

## WHAT TO DO ABOUT 'BAN THE BOX'

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Andria Ryan's article "What to Do About 'Ban the Box'" was featured on *The Fordyce Letter* on December 11, 2014.

"Ban the Box" is a national civil-rights movement backed by advocates for job applicants with criminal convictions. Proponents of these laws believe that expanding employment opportunities for individuals with criminal convictions is a major factor in lowering recidivism rates.

Generally the laws prohibit employers from asking about an applicant's criminal-background history until later in the interview process. Most of these laws prohibit employers from including the "have you ever been convicted of a criminal offense" question on an employment application – thus "banning the box" – and instead limit employers' ability to ask the criminal-history question until after a conditional offer of employment is made or after an applicant has been selected for an interview

In the article, Andria offers advice to employers who hire in a "Ban the Box" jurisdiction. She recommends that they develop a screening and hiring policy in compliance with "Ban the Box" laws and advise interviewing managers and recruiters that they cannot ask about criminal convictions until permitted by the law.

Employers who hire or place workers in jobs in multiple jurisdictions or who provide access to applications on a nationwide basis, now must consider the law and policy of each location, possibly ending up with different processes depending on where they're located.

Options include:

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Removing the “box” from your application and asking the criminal-conviction question as a supplement to the application only in those jurisdictions where it is not prohibited;

Including the criminal-conviction question on the application but providing instructions to applicants in covered jurisdictions not to answer the criminal-conviction question;

Having different applications in covered jurisdictions.

Doing nothing is not the best option. The “Ban the Box” laws have various penalties including fines.

To read the full article, please visit *The Fordyce Letter*.

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This article was picked up by *Employee Benefit News* on December 18, 2014.