



NATIONAL  
EMPLOYMENT  
LAW  
PROJECT

GUIDE



Fair Chance Employment

## Ban the Box

U.S. Cities, Counties, and States Adopt Fair-Chance Policies to Advance Employment Opportunities for People with Past Convictions

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### **About NELP**

For over 50 years, the National Employment Law Project (NELP) 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](http://www.nelp.org).

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# Introduction

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Nationwide, 37 states and over 150 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 conviction or arrest record. Borne out of the work of [All of Us or None](#), these policies provide applicants a fair chance at employment by removing conviction and arrest history questions from job applications and delaying background checks until later in the hiring process.

This resource guide documents the numerous [states](#) and [localities](#) that have taken steps to remove barriers to employment for qualified workers with records. A [chart](#) summarizing all state and local policies across the nation appears at the end of this guide.

Support for fair-chance policies has gained momentum in recent years, with policies adopted at not only the state and local levels, but also by the federal government:

- In November 2015, President Obama [endorsed](#) ban-the-box by directing federal agencies to delay inquiries into job applicants’ records until later in the hiring process.
- In December 2019, the “Fair Chance to Compete for Jobs Act of 2019” became law as part of the National Defense Authorization Act. Effective December 2021, the law will prohibit most federal agencies and contractors from requesting information on a job applicant’s arrest and conviction record until after conditionally offering the job to the applicant. For more information, see NELP’s [press release](#) and [FAQ fact sheet](#).

Representing nearly every region of the country, a total of 37 states have adopted statewide laws or policies applicable to public-sector employment—Arizona (2017), California (2017, 2013, 2010), Colorado (2019, 2012), Connecticut (2016, 2010), Delaware (2014), Georgia (2015), Hawai’i (1998), Illinois (2014, 2013), Indiana (2017), Kansas (2018), Kentucky (2017), Louisiana (2016), Maine (2021, 2019), Maryland (2020, 2013), Massachusetts (2010), Michigan (2018), Minnesota (2013, 2009), Missouri (2016), Nebraska (2014), Nevada (2017), New Hampshire (2020), New Jersey (2014), New Mexico (2019, 2010), New York (2015), North Carolina (2020), North Dakota (2019), Ohio (2015), Oklahoma (2016), Oregon (2015), Pennsylvania (2017), Rhode Island (2013), Tennessee (2016), Utah (2017), Vermont (2016, 2015), Virginia (2020, 2015), Washington (2018), and Wisconsin (2016).

The federal government embraced “ban the box” for federal agencies and contractors.

37 states, the District of Columbia, and over 150 cities and counties have adopted a ban-the-box (“fair chance”) policy.

15 states and 22 cities and counties extend their fair-chance laws to private employment.

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Extending fair chance policies beyond government employment to the [private sector](#) is a crucial step toward ensuring that people with records have a fair chance at employment in the majority of jobs. Numerous states and localities have taken further action by banning the box for government contractors and private employers.

- Fifteen states have mandated the removal of conviction history questions from job applications for private employers—California, Colorado, Connecticut, Hawai'i, Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New Mexico, Oregon, Rhode Island, Vermont, and Washington.
- The District of Columbia and 37 cities and counties extend their fair-chance hiring policies to government contractors (as will the [federal government in 2021](#)).
- Twenty-two of those localities also extend their local fair-chance hiring laws to the private employers within their jurisdictions—Austin, Baltimore, Buffalo, Chicago, Columbia (MO), Desoto (TX), the District of Columbia, Kansas City (MO), Los Angeles, Montgomery County (MD), New York City, Philadelphia, Portland (OR), Prince George's County (MD), Rochester, San Francisco, Seattle, Spokane (WA), St. Louis, Waterloo (IA), Suffolk County (NY), and Westchester County (NY).

More jurisdictions are also adopting policies that do more than “ban the box” by removing the conviction history question from job applications. Many incorporate the best practices set forth in the [2012 U.S. Equal Employment Opportunity Commission \(EEOC\) guidance](#) on the use of arrest and conviction records in employment decisions. Others adopt innovative strategies such as [targeted hiring](#). Robust [fair-chance hiring laws](#) delay records-related inquiries until after a [conditional offer](#) of employment and ensure a fairer decision-making process by requiring employers to consider the job-relatedness of a conviction, time passed, and mitigating circumstances or rehabilitation evidence.

Four-fifths 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, over 267 million people in the United States—more than four-fifths of the U.S. population—live in a jurisdiction with some form of ban-the-box or fair-chance policy.

Fair-chance policies benefit everyone, not just people with records, because they're good for families, local communities, and the overall economy. At an [event](#) in Oakland for employers to discuss reentry issues, one business owner spoke to the personal benefit of 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.”

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Are you looking to support a state or local effort to enact or strengthen a fair-chance policy? Check out NELP's [Fair Chance – Ban the Box Toolkit](#), which provides a step-by-step guide for advocates desiring to launch a ban-the-box campaign. Embedded in the toolkit is a range of resources to help draft a law, build your network, support your outreach, and develop your media plan. Here are just a few of those NELP resources:

- A [one-page factsheet](#) explains the basics of the policy.
- A [Best Practices and Model Policies guide](#) provides model laws.
- The [Research Summary](#) is a compilation of supportive studies and statistics.

Please visit [NELP's "fair chance licensing" webpage](#) for information on the related topic of unfair occupational licensing restrictions that can bar people with records from entire professions before they submit a single job application.

For additional information, contact senior staff attorney Beth Avery at [bavery@nelp.org](mailto:bavery@nelp.org)

# List of All Ban-the-Box & Fair-Chance Laws and Policies by State

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## **ALABAMA**

[BIRMINGHAM, AL](#)

## **ARIZONA (state policy)**

[GLENDALE, AZ](#)

[MARICOPA COUNTY, AZ](#)

[PHOENIX, AZ](#)

[PIMA COUNTY, AZ](#)

[TEMPE, AZ](#)

[TUCSON, AZ](#)

## **ARKANSAS**

[PULASKI COUNTY, AR](#)

## **CALIFORNIA (state law)**

[ALAMEDA COUNTY, CA](#)

[BERKELEY, CA](#)

[CARSON, CA](#)

[COMPTON, CA](#)

[EAST PALO ALTO, CA](#)

[LOS ANGELES, CA](#)

[OAKLAND, CA](#)

[PASADENA, CA](#)

[RICHMOND, CA](#)

[SACRAMENTO, CA](#)

[SAN FRANCISCO, CA](#)

[SANTA CLARA COUNTY, CA](#)

## **COLORADO (state law)**

[DENVER, CO](#)

## **CONNECTICUT (state law)**

[BRIDGEPORT, CT](#)

[HARTFORD, CT](#)

[NEW HAVEN, CT](#)

[NORWICH, CT](#)

## **DELAWARE (state law)**

[NEW CASTLE COUNTY, DE](#)

[WILMINGTON, DE](#)

## **DISTRICT OF COLUMBIA**

**(WASHINGTON D.C.) (law)**

## **FLORIDA**

[BROWARD COUNTY, FL](#)

[CLEARWATER, FL](#)

[DAYTONA BEACH, FL](#)

[FORT MYERS, FL](#)

[GAINESVILLE, FL](#)

[JACKSONVILLE, FL](#)

[MIAMI-DADE COUNTY, FL](#)

[ORLANDO, FL](#)

[POMPANO BEACH, FL](#)

[ST. PETERSBURG, FL](#)

[TAMARAC, FL](#)

[TAMPA, FL](#)

[TALLAHASSEE, FL](#)

[SARASOTA, FL](#)

## **GEORGIA (state policy)**

[ALBANY, GA](#)

[ATLANTA, GA](#)

[AUGUSTA, GA](#)

[CHEROKEE COUNTY, GA](#)

[COLUMBUS, GA](#)

[FULTON COUNTY, GA](#)

[MACON-BIBB COUNTY, GA](#)

[SAVANNAH, GA](#)

[SOUTH FULTON, GA](#)

## **HAWAII (state law)**

## **IOWA**

[JOHNSON COUNTY, IA](#)

[LINN COUNTY, IA](#)

[WATERLOO, IA](#)

## **ILLINOIS (state law)**

[CHICAGO, IL](#)

## **INDIANA (state policy)**

[INDIANAPOLIS, IN](#)

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**KANSAS (state policy)**

[JOHNSON COUNTY, KS](#)  
[KANSAS CITY, KS](#)  
[TOPEKA, KS](#)

**KENTUCKY (state policy)**

[LOUISVILLE, KY](#)

**LOUISIANA (state law)**

[BATON ROUGE, LA](#)  
[NEW ORLEANS, LA](#)

**MARYLAND (state law)**

[BALTIMORE, MD](#)  
[MONTGOMERY COUNTY, MD](#)  
[PRINCE GEORGE'S COUNTY, MD](#)

**MAINE (state law)**

**MASSACHUSETTS (state law)**

[BOSTON, MA](#)  
[CAMBRIDGE, MA](#)  
[WORCESTER, MA](#)

**MICHIGAN (state policy)**

[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 (state policy)**

[COLUMBIA, MO](#)  
[JACKSON COUNTY, MO](#)  
[KANSAS CITY, MO](#)  
[ST. LOUIS, MO](#)

**NEBRASKA (state law)**

**NEVADA (state law)**

[NORTH LAS VEGAS](#)

**NEW HAMPSHIRE (state law)**

**NEW JERSEY (state law)**

[ATLANTIC CITY, NJ](#)  
[NEWARK, NJ](#)

**NEW MEXICO (state law)**

**NEW YORK (state policy)**

[ALBANY COUNTY, NY](#)  
[BUFFALO, NY](#)  
[DUTCHESS COUNTY, NY](#)  
[ITHACA, NY](#)  
[KINGSTON, NY](#)  
[NEWBURGH, NY](#)  
[NEW YORK, NY](#)  
[ROCHESTER, NY](#)  
[SUFFOLK COUNTY, NY](#)  
[SYRACUSE, NY](#)  
[TOMPKINS COUNTY, NY](#)  
[ULSTER COUNTY, NY](#)  
[WESTCHESTER COUNTY, NY](#)  
[WOODSTOCK, NY](#)  
[YONKERS, NY](#)

**NORTH CAROLINA (state policy)**

[ASHEVILLE, NC](#)  
[BUNCOMBE COUNTY, NC](#)  
[CARRBORO, NC](#)  
[CHARLOTTE, NC](#)  
[CUMBERLAND COUNTY, NC](#)  
[DURHAM CITY, NC](#)  
[DURHAM COUNTY, NC](#)  
[FORSYTH COUNTY, NC](#)  
[MECKLENBURG COUNTY, NC](#)  
[NEW BERN, NC](#)  
[NEW HANOVER COUNTY, NC](#)  
[SPRING LAKE, NC](#)  
[WAKE COUNTY, NC](#)  
[WILMINGTON, NC](#)

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[WINSTON-SALEM, NC](#)

**NORTH DAKOTA (state law)**

**OHIO (state law)**

[ALLIANCE, OH](#)  
[AKRON, OH](#)  
[CANTON, OH](#)  
[CINCINNATI, OH](#)  
[CLEVELAND, OH](#)  
[CUYAHOGA COUNTY, OH](#)  
[DAYTON, OH](#)  
[FRANKLIN COUNTY, OH](#)  
[HAMILTON COUNTY, OH](#)  
[LUCAS COUNTY, OH](#)  
[MASSILLON, OH](#)  
[NEWARK, OH](#)  
[STARK COUNTY, OH](#)  
[SUMMIT COUNTY, OH](#)  
[WARREN, OH](#)  
[YOUNGSTOWN, OH](#)

**OKLAHOMA (state policy)**

**OREGON (state law)**

[MULTNOMAH COUNTY, OR](#)  
[PORTLAND, OR](#)

**PENNSYLVANIA (state policy)**

[ALLEGHENY COUNTY, PA](#)  
[ALLENTOWN, PA](#)  
[BEAVER COUNTY, PA](#)  
[BETHLEHEM, PA](#)  
[LANCASTER, PA](#)  
[NORTHAMPTON COUNTY, PA](#)  
[PHILADELPHIA, PA](#)  
[PITTSBURGH, PA](#)  
[READING, PA](#)  
[YORK, PA](#)

**RHODE ISLAND (state law)**

[PROVIDENCE, RI](#)

**SOUTH CAROLINA**

[AIKEN, SC](#)  
[COLUMBIA, SC](#)  
[RICHLAND COUNTY, SC](#)  
[YORK COUNTY, SC](#)

**TENNESSEE (state law)**

[CHATTANOOGA, TN](#)  
[HAMILTON COUNTY, TN](#)  
[MEMPHIS, TN](#)  
[NASHVILLE, TN](#)

**TEXAS**

[AUSTIN, TX](#)  
[DALLAS COUNTY, TX](#)  
[DESOTO, TX](#)  
[SAN ANTONIO, TX](#)  
[TRAVIS COUNTY, TX](#)

**UTAH (state law)**

**VERMONT (state law)**

**VIRGINIA (state law)**

[ALEXANDRIA, VA](#)  
[ARLINGTON COUNTY, VA](#)  
[BLACKSBURG, VA](#)  
[CHARLOTTESVILLE, VA](#)  
[DANVILLE, VA](#)  
[FAIRFAX COUNTY, VA](#)  
[FREDERICKSBURG, VA](#)  
[HARRISONBURG, VA](#)  
[HENRY COUNTY, VA](#)  
[MONTGOMERY COUNTY, VA](#)  
[NEWPORT NEWS, VA](#)  
[NORFOLK, VA](#)  
[PETERSBURG, VA](#)  
[PORTSMOUTH, VA](#)  
[PRINCE WILLIAM COUNTY, VA](#)  
[RICHMOND, VA](#)  
[ROANOKE, VA](#)  
[STAUNTON, VA](#)  
[VIRGINIA BEACH, VA](#)

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**WASHINGTON (state law)**

[PIERCE COUNTY, WA](#)

[SEATTLE, WA](#)

[SPOKANE, WA](#)

[SPOKANE COUNTY, WA](#)

**WISCONSIN (state law)**

[DANE COUNTY, WI](#)

[MADISON, WI](#)

[MILWAUKEE, WI](#)

[MILWAUKEE COUNTY, WI](#)

# 37 Ban-the-Box & Fair-Chance States

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(Listed in alphabetical order.)

1. **ARIZONA EXECUTIVE ORDER (2017) (APPLIES TO EMPLOYMENT IN THE EXECUTIVE BRANCH)**

On November 6, 2017, Governor Doug Ducey (R) issued [Executive Order 2017-07](#), which prohibits certain state agencies from inquiring into an applicant’s conviction or arrest history until after submission of a job application and an initial interview. Exceptions exist, however, for positions for which state or federal law prohibits a person from holding the job because of a past offense. The order also clarifies that convictions of certain crimes may preclude an applicant from holding certain positions. By July 1, 2018, the Department of Administration and Office of Economic Opportunity shall recommend how to measure the success of the executive order.

**Commentary:** When signing the order, Governor Ducey stated, “All Arizonans—no matter their background or past mistakes—deserve the chance to make a living and a better life for themselves and their families. If you served your time and paid your debt to society, you should have the opportunity at a real second chance. This is not only right, it will mean more people with jobs, and less people returning to prison.”

2. **CALIFORNIA ASSEMBLY BILL 1008 (2017) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)**

[Signed on October 14, 2017](#) by Governor Edmund “Jerry” Brown (D), [AB 1008 \(the “California Fair Chance Act”\)](#) requires public- and private-sector employers to delay any conviction background check as well as any questions about or consideration of a job applicant’s conviction history until after the employer extends a conditional offer of employment to the applicant. When reviewing any conviction history, the law requires employers to conduct an “individualized inquiry” by considering at least the amount of time elapsed since the conviction, the nature of the conviction, and whether the conviction is directly job related (i.e., the [EEOC factors](#)). The law also requires written preliminary notice to the job applicant of the employer’s intent to rescind the conditional job offer; time for the applicant to respond with evidence of inaccuracies in the record, rehabilitation, or mitigating circumstances; and final written notice rescinding the job offer. With limited exceptions, AB 1008 applies to private and public employers with at least five employees. [Implementing regulations](#) were finalized in 2020 and take effect October 1, 2020.

The bill was sponsored by the [National Employment Law Project](#), [Legal Services for Prisoners with Children](#), [All of Us or None](#), and the [Time for Change Foundation](#). The bill was introduced by Asm. Kevin McCarty (D). For more information, see the [press release](#) and [worker](#) and [employer](#) factsheets issued by the sponsoring organizations.

**Commentary:** AB 1008 (2017) replaced [AB 218 \(2013\)](#), a law signed by Governor Brown that required government employers to remove conviction inquiries from job applications and delay conviction background checks until after the agency determined

California’s fair-chance hiring law remains the strongest such state law applicable to private-sector employment.

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an applicant satisfied the “minimum employment qualifications” for the position. The law applied to state agencies, cities, counties, and special districts. AB 218 was initially introduced in 2012 as AB 1831. Sponsoring organizations included NELP, [Legal Services for Prisoners with Children](#), [All of Us or None](#), and [PICO California](#). More than 100 organizations—spanning labor, interfaith, reentry, civil rights, employment, criminal justice, and others groups—formed a coalition in support of 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](#). The statute became operative on July 1, 2014. 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](#).

Before AB 218, the administration of Governor Arnold Schwarzenegger (R) adopted a policy in 2010 that removed any conviction question from state job applications.

In addition to these ban-the-box policies, California Labor Code Section 432.7 prohibits public and private employers from inquiring into, or basing a hiring decision on, any arrest that did not result in conviction (with limited exceptions), diversion program participation, sealed or expunged (i.e., “judicially dismissed”) convictions, and [juvenile court records](#).

The Fair Employment and Housing Council (FEHC) of the California Department of Fair Employment and Housing (DFEH) [issued regulations](#) pertaining to the use of conviction or arrest history in employment decisions, effective July 1, 2017. The regulations, which apply to public and private employers, detail how consideration of criminal history may violate the California Fair Employment and Housing Act and other laws, explain what employers and employees need to demonstrate to show compliance or a violation, and require an individualized assessment—in line with the EEOC factors—when the applicant is a member of a protected class that is adversely impacted by consideration of criminal history. Following the enactment of the California Fair Chance Act in 2017, the FEHC issued [updated regulations](#), which are effective October 1, 2020.

**3. COLORADO HOUSE BILL 1025 (2019) (APPLIES TO PRIVATE EMPLOYMENT); HOUSE BILL 1263 (2012) (APPLIES TO STATE EMPLOYMENT)**

On May 28, 2019, Governor Jared Polis (D) signed [HB 19-1025](#), supplementing the state’s public-sector law (Colo. Rev. Stat. § 24-5-101, summarized below) and making Colorado the thirteenth state to ban the box for private-sector employment. The Colorado Chance to Compete Act (Colo. Rev. Stat. § 8-2-130) applies to most jobs with private employers, except for positions for which the employer is prohibited by law from hiring someone with a specific conviction history or required by law to conduct a background check as well as positions designated by the employer as participating in a government program to encourage employment of people with records. The law bars employers from stating in a job advertisement or on an application form that a person with a record may not apply as well as from inquiring into or requiring disclosure of an

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applicant’s record on an initial application. An employer may, however, obtain a “publicly available criminal background report” at any time. Enforcement of the law is delegated to the Colorado Department of Labor and Employment, which may investigate complaints received within one year after the alleged violation and impose civil penalties, which increase for subsequent violations. In August 2019, the department issued [rules to implement the law \(7 CCR 1103-9\)](#). The law takes full effect on a staggered schedule, requiring employers with eleven or more employees to ban the box beginning September 1, 2019 and all other employers to do so starting September 1, 2021.

Signed into law on May 29, 2012 by Governor John Hickenlooper (D), [HB 12-1263](#) (Colo. Rev. Stat. § 24-5-101) prohibits state 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, the 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. An agency may not disqualify an applicant based on an expunged, sealed, or pardoned conviction or charges dismissed pursuant to a deferred judgment, unless the agency first considers the four factors listed above. This law does not apply to certain public safety or correction-related jobs. With some exceptions, the law prohibits agencies from issuing job advertisements that include blanket bans stating that a person with a criminal record may not apply. The [Colorado Criminal Justice Reform Coalition](#) supported the legislation. Introduced by Rep. Claire Levy (D), see [bill information](#). The public-sector law took effect on August 8, 2012.

