

Harry Garmon

From: Bill Auchmoody <b.auchmoody@psiva.com>
Sent: Tuesday, May 12, 2015 2:56 PM
To: Harry Garmon
Subject: Ban the Box --- Or Not?

The Newsletter



Staffing Made Simple !

804.254.0277

b.auchmoody@psiva.com

www.psiva.com



MAY 2015

Dear Harry,

PSI is frequently asked for continuing guidance in navigating the staffing maze. This e-newsletter is an extended answer to those requests, with the intent to share timely information that proves valuable to our clients, human resources professionals and hiring managers.

Much has been written from both sides of the ban-the-box issue, i.e. eliminating the check box on employment applications requiring the applicant to disclose having ever been convicted of a felony.

On April 3 of this year, Virginia Governor Terry McAuliffe signed an executive order to remove all questions regarding criminal history from applications for state government jobs.

This month, we'll examine ban-the-box from the perspectives of recidivism, employers and the potential for legislation to expand ban-the-box to Virginia's private employers.

Your comments and suggestions to increase the value of the newsletter are encouraged. I promise to review each and every submission and respond promptly.

Wm R Quachmoore

*P.S. Feel free to forward
this newsletter to anyone
you think might find it useful*



In This Issue

[BAN THE BOX !](#)

[COUPONS & DEALS!](#)

Quick Links

[Working With a
Staffing Firm - Tips](#)

[Watch the PSI Video
41 Seconds](#)

**Partnership Staffing
Solutions**

BAN THE BOX !

Word Count: 989
Reading Time: 4 minutes

BAN THE BOX ***Four Perspectives***

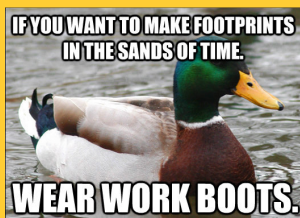
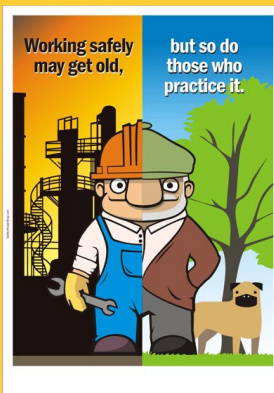
Perspective # 1 It's a Big Deal

The National Employment Law Project estimates about 70 million Americans have some kind of criminal record. Each year about 700,000 offenders are released from incarceration. Two-thirds of them will be re-arrested within three years of their release.

- Temporary
- Temp-to-Hire
- Contractors

Partnership Staffing Selection Process

- Face-to-Face Interviews
- In-depth Criminal Background Check
- E-Verify on Every Applicant
- Certified Drug Free Workforce
- Skills Assessment Available
- On-site Management



Professionals who work with ex-offenders say that jobs are the key to reducing recidivism. The New York Department of Labor found that 83% of offenders who violated probation or parole were unemployed at the time.

And now add to the mix that employers often see ex-offenders as too risky to hire. According to one study, only 12.5% of employers say they would accept an applicant with a criminal record.

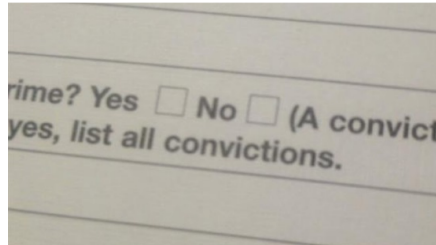
The Council of State Governments Justice Center published a White Paper entitled *INTEGRATED REENTRY AND EMPLOYMENT STRATEGIES: Reducing Recidivism and Promoting Job Readiness*. Here is a sampling of conclusions reached.

[Click here for article](#)

- * Employment can make a strong contribution to recidivism-reduction efforts because it refocuses individuals' time and efforts on pro-social activities making them less likely to engage in riskier behaviors and to associate with people who do.
- * Having a job also enables individuals to contribute income to their families, which can generate more personal support, stronger positive relationships, enhanced self-esteem, and improved mental health.
- * Employment reduces strain on social service resources, and enhances the tax base.
- * Successful reintegration into the workforce can make neighborhoods and families safer and more stable.

