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Contact: Emma Stieglitz, emmaS@berlinrosen.com, (646) 200-5307Danny Massey, daniel@berlinrosen.com, (646) 200-5232

Momentum Builds Across U.S. to “Ban the Box”: 42 Localities & 7 States Have Adopted Hiring Reforms

Arrest or Conviction Record No Longer Life Sentence to Joblessness

Oakland, CA—Five years ago, only a handful of U.S. cities and one state had fair-hiring policies in place to ensure that qualified job applicants with arrest or conviction records were not unfairly shut out from employment opportunities. Today, as documented in two new reports from the National Employment Law Project, 42 [cities and counties](#) and seven [states](#) have adopted “ban the box” policies that remove questions about criminal history from job application forms, deferring such inquiries until later in the hiring process when the information can be fairly weighed in light of an applicant’s qualifications. Importantly, several of these new measures extend coverage not only to public employment but to private sector employment as well.

In 2012, the state of Colorado joined the cities of Newark, New York City, Durham, Cleveland, and Philadelphia as the most recent additions to the ban-the-box movement gaining traction around the United States. More than 65 million Americans have an arrest or conviction in their record, and 90 percent of large employers now conduct criminal background checks. As a result, more states and cities are seriously evaluating how best to promote fairer and more accurate criminal background checks for employment.

“Record numbers of Americans with arrests or convictions in their past are struggling to find work at a time when it’s hard for *anybody* to find a job. For job seekers with criminal records, it’s just that much harder,” said **Christine Owens, executive director of the National Employment Law Project**. “It’s heartening to see more states and localities step up to the plate and go to bat for fairness in the hiring process—they’re helping to restore hope for millions of Americans who’ve worked hard to turn their lives around.”

As documented in the NELP report on [city and county hiring policies](#), since 2011, the ban-the-box movement has expanded to 14 new communities across the country, from the West Coast (the cities of Carson, Compton, Richmond in California and Santa Clara County), to the Midwest (Cleveland and Muskegon County, Michigan), to the Northeast (Atlantic City, Newark, New York City and Philadelphia) and the Southern states (the city and county of Durham and Spring Lake, North Carolina, and Newport News, Virginia). In 2012, as described in the NELP report on [state fair-hiring policies](#), Colorado joined California, Connecticut, Hawaii, Massachusetts, Minnesota, and New Mexico in adopting the ban-the-box reform.

“By eliminating the requirement that applicants check a box on the job application if they have a criminal record, and deferring the background check until later in the hiring process, states and cities are both promoting safety on the job and allowing workers to be judged on their merits, not on a mistake from the past,” said **Owens**.

Equally significant, the substance of the ban-the-box reforms has also expanded in recent years to cover not only public employment, but private employers as well. Indeed, 11 cities and counties now extend the ban-the-box policy to private vendors of government goods and services. Last week, the City of Newark joined Philadelphia in applying their policy to all private employers, not just public employers or government contractors. Since 2010, the State of Massachusetts has had a similar policy in place regulating private and public employers, while also providing all workers with a copy of their criminal history report and limiting the consideration of felony convictions to offenses that took place in the past 10 years and of misdemeanors to offenses that took place in the past five years.

On September 19th, the City of Newark adopted the nation's most comprehensive ban-the-box ordinance to date. The ordinance applies to the City and private employers, local occupational licensing, and housing applications. 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. The New Jersey Institute for Social Justice and the Integrated Justice Alliance worked closely with the sponsor of the ordinance, Councilmember Ron C. Rice, Jr., to help achieve this important milestone.

In April 2012, the U.S. Equal Employment Opportunity Commission endorsed the ban-the-box policy as a best practice for all public and private employers to comply with the nation's civil rights laws.

"The ban-the-box movement has clearly come of age, and important developments such as the new [EEOC guidance](#) regulating criminal background checks for employment only strengthen the progress we're making on this timely civil rights issue. We urge our elected leaders and policymakers at all levels of government to keep working to translate good policy into good jobs for all qualified workers who need them, including workers with blemishes on their record who so deserve a second chance," said **Owens**.

The National Employment Law Project is a non-partisan, not-for-profit organization that conducts research and advocates on issues affecting low-wage and unemployed workers. For more information, visit www.nelp.org.

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Download the report, [Ban the Box: Major U.S. Cities and Counties Adopt Fair Hiring Policies to Remove Unfair Barriers to Employment of People With Criminal Records](#) (October 2012)

Download the report, [State Reforms Reducing Collateral Consequences for People With Criminal Records: 2011-2012 Legislative Roundup](#) (September 2012)

Download the report, [States Adopt Fair Hiring Standards: Reducing Barriers to Employment of People With Criminal Records](#) (August 2012)