**Commentary:** Prior to the 2012 bill, Colorado state employment applications omitted any inquiries about applicants’ convictions or arrests. Thus, unlike the typical fair hiring legislation, Colo. Rev. Stat. § 24-5-101 does not include language that requires public employers to remove conviction inquiries from their applications.

#### **4. CONNECTICUT HOUSE BILL 5237 (2016) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)**

Signed on June 1, 2016 by Governor Dannel P. Malloy (D), [HB 5237](#) prohibits any employer—public or private—from inquiring about arrest and conviction history information on an initial employment application. Employers may not inquire about any erased records at any time. Prior convictions for which the prospective employee received a provisional pardon or certificate of rehabilitation cannot be the sole basis for discharge. The law also established a fair chance employment task force. The law took effect on January 1, 2017.

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**Commentary:** Prior legislation, [HB 5207](#), took effect in 2010 and required state employers to wait until an applicant had been deemed otherwise qualified for the position before obtaining a criminal background report.

5. **DELAWARE HOUSE BILL 167 (2014) (APPLIES TO PUBLIC EMPLOYMENT)**

Signed on May 8, 2014 by Governor Jack A. Markell (D), [HB 167](#), applies to the state, its agencies, and political subdivisions, such as cities and counties. This bill prohibits public employers 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 the offense; (2) time passed; and (3) nature of the job. Police forces and other positions with a statutory mandate for background checks are exempted. Governor Markell [endorsed](#) the bill in his 2014 State of the State address. The bill was introduced by Rep. James (“J.J.”) Johnson (D), see [bill information](#). See [NELP’s press release](#). The law took effect on November 4, 2014 (180 days after enactment).

**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.

6. **GEORGIA EXECUTIVE ORDER (2015) (APPLIES TO STATE EMPLOYMENT)**

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.

7. **HAWAII HOUSE BILL 3528 (1998) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)**

On July 15, 1998, Hawai’i became the first state to adopt a fair-chance law applicable 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

Georgia was the first state in the Deep South to ban the box for public-sector hiring.

In 1998, Hawai’i became the first state to delay conviction history inquiries; the law applies to private employers.

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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 the passage of 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:** Not only was Hawai’i the first state to adopt a law delaying conviction history inquiries, but the state’s law remains one of the strongest in the United States. NELP recommends Hawai’i’s approach of 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.

**8. ILLINOIS HOUSE BILL 5701 (2014) (APPLIES TO PRIVATE EMPLOYERS); EXECUTIVE ORDER (2013) (APPLIES TO STATE EMPLOYMENT)**

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 (D) on July 19, 2014. Introduced by Rep. Rita Mayfield (D), see [bill information](#). See [NELP’s press release](#). The law took effect on January 1, 2015.

**Commentary:** The 2014 law applies to only private employers because Governor 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.

In 2021, the legislature amended the [Illinois Human Rights Act](#) to make it a “civil rights violation” for any employer to take any adverse employment action based on conviction history unless either “there is a substantial relationship between one or more of the previous criminal offenses and the employment sought or held” or the employment “would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.” Pursuant to [SB 1480 \(2021\)](#), employers must consider factors including whether the job creates an opportunity for a similar offense to recur, the nature of the offense, how long ago it occurred, the individual’s age at that time, and any evidence of rehabilitation. Employers must provide written notice to the applicant and an opportunity for the applicant to respond before denying a job or taking other adverse employment action. The amendment, championed by the Illinois Legislative Black Caucus, largely mirrors Article 23-A of New York Correction Law (described

In 2021, Illinois became just the second state (after New York) to extend antidiscrimination rights to workers with conviction records.

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below). Governor JB Pritzker (D) [signed the bill](#) on March 23, 2021, and the law took effect immediately.

**9. INDIANA EXECUTIVE ORDER (2017) (APPLIES TO STATE EMPLOYMENT IN THE EXECUTIVE BRANCH)**

On June 29, 2017, Governor Eric J. Holcomb (R) issued [Executive Order 17-15](#), requiring the removal of “questions regarding convictions and criminal history” on job applications for positions within the state’s executive branch. As the executive order states, background checks, “including information pertaining to a person’s criminal history, typically will be conducted at a later point in the application and hiring process.” The executive order became effective on July 1, 2017.

**Commentary:** Governor Holcomb also signed [Senate Bill 312](#) into law in April 2017. This restrictive law prohibits local governments from adopting legislation preventing employers from “obtaining or using criminal history information during the hiring process to the extent allowed by federal or state law, rules, or regulations.”

**10. KANSAS EXECUTIVE ORDER (2018) (APPLIES TO STATE EMPLOYMENT IN EXECUTIVE BRANCH)**

On May 2, 2018, Governor Jeff Colyer (R) issued an executive order to ban the box from all executive branch hiring. [Executive Order 18-12](#) instructs all departments, agencies, boards, and commissions under the governor’s jurisdiction to ensure that job applicants are not asked about their conviction or arrest records “during the initial stage of a state employment application.” The governor further ordered that a conviction record shall not automatically disqualify an applicant from being interviewed. The order includes an exception for positions for which an applicant would be ineligible because of a certain conviction record; such positions are excluded from the prohibitions against conviction record inquiries on the initial application and automatic disqualifications.

**Commentary:** In a [press release](#), Governor Colyer explained his rationale for the policy change: “Studies have shown that gainful employment is a major factor in reducing recidivism rate[s] . . . This is simply about treating people as individuals and allowing them to explain their circumstances at a later point in the process.”

**11. KENTUCKY EXECUTIVE ORDER (2017) (APPLIES TO STATE EMPLOYMENT IN EXECUTIVE BRANCH)**

On February 1, 2017, Governor Matt Bevin (R) signed an [executive order](#) removing “questions regarding convictions and criminal history” from applications for jobs within the state executive branch. Instead, such inquiries must be delayed until the state agency contacts the applicant to offer an interview for the position. The executive order took effect immediately upon signing. See Governor Bevin’s [press release](#).

**Commentary:** Governor Bevin cited the need for “leadership by example” upon signing the order and challenged private businesses to remove conviction inquiries from their job applications. “It’s fair, it’s appropriate, it’s even-handed, and it’s what we’re going to

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do here in Kentucky. And it is my hope, my sincere hope, that many of our employers in this state will consider doing the same thing.”

**12. LOUISIANA HOUSE BILL 266 (2016) (APPLIES TO SOME STATE EMPLOYMENT)**

Signed on June 8, 2016 by Governor John Bel Edwards (D), [HB 266, now Act 398](#), prohibits many state government employers from inquiring into an applicant’s criminal history until after the applicant has been given an opportunity to interview. If no interview is to take place, employers may not ask about an applicant’s record until after a conditional offer of employment is extended to that applicant. The law applies to only “unclassified” state positions and further exempts law enforcement, corrections, and other positions for which the law requires a background check. The bill was introduced by Reps. C. Denise Marcelle (D) and Patricia Haynes Smith (D). The law took effect on August 1, 2016. See [bill information](#).

On May 3, 2017, following a [public hearing](#), the State Civil Service Commission adopted [Civil Service Rule 22.4.1](#) prohibiting state employers from inquiring about job applicants’ felony history on application forms for positions in the classified service. Instead, state employers may inquire about an applicant’s record during an interview or after a conditional offer of employment. The policy makes an exception for positions for which a legal restriction prohibits hiring an applicant with a particular conviction history.

On June 16, 2021, Governor Edwards signed [HB 707, now Act 406](#), (originally introduced as HB 480), which imposes certain restrictions on private employers in the state. While it does not “ban the box” (i.e., delay record-related inquiries), this “fair chance” law requires fairer consideration of job applicant records. First, the law prohibits employers from requesting or considering records of arrests or charges that did not result in conviction. With regard to other types of criminal history records, the law requires employers to conduct an “individual assessment” of whether a record has a “direct and adverse relationship with the specific duties of the job.” As part of this assessment, an employer must consider (i) the nature and gravity of the offense, (ii) the time elapsed, and (iii) the nature of the job. Finally, upon written request from the applicant, employers must provide any background check information used during the hiring process. The law took effect on August 1, 2021.

**Commentary:** Louisiana was the first state in the Deep South to adopt a fair hiring policy via legislative action. The 2016 bill applied to only unclassified state employment, but a 2017 rule change extended the policy to classified state positions as well. The [campaign for the 2021 fair chance law](#) was led by grassroots organizing group Step Up Louisiana.

**13. MAINE LEGISLATIVE DOCUMENT 1167 (2021) (APPLIES TO PRIVATE EMPLOYMENT); LEGISLATIVE DOCUMENT 170 (2019) (APPLIES TO STATE EMPLOYMENT)**

On April 5, 2019, Governor Janet Mills (D) signed [L.D. 170](#), adding title 5, section 792 to the state code and prohibiting questions about criminal history on applications for state government jobs. The three-sentence law does not apply to employment with a political

In 2021, Maine became the 15<sup>th</sup> state to ban the box for private-sector employment.

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subdivision of the state (such as municipalities or counties), to positions in school administration, or to state government positions for which an applicant may be ineligible because of his or her record and the nature of the position. The law took effect on September 17, 2019.

On July 6, 2021, Governor Mills also signed [L.D. 1167](#), which prohibits private-sector employers and municipalities or political subdivisions of the state from inquiring about criminal history on their initial job application forms. The law further prohibits those employers from stating on initial applications or job advertisements that candidates with records will not be considered. Instead, such employers must wait until an interview or the applicant is determined otherwise qualified before asking about criminal history. The employer must also afford the applicant an opportunity to explain “the information and the circumstances regarding any convictions, including post-conviction rehabilitation.” The law carves out exceptions where federal or state law or regulation create prohibit an employer from hiring a person because of their conviction record (or create a presumptive disqualification), in which case the employer may ask on initial applications about the types of offenses creating the disqualification. Employers can face penalties of \$100 to \$500 for each violation of the law.

**Commentary:** Rep. Rachel Talbot Ross (D) (the first Black woman elected to the Maine legislature) first introduced private-sector ban-the-box legislation in 2019. In 2018, a bill almost identical to L.D. 179 ([L.D. 1566 \(2018\)](#)) cleared the Maine legislature with strong bipartisan support but was later [vetoed](#) by then-Governor Paul LePage (R).

**14. MARYLAND SENATE BILL 839/HOUSE BILL 994 (2020) (APPLIES TO PRIVATE EMPLOYMENT); SENATE BILL 4 (2013) (APPLIES TO STATE EMPLOYMENT)**

Effective January 2020, Maryland became the fourteenth state to ban the box for private employment. [SB 839/HB 994](#) amend Maryland law to prohibit employers with at least 15 full-time employees from requiring any job applicant to disclose a criminal record before an in-person interview. The law applies to temporary and contractual workers and expressly allows local jurisdictions to enact stronger ban-the-box laws and policies. The law makes exceptions for employers providing services to minors or vulnerable adults and does not prohibit employers from making record-related inquiries as required or expressly authorized by federal or state law. After investigating a complaint from an applicant or employee, the Maryland Commissioner of Labor and Industry may compel employer compliance and, for subsequent violations of the ban-the-box law, impose civil penalties of up to \$300 per employee/applicant.

[Signed on May 2, 2013](#) by Governor Martin O’Malley (D), [SB 4](#) added [Article 2-203, Chapter 160](#) to the state code and prohibits state government 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

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background check is required by law. Introduced by Sen. Catherine Pugh (D), see [bill information](#). The statute took effect on October 1, 2013.

**Commentary:** The Maryland legislature passed the private-sector ban-the-box bills (SB 839/HB 994) in the spring of 2019. However, on May 24, 2019, Governor Larry Hogan (R) [vetoed](#) those bills, asserting that ban the box would inconvenience employers and incorrectly claiming that it would reduce public safety. On January 30, 2020, both chambers of the legislature voted to override the veto. Originally set to take effect January 1, 2020, the law took effect immediately.

[Job Opportunities Task Force](#) helped lead a statewide coalition that advocated for ban the box in Maryland for several years. The public-sector law also required state employers to collect hiring data and report to the state legislature, but that section sunset on June 30, 2018.

#### 15. **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 are prohibited from using an initial written employment application to ask whether an applicant has been previously 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 (i) prior to being questioned about their history; and (ii) 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 contain only (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](#). The law took effect on November 4, 2010.

On April 13, 2018, Governor Charlie Baker (R) approved an amendment strengthening the state's ban the box law. Specifically, [S.2371 \(2018\)](#) or [Chapter 69 of the Acts of 2018](#) (i) decreases the misdemeanor lookback period to 3 years; (ii) prohibits employers from asking about sealed or expunged records; and (iii) requires employers to include on any application seeking criminal history information a statement making clear that individuals with sealed or expunged convictions can indicate that they do not have a record. The new law took effect on October 13, 2018.

**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.

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Michigan's  
policy was the  
8<sup>th</sup> fair-chance  
executive order  
signed by a  
Republican  
governor.

**16. MICHIGAN EXECUTIVE ORDER (2018) (APPLIES TO STATE EMPLOYMENT)**

On September 7, 2018, Governor Rick Snyder issued [Executive Directive 2018-4](#), regarding the “Use of Criminal History in State Employment Screening.” In short, it prohibits state departments and agencies from including questions about conviction or arrest history on job applications or job postings. The directive explains that, while an applicant’s record may be considered during the “interview stage” of the hiring process, “it should not be used as a reason to automatically exclude an applicant for consideration at the outset of the process.” The directive includes an exception for applications and postings for specific positions into which the department or agency is prohibited by federal or state law from hiring a candidate with a criminal history. Although not binding on the Michigan Department of State and the Michigan Department of the Attorney General, the directive encourages those departments to voluntarily comply with its terms. The directive takes effect October 1, 2018.

**Commentary:** Upon issuing the executive directive, Governor Snyder also [announced](#) that the Michigan Department of Licensing and Regulatory Affairs (LARA) had recently removed the question about past felony convictions from its applications for certain occupational and construction licenses. (According to its [website](#), the Licensing Division of LARA “regulates 15 occupational professions in Michigan under the Michigan Occupational Code.”)

In 2015, Governor Snyder approved a [new state law](#) that prohibits cities and counties from adopting ban-the-box ordinances that govern private employers.

**17. 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](#). The law took effect on January 1, 2014.

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**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.

**18. MISSOURI EXECUTIVE ORDER 16-04 (2016) (APPLIES TO PUBLIC EMPLOYMENT)**

Missouri Governor Jay Nixon (D) signed [Executive Order 16-04](#) on April 11, 2016, directing all departments, agencies and boards and commissions in the state’s executive branch to remove questions relating to an individual’s criminal history from initial employment applications. The order exempts applications for positions for which people with convictions would be automatically ineligible. Full implementation of the order was required within 90 days. See Governor Nixon’s [press release](#).

**Commentary:** When signing the order, Governor Nixon stated, “The action I’m taking today will ensure that state government continues to be a model for increasing economic opportunity, improving public safety, and strengthening communities. This is about fairness. Giving folks a fair chance to redeem their lives, support their families and make a contribution to their communities is a value we share as Missourians and as Americans.”

**19. 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. Sec. 12 became operative on July 18, 2014 (three months after the 2014 legislative session adjourned on April 17, 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](#).

**20. NEVADA ASSEMBLY BILL 384 (2017) (APPLIES TO PUBLIC EMPLOYMENT)**

After initially introducing a similar bill in 2015, Assemblyman Tyrone Thompson (D) reintroduced ban-the-box legislation in 2017 as [Assembly Bill 384](#). Governor Brian Sandoval (R) signed the bill into law on June 3, 2017. In the context of public employment, the law provides—with certain exceptions—that an employer may not

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consider the particular criminal history of an applicant until after (1) the final in-person interview or (2) a conditional offer of employment has been extended, whichever comes first. The law generally requires employers, when assessing applicants with criminal records, to consider EEOC-type factors, including evidence of the applicant’s rehabilitation. The law takes effect January 1, 2018. The law grants enforcement authority to the Nevada Equal Rights Commission (NERC), clarifying that failing to follow the procedural requirements of the act constitutes an unlawful employment practice about which any injured person may complain to NERC.

**Commentary:** This law—which will benefit the nearly 600,000 Nevadans with an arrest or conviction record—builds on the ban-the-box administrative policy approved by the City of North Las Vegas in 2016. Committee testimony and other input from a city representative helped to garner support for AB 384. Consulting with NERC while designing the enforcement provisions of the bill and obtaining committee testimony from a NERC representative also helped to reduce opposition to AB 384.

**21. NEW HAMPSHIRE HOUSE BILL 253 (2020) (APPLIES TO STATE EMPLOYMENT)**

On July 28, 2020, [House Bill 253](#) was signed into law, making New Hampshire the thirty-sixth state to ban the box. The law prohibits state government employers from asking about arrest or conviction history on job applications, instead requiring them to wait until an interview to make such inquiries. The reach of HB 253 is limited because it does not apply to jobs with political subdivisions of New Hampshire and includes several exceptions for employment with the state, including for positions with law enforcement, positions requiring a fidelity bond, and positions for which state or federal law or a contract prohibits hiring someone with a criminal history. The law is enforceable via civil penalties of up to \$2,500 imposed by the Commissioner of the New Hampshire Department of Labor. The law is effective as of September 22, 2020.

**Commentary:** In 2019, the New Hampshire legislature passed [SB 100](#), a ban-the-box bill that covered both private- and public-sector employment. However, Governor Chris Sununu (R) vetoed a record number of bills that year, including SB 100. While the Senate voted to override the veto, the House fell short of the necessary votes. Advocates tried again in 2020 with a bill limited to the public sector.

**22. 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” (OTCA). A heavily amended [A1999](#) was signed by Governor Chris Christie (R) on August 11, 2014. The final language is available [here](#). 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 in the Senate by Sens. Sandra B. Cunningham (D), M. Teresa Ruiz (D), and Raymond J. Lesniak (D) and introduced to

Republican  
Governor  
Christie signed  
New Jersey’s  
private-sector  
law in 2014.

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Assembly by Asms. Bonnie Watson Coleman (D), Jerry Green (D), and L. Grace Spencer (D), see [bill information](#). See [NELP's press release](#). The law took effect on March 1, 2015.

On December 7, 2015, the New Jersey Department of Labor and Workforce Development adopted implementing regulations ([N.J.A.C. 12:68](#)).

On December 20, 2017, Governor Christie signed [S3306](#), amending the state's ban-the-box law to expressly prohibit both employer inquiries into expunged offenses and online record searches during the initial employment application process.

**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.

**23. NEW MEXICO SENATE BILL 96 (2019) (APPLIES TO PRIVATE EMPLOYMENT); SENATE BILL 254 (2010) (APPLIES TO PUBLIC EMPLOYMENT)**

On March 8, 2010, Governor Bill Richardson (D) signed [S.B. 254](#) 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, which was introduced by Sen. Clinton D. Harden (R). See [bill information](#). The statute took effect on May 19, 2010.

On April 3, 2019, Governor Michelle Lujan Grisham (D) signed [S.B. 96](#) into law, adding requirements for private employers to existing law. The law prohibits a private employer from inquiring into an applicant's history of arrest or conviction on any written or electronic employment application. An employer may consider an applicant's conviction history "after review of the applicant's application and upon discussion of employment with the applicant." The law allows applicants to seek relief for violations by filing a complaint pursuant to the Human Rights Act, N.M. Stat. §§ 28-1-10 through 28-1-13. Because the Human Rights Act (§ 28-1-2(B)) defines "employer" as persons employing four or more persons, the private-sector fair chance law is apparently limited to employers of at least that size. The statute took effect June 14, 2019.

**Commentary:** The 2010 public-sector ban-the-box bill amended existing law, which permits a "moral turpitude" conviction that "directly relates" to employment to be the basis for denial. New Mexico law (§ 28-2-4) already required public boards or agencies

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to state in writing the reasons for the applicant’s denial and adhere to stated parameters for a presumption of rehabilitation.

S.B. 96 (2019) was not the New Mexico legislature’s first attempt to adopt a fair chance hiring law applicable to the private sector. In 2017, the legislature passed a similar bill, [S.B. 78](#), which Governor Susana Martinez (R) [vetoed](#).

