

“BAN THE BOX”

EMPLOYMENT LAW SUMMARY

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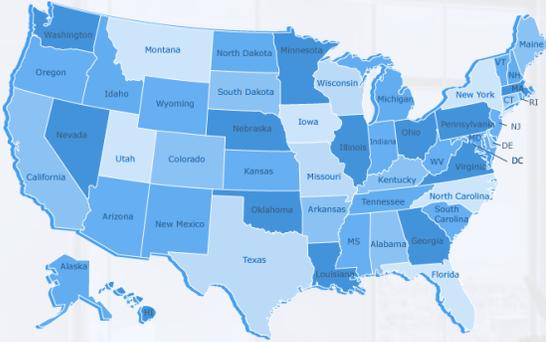
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WHAT IS “BAN THE BOX”?

Ban the box is meant to be a “fair chance” for applicants with a previous conviction.

Removing conviction inquiries from job applications is a policy change that is meant to ease hiring barriers and create a fair opportunity for applicants. Known as “ban the box,” this change allows employers to focus on applicants qualifications.

31 STATES



31 states have adopted statewide laws or policies:

Arizona (2017), California (2017, 2013, 2010), Colorado (2012), Connecticut (2016, 2010), Delaware (2014), Georgia (2015), Hawaii (1998), Illinois (2014, 2013), Indiana (2017), Kansas (2018), Kentucky (2017), Louisiana (2016), Maryland (2013), Massachusetts (2010), Michigan (2018), Minnesota (2013, 2009), Missouri (2016), Nebraska (2014), Nevada (2017), New Jersey (2014), New Mexico (2010), New York (2015), Ohio (2015), Oklahoma (2016), Oregon (2015), Pennsylvania (2017), Rhode Island (2013), Tennessee (2016), Utah (2017), Vermont (2016, 2015), Virginia (2015), Washington (2018), and Wisconsin (2016).

Three-fourths of the U.S. population lives in a jurisdiction that has banned the box.

Tallying up the population of the states and localities that have adopted a fair-chance law or policy, now over 249 million people in the United States— approximately three-fourths of the U.S. population—live in a jurisdiction with some form of ban-the-box or fair-chance policy.

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REMOVING JOB BARRIERS IS GOOD FOR BUSINESS

**\$78-\$87
BILLION
IN LOSSES**



The reduced output of goods and services of people with felonies and prison records is estimated at **\$78 to \$87 billion** in losses to the nation's economy in one year. Allowing people to work increases their tax contributions, boosts sales tax, and saves money by keeping people out of the criminal justice system.

SO, WHAT'S THE SOLUTION?

ADOPT **"FAIR-CHANCE" POLICIES**

WITH **"FAIR-CHANCE" POLICIES...**

An employer is not required to hire an individual under a fair-chance policy. In other words, the employer retains the discretion to **hire the most qualified candidate**. Some policies seek to limit background check inquiries to only those positions deemed sensitive or to limit the availability of certain criminal record information to only recent convictions.



10 BEST PRACTICES: FOR EMPLOYERS

- Avoid stigmatizing language
- A background check may be unnecessary for a job position
- Avoid blanket exclusions & instead include an equal opportunity statement on job applications
- If a background check is necessary, only consider those convictions with a direct relationship to job duties and responsibilities and consider the length of time since the offense
- Remove inquiries into convictions from the job application
- Remove self-reporting questions and conviction history
- If a job applicant is rejected because of a record, inform the applicant
- Provide the applicant the right and sufficient time to submit evidence of mitigation or rehabilitation
- Expand the fair chance policy to private employers
- Combine data collection and effective enforcement

**All information obtained from National Employment Law Project*