

# For A Second Chance & Fair Employment: **BAN THE BOX**



## Why is it important?

More than 1.6 million people in N.C. have a criminal record and consequently face employment discrimination. The resulting unemployment and underemployment affects their families and communities as well. Nearly 45% of those under Department of Correction supervision are African American. As of September, 2010 there were nearly 4,000 people in Durham County on probation or parole and thousands more have criminal records but are not under the supervision of the Department of Correction. Banning the box is crucial to ending job discrimination against this large section of our community.

## Why does this matter to our communities?

If families of people with criminal records are going to heal, prosper and contribute to our community, EVERYONE must have an opportunity for employment, housing and education. Employment is the most effective tools to reduce recidivism-returning to prison, resulting in a safer community and lower cost to tax payers.

## What is "Ban the Box"?

The "box" is that place on many employment applications that asks whether the applicant has been convicted of a crime or been incarcerated. Some may even inquire about arrests.

The proposed Ban the Box ordinance for Durham will remove these questions from the application at the *initial* stage of the employment process so the hiring authority can *first* get an opportunity to learn about the candidate's experience, skills and personality as they relate to the position to be filled.

## Would criminal background check still be done?

Once the hiring official is prepared to offer the applicant a job or they are a finalist for the open position a criminal background check would be initiated. The applicant would be able to make sure the charges are accurate and explain the nature of the crime, how long ago it was committed, when incarceration ended, and discuss successful rehabilitation efforts and certifications if available.

## Why are Ban the Box Ordinances important?

If the box is banned by administrative measures only, and not by ordinance (law), then the box can easily be reinstated whenever the administrators change their mind. Moreover, an ordinance creates a formal legal process to eliminate employment discrimination against people with criminal records. Most importantly, employers will have to establish and identify the relationship between the criminal conviction and the prospective job. It is crucial that a "Ban the Box" ordinance be adopted in Durham because history has taught us that illegal discrimination can only be eliminated through a formal legal process.

## Have other city and county governments made this change to their employment applications?

Twenty-three cities have banned the box, including Philadelphia, Detroit, Cincinnati, New Haven, Boston, Jacksonville, Memphis, San Francisco and Kalamazoo. The states of Connecticut, Massachusetts, Minnesota, New Mexico and Hawaii have passed laws prohibiting the box on applications for state jobs.