**24. NEW YORK (2015) (APPLIES TO STATE EMPLOYMENT)**

On September 21, 2015, Governor Andrew Cuomo (D) announced that the state would “adopt ‘fair chance hiring’ for New York State agencies.” As explained in a [press release](#) about the policy change: “applicants for competitive positions with New York State agencies will not be required to discuss or disclose information about prior convictions until and unless the agency has interviewed the candidate and is interested in hiring him or her.”

**Commentary:** The fair-chance hiring policy was part of a package of recommendations made by the state’s Council on Community Re-Entry and Reintegration, created in July 2014 by the governor.

New York law prohibits employers from asking about, or acting adversely in response to, arrests or charges that did not result in conviction and are not currently pending. See N.Y. Exec. Law § 296, ¶ 16.

[Article 23-A of New York Correction Law](#) also makes it an “unlawful discriminatory practice” for any employer or licensing authority to deny employment or licensure, or take other adverse action, based on conviction history unless either “there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual” or the employment or licensure “would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.” N.Y. Correct. Law § 752; N.Y. Exec. Law § 296, ¶ 15. When [considering an applicant with a record](#), the public agency or private employer must consider several factors, including the job- or occupation-relatedness of the offense, how long ago the offense occurred and the individual’s age at that time, as well as any information produced by the individual related to rehabilitation and good conduct. N.Y. Correct. Law § 753.

**25. NORTH CAROLINA EXECUTIVE ORDER 158 (2020) (APPLIES TO STATE EMPLOYMENT)**

Governor Roy Cooper (D) signed [Executive Order No. 158](#) on August 18, 2020, prohibiting state agencies from inquiring about criminal history on employment applications. Such inquiries and background checks cannot occur until after the candidate’s initial job interview. The order also prohibits state agencies from considering certain types of records: expunged or pardoned convictions; convictions unrelated to the job; arrests not resulting in conviction; and dismissed charges or those for which an individual was found not guilty. The order prohibits agencies from basing

In 2020, North Carolina Governor Cooper became the 15<sup>th</sup> governor to ban the box via executive action.

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employment decisions on criminal history unless it is “demonstrably job-related and consistent with business necessity associated with the position.” Agencies must establish criteria for reviewing an applicant’s record that are informed by the 2012 EEOC Guidance. Agencies must also provide applicants with a copy of their record and a reasonable opportunity to respond with additional explanation or proof of rehabilitation. The executive order does not apply to positions for which a criminal conviction would legally preclude employment in that position. The Office of State Human Resources was ordered to collect data related to the order from agencies and report to the Governor’s Office and [State Reentry Council Collaborative](#) annually. The N.C. Department of Administration was ordered to study the feasibility of extending a fair chance hiring policy to state contractors and submit a report to the governor by January 31, 2021. The order took effect immediately and was required to be implemented by November 1, 2020.

**Commentary:** The governor’s order came on the heels of two related legislative victories—a [fair chance licensing law](#) in July 2019 and a [record-clearing law](#) in June 2020—both of which passed the legislature unanimously following campaigns led by the [North Carolina Second Chance Alliance](#).

**26. NORTH DAKOTA HOUSE BILL 1282 (2019) (APPLIES TO PUBLIC EMPLOYMENT)**

On March 13, 2019, Governor Doug Burgum (R) signed into law [HB 1282](#), which prohibits public employers—including cities, counties, and agencies—from inquiring about or considering a job applicant’s criminal history until that applicant has been “selected for an interview.” Covered employers may continue to notify potential applicants up front that particular criminal histories may disqualify applicants from particular positions, pursuant to a law or policy of the employer. The statute includes a broad exemption for any public employer required by law to check or consider the criminal history of job applicants. The statute also exempts the Department of Corrections and Rehabilitation. The law takes effect August 1, 2019, as provided in the state constitution.

**Commentary:** The [bill as originally introduced](#) made clear that the state labor commissioner had the power to investigate alleged violations of the statute. That provision, however, was amended out early in the legislative session, leaving enforcement authority uncertain. Introduced with bipartisan support in each chamber, this relatively modest bill easily cleared the House 81-11 and then the Senate 43-2.

**27. OHIO ADMINISTRATIVE POLICY HR-29 AND HOUSE BILL 56 (2015) (APPLIES TO PUBLIC EMPLOYMENT)**

As of June 1, 2015, the Ohio Department of Administrative Services removed questions about conviction and arrest history from the initial application for state employment per [HR-29](#). The Department also required that every hiring decision-maker weigh [factors](#) similar to those found in the EEOC guidance. On December 22, 2015, Governor John

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Kasich (R) signed into law [HB 56](#), which prohibits all public employers, including cities and counties, from including any questions about criminal records on initial applications for employment. The Ohio Fair Hiring Act also prohibits a felony conviction from being used against certain classes of public employees unless the conviction occurs while that person is employed in the civil service. The law took effect on March 23, 2016.

**Commentary:** The Ohio Fair Hiring Act arose from the recommendations and advocacy of a strong coalition led by the [Ohio Justice & Policy Center](#) and the [Ohio Organizing Collaborative](#).

**28. OKLAHOMA (2016) EXECUTIVE ORDER 2016-03 (APPLIES TO STATE EMPLOYMENT)**

On February 24, 2016 Governor Mary Fallin (R) signed an [executive order](#) directing all state agencies to remove questions regarding convictions and criminal history from job applications. The executive order does not apply to “sensitive government positions” and positions where a felony conviction would automatically disqualify an applicant. It is intended to allow for an opportunity for applicants to discuss their conviction records and provide rehabilitation information.

**Commentary:** The Executive Order arose from recommendations by the Oklahoma Justice Reform Steering Committee, a broad-based advisory committee that Governor Fallin created by executive order in 2015. See Governor Fallin’s [press release](#).

**29. OREGON HOUSE BILL 3025 (2015) (APPLIES TO PUBLIC AND PRIVATE EMPLOYMENT)**

Signed on June 25, 2015, [HB 3025](#) prohibits an employer from inquiring about an applicant’s prior criminal convictions until the initial interview with the applicant. There are exceptions for positions where an applicant with a conviction history would be automatically disqualified by law, and for law enforcement, criminal justice positions, and volunteers. The law took effect on January 1, 2016.

**Commentary:** A coalition of community groups and labor championed the fair hiring legislation in Oregon under the campaign [Fair Shot for All](#), which also included minimum wage, wage theft, and racial profiling legislation as part of its agenda.

**30. PENNSYLVANIA ADMINISTRATIVE POLICY HR-TM001 (2017) (APPLIES TO STATE EMPLOYMENT)**

On May 5, 2017, Governor Tom Wolf (D) [announced](#) that state agencies would adopt a [fair-chance hiring human resources policy](#) for non-civil service positions that fall under the governor’s jurisdiction. In addition to removing questions about conviction history from job applications, the policy prohibits consideration of certain record information, including arrests, expunged convictions, and convictions not related to an applicant’s job suitability. Hiring entities are also required to consider the public’s interest in employing individuals with records when making hiring decisions. The policy includes exceptions for security personnel, law enforcement, and those working with vulnerable

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populations. The HR policy took effect on July 1, 2017. The Pennsylvania Civil Service Commission has announced that it will also implement the same policy for civil service jobs in the Commonwealth.

**Commentary:** Governor Wolf explained his rationale in a statement: “Banning the box will allow prospective applicants with criminal records to be judged on their skills and qualifications and not solely on their criminal history, while preserving a hiring agency’s ability to appropriately screen applicants as part of the hiring process.”

Pennsylvania law ([18 Pa. Cons. Stat. § 9125](#)) also prohibits public and private employers from considering felony and misdemeanor convictions beyond the “extent to which they relate to the applicant’s suitability for employment in the position for which he has applied.” That statute also requires employers to notify an applicant in writing if he or she is not hired wholly or partly because of his or her criminal history.

**31. 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. The law includes exceptions for positions from which 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](#). The statute took effect on January 1, 2014.

**Commentary:** [Direct Action for Rights and Equality](#) championed the efforts for years, producing the powerful video [Beyond the Box](#).

**32. TENNESSEE SENATE BILL 2440 (2016) (APPLIES TO STATE EMPLOYMENT)**

On April 14, 2016, Governor Bill Haslam (R) signed [SB 2440](#), which prohibits state agencies from inquiring about criminal records on any initial application form. For an applicant with a conviction record, the employer must consider the specific job duties, relationship of the offense to the job duties, time elapsed since the offense, age of the applicant at the time of the offense, frequency and seriousness of each offense, any submitted evidence of rehabilitation, and any public policy consideration relating to the benefits for employment for applicants with past convictions. The act took effect upon its signing.

**Commentary:** Senate Bill 2440 is the silver lining of a ban-the-box setback for localities in Tennessee. Despite emphasis on the importance of local government control, Governor Haslam signed SB 2103 in March 2016, which prevents cities and counties in the state from expanding fair-chance laws to local private employers.

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**33. UTAH HOUSE BILL 156 (2017) (APPLIES TO PUBLIC EMPLOYMENT)**

On March 22, 2017, Governor Gary Herbert (R) signed [HB 156](#), which prohibits public employers from requiring an applicant to disclose conviction history before an initial interview or, if no interview is conducted, before a conditional job offer. The law provides for exceptions for situations where a law requires consideration of the applicant's conviction history as well as for law enforcement, criminal justice, tax commission, or alcoholic beverage control employers, as well as for applicants that will work with children or vulnerable adults and nonemployee volunteers. The law took effect on May 8, 2017 (60 days after adjournment of the legislature).

**Commentary:** Sponsor [Rep. Sandra Hollins \(D\)](#), a social worker by training, has sponsored an almost identical bill in at least one prior year. Whereas the bill failed in the House in 2016, it garnered 16 co-sponsors in the 2017 session.

**34. VERMONT HOUSE BILL 261 (2016) (APPLIES TO PRIVATE AND PUBLIC EMPLOYMENT)**

[House Bill 261](#) was signed by Governor Peter Shumlin (D) on May 3, 2016 making Vermont the eighth state to apply “ban the box” to the private sector. Under the law, an employer may not request criminal record information on its initial employment application form, and the prospective employee must be permitted the opportunity to explain the information, including rehabilitation. The law took effect on July 1, 2017. See the [Governor's press release](#).

**Commentary:** On April 21, 2015, Governor Peter Shumlin (D) signed an [executive order](#) that eliminated all criminal records inquiries from applications for state employment.

**35. VIRGINIA HOUSE BILL 757 (2020) (APPLIES TO PUBLIC EMPLOYMENT); EXECUTIVE ORDER 41 (2015) (APPLIES TO EMPLOYMENT IN STATE EXECUTIVE BRANCH)**

On March 23, 2020, Governor Ralph Northam (D) signed [House Bill 757](#) into law, which passed with bipartisan support. The law requires state agencies and localities to delay inquiries about arrests, charges, and convictions until an interview of the prospective employee. The law includes exceptions for certain positions, including those with law enforcement, local school boards, and those that are “sensitive” in nature.

On April 3, 2015, Governor Terry McAuliffe (D) issued [Executive Order 41](#), ordering the removal of questions relating to criminal history from initial applications for state employment in the executive branch. The executive order further prohibits executive-branch employers from basing hiring decisions on an applicant's conviction history unless demonstrably job-related and consistent with business necessity. Compliance with the executive order was required within 90 days of its signing. See NELP's [press release](#).

**Commentary:** Local advocates have been championing legislative action on “ban the box” for several years. After legislation continued to stall, advocates called for executive action by then-Governor McAuliffe in 2015. The 2020 passage of House Bill 757 makes

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public-sector ban the box in Virginia more permanent by memorializing it in statute and extends the policy to hiring by all state agencies as well as local governments.

In 2020, Governor Northam also signed [House Bill 972](#) into law. In addition to decriminalizing marijuana possession, the law prohibits any employer from requiring an applicant to disclose any arrest, charge, or conviction of marijuana possession. The law establishes misdemeanor liability for an employer's willful violation. The law further limits the availability of records related to any arrest, charge, or conviction of marijuana possession to certain circumstances, including eligibility for firearm purchase, pretrial investigation reports, and probation reports.

**36. WASHINGTON (2018) HOUSE BILL 1298 (APPLIES TO PRIVATE AND PUBLIC EMPLOYMENT)**

On March 13, 2018, Governor Jay Inslee (D) signed [HB 1298 \(second substitute\)](#), banning the box for both public- and private-sector employment across Washington. The law requires employers to delay conviction record inquiries and background checks until after determining that an applicant satisfies the basic criteria for the position and is thus "otherwise qualified" for the job. The law also prohibits employers from implementing any policy that categorically excludes people with records before the determination as to whether the candidates are otherwise qualified. Moreover, employers may not advertise jobs in a way that excludes people with records from applying. The law provides for monetary penalties and grants the state attorney general's office sole enforcement authority. The statute took effect June 7, 2018.

**Commentary:** Just two days after signing HB 1298, Governor Inslee signed [SB 6582](#) to also ban the box from student applications for public colleges. Washington became only the third state (after Louisiana and Maryland) to adopt a law to delay questions about conviction records on college applications, thus helping to ensure that people with records have a fair shot at college acceptance.

Even before the state's ban-the-box law was adopted, [section 162-12-140 of the Washington Administrative Code](#) limited the types of preemployment inquiries that employers could make without running afoul of state antidiscrimination law. Under those regulations, public employers cannot ask about arrests without also asking whether charges remain pending, were dismissed, or resulted in a conviction. Moreover, consideration is limited to convictions that occurred within the prior ten years and relate to the duties of the job sought. These limits do not apply to law enforcement and certain other categories of employment.

**37. WISCONSIN (2016) ASSEMBLY BILL 373 (APPLIES TO STATE EMPLOYMENT)**

Governor Scott Walker (R) signed [legislation](#) on February 12, 2016, which dramatically overhauled the state's civil service system. A provision of the bill precludes the state from inquiring about a person's record on the job application and delays inquiries until the applicant is certified for the position. The statute took effect on July 1, 2016.

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**Commentary:** Senator Lena C. Taylor (D) [commented](#) that the law represented “terrible changes in the state civil service system.” Nevertheless, “the new law includes a ray of hope to those with a prior record.”

State (Year law was adopted or policy announced)	Relevant Statutes and Policy	Employers: Private and Public (State: S, 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 *
<b>Arizona (2017)</b>	Executive Order 2017-07	—	Public (S)	—	—	—
<b>California (2010, 2013, 2017)</b>	Cal. Gov. Code § 12952; Cal. Lab. Code § 432.9 (2013, repealed 2017); administrative action (2010)	Private	Public (S, C)	Consider whether "direct and adverse relationship with the specific duties of the job"	Arrests, Expunged	N, C
<b>Colorado (2012, 2019)</b>	Colo. Rev. Stat. § 24-5-101 (2012); Colo. Rev. Stat. § 8-2- 130 (2019)	Private	Public (S)	"Direct relationship" between conviction and job ***	Arrests, Expunged ***	—
<b>Connecticut (2010, 2016)</b>	Conn. Gen. Stat. § 46a-80 (2010); Conn Gen. Stat. § 31- 51i (2016)	Private	Public (S, C)	—	Arrests, Expunged	—
<b>Delaware (2014)</b>	Del. Code tit. 19, § 711(g); Del. Code tit. 29, § 6909B	—	Public (S, C)	Consider nature of offense and job	—	—
<b>Georgia (2015)</b>	Executive Order	—	Public (S)	—	—	—
<b>Hawai'i (1998)</b>	Haw. Rev. Stat. §§ 378-2, 378- 2.5	Private	Public (S, C)	Conviction bears "rational relationship" to position	Time limit	—
<b>Illinois (2013, 2014, 2021)</b>	Executive Order 1 (2013); 820 Ill. Comp. Stat. § 75 (2014); SB 1480 (2021)	Private	Public (S)	— "Substantial relationship" between offense and job	—	—
<b>Indiana (2017)</b>	Executive Order	—	Public (S)	—	—	—
<b>Kansas (2018)</b>	Executive Order	—	Public (S)	—	—	—
<b>Kentucky (2017)</b>	Executive Order	—	Public (S)	—	—	—
<b>Louisiana (2016, 2021)</b>	La. Rev. Stat. Ann. § 42:1701 (2016); La. Rev. Stat. Ann. § 23:291.2 (2021)	—	Public (S)	Consider whether "direct and adverse relationship with the specific duties of the job" †	Arrests †	C †

\* Some of these components existed prior to the ban-the-box legislation listed here.

\*\* Component included in only the Administrative Policy/Executive Order, not the state law.

\*\*\* Component applies to only public employers.

† Component applies to private employers despite lack of statewide private-sector ban-the-box law.

State (Year law was adopted or policy announced)	Relevant Statutes and Policies	Employers: Private and Public (State: S, 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 *
<b>Maine (2019, 2021)</b>	Maine Rev. Stat. tit. 5, § 792; Maine L.D. 1167 (2021)	Private	Public (S, C)	—	—	—
<b>Maryland (2013, 2020)</b>	Md. Code Ann., State Pers. & Pens. § 2-203 (2013); Md. Code Ann., Labor & Emp't §§ 3-1401 to -1405 (2020)	Private	Public (S, C)	—	—	—
<b>Massachusetts (2010, 2018)</b>	Mass. Gen. Laws ch. 151B, § 4 (9 ½); ch. 6, §§ 171A, 172; Ch. 69 of the Acts of 2018	Private	Public (S, C)	—	Sealed or Expunged, Time limit	N, C
<b>Michigan (2018)</b>	Executive Directive 2018-4	—	Public (S)	—	—	—
<b>Minnesota (2009, 2013)</b>	Minn. Stat. § 364	Private	Public (S, C)	Conviction "directly relates" to position	Arrests, Expunged	N
<b>Missouri (2016)</b>	Executive Order 16-04	—	Public (S)	—	—	—
<b>Nebraska (2014)</b>	Neb. Rev. Stat. § 48-202	—	Public (S, C)	—	—	—
<b>Nevada (2017)</b>	AB 384	—	Public (S, C)	Consider whether conviction "directly relates" to responsibilities of position	Arrests, Expunged	N
<b>New Hampshire (2020)</b>	HB 253	—	Public (S)	—	—	—
<b>New Jersey (2014)</b>	N.J. Stat. Ann. § 34:6B-11 to -19	Private	Public (S, C)	—	Expunged	—
<b>New Mexico (2010, 2019)</b>	N.M. Stat. §§ 28-2-1 to 28-2-6	Private	Public (S, C)	Conviction "directly relates" to employment ***	Arrests ***	N ***
<b>New York (2015)</b>	Executive action (2015); N.Y. Correct. Law § 752; N.Y. Exec. Law § 296, ¶ 15	—	Public (S)	"Direct relationship" to employment or "unreasonable risk" to property, safety, or welfare †	Arrests †	—
<b>North Carolina (2020)</b>	Executive Order No. 158	—	Public (S)	Conviction "demonstrably job-related"	Arrests, Expunged	N, C
<b>North Dakota (2019)</b>	H.B. 1282	—	Public (S, C)	—	—	—
<b>Ohio (2015)</b>	HR-29 Administrative Policy; HB 56	—	Public (S, C)	Sufficient nexus between conviction and position **	Sealed or Expunged **	N **

State (Year law was adopted or policy announced)	Relevant Statutes and Policies	Employers: Private and Public (State: S, 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 *
<b>Oklahoma (2016)</b>	Executive Order 2016-03	—	Public (S)	—	—	—
<b>Oregon (2015)</b>	2015 Or. Laws Ch. 559	Private	Public (S, C)	—	—	—
<b>Pennsylvania (2017)</b>	HR-TM001 Administrative Policy (2017); 18 Pa. Cons. Stat. § 9125	—	Public (S)	Consideration of convictions limited to "extent to which they relate to the applicant's suitability" for the position †	Arrests, Expunged	N †
<b>Rhode Island (2013)</b>	R.I. Gen. Laws §§ 28-5-6, 28-5-7	Private	Public (S, C)	—	Arrests	—
<b>Tennessee (2016)</b>	SB 2440	—	Public (S)	Consider specific duties and responsibilities of position	—	—
<b>Utah (2017)</b>	HB 156	—	Public (S, C)	—	—	—
<b>Vermont (2015, 2016)</b>	Executive Order 03-15 (2015); 21 V.S.A. § 495j (2016)	Private	Public (S, C)	—	—	—
<b>Virginia (2015, 2020)</b>	Executive Order 41 (2015); HB 757 (2020)	—	Public (S, C)	Conviction must be job- related **	—	—
<b>Washington (2018)</b>	HB 1298 (2018)	Private	Public (S, C)	—	—	—
<b>Wisconsin (2016)</b>	AB 373	—	Public (S)	—	—	—

## Private-Employment Laws

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15 states &  
22 localities  
extend their  
fair-chance  
laws to  
private-sector  
employment.

