and 9to5 Atlanta
Charmaine@9to5.org; Shannan@9to5.org

Marilynn Winn
Women on th Rise
marilynn@rjactioncenter.org

ALBANY, GA (RESOLUTION APPLIES TO CITY)

- Incorporates EEOC criteria in individualized assessment

Albany's City Commissioners passed a resolution on March 24, 2015 that directs the Human Resources Department to remove from the City's employment application any questions about an applicant's criminal record. The City still conducts background checks on all applicants for City employment once they are selected for an interview. According to the Human Resources Director, the City follows the EEOC guidance and does not generally consider an arrest record. If an application is denied because of an applicant's criminal record, the applicant is notified of the reason for denial and provided an opportunity to dispute inaccuracies and/or present evidence of rehabilitation.

Albany Resource

Albany City Commissioners' Resolution available here

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint (A)
	Private	Vendors	Public				
ARIZONA							
1. Tucson			X	X			
2. CALIFORNIA (State law)			X				
3. Alameda County			X				
4. Berkeley			X	X		X	
5. Carson			X				
6. Compton		X	X			X	
7. East Palo Alto			X				
8. Oakland			X	X	X	X	N, C, A
9. Pasadena			X				
10. Richmond		X	X	X			
11. San Francisco	X[1]	X[1]	X		X	X	N, C, A
12. Santa Clara County			X				
13. COLORADO (State law)			X			X	A
14. CONNECTICUT (State law)			X			X	N, C
15. Bridgeport			X			X	N, A
16. Hartford		X	X	X	X	X	N, A
17. New Haven		X	X		X	X	N, C, A
18. Norwich			X		X		
19. DELAWARE (State law)			X			X	
20. New Castle County			X				
21. Wilmington			X		X		
FLORIDA							
22. Clearwater			X			X	
23. Jacksonville			X		X	X	N, A
24. Pompano Beach			X				N, C
25. St. Petersburg			X				
26. Tampa			X		X		N
27. Tallahassee			X			X	
28. GEORGIA (State policy)			X				
29. Albany			X			X	N, A
30. Atlanta			X				N, C
31. Fulton County			X	X		X	N, C
32. Macon-Bibb County			X				N, C
33. HAWAII (State law)	X	X	X		X	X	A
34. ILLINOIS (State law)	X	X	X				A

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint (A)
	Private	Vendors	Public				
35. Chicago	X	X	X		X	X	A
INDIANA							
36. Indianapolis		X	X			X	
KANSAS							
37. Kansas City			X			X	
KENTUCKY							
38. Louisville		X	X			X	
LOUISIANA							
39. New Orleans			X	X			C
40. MARYLAND (State law)			X				
41. Baltimore	X	X	X	X	X	X	A
42. Montgomery County	X	X	X				N, C, A
43. Prince George's County	X	X	X			X	N, C, A
44. MASSACHUSETTS (State law)	X	X	X				N, C
45. Boston		X	X	X			N, A
46. Cambridge		X	X			X	N, C, A
47. Worcester		X	X	X		X	N, C, A
MICHIGAN							
48. Ann Arbor			X		X	X	
49. Detroit		X	X				
50. East Lansing			X				
51. Genesee County			X		X		
52. Kalamazoo			X				
53. Muskegon County			X				
54. MINNESOTA (State law)	X	X	X		X	X[2]	N[2]
55. Minneapolis			X	X		X	
56. St. Paul			X	X		X	
MISSOURI							
57. Columbia	X	X	X		X		A
58. Kansas City			X		X	X	
59. St. Louis			X	X			
60. NEBRASKA (State law)			X				
61. NEW JERSEY (State law)	X	X	X				A
62. Atlantic City		X	X		X	X	N
63. Newark	X	X	X	X	X	X	N, C
64. NEW MEXICO (State law)			X			X	N

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint (A)
	Private	Vendors	Public				
NEW YORK							
65. Buffalo	X	X	X		X		
66. New York		X[3]	X				
67. Rochester	X	X	X		X		
68. Syracuse		X	X		X	X	N, C, A
69. Ulster County			X				
70. Yonkers			X				
NORTH CAROLINA							
71. Carrboro			X			X	
72. Charlotte			X				
73. Cumberland County				X			
74. Durham City				X		X	
75. Durham County				X		X	N, C, A
76. Spring Lake				X			N
OHIO							
77. Akron			X			X	A
78. Canton			X		X	X	
79. Cincinnati			X			X	N, C, A
80. Cleveland			X				
81. Cuyahoga County			X		X	X	
82. Dayton			X			X	N
83. Hamilton County			X				
84. Massillon			X			X	
85. Summit County			X	X		X	
86. Youngstown			X		X		
OREGON							
87. Multnomah County			X			X	
88. Portland			X				
PENNSYLVANIA							
89. Allegheny County			X	X	X	X	
90. Lancaster			X		X	X	
91. Philadelphia	X	X	X		X		A
92. Pittsburgh		X	X		X		N
93. RHODE ISLAND (State law)	X	X	X				
94. Providence			X				
TENNESSEE							
95. Hamilton County							
96. Memphis			X			X	N, C, A

Location	Employers:			Background checks only for some positions	Background check only after conditional offer or finalists selected	EEOC criteria	Notice of denial (N); Copy of record (C); Appeal or complaint (A)
	Private	Vendors	Public				
TEXAS							
97. Austin			X	X			
98. Travis County			X	X	X	X	
99. VIRGINIA (state policy)			X			X	
100. Alexandria			X		X		
101. Arlington County			X				
102. Charlottesville			X				
103. Danville			X		X	X	
104. Fairfax County			X		X		
105. Fredericksburg			X		X	X	N
106. Newport News			X			X	
107. Norfolk			X			X	
108. Petersburg			X				
109. Portsmouth			X				
110. Richmond			X				
111. Roanoke			X				
112. Virginia Beach			X		X	X	
WASHINGTON							
113. Seattle	X	X	X	X			N, C, A
114. Spokane			X				
115. Washington D.C.	X	X	X		X	X	A
WISCONSIN							
116. Dane County			X				
117. Milwaukee County			X				

[1] San Francisco Fair Chance Ordinance applies to private employers, not the City and County. The City and County has a separate policy.
[2] Applies only to public employers.
[3] Policies apply to contractors doing business with the Human Services Department.