Fair-chance laws and policies applicable to public employers are an important step toward ensuring that people with records have a fair chance to work. Achieving widespread opportunities for workers with records, however, necessitates changes in the hiring practices of private employers. As businesses recognize the [many advantages](#) of opening their workforces to talented applicants with records, many—like [Starbucks and Google](#)—adopt internal policies to ban the box and fairly consider an applicant’s record. Lawmakers can take an additional step toward ensuring sufficient opportunities for the approximately [70 million people](#) with a record by supplementing employers’ internal policies with fair-chance laws applicable to the private sector.

As summarized in the chart on the following page, 15 states and 22 localities (cities, counties, and the District of Columbia) have adopted laws requiring private employers to ban the box and fairly consider applicants with records. More than one-third of the current U.S. population lives in these jurisdictions—that’s over 122 million people. And that tally doesn’t include the many commuters living outside yet working within one of these jurisdictions, who also benefit from the laws. As noted in the chart, some states have required private employers to adopt certain fair chance hiring practices without banning the box.

## Private-Employment Laws

Location	Ban the Box	Background check for only some positions	Background check only after conditional offer	EEOC-type criteria	Appeal or complaint (A); Copy of record (C); Look-back limit (L); Notice of denial (N)
<b>STATES</b>					
1. California	X		X	X	A, C, N
2. Colorado	X				A
3. Connecticut	X				A
4. Hawai'i	X		X	X	A, L
5. Illinois	X				A
Louisiana				X	C
6. Maine	X				
7. Maryland	X				A
8. Massachusetts	X				A, C, L, N
9. Minnesota	X			X	A
10. New Jersey	X				A
11. New Mexico	X				A
New York				X	
12. Oregon	X				A
Pennsylvania					N
13. Rhode Island	X				A
14. Vermont	X				A
15. Washington	X				L, A
<b>LOCALITIES</b>					
1. Austin, TX	X	X	X	X	A, N
2. Baltimore, MD	X	X	X	X	A
3. Buffalo, NY	X			X	A
4. Chicago, IL	X			X	A
5. Columbia, MO	X		X	X	A
6. DeSoto, TX	X				A
7. District of Columbia	X		X	X	A
8. Kansas City, MO	X			X	
9. Los Angeles, CA	X		X	X	A, C, N
10. Montgomery County, MD	X				A, C, N
11. New York, NY	X		X	X	A, C, N
12. Philadelphia, PA	X		X	X	A, C, N
13. Portland, OR	X		X	X	A, N
14. Prince George's County, MD	X			X	A, C, N

## Private-Employment Laws

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15. Rochester, NY	X			X	A
16. San Francisco, CA	X		X	X	A, C, L, N
17. Seattle, WA	X			X	A, C, N
18. Spokane, WA	X				
19. St. Louis, MO	X				A
20. Suffolk County, NY	X			X	A
21. Waterloo, IA	X		X	X	A
22. Westchester County, NY	X			X	A

# Local Ban-the-Box & Fair-Chance Laws and Policies

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(Listed in chronological order by date a law or policy was first adopted.)

## ***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](#)

## **Boston Contacts**

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Office of Human Resources  
[bill.kessler@cityofboston.gov](mailto:bill.kessler@cityofboston.gov)

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[Boston Workers Alliance](#)  
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## ***SAN FRANCISCO, CA (FAIR-CHANCE ORDINANCE APPLIES TO PRIVATE EMPLOYERS AND AFFORDABLE HOUSING (2014, 2018); BOARD OF SUPERVISORS RESOLUTION APPLIES TO CITY AND COUNTY (2005))***

- 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
- Background check only after conditional offer of employment

The campaign to "ban the box" from 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

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criminal history information from 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 (FCO) on February 4, 2014. Private employers may not inquire into an applicant's conviction history until after a live interview or conditional offer.

In 2018, the San Francisco Board of Supervisors amended to the Fair Chance Ordinance to strengthen it and bring it more line with California's new statewide Fair Chance Act. [Changes to the law](#) include reducing the minimum size of employers governed from twenty to five employees; increasing monetary penalties; providing a private right of action; prohibiting employers from inquiring into conviction history until after a conditional offer; and prohibiting questions about, and decisions based on, decriminalized behavior. The amendments are effective October 1, 2018.

### **San Francisco Resources**

San Francisco Board of Supervisors Resolution (Oct. 11, 2005), [available here](#).  
San Francisco Fair Chance Ordinance (Feb. 4, 2014), [available here](#).  
Fair-Chance Implementation Case Studies for Government Agencies, [available here](#).  
San Francisco Fair Chance Ordinance (Apr. 3, 2018), [available here](#).

### **San Francisco Contacts**

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Note: San Francisco has a consolidated city-county government.

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

- Policy applies to private employers
- Incorporates EEOC criteria in individualized assessment

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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, CA (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

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[rodney.brooks@acgov.org](mailto: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](mailto: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

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Minneapolis City Council  
[elizabeth.glidden@ci.minneapolis.mn.us](mailto: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**

[All of Us or None](#)

***OAKLAND, CA (CITY ADMINISTRATOR 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
- 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 of support to Asm. Dickinson regarding state legislation (March 28, 2012), [available here](#).

**Oakland Contact**

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

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

- Incorporates EEOC criteria in individualized assessment

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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](mailto:bandar_omar@hotmail.com)

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***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](#).

***TRAVIS COUNTY, TX (AUSTIN 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."

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### **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](mailto:tac_allofusornone@yahoo.com)

### ***AUSTIN, TX (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)***

- Background check only after conditional offer of employment
- Background checks only required for some positions
- Incorporates EEOC criteria in individualized assessment
- Ordinance applies to public and private employers

The City approved a ban-the-box resolution in October 2008. The criminal background investigation questions were removed from the online employment application.

On March 24, 2016, Austin's mayor signed a city council ordinance to cover private employers with at least 15 employees whose primary working location is in the city. The ordinance delays inquiries into an applicant's conviction record until after a conditional offer of employment and requires an individualized assessment of a candidate's record that considers, at a minimum, the nature of any offense, the length of time since the offense, and the nature and duties of the job. The new law also creates a civil penalty of up to \$500 for each position for which an employer's hiring practices violate the ordinance.

### **Austin Resources**

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

Director of Human Resources and Civil Services featured in [HR Magazine](#).

Austin Ordinance No. 20160324-019 (Mar. 24, 2016), [available here](#).

### **Austin Contacts**

[Council Member Gregorio Casar](#)

(512) 978-2104

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

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- 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

***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](mailto:info@connecticutpardonteam.com)

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

- Background check only after conditional offer of employment

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- 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](mailto:ERey@newhavenct.net)

Michael Fumiatti, Director of Purchasing

City of New Haven

[mfumiatti@newhavenct.net](mailto: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. On November 13, 2013, Seattle’s Fair Chance Employment Ordinance went into effect. 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

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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's website for Fair Chance Employment Ordinance, [available here](#).

Fair-Chance Implementation Case Studies for Government Agencies, [available here](#).

### **Seattle Contact**

Karina Bull

[Seattle Office for Civil Rights](#)

[Karina.Bull@seattle.gov](mailto:Karina.Bull@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](mailto: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

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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](mailto: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](http://Ex-Prisoners and Prisoners Organizing for Community Advancement)

(508) 410-7676

[steve@exprisoners.org](mailto: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

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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. When considering an applicant's record, the personnel director will consider individualized factors such as the nature, job-relatedness, and age of an offense. Candidates who are disqualified because of their criminal record have the right to appeal the personnel director's decision to the Civil Service Commission, which 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

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[Connecticut Legal Services](http://ConnecticutLegalServices.org)  
[nnevins@connlegalservices.org](mailto:nnevins@connlegalservices.org)

***KALAMAZOO, MI (HIRING POLICY APPLIES TO CITY AND VENDORS)***

- Policies apply to vendors/contractors doing business with the 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. On May 16, 2016, the Kalamazoo City Commission unanimously passed Resolution 16-20, requiring certain entities—those seeking (1) to provide goods and services to the City in the amount of more than \$25,000; (2) a tax abatement; or (3) an Economic Opportunity Fund (EOF) loan—to demonstrate a commitment that they do not use past criminal histories to discriminate when hiring. More specifically, such entities must remove from initial job applications any questions about prior arrests or convictions. Applicants must also be provided with an opportunity to review and respond to any potentially disqualifying record. Implementing the resolution required amendments to at least three city policies, as explained in a report from the city attorney.

**Kalamazoo Resource**

Kalamazoo City Commission Minutes (May 16, 2016), [available here](#) (page 106).

Kalamazoo Resolution No. 16-20 (May 16, 2016), [available here](#).

Commission Agenda Report from City Attorney (May 6, 2016), [available here](#).

Amendments to Kalamazoo Economic Opportunity Fund Guidelines, [available here](#).

Amendments to Kalamazoo Tax Abatement Policy Amendments, [available here](#).

Amendments to Kalamazoo Ex-Offender Purchasing Policy, [available here](#).

**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.

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### **Memphis Resource**

Memphis City Ordinance (May 18, 2010), [available here](#).

### **Memphis Contact**

DeAndre Brown, Executive Director

[Lifeline to Success](#)

[dbrown@lifeline2success.org](mailto:dbrown@lifeline2success.org)

### ***CINCINNATI, OH (CITY COUNCIL MOTION APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment
- Background check only after conditional offer of employment
- 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](mailto: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.

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### **Detroit Resources**

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
- Incorporates EEOC criteria in individualized assessment
- Background check only after conditional offer of employment
- Right to appeal denial of employment
- Provides copy of background check report

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

On December 15, 2015, Philadelphia Mayor Michael Nutter signed an amended version of the ordinance into law that prohibits all employers from inquiring into applicants' conviction histories any time before conditional offers are made. The amendment also restricts inquiries to the last seven years of applicants' records; requires employers to determine whether a connection exists between an applicant's convicted offense and the particular position before disqualifying the applicant; requires employers to notify applicants in writing of rejections and to provide the applicant a copy of the criminal history report; and allows applicants 10 business days following a rejection to provide the employer an explanation or evidence of an inaccuracy in the criminal history report. On the day he signed the amended ordinance, Mayor Nutter also issued Executive Order No. 5-15, applicable to hiring by city agencies.

The City Council unanimously passed another amendment to the law on December 10, 2020, which was signed by Philadelphia Mayor Jim Kenney on January 20, 2021. The amendment extends fair chance protections beyond job applicants to existing employees as well as to independent contractors and "gig" workers. The literal text of the ordinance also appears to prohibit any background checks not required by law. The amendment took effect April 1, 2021.

### **Philadelphia Resources**

Philadelphia City Council Ordinance (Feb. 17, 2011), [available here](#).

Philadelphia Office of Human Resources Report - Criminal Records Background Screening and Hiring Policy (Nov. 10, 2015), [available here](#).

Philadelphia City Council Ordinance (Dec. 15, 2015), [available here](#).

Philadelphia Mayor Executive Order No. 5-15 (Dec. 15, 2015, as amended Dec. 23, 2015), [available here](#).

Philadelphia City Council Ordinance (Jan. 20, 2021), [available here](#).

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### **Philadelphia Contact**

Brendan Lynch, Staff Attorney

[Community Legal Services of Philadelphia](#)

[blynch@clsphila.org](mailto:blynch@clsphila.org)

### ***DISTRICT OF COLUMBIA (WASHINGTON D.C.) (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 11 or more 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.

### **District of Columbia Resources**

Fair Criminal Record Screening Amendment Act of 2014, [available here](#).

Fair-Chance Implementation Case Studies for Government Agencies, [available here](#).

### **District of Columbia Contact**

Elliot Imse, Director of Policy & Communications

District of Columbia Office of Human Rights

(202) 727-4559

### ***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](#).

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## **Durham Contact**

[Southern Coalition for Social Justice](#)

### **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 (APPLIES TO CITY, PRIVATE EMPLOYERS, AND LICENSING)**

- Background check only after conditional offer.
- Policy applies to public and private employers in New York City that have more than four employees
- Incorporates EEOC criteria in individualized assessment

On June 10, 2015, the New York City Council passed the Fair Chance Act, prohibiting employers in New York City from asking about a job applicant's conviction record until after extending a conditional offer of employment. Before rescinding such an offer, an the employer must conduct an individualized assessment and provide the applicant with a copy of both that analysis and any background report. The employer must then hold open the job for several days (initially three days, later amended to five business days in 2021) to allow time for the employee to respond and the employer to weigh the candidate's evidence of rehabilitation. The law also prohibits employers from considering certain types of records when making employment decisions, even after a conditional offer. The law includes a private right of action, including attorneys' fees. The law took effect on October 27, 2015.

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The agency charged with enforcing the law, the New York City Commission on Human Rights, finalized rules implementing the law, effective August 5, 2017.

On December 10, 2020, the New York City Council adopted an amendment to the Fair Chance Act, adding unsealed violations and pending adjournments in contemplation of dismissal (ACDs) to the types of records employers may never consider at any point in the hiring process. The amendment also clarifies that an individualized assessment is required when making employment decisions (including termination decisions) based on pending criminal charges. The law (Local Law No. 4 of 2021) was enacted without the mayor's signature on January 10, 2021, and the changes took effect on July 29, 2021. The New York City Commission on Human Rights revised its legal enforcement guidance for the Fair Chance Act on July 15, 2021.

Under state law (N.Y. Correct. Law Art. 23-A) that predated the Fair Chance Act, a candidate may be rejected based on conviction history only if it is directly related to the job or poses an unreasonable risk based on certain factors, such as the time passed since the offense and its severity.

Prior to the passage of the Fair Chance Act in 2015, applications for public employment in New York City did not include inquiries about criminal history pursuant to an August 2011 executive order from then-Mayor Michael Bloomberg.

### **New York City Resources**

NYC Commission on Human Rights Legal Enforcement Guidance (July 15, 2021), [available here](#).

New York City Local Law No. 4 of 2021 (Jan. 11, 2021), [available here](#).

NYC Commission on Human Rights Rules (Aug. 5, 2017), [available here](#).

New York City Fair Chance Act (June 10, 2015), [available here](#).

Executive Order No. 151 (Aug. 4, 2011), [available here](#).

Article 23-A of the New York Correction Law, [available here](#).

### **New York City Contact**

Paul Keefe, Supervising Attorney

New York City Commission on Human Rights

[pkeefe@cchr.nyc.gov](mailto:pkeefe@cchr.nyc.gov)

### **CUMBERLAND COUNTY, NC (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](mailto:jself@co.cumberland.nc.us)

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***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](mailto:nwalker@city.cleveland.oh.us)

Stephen Johnson Grove, Deputy  
[Ohio Justice & Policy Center](#)  
[sjohnsongrove@ohiojpc.org](mailto:sjohnsongrove@ohiojpc.org)

***MILWAUKEE COUNTY, WI (RESOLUTION APPLIES TO COUNTY)***

On October 7, 2011, the Milwaukee County Board of Supervisors voted to remove questions about conviction history from the county initial employment application. The resolution further called on the county director of intergovernmental relations to convey to the governor and Wisconsin legislature that the State of Wisconsin should follow the lead of Milwaukee County and adopt ban-the-box legislation applicable to all public and private employers in the state.

**Milwaukee County Resource**

Milwaukee County Resolution No. 11-581, [available here](#).

**Milwaukee County Contact**

Carol Rubin, President  
MOSES  
[carolrubin3@gmail.com](mailto: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](#).

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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](mailto: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 with 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, MI (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**

Muskegon County Resolution (Jan. 12, 2012), [available here](#).

### **Muskegon County Contact**

Chairman Mahoney

[commissioners@co.muskegon.mi.us](mailto:commissioners@co.muskegon.mi.us)

### ***CARSON, CA (RESOLUTION APPLIES TO CITY)***

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

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

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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**

Carson 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**

Hamilton Human Resources Policy Manual, [available here](#).

### **Hamilton Contacts**

David Helm, Assistant Director  
Human Resources Department  
[david.helm@hamilton-co.org](mailto:david.helm@hamilton-co.org)

Lori Chaney, Manager  
Human Resources Department  
[lori.chaney@hamilton-co.org](mailto: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**

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Ken Thomas, Senior Employment Manager  
Civil Service Department  
[ken.thomas@daytonohio.gov](mailto:ken.thomas@daytonohio.gov)

***PIERCE COUNTY, WA (TACOMA AREA) (APPLIES TO COUNTY)***

- Incorporates EEOC criteria in individualized assessment

The County does not have a formal policy, but has removed the question about criminal history from its application for employment with the County, and follows the EEOC guidance regarding the consideration of criminal records. With the exception of law enforcement positions, the County generally conducts background checks on the final candidate only and often after a conditional offer of employment has been made. If a conviction disqualifies the applicant, the County provides a pre-adverse action notice and explains how the applicant can obtain the record used in the decision. The applicant normally has time to review the record and correct inaccuracies before a final decision is made.

***SANTA CLARA COUNTY, CA (SAN JOSE 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](mailto:dave.cortese@bos.sccgov.org)

Reverend Jeff Moore  
President of NAACP San Jose Chapter  
[info@sanjosenaacp.org](mailto:info@sanjosenaacp.org)

***FRANKLIN COUNTY, OHIO (APPLIES TO COUNTY)***

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

Effective June 19, 2012, Franklin County's Resolution 45712 removed questions about criminal background from its application for public employment. While all employees are subject to a background check at the time of hire, any offenses are reviewed to determine if the offense was "egregious or directly germane to the position." Positions at the Sheriff's office are exempt from the policy.

**Franklin County Contact**

Robert Young, Human Resources Director

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[rjyoung@franklincountyohio.gov](mailto:rjyoung@franklincountyohio.gov)

***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**

Spring Lake Job Application, [available here](#).

Administrative Policies and Procedures (July 16, 2012), [available here](#).

**Spring Lake Contact**

[Southern Coalition for Social Justice](#)

***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](mailto:info@goodseedgoodground.org)

***HAMILTON COUNTY, TN (CHATTANOOGA AREA) (APPLIES TO COUNTY)***

- Background check only after conditional offer of employment

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

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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](mailto:michaeld@hamiltontn.gov)

### ***CUYAHOGA COUNTY, OH (CLEVELAND 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**

Cuyahoga County 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**

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

**Newark Contact**

[New Jersey Institute for Social Justice](#)

(973) 624-9400

***SUMMIT COUNTY, OH (AKRON AREA) (POLICY 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](mailto:chigham@summitoh.net)

***DURHAM COUNTY, NC (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**

Durham County 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**

[Southern Coalition for Social Justice](#)

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***CARRBORO, NC (APPLIES TO TOWN)***

- Incorporates EEOC criteria in individualized assessment

On October 16, 2012, the Carrboro Board of Aldermen 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**

Carrboro 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**

Wilmington Executive Order 2013-3, [available here](#).

Wilmington 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**

Pittsburgh Ordinance 2012-0013, applies to city positions, [available here](#).

Pittsburgh Ordinance 2012-0015, applies to contractors, [available here](#).

**Pittsburgh Contact**

Dean Williams, Director, [Formerly Convicted Citizens Project](#)

(412) 295-8606

[fccpitt@gmail.com](mailto:fccpitt@gmail.com)

***ATLANTA, GA (ORDINANCE APPLIES TO CITY)***

- Provides copy of background check

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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**

Atlanta 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](mailto:Charmaine@9to5.org); [Shannan@9to5.org](mailto:Shannan@9to5.org)

Marilynn Winn  
Women on the Rise  
[marilynn@rjactioncenter.org](mailto: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**

Tampa Ordinance 2013-3 (Jan. 14, 2013), [available here](#).

**Tampa Contact**

Sharon Streater, HOPE Lead Organizer  
[HOPE](#)  
[hopeinc@fdn.com](mailto: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

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relationship to the position, the Human Resources Director will consider a list of factors, including EEOC-type factors.

#### **Canton Resource**

Canton Rule IV, Examinations, Section 15, Amendment, [available here](#).

#### **Canton Contact**

Joseph Martuccio, Law Director

[City of Canton](#)

[joe.martuccio@cantonohio.gov](mailto: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**

Richmond 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](mailto: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. The ordinance amended Rule IV, Examinations, Section 15, and delayed conviction inquiries until after the applicant has been determined "otherwise qualified" and interviewed for the position. The ordinance further prohibited 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. The ordinance was limited to City hiring, but it urged private employers to adopt fair hiring practices.

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On February 1, 2018, the Kansas City Council adopted an ordinance applicable to private employers. Similar to the 2013 ordinance, it requires employers to delay inquiries about a job applicant's criminal history until after the applicant is interviewed and determined to be otherwise qualified for the position. The ordinance also prohibits employers from basing hiring or promotional decisions on criminal history unless the conviction is "reasonably related to the duties and responsibilities of the position" and the employer has considered all information available, including the severity of the record, time passed since the offense, and whether the person has been convicted of multiple offenses. The ordinance excludes positions for which employers are barred by local, state, or federal law or regulation from hiring a person with certain past convictions. The ordinance is effective as of June 9, 2018.

#### **Kansas City Resources**

Kansas City Ordinance 130230 (Apr. 4, 2013), [available here](#).

Kansas City Ordinance 180034 (Feb. 1, 2018), [available here](#).

#### **Kansas City Contact**

[Kansas City Human Relations Department](#)

(816) 513-1836

[hrdgeneral.inquiries@kcmo.org](mailto:hrdgeneral.inquiries@kcmo.org)

#### ***STARK COUNTY, OH (ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

In May 2013, County Commissioners amended the employee handbook and employment application forms to remove language that prohibits them from hiring anyone convicted of a felony.

#### ***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](mailto:jbailey383@aol.com)

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

- Applies to public and private employers and vendors

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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**

Buffalo 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](mailto: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**

Administrative policy announcement (July 2013, begins at 37:38), [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](mailto: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](mailto:jaylene@flintridge.org)

Tiffany Jacobs-Quinn, Human Resources Manager  
City of Pasadena Human Resources Department  
[tjacobsquinn@cityofpasadena.net](mailto:tjacobsquinn@cityofpasadena.net)

***PETERSBURG, VA (RESOLUTION APPLIES TO CITY)***

- Background check only after conditional offer of employment

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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**

Virginia Beach 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](mailto:wedwards@vbgov.com)

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

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

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

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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**

Akron Conviction Records Policy for Classified Positions, [available here](#).

#### **Akron Contact**

Kris Rininger, Personnel Analyst II  
Personnel Department  
[krininger@akronohio.gov](mailto:krininger@akronohio.gov)

#### ***LUCAS COUNTY, OH (TOLEDO AREA) (POLICY APPLIES TO COUNTY)***

On October 29, 2013, Lucas County Commissioners voted unanimously to remove all questions about an applicant's criminal background from applications for employment with any department under the Commissioners' authority. The county only conducts a background check after an applicant is selected as a finalist.

#### **Lucas County Resource**

Lucas County Press Release (Oct. 28, 2013), [available here](#).

#### ***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](mailto: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

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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 (ORDINANCE APPLIES TO CITY & VENDORS)***

- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report
- Applies to public employers and vendors

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.

On October 18, 2018, the New Orleans City Council unanimously approved an ordinance to codify the 2014 policy and extend it to city contractors. The law requires city government employers (with few exceptions) to delay criminal history inquiries and background checks until after conducting applicant interviews and selecting up to three finalists for the position. At no time may an employer consider (i) arrests, (ii) sealed, dismissed, or expunged convictions, (iii) certain misdemeanor convictions, or (iv) non-felony juvenile offenses. Employer must conduct an individualized inquiry and provide an opportunity to respond with additional evidence before reaching a final decision. Employers must also provide clear notice, keep record information confidential, and maintain all documents for three years. The Chief Administrative Office is tasked with enforcing the ordinance and conducting an annual audit of City hiring practices. The ordinance also extends to government vendors, making it unlawful for the City to renew or begin a contract, grant, or cooperative endeavor agreement with any company that fails to both comply and certify compliance with the fair hiring practices described in the ordinance.

### **New Orleans Resource**

New Orleans Ordinance No. 27889 (Oct. 18, 2018), [available here](#).

New Orleans Policy Memorandum No. 129 (Jan. 10, 2014), [available here](#).

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

- Background check only after conditional offer of employment

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, WI (MADISON 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](mailto: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.

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### **Indianapolis Resource**

Indianapolis Ordinance (March 7, 2014), [available here](#).

### **Indianapolis Contacts**

Shoshanna Spector, Executive Director

[IndyCAN](#)

[shoshanna@indykan.org](mailto:shoshanna@indykan.org)

Councilmember Vop Osili

[City of Indianapolis, City Council](#)

[voposili@gmail.com](mailto: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**

[Southern Coalition for Social Justice](#)

### ***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](mailto: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

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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](mailto: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**

Youngstown Resolution (March 19, 2014), [available here](#).

### **Youngstown Contact**

Rebecca Soldan, Community Organizer

[Rebecca@mvorganizing.org](mailto:Rebecca@mvorganizing.org)

[Mahoning Valley Organizing Collaborative \(MVOC\)](#)

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***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**

East Lansing Resolution (April 15, 2014), [available here](#).

Recording of East Lansing City Council meeting, [available here](#).

**East Lansing Contact**

Nathan Triplett, Mayor

[ntriplett@gmail.com](mailto: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**

Ann Arbor 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**

Rochester Ordinance (May 22, 2014), [available here](#).

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### **Rochester Contacts**

Valerie White-Whittick, Mentor Coordinator  
Judicial Process Commission  
[ipc6@rocjpc.org](mailto:ipc6@rocjpc.org)

Mike Blegg, Coordinator  
Safer Monroe Area Reentry Team  
[mbleeg@rochester.rr.com](mailto:mbleeg@rochester.rr.com)

Reyna Ramolete Hayashi, Workers' Rights Attorney  
[Empire Justice Center](http://EmpireJusticeCenter.org)  
[rhayashi@empirejustice.org](mailto:rhayashi@empirejustice.org)

### ***GENESEE COUNTY, MI (FLINT 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**

Genesee County 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**

Danville Resolution (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](mailto:sara.weller@danvilleva.gov)

### ***PORTLAND, OR (ORDINANCE APPLIES TO CITY AND PRIVATE EMPLOYERS)***

- Policies apply to public and private employers in the city
- Background check after conditional offer of employment

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- Incorporates EEOC criteria in an individualized assessment
  - Complaint process

In July 2014, the City of Portland removed from its employment application language informing applicants that they may be required to sign a criminal history statement.

Portland expanded its policy on November 25, 2015, when the city council unanimously approved an ordinance requiring that any conviction history inquiry by private employers be delayed until a conditional offer is extended to the job applicant. Rescinding a conditional offer requires an employer to determine in good faith that a specific offense is job-related after performing an individualized assessment that considers (i) the nature of the offense, (ii) time elapsed, and (iii) the specific job sought by the applicant. The ordinance applies to private employers with at least six employees as well as city employers, with the exception of law enforcement and criminal justice positions. A separate procedure is used for certain “sensitive positions.” The city is contracting with the Oregon Bureau of Labor and Industries to enforce the new restrictions through a complaint process; the ordinance allows for civil penalties. The ordinance took effect on July 1, 2016, and the city has issued administrative rules further explaining the ordinance.

#### **Portland Resources**

Portland Press Release after administrative action (July 9, 2014), [available here](#).

Ordinance (Nov. 25, 2015), [available here](#).

Administrative Rules (2016), [available here](#).

Frequently Asked Questions (FAQs) from the Portland mayor’s office, [available here](#).

#### ***FULTON COUNTY, GA (ATLANTA 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](#).

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### **Fulton County Contact**

Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer  
[9to5](#) and [9to5 Atlanta](#)  
[Charmaine@9to5.org](mailto:Charmaine@9to5.org); [Shannan@9to5.org](mailto:Shannan@9to5.org)

Marilynn Winn  
Women on the Rise  
[marilynn@rjactioncenter.org](mailto:marilynn@rjactioncenter.org)

### ***CITY OF SPOKANE, WA (ORDINANCE APPLIES TO CITY & PRIVATE EMPLOYERS)***

On November 27, 2017, the Spokane City Council passed a fair chance ordinance. Mayor David Condon declined to sign the ordinance, which was enacted without his signature or veto on December 14, 2017. The ordinance is divided into two parts: one applies to private employers (effective June 14, 2018) and the second applies to employment with the City (effective January 13, 2018).

#### **Sections 1 & 3 — Applies to Private Employers**

The ordinance bars private employers from stating that people with arrest or conviction records will be automatically precluded from consideration for employment. Employers may not inquire about a job applicant's record until after an in-person, telephonic, or video interview (or a conditional offer of employment). An employer violation is categorized as a class 1 civil infraction, and carries civil penalties. Employers required (or expressly permitted) by law to conduct background checks are exempted, as are positions that have unsupervised access to children, vulnerable adults, or vulnerable persons.

#### **Section 2 — Applies to City Government Employers**

- Incorporates EEOC criteria in individualized assessment

The City may consider a job applicant's record only to the extent that it is directly related to the position sought and any potential risk to city residents, customers, or other employees. The ordinance exempts certain employers and types of employment, such as the police department and certain positions with the fire department. The ordinance also mandates that offers of employment for certain positions be made contingent on the completion of a conviction background check and permits such conditional offers for certain other positions.

The Spokane ordinance supplements an earlier administrative policy applicable to city hiring. On July 31, 2014, Mayor Condon directed (by letter) the Human Resources Department to draft policies and procedures that would delay a background check inquiry until after determining that the applicant meets the minimum qualifications for the job. In accordance with that directive, Administrative Policy and Procedure 0620-15-65 took effect March 6, 2015.

### **City of Spokane Resources**

City of Spokane Ordinance C35564 (Nov. 27, 2017), [available here](#).

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Letter from Mayor of Spokane (Dec. 18, 2017), [available here](#).  
Spokane Administrative Policy & Procedure 0620-15-65 (2015), [available here](#).  
Letter from Mayor of Spokane (July 31, 2014), [available here](#).

### **Spokane Contact**

Julie Schaffer, Attorney  
[Center for Justice](#)  
[julie@cforjustice.org](mailto:julie@cforjustice.org)

Layne Pavey, Organizer  
[I Did the Time](#)  
[idadidthetime@gmail.com](mailto:idadidthetime@gmail.com)

### ***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

### ***HARRISONBURG, VA (CITY COUNCIL DECISION APPLIES TO CITY)***

- Background check after conditional offer of employment
- Right to appeal prior to adverse determination

On August 26, 2014, the Harrisonburg City Council unanimously moved to remove criminal history questions from the city’s employment application. According to the city manager, the city maintains a policy of conducting criminal history background checks after a conditional offer of employment. If an offer of employment is rescinded based on the results of a background check, applicants are informed and given the opportunity to explain or correct any erroneous information.

### **Harrisonburg Resource**

City Council Meeting Minutes (Aug. 26, 2014), [available here](#) (pages 5-6).

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***TUCSON, AZ (RESOLUTION APPLIES TO CITY)***

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

On August 27, 2014, the City of Tucson committed to removing the question about conviction history from the city job application. On March 17, 2015, a resolution was adopted by the mayor and city council directing the city to identify positions that require background checks and performing them after a contingent offer. The policy is directed to be consistent with the EEOC guidance.

**Tucson Resources**

Tucson Job Application, [available here](#).

Tucson Resolution No. 22373 (March 17, 2015), [available here](#).

Tucson Administrative Directive, [available here](#).

**Tucson Contact**

Ellen Katz

William E. Morris Institute for Justice

[eskatz@qwestoffice.net](mailto:eskatz@qwestoffice.net)

***MADISON, WI (RESOLUTION APPLIES TO CITY; ORDINANCE APPLIES TO CITY CONTRACTORS)***

- Background check after conditional offer of employment
- Complaint process (for city contractors, pursuant to ordinance)

On September 2, 2014, the Common Council of the City of Madison adopted a resolution requiring the removal of criminal history inquiries from applications for city jobs (with limited exceptions). The resolution prohibits criminal background checks until after a conditional offer of employment and requires specific notice be provided to an applicant disqualified because of his/her background check. The resolution took effect on September 5, 2014.

On November 25, 2015, the Common Council also adopted an ordinance extending ban the box to city contractors (with certain exceptions). It prohibits criminal history inquiries or background checks until after a conditional offer of employment. It requires contractors to post a city-provided notice informing job applicants about the ordinance's requirements. Job applicants may file complaints with the City of Madison Department of Civil Rights. The ordinance allows for monetary penalties for violations. The ordinance applies to contracts worth over \$25,000 awarded or renewed on January 1, 2016 or later.

**Madison Resources**

Resolution No. 14-00679 (Sept. 2, 2014), [available here](#).

Report to Common Council on impact of ban the box (July 16, 2014), [available here](#).

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Ordinance No. 15-00128 (Nov. 25, 2015), [available here](#).  
Notice that contractors must prominently post, [available here](#).

***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 (Sept. 23, 2014), [available here](#).

**Fairfax County Contact**

Susan Woodruff, Director  
Fairfax County Department of Human Resources  
[susan.woodruff@fairfaxcounty.gov](mailto: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 (ORDINANCE APPLIES TO PRIVATE AND PUBLIC EMPLOYMENT)***

- Policy applies to most public and private employers in the city

On January 10, 2020, the City of St. Louis Board of Aldermen unanimously passed Ordinance 71074. After 20 days without the mayor’s signature or veto following the board’s passage, the ordinance automatically became law. The ordinance prohibits both public and private employers with ten or more employees from inquiring about an applicant’s criminal history until after the employer determines the applicant is otherwise qualified for the position. The ordinance prohibits employers from basing a hiring or promotional decision on an applicant’s criminal history unless the employer can demonstrate consideration of all available information, including the frequency, recency, and severity of the offense(s), and that the offense is “reasonably related or bears upon” the duties and responsibilities of the position. Alleged violations may be submitted to the St. Louis Civil Rights Enforcement

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Agency. The law directs the St. Louis Office of the License Collector to publicize the ordinance and enforce its penalties. The ordinance is effective January 1, 2021.

Previously, as of March 2013, the City ceased automatically disqualifying job applicants with felony records. Then, in October 2014, the City removed all questions about conviction history from its job application, opting to instead screen later in the hiring process and only for certain sensitive positions.

#### **St. Louis Resources**

St. Louis Ordinance 71074, [available here](#).

St. Louis Press Release (Feb. 13, 2020), [available here](#).

St. Louis Mayoral Press Release (Oct. 14, 2014), [available here](#).

#### ***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 nature 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**

Lancaster City Council approval of resolution, [available here](#).

Lancaster 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**

Roanoke 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 Yonkers Mayor's Office, [available here](#).

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Yonkers Job Application, [available here](#).

### **Yonkers Contact**

Juanita Lewis  
Community Voices Heard  
[juanita@cvhaction.org](mailto: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**

Arlington County Press Release (Nov. 3, 2014), [available here](#).

### **Arlington County Contact**

Marcy Foster, Director  
Department of Human Resources  
[mfoste@arlingtonva.us](mailto: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 with 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

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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 10<sup>th</sup> and the law took 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](mailto: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**

KCK Agenda and Ordinance (Nov. 6, 2014), [available here](#).

### ***WOODSTOCK, NY (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On November 18, 2014, the Town Board voted unanimously to remove questions regarding criminal history from applications for employment with the town.

### **Woodstock Resources**

Woodstock Resolution, [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

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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. On April 14, 2015, the county council approved a resolution adopting rules and regulations further interpreting the ordinance.

### **Prince George’s County Resource**

Prince George’s County Ordinance (Nov. 19, 2014), [available here](#).

Prince George’s County Resolution (Apr. 14, 2015), [available here](#).

### ***ALLEGHENY COUNTY, PA (PITTSBURGH 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**

Allegheny County 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

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support. The Mayor’s Task Force on Community Violence made the initial, formal recommendation to the council.

**Columbia Resource**

Columbia Ordinance and supporting documents (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**

Pompano Beach City Manager’s Memorandum (Dec. 1, 2014), [available here](#).

**Pompano Beach Contact**

Vincent Marchione, Human Resources Analyst  
(954) 786-4627  
[vincent.marchione@copbfl.com](mailto:vincent.marchione@copbfl.com)

***ULSTER COUNTY, NY (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**

Ulster County 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

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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](mailto:arosenthal@communityalternatives.org) and [pwarth@communityalternatives.org](mailto:pwarth@communityalternatives.org)

### ***ALLIANCE, OH (POLICY APPLIES TO CITY)***

- Background checks only required for some positions
- Provides copy of background check report upon request

The City eliminated all questions regarding criminal records from its employment applications around December 2014, but did not pass an ordinance requiring this change. According to the Safety Service Coordinator, criminal background checks are conducted for public safety positions and for positions where an individual would come into contact with money, once the finalists for the position are selected. The past crimes that are considered are those directly related to the position. Applicants are notified of the reasons for denial, and provided a copy of the background check report upon request.

### **Alliance Resource**

Barbara J. Sferra, Safety Service Coordinator  
(330) 821-3110

### ***WARREN, OH (RESOLUTION APPLIES TO CITY)***

- Background checks only required for some positions
- Background checks after conditional offer of employment

On January 14, 2015 the City Council passed a resolution to express support for the Ban the Box campaign, commend similar initiatives in other communities, and to encourage the Mayor of the City of Warren to submit a Ban the Box policy so that the City of Warren can implement the policy. The policy has not yet been implemented.

### **Warren Resource**

Warren Resolution, [available here](#).

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**Warren Contact**

David Daugherty, Personnel Supervisor  
330-841-2608  
[ddaugherty@warren.org](mailto:ddaugherty@warren.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 disqualification.

**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.usg](mailto:obowen@maconbibb.usg)

Marilynn Winn  
Women on the Rise  
[marilynn@rjactioncenter.org](mailto:marilynn@rjactioncenter.org)

Charmaine Davis, Georgia State Director & Shannan Reaze, Organizer  
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**READING, PA (ADMINISTRATIVE POLICY APPLIES TO CITY)**

- Background checks after conditional offer of employment

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As of March 9, 2015, applications for employment with the City no longer include any questions relating to an applicant's criminal history. The City still conducts background checks on all applicants, but only after a conditional offer is made.

***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](#).

***ALLENTOWN, PA (ORDINANCE APPLIES TO CITY)***

- Background checks after conditional offer of employment

On April 1, 2015, Allentown's City Council voted unanimously to eliminate the criminal history inquiry from applications for City employment. The City will not conduct a background check until after making a conditional offer of employment. Applications for a position as a police officer, firefighter, or 911 operator will still include the criminal conviction inquiry.

***SAVANNAH, GA (RESOLUTION & POLICY APPLY TO CITY)***

On May 14, 2015, the Savannah City Council adopted a resolution supporting ban the box for city hiring. Via the resolution, which was largely symbolic, the council affirmed its existing administrative policy of not allowing conviction records to act as an automatic disqualifier of applicants for employment with the city. According to the city's then-director of human resources, the city removed conviction inquiries from its employment application in 2007 as part of a move to an online application system. Background checks are delayed until an applicant is a "tentative selection to fill a position." Several relevancy factors are then considered when deciding whether to hire an applicant with a record. One of those factors, however, is whether the applicant provided full and truthful information about the conviction in a timely manner, which can, unfortunately, act as a candor trap and undercut the purpose of banning the box.

**Savannah Resources**

Savannah City Council Meeting Minutes (May 14, 2015), [available here](#).

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Memorandum from City Human Resources Director (Feb. 27, 2015), [available here](#).

**ORLANDO, FL (POLICY APPLIES TO CITY)**

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

On May 15, 2015, the City of Orlando announced a new policy that eliminates the criminal history inquiry from applications for City employment. The City does not conduct a background check until making a conditional offer of employment. For applicants to the police and fire department and to summer seasonal employees who work with children and people with disabilities, the criminal history inquiry will remain on the application. Applicants who are rejected due to criminal history are provided notification of the reason for the denial.

**Orlando Contacts**

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(407) 246-2067

Desmond Meade  
State Director, Live Free Campaign,  
Faith in Florida  
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Mykal Tairu  
Program Coordinator  
Vincentian Reentry Organizing Project  
[mykal@svdporlando.org](mailto:mykal@svdporlando.org)

**COLUMBUS, GA (ORDINANCE APPLIES TO CITY)**

- Background check after hiring process is complete
- Incorporates EEOC criteria in individualized assessment

On May 29, 2015, the mayor of Columbus signed an ordinance removing the criminal history inquiry from applications to non-public safety Department positions. The City does not conduct a background check until a candidate has been selected. Candidates may request a copy of the record. If an application is denied because of an applicant's criminal record, the applicant is notified of the reason for denial and, on a case-by-case basis, may be provided an opportunity to dispute inaccuracies.

**Columbus Resource**

Columbus Ordinance (May 29, 2015), [available here](#)  
Columbus Administrative Policy (May 12, 2015), [available here](#)

**DAYTONA BEACH, FL (POLICY APPLIES TO CITY)**

On June 1, 2015, the City announced in a press conference that it would enact a ban-the-box policy, effective on July 1<sup>st</sup>. A job applicant with the city will not disclose conviction information until the City has expressed a "desire to hire the individual."

**Daytona Beach Resource**

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Daytona Beach Implementation of Fair Chance Policy and Procedure, [available here](#)

**Daytona Beach Contacts**

Desmond Meade	Mykal Tairu
State Director, Live Free Campaign	Program Coordinator
Faith in Florida	Vincentian Reentry Organizing Project
<a href="mailto:dmeade@picoflorida.org">dmeade@picoflorida.org</a>	<a href="mailto:mykal@svdporlando.org">mykal@svdporlando.org</a>

**TACOMA, WA (RESOLUTION APPLIES TO CITY)**

- Background check after hiring process is complete
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

On June 30, 2015, the Tacoma City Council voted unanimously to remove any inquiry into conviction history from its job applications for city applications. The City will continue to run background checks on all employees, but will consider whether the offense relates to the position and will only consider conviction history after extending a conditional offer. The inquiry will remain for applications for police officers and positions that work directly with children.

**Tacoma Resource**

Tacoma Resolution, [available here](#)  
Tacoma Background and Reference Check Guidelines, [available here](#)

**Tacoma Contact**

Mary McDougal  
Human Resources Director  
253-502-8781  
[mmcdougal@cityoftacoma.org](mailto:mmcdougal@cityoftacoma.org)

**WICHITA, KS (POLICY APPLIES TO CITY)**

- Background check after hiring process is complete
- Incorporates EEOC criteria in individualized assessment

As of July 9, 2015, the City of Wichita no longer inquires about criminal history for city jobs. With the exception of law enforcement positions, which still requires a background check before an offer is made, Wichita now considers conviction history only after a conditional offer has been made, and considers factors like the nature and severity of the offense, how much time has passed, and whether the offense is related to the job.

**Wichita Contact**

Chris Bezruki  
Human Resources Director  
316-268-4531

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[cbezruki@wichita.gov](mailto:cbezruki@wichita.gov)

***TOPEKA, KS (ADMINISTRATIVE DECISION APPLIES TO CITY)***

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

As of July 2015, applications for employment with the City of Topeka no longer include questions about criminal records. The City conducts background checks for all positions after extending a conditional offer of employment, with some exceptions. The City also considers the time elapsed since the conviction, the nature of the conviction, and how it relates to the duties of the job. If the conditional offer is withdrawn, the City first notifies the applicant and provides the applicant with a copy of the record. The applicant has the opportunity to correct inaccuracies and explain the circumstances of a conviction before a final decision is made.

***NEWARK, OH (RESOLUTION APPLIES TO CITY)***

On July 20, 2015, the Newark City Council unanimously passed a resolution removing the conviction history inquiry from its applications. The Newark Think Tank on Poverty led the initiative to pass the resolution, with the help of Councilmember Jeremy Blake.

***NEWBURGH, NY (RESOLUTION APPLIES TO CITY)***

The Newburgh City Council unanimously approved a resolution removing a question about convictions from city applications on August 10, 2015, with exceptions. The city can still ask applicants about their conviction history during the interview and will conduct background checks thereafter.

**Newburgh Resource**

City Council Resolution No. 199-2015, [available here](#)

***GLENDALE, AZ (ADMINISTRATIVE DECISION APPLIES TO CITY)***

- Background check after conditional offer of employment

In September 2015, the City of Glendale removed the question about criminal records from the City's application for employment. The City only conducts a background check after extending a conditional offer of employment, and limits the criminal record inquiry to convictions that occurred within the last seven years.

***KINGSTON, NY (RESOLUTION APPLIES TO CITY)***

In September, 2015, the Kingston City Council passed a resolution to remove questions related to criminal convictions and charges from City employment applications. City employers can still ask questions regarding criminal records during job interviews and conduct background checks on applicants.

**Kingston Resource**

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City Council Resolution No. 186 of 2015, [available here](#) (page 7).

***MIAMI-DADE COUNTY, FL (ORDINANCE APPLIES TO COUNTY)***

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

On October 6, 2015, the Miami-Dade Board of County Commissioners passed an ordinance regarding county employment. The county may not conduct a background check until after an applicant is selected as a finalist and receives a conditional offer of employment. The ordinance also prohibits the consideration of arrests that did not result in conviction and sealed, expunged, and pardoned convictions. It further mandates that the county consider how a conviction relates to the job and how much time has elapsed since the applicant was convicted, and requires that the applicant be given five days to respond to a potential withdrawal of the conditional offer before a final decision is made.

**Miami-Dade Resource**

Miami-Dade County Ordinance, [available here](#).

***PRINCE WILLIAM COUNTY, VA (RESOLUTION APPLIES TO COUNTY)***

On October 13, 2015, the Prince William Board of County Supervisors adopted a resolution directing the county executive to remove conviction questions from initial county employment applications. Applicants are now asked about their criminal conviction history only after they have completed the interview process (with exceptions for certain law enforcement positions). The policy took effect on November 1, 2015.

**Prince William Resource**

Resolution 15-672 (Oct. 13, 2015), [available here](#).

***NASHVILLE, TN (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On November 10, 2015, the Metro Civil Service Commission voted unanimously to remove questions regarding criminal history from the application for employment with the City. The policy took effect by January 1, 2016 and included exceptions for police and fire departments.

***PIMA COUNTY, AZ (TUSCON AREA) (RESOLUTION APPLIES TO COUNTY)***

On November 10, 2015, the Pima County Board of Supervisors passed a resolution that removes the inquiry about an applicant's criminal record from the application for County employment. The County will still conduct background checks later in the hiring process, and the resolution will not apply to certain professions.

**Pima Resource**

Pima County Press Release, [available here](#).

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***BATON ROUGE, LA (RESOLUTION APPLIES TO CITY)***

On November 10, 2015, the East Baton Rouge Parish Metro Council eliminated questions regarding criminal history from the application for employment with the City. The resolution does not apply to certain positions.

***DALLAS COUNTY, TX (ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

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

The Dallas County Commissioners voted unanimously on November 17, 2015 on a policy for the County. The County will delay requesting criminal history until later in the hiring process, consider how an offense relates to the position sought, the time elapsed since conviction, and evidence of rehabilitation in deciding whether a conviction is disqualifying. The policy also provides that applicants should be given the opportunity to review the background check and challenge its relevance and accuracy.

**Dallas Resource**

Dallas Guidelines for Hiring Applicants with Records, [available here](#).

**Dallas Contact**

Josh Gravens  
Organize Justice  
[josh@organizejustice.org](mailto:josh@organizejustice.org)

***GAINESVILLE, FL (APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

City commissioners voted on November 19, 2015 to remove the criminal history inquiry from the city's employment application. Human Resources reviews the criminal history information received, and when negative information is obtained, makes individual assessments, considering the age of the offense and its relevance to the job in making hiring decisions.

**Gainesville Resource**

Gainesville Legislative Information, [available here](#).

***CHATTANOOGA, TN (RESOLUTION & ORDINANCE APPLY TO CITY)***

On December 1, 2015, the Chattanooga City Council adopted a resolution to prohibit city departments from inquiring into a job applicant's conviction history on "any preliminary employment application documents." City employers may only inquire into and consider an applicant's conviction record as part of a normal background check after an application is submitted.

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On December 15, 2015, the city council approved Ordinance No. 13007 to amend the Chattanooga City Charter to remove the requirement that all employees of the city be eligible to vote in Tennessee and replace it with a Tennessee residency requirement. Voters of Chattanooga overwhelmingly approved Ordinance No. 13007 on November 8, 2016, and the ordinance takes effect 60 days later (January 7, 2017).

#### **Chattanooga Resource**

Chattanooga City Council Resolution, [available here](#).  
Chattanooga Ordinance No. 13007, [available here](#).

#### **Chattanooga Contact**

Nicole Gwyn, Clerk to the City Council  
[nsgwyn@chattanooga.gov](mailto:nsgwyn@chattanooga.gov)

#### ***FORT MYERS, FL (RESOLUTION APPLIES TO CITY)***

On December 7, 2015, the Fort Myers City Council unanimously adopted Resolution No. 2015-61, which removes questions about felony convictions from city job applications and requires that the review of conviction records later in the hiring process must include consideration of “legitimate business necessity.” City hiring managers were to receive training within 90 days after the resolution was adopted. The resolution made exceptions for police and fire department applications.

#### **Fort Myers Resources**

City Council Meeting Minutes (Dec. 7, 2015), [available here](#).  
Fort Myers Resolution No. 2015-61, [available here](#).

#### ***ITHACA, NY (ADMINISTRATIVE POLICY APPLIES TO CITY)***

On December 23, 2015, the City of Ithaca announced that it will be implementing a ban the box policy for public employers. Ithaca’s Director of Human Resources stated to the media, “[T]his community cannot afford to pass up talented, capable people in search of a second chance. At the very least, banning the box may eliminate unconscious bias or the perception of it. We are excited to model, through this initiative, what the city believes and practices.”

#### **Ithaca Resource**

City of Ithaca News Release, [available here](#).

#### ***BLACKSBURG, VA (RESOLUTION APPLIES TO CITY)***

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

On January 19, 2016, the Blacksburg Town Council directed Town staff to remove questions about criminal history from applications for employment with the Town.

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In a press release, the Town Attorney stated that under the new policy, background checks will be conducted only after the best candidate for a position is identified, and that any consideration of criminal history at that stage should take into account the details of the conviction along with the job requirements.

### **Blacksburg Resource**

Blacksburg Town Press Release, [available here](#).

### ***ASHEVILLE, NC (RESOLUTION APPLIES TO CITY)***

The Asheville City Council passed a resolution on January 26, 2016 expressing its commitment to the Ban the Box movement and its support for the City amending its employment application so as not to require disclosure of an applicant's criminal record during the initial job application process, except for certain sensitive positions.

### **Asheville Resource**

Asheville City Council Resolution 16-29, [available here](#) (page 5).

### ***MONTGOMERY COUNTY, VA (RESOLUTION APPLIES TO COUNTY)***

On January 26, 2016, the Montgomery County Board of Supervisors passed a unanimous resolution to ban the box for County jobs, removing a question about conviction history from the County employment application.

### **Montgomery County Resource**

Montgomery County Board of Supervisors Resolution R-FY-15-76, [available here](#).

### ***DUTCHESS COUNTY, NY (ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

Effective February 1, 2016, questions regarding criminal convictions, dishonorable military discharges, and firings from previous jobs will be removed from all Dutchess County exams, recruitments and employment applications. County Executive Marcus Molinaro issued the ban the box policy as part of a broader initiative to advance diversity which also included appointing a new Equal Employment/Human Rights Officer, reconstituting the County's Human Rights Commission, and launching a workforce diversity taskforce to develop recommendations to diversify the pool of applicants for County jobs.

### **Dutchess County Resource**

Dutchess County News Release, [available here](#).

### ***BIRMINGHAM, AL (EXECUTIVE ORDER APPLIES TO CITY)***

- Right to contest content of record

On February 4, 2016, Birmingham Mayor William A. Bell, Sr., signed an executive order directing the City's Human Resources Department to implement hiring policies for City jobs intended to "encourage the full participation of motivated and

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qualified persons with criminal histories in the workforce.” The Mayor’s hiring policy goals include prohibiting the use of a criminal record as an automatic bar to employment, removing questions related to criminal history from the initial stages of the application process, and providing applicants the opportunity to discuss inaccuracies or contest the content of their record and to provide any information that demonstrates rehabilitation.

### **Birmingham Resources**

Birmingham Executive Order, [available here](#).

U.S Department of Justice Press Release, [available here](#).

### ***STAUNTON, VA (CITY COUNCIL DECISION APPLIES TO CITY)***

On February 25, 2016, the Staunton City Council decided to remove the criminal history question from the city’s employment application. All interviewed candidates instead complete a criminal conviction disclosure form after interviewing.

### **Staunton Resource**

Staunton City Council Minutes (Feb. 25, 2016), [available here](#).

### ***CHEROKEE COUNTY, GA (RESOLUTION APPLIES TO COUNTY)***

- Incorporates EEOC criteria in individualized assessment
- Right to appeal prior to adverse determination

On March 1, 2016, the Cherokee County Board of Supervisors unanimously passed a resolution removing questions or checkboxes about conviction records from County employment applications, and delaying disclosure of records and background checks until after an interview has been conducted. Any candidate with a conviction will be given the opportunity to demonstrate that the conviction should not be disqualifying for the position. Before making a decision based on conviction records, the employer must consider the nature and gravity of the offense, the time passed since the offense, and the nature of the job.

### **Cherokee County Resource**

Cherokee County Resolution, [available here](#).

### ***BETHLEHEM, PA (ADMINISTRATIVE POLICY APPLIES TO CITY)***

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

On March 1, 2016, Bethlehem Mayor Robert Donchez directed the city’s human resources personnel and department heads to delay inquiries about criminal history until the final stage of the hiring process (with exceptions for certain law enforcement positions). After the city determines that an individual is qualified and a finalist for a position, a criminal history background check will be performed. If the individual has a record, human resources will coordinate with the solicitor’s

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office to conduct an individual assessment according to EEOC guidelines. Upon receiving a conditional offer of employment, all applicants are further required to provide the city with a Pennsylvania Child Abuse History Clearance, Federal Criminal History Background Check, and a Pennsylvania State Police Clearance. The policy took effect on March 14, 2016.

**Bethlehem Resource**

Mayor’s Office Memorandum, [available here](#).

***MECKLENBURG COUNTY, NC (RESOLUTION APPLIES TO COUNTY)***

On March 16, 2016, the Mecklenburg County Board of Commissioners passed a motion directing the county manager to modify the County’s application for employment by removing the question about criminal convictions.

**Mecklenburg County Resource**

BOCC Meeting Minutes (Mar. 16, 2016), [available here](#) (page 18-21).

***PHOENIX, AZ (ADMINISTRATIVE REGULATION APPLIES TO CITY)***

- Background check only for finalists for positions
- Incorporates EEOC criteria in individualized assessment
- Right to appeal prior to adverse determination

Effective April 18, 2016, the City of Phoenix moved the process of disclosure of prior convictions from the employment application stage to the finalist interview stage for most city positions. The hiring authority reviews any disclosed convictions and works with the department’s human resources supervisor to evaluate applicants’ records in accordance with the EEOC guidance. Only convictions within the past seven years may be considered. If the hiring authority finds a conviction to be disqualifying, the applicant shall be provided a pre-adverse action disclosure letter and given 10 calendar days to dispute the record or provide any mitigating information with the background check vendor.

**Phoenix Resource**

Phoenix Administrative Regulation 2.81 Revised, [available here](#).

***WAKE COUNTY, NC (ORDINANCE APPLIES TO COUNTY)***

- Background check only for finalists for positions
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report
- Right to appeal denial of employment

On April 18, 2016 the Board of Supervisors approved an ordinance to require that the initial application form not inquire about prior convictions. Background checks will be conducted only after the applicant has been recommended for hire. An applicant’s record cannot be used as a basis for denial unless a conviction is job-

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related as determined by an individualized assessment incorporating EEOC guidelines. Before taking an adverse action, hiring departments must obtain concurrence from human resources and provide the applicant with a pre-adverse action disclosure form, a copy of the background report, and notice of the applicant's right to dispute the information in the report.

#### **Wake County Resources**

Wake County Ordinance, [available here](#).

Wake County Human Resources Policy, [available here](#).

#### ***BUNCOMBE COUNTY, NC (RESOLUTION APPLIES TO COUNTY)***

On April 19, 2016, the Buncombe County Board of Commissioners adopted a resolution to remove criminal history questions from the county's initial job application.

#### **Buncombe County Resources**

Board of Commissioners Meeting Minutes (April 19, 2016), [available here](#).

Buncombe County Resolution (April 19, 2016), [available here](#).

#### ***SARASOTA, FL (ADMINISTRATIVE POLICY APPLIES TO CITY)***

- Background check only for finalists for positions
- Incorporates EEOC criteria

Effective May 1, 2016, the City of Sarasota delayed when in the hiring process criminal history information is disclosed and reviewed. Near the final phase of the selection process, applicants' records are reviewed and considered along with the nature and age of the offense as well as the nature of the job sought.

#### **Sarasota Resource**

City of Sarasota Press Release (May 13, 2016), [available here](#).

#### ***JOHNSON COUNTY, KS (ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

- Background check after conditional offer of employment

On May 19, 2016, the Johnson County Board of County Commissioners approved a motion endorsing the county manager's decision to remove criminal history questions from the beginning of the application process (except for certain positions related to public safety). The applicant's background check is conducted after an offer of employment is extended.

#### **Johnson County Resources**

BOCC Meeting Transcript (May 12, 2016), [available here](#) (page 11).

BOCC Meeting Transcript (May 19, 2016), [available here](#) (page 29).

#### ***BROWARD COUNTY, FL (ORDINANCE APPLIES TO COUNTY)***

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- Background check only for finalists for positions
  - Provides copy of background check report
  - Right to appeal prior to adverse determination

On June 14, 2016, the Broward County Board of County Commissioners approved an ordinance delaying inquiries about county job applicants' criminal histories until the final phase of the hiring process. After reviewing a finalist's criminal history, the county determines whether any convictions or pending charges are job-related and whether business necessity prevents hiring the individual. If the county declines to offer employment because of a finalist's criminal history, the county must provide the individual with a copy of the record and an explanation of its assessment of that record. Within five business days, the applicant may contest the accuracy of the reported information or provide evidence of mitigating circumstances or rehabilitation. The ordinance took effect on June 16, 2016, and the county administrator was allowed an additional 90 days to implement it.

#### **Broward County Resource**

Ordinance No. 2016-18 (June 15, 2016), [available here](#).

#### ***PULASKI COUNTY, AR (ORDINANCE APPLIES TO COUNTY)***

- Background check after conditional offer of employment
- Provides copy of background check report
- Right to appeal prior to adverse determination
- Incorporates EEOC criteria in individualized assessment

On June 28, 2016, the Pulaski County Quorum Court unanimously passed an ordinance removing criminal history questions from the county's initial employment applications. Such inquiries are delayed until after a conditional offer of employment. The county employer is required to conduct an individualized assessment and consider the nature and gravity of the offense, the time passed since the offense, and the nature of the job. If the county rescinds an offer employment based on a finalist's criminal history, the county must provide the applicant with an adverse-action letter that specifies the deadline by which the individual may contest the accuracy of the reported information or provide evidence of rehabilitation. The background check report will be provided upon request. The ordinance took effect within 60 days after adopted.

#### **Pulaski County Resources**

County Ordinance 16-I-29A (June 28, 2016), [available here](#).

County Quorum Court Meeting Minutes (June 28, 2016), [available here](#).

#### ***HENRY COUNTY, VA (ADMINISTRATIVE ACTION APPLIES TO COUNTY)***

Effective July 1, 2016, Henry County removed the criminal history inquiry that had previously appeared on its initial employment application. Following a request from the Martinsville/Henry County Chapter of Virginia Organizing, the change to the

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employment application was announced and the new application distributed at a meeting of county managers.

**Henry County Resource**

Employment application with question omitted, [available here](#).

**Henry County Contact**

Nik Belanger, Southside Organizer

Virginia Organizing

[nik.belanger@virginia-organizing.org](mailto:nik.belanger@virginia-organizing.org)

***NEW HANOVER COUNTY, NC (POLICY APPLIES TO COUNTY)***

- Background check only for finalist
- Right to appeal prior to adverse determination
- Incorporates EEOC criteria in individualized assessment

On July 1, 2016, the New Hanover city manager issued an administrative memorandum titled, “Ban the Box - Ensuring Equal Hiring Opportunity to All Qualified Individuals.” Pursuant to the policy, the County will remove all conviction inquiries from job applications; the County will conduct a background check after the applicant is determined to be otherwise qualified and the hiring department recommends offering the job to the applicant. The policy bars consideration of expunged records. Before rejecting an applicant based on his or her record, the County will consider a number of factors, including the nature and job-relatedness of the conviction, time passed, and efforts at rehabilitation. When the County intends to deny an applicant a job because of his or her record, the County will first provide the applicant with an initial determination notice and an opportunity to respond with evidence of mitigation or rehabilitation. The policy applies to all county departments and agencies, with the exception of the Sheriff’s Office and the Register of Deeds Office, both of which may but need not comply with the policy. The policy took effect immediately.

**New Hanover County Resource**

New Hanover County Administrative Memorandum No. 16-001 (July 1, 2016), [available here](#).

***TOMPKINS COUNTY, NY (RESOLUTION APPLIES TO COUNTY)***

On July 5, 2016, the Tompkins County Legislature unanimously adopted a resolution of support for the commissioner of personnel to implement procedures to remove criminal conviction questions from the county’s employment application. Criminal conviction disclosures and subsequent inquiries are now delayed until later in the hiring process. The personnel department considers whether an individual’s conviction is related to the position.

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### **Tompkins County Resource**

County Legislature Meeting Highlights (July 5, 2016), [available here](#).

#### ***DENVER, CO (EXECUTIVE ORDER APPLIES TO CITY)***

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

On July 11, 2016, Mayor Michael B. Hancock [announced](#) that the City and County of Denver would ban the box from job applications, beginning in August 2016. On July 25, 2016, the mayor amended Executive Order No. 135 “The Use of Background Checks in Hiring and Employment Decisions,” adding Section 3.1.1, which prohibits conviction history inquiries until the applicant has been extended a conditional offer of employment (with certain exceptions). Even before the July 2016 update, Sections 3.1.7 and 3.1.8 of Executive Order No. 135 already limited agency consideration of arrests and required agencies to consider (i) the nature of the conviction, (ii) existence of a “strong correlation” between the conviction and job sought, (iii) the number of convictions, (iv) the recentness of convictions, and (v) any evidence of rehabilitation.

### **Denver Resource**

Executive Order No. 135 (July 25, 2016), [available here](#).

### **Denver Contact**

Diane M. Vertovec, Marketing & Communications Manager  
Denver Office of Human Resources  
[diane.vertovec@denvergov.org](mailto:diane.vertovec@denvergov.org)

#### ***TEMPE, AZ (ADMINISTRATIVE ACTION APPLIES TO CITY)***

On August 29, 2016, the Tempe Merit System Board approved changes to the City of Tempe Personnel Rules that removed criminal history questions from city job applications. Instead, applicants are asked about their conviction histories after completing the first interview and being selected as a finalist for the position. At that point, finalists must complete a “criminal background questionnaire,” and later, successful applicants will undergo fingerprint background checks as a condition of accepting employment. The Personnel Rules were revised to incorporate these changes on September 22, 2016.

### **Tempe Resources**

Tempe Merit System Board Meeting Minutes (Aug. 29, 2016), [available here](#).  
City of Tempe Personnel Rules (Sept. 22, 2016), [available here](#).

### **Tempe Contact**

Ellen Katz, Director  
William E. Morris Institute for Justice

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[eskatz@qwestoffice.net](mailto:eskatz@qwestoffice.net)

(602) 252-3432

***SACRAMENTO, CA (ORDINANCE APPLIES TO CITY CONTRACTORS)***

On September 6, 2016, the Sacramento City Council adopted a ban-the-box ordinance applicable to city contractors with at least 20 employees. Covered city contractors are prohibited from inquiring into a job applicant’s conviction history until determining that he or she meets the minimum qualifications for the position sought. A violation of that prohibition would constitute a material breach of the city contract and authorize the city to terminate the contract. The ordinance makes exceptions for (i) positions for which the employer is required to conduct a background check, and (ii) positions that will not involve work on a city contract. The ordinance applies to contracts of at least \$100,000 awarded after January 1, 2017.

**Sacramento Resources**

City Ordinance No. 2016-0036 (Sept. 6, 2016), [available here](#).

City Council Meeting Minutes (Sept. 6, 2016), [available here](#).

***MILWAUKEE, WI (RESOLUTION APPLIES TO CITY)***

On October 11, 2016, the Common Council of the City of Milwaukee voted 13-to-2 to adopt a resolution requiring the Department of Employee Relations not to ask about an applicant’s criminal history on the initial city employment application. Instead, background checks are only to be conducted when the applicant is placed on an “employee eligibility list.” Although city officials already delayed conviction inquiries pursuant to a practice instituted by the mayor several years previously, the Common Council resolution renders this change permanent. The resolution expressly applies to all civilian positions within the police and fire departments to the fullest extent permitted by law. The Common Council resolution further encourages all Milwaukee employers to ban the box.

**Milwaukee Resource**

Resolution No. 120663 (Oct. 11, 2016), [available here](#).

Common Council Meeting Minutes (Oct. 11, 2016), [available here](#) (pages 11-12).

**Milwaukee Contact**

Astar N. Herndon, State Director

9to5

[astar@9to5.org](mailto:astar@9to5.org)

(414) 274-0925

***JACKSON COUNTY, MO (ADMINISTRATIVE ACTION APPLIES TO COUNTY)***

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On November 6, 2016, Jackson County Executive Frank White, Jr. promulgated Executive Order 16-16, which prohibits criminal history inquiries from appearing on initial applications for county jobs.

**Jackson County Resource**

Executive Order 16-16 (Nov. 7, 2016), [available here](#).

***SAN ANTONIO, TX (ADMINISTRATIVE ACTION APPLIES TO CITY)***

On December 7, 2016, the San Antonio City Council Governance Committee supported a staff recommendation to remove all questions about criminal history from the civilian job application. (Councilman Rey Saldaña had previously urged the adoption of a fair chance hiring ordinance.) City Manager Sheryl Sculley then issued a memorandum indicating that inquiries into criminal history would be delayed until after a conditional job offer. After receiving the background check results, human resources staff conduct an individualized assessment, considering (i) job relatedness of a conviction, (ii) offense level, (iii) time elapsed, (iv) mitigating circumstances, and (v) rehabilitation evidence. Human resources staff consult with the City Attorney’s Office when questions arise regarding job relatedness. The policy applies to the civilian job application, which excludes the fire and police departments.

**San Antonio Resource**

City Manager Fair Chance Hiring Memorandum (Dec. 7, 2016), [available here](#).

**San Antonio Contact**

Lori Steward, Human Resources Director  
City of San Antonio  
[lori.steward@sanantonio.gov](mailto:lori.steward@sanantonio.gov)  
(210) 207-1465

***LOS ANGELES, CA (ORDINANCE APPLIES TO CITY & PRIVATE EMPLOYERS)***

- Background check after conditional offer of employment
- Provides copy of background check report
- Right to appeal prior to adverse determination
- Incorporates EEOC criteria in individualized assessment

On December 9, 2016, Mayor Eric Garcetti approved an ordinance delaying public and private employer inquiries into job applicants’ conviction histories. The ordinance applies broadly to businesses in the city that employ at least 10 people, with certain exceptions. Employers may not ask about an applicant’s record until a conditional offer of employment has been extended. After learning of an applicant’s record, employers must consider factors including (i) age of the offense, (ii) nature of the offense, and (iii) specific duties of the job sought. Written notice must be

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provided to applicants. The ordinance provides for a private right of action for aggrieved job applicants.

Also on December 9, 2016, Mayor Garcetti approved an ordinance governing city contractors' consideration of criminal history information during their hiring processes. The ordinance prohibits city contractors (and subcontractors) from inquiring into a job applicant's record until after extending that applicant a conditional offer of employment. Before revoking any such offer, the contractor must conduct a written assessment, explaining the job-relatedness of the applicant's record and examining the factors set forth in the 2012 EEOC Guidance. When taking adverse action on the basis of the applicant's record, the contractor must provide a written notice, including a copy of that written assessment and any supporting materials, such as the applicant's background check report. The employer may not fill the position for five business days, during which the applicant may submit additional information. Violation of the ordinance constitutes a material breach of the city contract, and the ordinance also provides for monetary penalties.

The Los Angeles Department of Public Works, Bureau of Contract Administration is tasked with enforcing the ordinances and collecting civil monetary penalties (effective July 1, 2017). Both ordinances took effect on January 22, 2017.

#### **Los Angeles Resources**

City of Los Angeles Ordinance No. 184652 (Dec. 9, 2016), [available here](#).  
City of Los Angeles Ordinance No. 184653 (Dec. 9, 2016), [available here](#).  
Rules and Regulations Implementing Los Angeles Ordinance, [available here](#).

#### **Los Angeles Contacts**

<a href="#">A New Way of Life</a>	<a href="#">LA Voice</a>
(323) 563-3575	(213) 384-7404

#### ***AUGUSTA, GA (ADMINISTRATIVE POLICY APPLIES TO CITY/COUNTY)***

- Incorporates EEOC criteria in individualized assessment

On December 20, 2016, the Augusta Commission voted in favor of banning the box from Augusta job applications but sent the policy to the Administrative Services Committee to determine the details. On January 17, 2017, the Augusta Commission voted to approve the policy revisions that were approved by the committee on January 10, 2017. The policy bans the box from Augusta job applications, except applications for positions requiring that the worker not have a record. Pursuant to the policy, a job applicant is not asked about his or her record until he or she is selected as a finalist for the position sought. After the applicant's record is received, the human resources department conducts an individualized assessment, considering the age, nature, and job-relatedness of the offense(s) and affording the applicant an opportunity to explain any mitigating circumstances. If human

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resources recommends rejecting an applicant because of his/her record, that determination is reviewed by the Augusta EEOC/Compliance Department (and the Augusta Administrator, as needed).

Note: Augusta-Richmond County is a consolidated city-county government.

### **Augusta Resources**

Augusta Fair Chance Policy (dated Jan. 5, 2017), [available here](#).

Augusta Commission Meeting Minutes (Jan. 17, 2017), [available here](#).

Augusta Commission Meeting Minutes (Dec. 20, 2016), [available here](#).

### ***YORK COUNTY, SC (RESOLUTION APPLIES TO COUNTY)***

- Background check after conditional offer of employment

On January 17, 2017, the York County Council unanimously approved a fair chance resolution applicable to hiring for county jobs. Although confusingly structured, the resolution appears to delay record-related inquiries until after a conditional offer has been extended to the applicant.

### **York County Resource**

York County Commission Resolution (Jan. 17, 2017), [available here](#).

### ***ALBANY COUNTY, NY (LOCAL LAW APPLIES TO COUNTY)***

- Background check after conditional offer of employment
- Provides copy of background check report
- Right to appeal prior to adverse determination

The Albany County Legislature approved the Albany County Fair Chance Act in a 32 to 3 vote on February 13, 2017. The act prohibits the County of Albany from inquiring into a job applicant's conviction record until after a conditional offer of employment is extended, and then, only if the employer makes a good faith determination that a background check is warranted or required for the position sought. Furthermore, the county may not inquire about an applicant's arrest history at any time during the application process.

### **Albany County Resource**

Albany County Fair Chance Act, [available here](#).

### ***NORTH LAS VEGAS, NV (ADMINISTRATIVE ACTION APPLIES TO CITY)***

- Incorporates EEOC criteria in individualized assessment

On October 14, 2016, Mayor Pro Tem Isaac Barron announced that the City of North Las Vegas would ban the box. City Manager Qiong X. Liu approved the city's ban-the-box administrative policy (dated February 9, 2017). Conviction inquiries are delayed until the interview phase of the application process. When considering an applicant's record, city personnel conduct an individualized assessment, taking into

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account such factors as the nature and age of the offense, nature of the job sought, as well as mitigating circumstances, evidence of rehabilitation.

### **North Las Vegas Resource**

North Las Vegas Ban the Box Policy (Feb. 9, 2017), [available here](#).

### ***SPOKANE COUNTY, WA (RESOLUTION APPLIES TO COUNTY)***

- Background check after the applicant is found to be otherwise qualified
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report
- Right to appeal prior to adverse determination

On October 27, 2017, the Board of County Commissioners voted to approve a new hiring policy that removes questions about past convictions from county job applications and delays background checks until the applicant is determined to be otherwise qualified for the position, which typically means that the applicant meets the minimum requirements for the position. The County limits background checks to convictions from within the past ten years, pursuant to state regulations (Washington Administrative Code 162-12-140). The applicant has ten business days to respond to a proposed adverse action before that action becomes final; an applicant may respond by challenging the accuracy of the record or providing evidence of rehabilitation or mitigating circumstances.

### **Spokane County Resource**

Spokane County Resolution and Background Check Policy (Oct. 24, 2017), [available here](#).

### ***WINSTON-SALEM, NC (RESOLUTION APPLIES TO CITY)***

On November 20, 2017, the Winston-Salem City Council [unanimously](#) approved a resolution reaffirming support for removing conviction inquiries from city job applications. The resolution also urges private employers to follow suit and ban the box from their job applications. Council Member Derwin L. Montgomery further requested information about city vendor policies on ban the box and expressed interest in revisiting that topic in the future.

### **Winston-Salem Resources**

City of Winston-Salem Resolution No. 17-925 (Nov. 20, 2017), [available here](#).

### ***MARICOPA COUNTY, AZ (ADMINISTRATIVE POLICY APPLIES TO COUNTY)***

- Background check after conditional offer of employment

On December 13, 2017, the Maricopa County Board of Supervisors unanimously voted to approve a new human resources (HR) policy (HR2435) that delays conviction record inquiries and background checks. With certain exceptions, the policy requires the county to postpone such inquiries until after the applicant

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accepts a conditional offer of employment. The applicant may not begin work until after a background check, however. If the county decides not to hire the person after a background check, the HR department will satisfy all Fair Credit Reporting Act (FCRA) requirements (which typically means that the employer must provide written notice and a copy of the background check report to the applicant). The policy took effect January 1, 2018.

**Maricopa County Resource**

Maricopa County Human Resources Policy HR2435 (Dec. 13, 2017), [available here](#).

***BEAVER COUNTY, PA (RESOLUTION APPLIES TO COUNTY)***

On January 25, 2018, the Beaver County Board of Commissioners passed Resolution 012518-30, which banned the box from applications for county jobs. Except for “public-safety-sensitive positions,” the County will not inquire about a job applicant’s record until after he or she is interviewed for the position. Furthermore, an applicant with a conviction record will have an opportunity to provide clarifying information, which the County must consider before making a hiring decision. The policy took effect immediately.

**Beaver County Resource**

Beaver County Resolution No. 012518-30 (Jan. 25, 2018), [available here](#).

***WESTCHESTER COUNTY, NY (LAW APPLIES TO PRIVATE EMPLOYERS)***

On April 9, 2018, Westchester County Executive George Latimer signed an executive order to prohibit questions about conviction history during the initial application process. The policy took effect immediately.

On December 3, 2018, the Westchester County Board of Legislators passed a law prohibiting public and private employers (with the exception of law enforcement agencies) from asking about arrest or conviction history on an initial job application. The law requires that, before taking any adverse employment action based on an applicant’s record, the employer must analyze the record and the factors listed in [Article 23-A of New York State Correction Law](#). The applicant may request, and the employer must then provide, a written statement setting forth the reasons for the denial, pursuant to Article 23-A, Section 754. The Westchester County Human Rights Commission is tasked with accepting complaints and enforcing the law. County Executive Latimer signed the law on December 4, 2018, and it took effect 90 days later (March 4, 2019).

**Westchester County Resources**

Westchester Local Law No. 10913-2018 (as amended) (Dec. 4, 2018), [available here](#).

Executive Order No. 5 of 2018 (Apr. 6, 2018), [available here](#).

Westchester County Press Release (Apr. 9, 2018), [available here](#).

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***FORSYTH COUNTY, NC (RESOLUTION APPLIES TO COUNTY)***

On April 12, 2018, the Forsyth County Board of Commissioners unanimously approved a resolution to remove conviction inquiries from most county job applications. The short resolution did not include many details, and instead “authorize[d] the creation of a Fair Chance Employment Policy to ensure that the hiring practices of the County do not unfairly deny employment to people with criminal conviction records which are not job related.” That policy will be developed by the county human resources department and added to the county employee handbook.

**Forsyth County Resource**

Forsyth County Resolution (Apr. 12, 2018), [available here](#).

***NORTHAMPTON COUNTY, PA (EXECUTIVE ORDER APPLIES TO COUNTY)***

On April 27, 2018, County Executive Lamont McClure signed an executive order to ban the box from applications for county jobs. The policy allows for exceptions for “certain positions,” such as law enforcement and positions involving contact with vulnerable populations. The policy took effect April 27, 2018.

**Northampton County Resources**

Executive Order 18-54 (Apr. 27, 2018), [available here](#).

Northampton County Press Release (Apr. 30, 2018), [available here](#).

***WILMINGTON, NC (ORDINANCE APPLIES TO CITY)***

On May 1, 2018, the Wilmington City Council unanimously approved a resolution and ordinance to both limit the positions for which background checks are conducted and delay such checks until later in the hiring process. The resolution to ban the box sets forth the city’s policy of conducting background checks only when “necessary to prevent conduct which might be detrimental to the health, safety, or welfare of the public, or to protect the city from conduct which might be detrimental to the city and its property.” For those positions for which background checks are required, the resolution states that no inquiry or check will occur until after a decision to extend a conditional offer to the applicant. If a background check reveals a conviction that potentially endangers public health, safety, or welfare or that of the city, the human resources department will notify the applicant and allow the submission of evidence of inaccuracies in the record, mitigating circumstances, or rehabilitation.

The ordinance describes for which positions a background check is required as well as which past convictions would prevent a person from holding those positions. (NELP recommends eliminating all such automatic, blanket bans from the law and replacing them with individualized, case-by-case assessments.) The ordinance provides that background checks for the positions described would be performed on all “final applicants” for those positions. The ordinance provides that a person

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with a record that includes one of the listed, related offenses will be given an opportunity to provide evidence of inaccuracy, rehabilitation, and mitigating circumstances. Thereafter, the city manager may in his/her discretion, allow an applicant to continue in the hiring process despite a misdemeanor or a felony conviction where the last date of incarceration/probation/parole occurred over seven years previously.

#### **Wilmington Resource**

Wilmington Resolution to Ban the Box (May 1, 2018), [available here](#).

Wilmington Ordinance adding Sec. 8.5 (May 1, 2018), [available here](#).

Wilmington Code of Ordinances, Sec. 8, Art. I, [available here](#).

Wilmington City Council May 1, 2018 Meeting Minutes, [available here](#).

#### ***LINN COUNTY, IA (RESOLUTION APPLIES TO COUNTY)***

On May 16, 2018, the Linn County Board of Supervisors adopted a resolution on “Inclusive Hiring Practices Concerning People with a Prior Criminal Conviction.” to. The resolution removes conviction history inquiries from the county’s initial employment application and provides that the county must wait until after selecting an applicant for an interview before asking about his or her conviction record or conducting a background check. The resolution further provides for the individualized consideration of conviction history and urges those making hiring decisions to do so without regard for conviction history whenever possible.

#### **Linn County Resource**

Linn County Resolution No. 2018-5-73 (May 16, 2018), [available here](#).

#### ***YORK, PA (ORDINANCE APPLIES TO CITY)***

On May 22, 2018, York Mayor Michael Ray Helfrich signed an ordinance to codify the city’s fair chance hiring policy. The York City Council unanimously approved the ordinance on May 16, 2018. The policy removes conviction inquiries from the city employment application and requires the city to consider the public interest in ensuring access to employment for people with records when making hiring decisions. The ordinance also encourages private businesses to follow suit by removing conviction inquiries from their job applications. The ordinance took effect twenty days after the mayor signed it (i.e., June 11, 2018).

#### **York Resources**

City of York Ordinance No. 5 of 2018 (May 22, 2018), [available here](#).

Article 165 of the York City Codified Ordinances, [available here](#).

#### ***JOHNSON COUNTY, IA (RESOLUTION APPLIES TO COUNTY)***

On June 14, 2018, the Johnson County Board of Supervisors approved a resolution to ban the box from county job applications. The resolution committed the County to remove conviction inquiries from initial employment applications for county jobs,

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with the exception of positions requiring a full background check because of the nature of the work (e.g., law enforcement or positions working with vulnerable populations). The resolution further committed to requiring that an applicant is selected for an interview before the County asks about conviction history or conducts a required background check. Moreover, the resolution encouraged selecting applicants without consideration of past convictions, when possible, as well as considering individualized circumstances when evaluating an applicant's record.

### **Johnson County Resources**

Johnson County Resolution 06-14-18-05 (June 14, 2018), [available here](#).

Johnson County Board of Supervisors June 14, 2018 Meeting Minutes, [available here](#).

### ***SOUTH FULTON, GA (ORDINANCE APPLIES TO CITY AND CONTRACTORS)***

- Applies to public employers and vendors

On January 22, 2019, the South Fulton City Council voted (6-1-0) to approve an ordinance banning the box for city hiring and hiring by city contractors. The ordinance, proposed by Mayor Pro Tem Mark Baker, requires City employers to delay inquiries into criminal history until the applicant is being interviewed or the City determines the applicant to be otherwise qualified for employment. The ordinance requires all City application forms to state that, "in accordance with the City Code, criminal convictions are not a bar to City employment, provided, that the prior criminal activity is not directly related to the position being sought.

### **South Fulton Resource**

South Fulton Ordinance 2019-004 (Jan. 22, 2019), [available here](#).

### ***NEW BERN, NC (RESOLUTION APPLIES TO CITY)***

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

On March 26, 2019, the City of New Bern Board of Aldermen unanimously approved a resolution to remove criminal record inquiries from city job applications. With some limited exceptions, such inquiries will be delayed until after a conditional offer of employment. Further, the city manager is tasked with ensuring that employment background checks are not conducted except for sensitive positions for which such a check is necessary to protect public safety. When considering an applicant's conviction record, the city will consider job-relatedness and time since the offense. If the city intends to deny employment because of a job-related conviction record, the city will notify the applicant and allow the individual to submit evidence of rehabilitation, mitigating circumstances, or inaccuracy of the record. The new background check policy took effect April 1, 2019.

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### **New Bern Resources**

New Bern Board of Aldermen Resolution (Mar. 6 ,2019), [available here](#).

New Bern Administrative Order 2.3 (Apr. 1, 2019), [available here](#).

New Bern Board of Aldermen Meeting Minutes (Mar. 26 ,2019), [available here](#).

### ***RICHLAND COUNTY, SC (RESOLUTION APPLIES TO COUNTY)***

On June 4, 2019, the Richland County Council adopted a resolution supporting the removal of criminal record inquiries from initial job applications for employment with the County. Such inquiries and background checks are delayed until an applicant is selected for an interview. The resolution includes a vague exception for jobs that “require a full background check due to the nature of the work.”

### **Richland County Resources**

Richland County Resolution (June 4, 2019), [available here](#).

Richland County Council Minutes (June 4, 2019), [available here](#).

### ***COLUMBIA, SC (ORDINANCE APPLIES TO CITY)***

- Background check only after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

On August 6, 2019, with the support of Mayor Steven Benjamin, the Columbia City Council adopted a comprehensive fair-chance hiring ordinance applicable to city employment. For sensitive positions requiring a background check, job postings must state that only job-related convictions will be considered and will not automatically disqualify an applicant. The ordinance prohibits conviction history inquiries until after the employer extends a written conditional job offer to the applicant. At no point may a city employer consider records of arrest not followed by a conviction, expunged convictions, or infractions and certain misdemeanors. An employer may not disqualify an applicant because of a conviction record unless the offense is job-related. Before rescinding a conditional offer, employers must provide written notice, a copy of the conviction history report, and ten business days for the applicant to respond. The employer must then engage in an individualized assessment, considering mitigating information and [EEOC-recommended factors](#), to determine whether the candidate is presently fit for the position. To ensure compliance, city employers must retain relevant documents and record data on the number of applicants and hires with(out) records.

In addition to banning the box, the ordinance also prohibits inquiries about wage history during the hiring process. While the ordinance encourages city vendors to also both types of inquiries, it does not mandate them. Moreover, the ordinance authorizes but does not require city agencies to consider whether applicant businesses have adopted such practices when selecting vendors. The ordinance took effect immediately.

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### **Columbia Resources**

Columbia Ordinance No. 2019-022 (Aug. 6, 2019), [available here](#).

Statement of organizer Lester Young (Aug. 8, 2019), [available here](#).

### ***WATERLOO, IA (ORDINANCE APPLIES TO CITY & PRIVATE EMPLOYERS)***

- Background check only after conditional offer of employment
- Applies to public and private employers and vendors

On November 4, 2019, the Waterloo City Council adopted Ordinance No. 5522 to govern the unfair use of criminal records in hiring decisions within the city. (That ordinance clarified and replaced a prior version ([No. 5515](#)), adopted on October 7, 2019.) The ordinance prohibits both private and city employers, regardless of size, from inquiring about criminal history on a job application. Employers with at least fifteen employees must comply with further requirements. The ordinance requires such employers to delay record-related inquiries until after extending a conditional job offer to the applicant. Such employers are also prohibited from considering expunged or pardoned convictions, denying a job solely based on arrests or pending charges not yet resulting in conviction, and denying a job based on a conviction record without a legitimate business reason (e.g., the offense has a “direct and substantial bearing” on ability to perform the job, taking into account [EEOC-recommended relevancy factors](#)).

An organization representing business interests filed suit to block Waterloo’s ordinance, arguing that it is [preempted](#) by Iowa state law. On April 4, 2020, the district court [upheld Waterloo’s ordinance](#). An appeal is pending. The ordinance took effect July 1, 2020.

### **Waterloo Resources**

Waterloo Ordinance No. 5522 (Nov. 4, 2019), [available here](#).

### ***SUFFOLK COUNTY, NY (LONG ISLAND) (LOCAL LAW APPLIES TO COUNTY & PRIVATE EMPLOYERS)***

On April 16, 2020, the Suffolk County executive and legislature adopted Local Law No. 14-2020, which prohibits County and private employers from asking about conviction records on job applications or from conducting background checks or inquiring about job applicants’ conviction records before an initial interview, if any. The law references and incorporates existing New York State law (Corrections Law Article 23-A, summarized above) governing employer consideration of the job-relatedness of any conviction record. The law includes several exceptions, including for any positions with legal requirements against hiring people with certain conviction records; police, fire, or emergency services employers; public or private schools; and any providers of direct care to children, elderly, or disabled individuals. Enforcement of the law is through the courts, which may impose injunctive relief,

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damages, and attorneys' fees in response to claims brought by individuals. In addition to commencing an action in court, individuals may file complaints against employers with the Suffolk County Human Rights Commission, which can then seek civil penalties and damages in court. The ordinance took effect August 25, 2020.

### **Suffolk County Resources**

Suffolk County Resolution No. 221-2020 Adopting Local Law No. 14-2020 (Apr. 16, 2020), [available here](#).

### ***AIKEN, SC (RESOLUTION APPLIES TO CITY)***

- Background check only after conditional offer of employment
- Incorporates EEOC criteria in individualized assessment
- Provides copy of background check report

Following a request from the Aiken NAACP and JustLeadershipUSA, the Aiken City Council voted unanimously to approve a resolution supporting changes to job applications for employment with the Aiken city government. Specifically, the resolution supports removing criminal history inquiries from job applications and delaying conviction record inquiries until after a conditional offer of employment. The resolution states that the city will consider only convictions and only if they are determined to be job-related after considering certain relatedness factors, including time since the offense and the duties of the job. If the city considers a particular record disqualifying, it will notify the applicant in writing, provide a copy of the record, allow time to respond, and conduct an individualized assessment. The resolution also supports retaining data on the number of applicants with records who were conditionally offered jobs and whether they were hired or the offer was rescinded. The resolution was approved on July 13, 2020.

### **Aiken Resources**

Aiken City Council Resolution (July 13, 2020), [available here](#).

Aiken City Council Meeting Minutes (July 13, 2020), [available here](#).

### ***TAMARAC, FL (ORDINANCE APPLIES TO CITY)***

On October 28, 2020, the Tamarac City Commission unanimously adopted an ordinance prohibiting the City from inquiring into a job applicant's criminal history or conducting a background check until determining that the applicant is "otherwise qualified" for the position, meaning that the applicant satisfies the basic criteria for the position as set out in the job description. The City also committed not to "advertise employment openings in a way that excludes people with criminal records from applying." A job applicant may allege a violation by filing a written complaint with the City Manager's Office. The ordinance applies neither to volunteers nor to positions with law enforcement, that work with certain populations, or for which a federal or state law permits or requires a background check. The ordinance does not apply to city contractors but encouraged such

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contractors to adopt fair chance hiring policies and permits the City to consider contractor hiring policies among the criteria used to evaluate potential or existing contractors.

**Tamarac Resources**

Tamarac Ordinance No. 2020-014 (Oct. 28, 2020), [available here](#).

City of Tamarac Human Resources Memo (Oct. 5, 2020), [available here](#).

***DESOTO, TX (ORDINANCE APPLIES TO CITY & PRIVATE EMPLOYERS)***

- Applies to public and private employers

On April 6, 2021, the DeSoto City Council voted 6-1 to adopt an ordinance prohibiting any criminal history inquiry on an initial job application. The ordinance applies to city hiring and private businesses that employ at least fifteen workers. Individuals may file complaints alleging violations with the Office of the City Manager within 60 days of the violation. Following an administrative hearing, the municipal court judge (acting as an administrative hearing officer) may issue a warning for a first violation or impose civil penalties of up to \$500 for subsequent violations. The chair of the local chamber of commerce and multiple local pastors voiced support for the ordinance at the city council meeting. The ordinance takes effect 60 days after approval and becomes fully effective on January 1, 2022.

**DeSoto Resources**

DeSoto Ordinance No. 2231-21 (Apr. 6, 2021), [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				
<b>ALABAMA</b>							
1. Birmingham			X				A
2. ARIZONA (state policy)			X				
3. Glendale			X		X		
4. Maricopa County			X		X		
5. Phoenix			X		X	X	N, C, A
6. Pima County			X				
7. Tempe			X		X		
8. Tucson			X	X	X	X	A
<b>ARKANSAS</b>							
9. Pulaski County			X		X	X	N, A
10. CALIFORNIA (state law)	X		X		X	X	N, C, A
11. Alameda County			X				
12. Berkeley			X	X		X	
13. Carson			X				
14. Compton		X	X			X	
15. East Palo Alto			X				
16. Los Angeles	X	X	X		X	X	N, C, A
17. Oakland			X	X	X	X	N, C, A
18. Pasadena			X				
19. Richmond		X	X	X			
20. Sacramento		X					
21. San Francisco	X <sup>1</sup>	X <sup>1</sup>	X		X	X	N, C, A
22. Santa Clara County			X				
23. COLORADO (state law)	X	X	X			X	A
24. Denver			X		X	X	
25. CONNECTICUT (state law)	X	X	X				A
26. Bridgeport			X			X	N, A
27. Hartford		X	X	X	X	X	N, A
28. New Haven		X	X		X	X	N, C, A
29. Norwich			X		X		
30. DELAWARE (state law)			X			X	
31. New Castle County			X				
32. Wilmington			X		X		
33. District of Columbia	X	X	X		X	X	A
<b>FLORIDA</b>							
34. Broward County			X		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				
35. Clearwater			X			X	
36. Daytona Beach			X		X		
37. Gainesville			X			X	
38. Fort Myers			X				
39. Jacksonville			X		X	X	N, A
40. Miami-Dade County			X		X	X	N
41. Orlando			X		X	X	N, C
42. Pompano Beach			X				N, C
43. Sarasota			X		X	X	
44. St. Petersburg			X				
45. Tamarac			X				A
46. Tampa			X		X		N
47. Tallahassee			X			X	
48. GEORGIA (state policy)			X				
49. Albany			X			X	N, A
50. Atlanta			X				N, C
51. Augusta			X		X	X	
52. Cherokee County			X			X	A
53. Columbus			X		X	X	N, A
54. Fulton County			X	X		X	N, C
55. Macon-Bibb County			X				N, C
56. Savannah			X			X	
57. South Fulton		X	X				
58. HAWAII (state law)	X	X	X		X	X	A
59. ILLINOIS (state law)	X	X	X			X	A
60. Chicago	X	X	X			X	A
61. INDIANA (state policy)			X				
62. Indianapolis		X	X			X	
IOWA							
63. Johnson County			X			X	
64. Linn County			X			X	
65. Waterloo	X	X	X		X	X	A
66. KANSAS (state policy)			X				
67. Johnson County			X		X		
68. Kansas City			X			X	
69. Wichita			X		X	X	N, C, A
70. Topeka			X		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				
71. KENTUCKY (state policy)			X				
72. Louisville		X	X			X	
73. LOUISIANA (state law)			X			X <sup>11</sup>	C <sup>11</sup>
74. Baton Rouge			X				
75. New Orleans		X	X	X	X	X	N, C
76. MAINE (state law)	X	X	X				A
77. MARYLAND (state law)	X	X	X				A
78. Baltimore	X	X	X	X	X	X	A
79. Montgomery County	X	X	X				N, C, A
80. Prince George's County	X	X	X			X	N, C, A
81. MASSACHUSETTS (state law)	X	X	X				N, C, A
82. Boston		X	X	X			N, A
83. Cambridge		X	X			X	N, C, A
84. Worcester		X	X	X		X	N, C, A
85. MICHIGAN (state policy)			X				
86. Ann Arbor			X		X	X	
87. Detroit		X	X				
88. East Lansing			X				
89. Genesee County			X		X		
90. Kalamazoo		X	X				C
91. Muskegon County			X				
92. MINNESOTA (state law)	X	X	X			X <sup>2</sup>	N <sup>2</sup> , A
93. Minneapolis			X	X		X	
94. St. Paul			X	X		X	
95. MISSOURI (state policy)			X				
96. Columbia	X	X	X		X	X	A
97. Jackson County			X				
98. Kansas City	X	X	X		X	X	
99. St. Louis	X	X	X				
100. NEBRASKA (state law)			X				
101. NEVADA (state law)			X			X	N, A
102. North Las Vegas			X			X	
103. NEW HAMPSHIRE (state law)			X				

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				
104. NEW JERSEY (state law)	X	X	X				A
105. Atlantic City <sup>3</sup>		X <sup>3</sup>	X <sup>3</sup>		X <sup>3</sup>	X <sup>3</sup>	N <sup>3</sup>
106. Newark <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	X <sup>3</sup>	N <sup>3</sup> , C <sup>3</sup>
107. NEW MEXICO (state law)	X	X	X			X <sup>4</sup>	N <sup>4</sup> , A <sup>5</sup>
108. NEW YORK (state policy)			X				
109. Albany County			X	X	X		N, C, A
110. Buffalo	X	X	X			X	A
111. Dutchess County			X				
112. Ithaca			X				
113. Kingston			X				
114. Westchester County	X	X	X			X	A
115. Newburgh			X				
116. New York City	X	X	X		X	X	N, C, A
117. Rochester	X	X	X			X	A
118. Suffolk County	X	X	X				A
119. Syracuse		X	X		X	X	N, C, A
120. Tompkins County			X				
121. Ulster County			X				
122. Woodstock			X				
123. Yonkers			X				
124. NORTH CAROLINA (state policy)			X			X	N, C
125. Asheville			X				
126. Buncombe County			X				
127. Carrboro			X			X	
128. Charlotte			X				
129. Cumberland County			X	X			
130. Durham City			X	X		X	
131. Durham County			X	X		X	N, C, A
132. Forsyth County			X				
133. Mecklenburg County			X				
134. New Bern			X	X	X	X	N
135. New Hanover County			X		X	X	N, A
136. Spring Lake			X	X			N
137. Wake County			X		X	X	N, C, A
138. Wilmington			X	X	X		N, 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				
139. Winston-Salem			X				
140. NORTH DAKOTA (state law)			X				
141. OHIO (state law)			X			X <sup>6</sup>	
142. Alliance			X	X			N, C
143. Akron			X			X	A
144. Canton			X		X	X	
145. Cincinnati			X			X	N, C, A
146. Cleveland			X				
147. Cuyahoga County			X		X	X	
148. Dayton			X			X	N
149. Franklin County			X		X	X	N
150. Hamilton County			X				
151. Lucas County			X				
152. Massillon			X			X	
153. Newark			X				
154. Stark County			X				
155. Summit County			X	X		X	
156. Warren			X	X	X		N
157. Youngstown			X		X		
158. OKLAHOMA (state policy)			X				
159. OREGON (state law)	X	X	X				A
160. Multnomah County			X			X	
161. Portland	X	X	X		X	X	N, A
162. PENNSYLVANIA (state policy)			X				
163. Allegheny County			X	X	X	X	
164. Allentown			X		X		
165. Beaver County			X				
166. Bethlehem			X		X	X	
167. Lancaster			X		X	X	
168. Northampton County			X				
169. Philadelphia	X	X	X		X	X	N, C, A
170. Pittsburgh		X	X		X		N
171. Reading			X		X		
172. York			X				
173. RHODE ISLAND (state law)	X	X	X				A
174. Providence			X				

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	Private	Vendors	Public				
<b>175. SOUTH CAROLINA</b>							
176. Aiken			X		X	X	N, C
177. Columbia			X	X	X	X	N, C
178. Richland County			X				
179. York County			X		X		
<b>180. TENNESSEE (state law)</b>							
			X			X	A
181. Chattanooga			X				
182. Hamilton County			X		X		
183. Memphis			X			X	N, C, A
184. Nashville			X				
<b>TEXAS</b>							
185. Austin	X	X	X	X	X	X	N, A
186. Dallas County			X			X	A
187. DeSoto	X	X	X				A
188. San Antonio			X		X	X	
189. Travis County			X	X	X	X	
<b>190. UTAH (state law)</b>							
			X				
<b>191. VERMONT (state law)</b>							
	X	X	X				A
<b>192. VIRGINIA (state law)</b>							
			X			X	
193. Alexandria			X		X		
194. Arlington County			X				
195. Blacksburg			X		X	X	
196. Charlottesville			X				
197. Danville			X		X	X	
198. Fairfax County			X		X		
199. Fredericksburg			X		X	X	N
200. Harrisonburg			X		X		N, A
201. Henry County			X				
202. Montgomery County			X				
203. Newport News			X			X	
204. Norfolk			X			X	
205. Petersburg			X				
206. Portsmouth			X				
207. Prince William County			X				
208. Richmond			X				
209. Roanoke			X				
210. Staunton			X				

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	Private	Vendors	Public				
211. Virginia Beach			X		X	X	
212. WASHINGTON (state law)	X	X	X				A
213. Seattle	X	X	X			X	N, C, A
214. Spokane	X	X	X			X <sup>7</sup>	
215. Spokane County			X			X	N, C, A
216. Tacoma			X		X	X	N, C
217. Pierce County			X			X	N
218. WISCONSIN (state law)			X				
219. Dane County			X				
220. Madison		X <sup>8</sup>	X <sup>8</sup>		X		N <sup>9</sup> , A <sup>10</sup>
221. Milwaukee			X				
222. Milwaukee County			X				

<sup>1</sup> San Francisco Fair Chance Ordinance applies to private employers, not the City and County. The City and County has a separate policy.

<sup>2</sup> Applies only to public employers.

<sup>3</sup> Superseded by state law.

<sup>4</sup> Applies only to public employers.

<sup>5</sup> Applies only to private employers.

<sup>6</sup> Applies only to state agencies.

<sup>7</sup> Applies only to city employers.

<sup>8</sup> Madison ordinance applies to vendors, and separate resolution applies to public city hiring.

<sup>9</sup> The Madison resolution requires public entities provide notice to disqualified applicants.

<sup>10</sup> The Madison ordinance allows job applicants to file complaints with the city alleging contractor violations.

<sup>11</sup> The laws of Louisiana and New York do not ban the box for private employers, but state law requires private employers to consider certain EEOC-like criteria. Louisiana also requires private employers to provide an individual with a copy of their record.