Perspective #2: The Dreaded "Box"

With the foregoing as the backdrop, let's get to the topic at hand - to ban the box ... or not.



Ban-the-box refers to eliminating the check box on employment applications requiring the applicant to disclose having ever been convicted of a felony.

Nationwide, 16 states plus 100 cities and counties have adopted "ban the box". The intent is for employers to consider a job candidate's qualifications first, without the stigma of a criminal record. Thereby applicants enjoy a fair chance by removing the conviction history question on the job application and delaying the background check inquiry until later in the hiring process.

Ban-the-Box in Virginia



Credit: AP

Closer to home here in Virginia, on April 3 of this year, Virginia Governor Terry McAuliffe signed an executive order to remove all questions regarding criminal history from applications for state government jobs. Agencies can still conduct a criminal background check on a job applicant, but only after finding the candidate otherwise qualified for the position.

Before signing the order, McAuliffe expressed concern that consequences of "checking the box" on a job application and disclosing a past criminal conviction has a disproportionate impact on the state's employees of color.

"We all know that this box has an unequal impact on our minority families," he said. "One study found that 34 percent of white job applicants without a record received a callback, while only 17 percent of those with a criminal record did. Among African Americans, 14 percent without a criminal record received a callback while only 5

percent of those with a record heard back from a potential employer."

So, while it may not yet have attained juggernaut velocity, clearly the ban-the-box movement has all but gone viral. One thing for sure ...this issue is not going away. There is too much support by activist groups as well as state, local and federal legislators in support of ban-the-box.

Perspective #3: Support for Ban-the-Box

Supporters, like the National Employment Law Project, say "ban the box" policies help people with criminal records reintegrate into society. The federal Equal Employment Opportunity Commission recommended removing conviction questions from employment applications in a 2012 report. [Click here for Report](#)

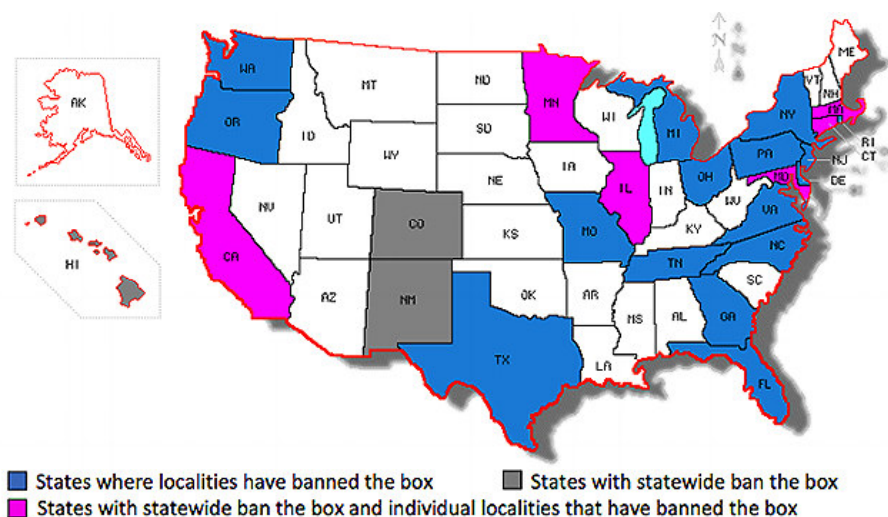
The Obama Administration's "My Brother's Keeper Task Force" also gave the movement a boost when it endorsed hiring practices "which give applicants a fair chance and allows employers the opportunity to judge individual job candidates on their merits." As stated in the Report to the President under the subheading: Building Blocks for Success Across Key Life Stages

#6 Reducing Violence and Providing a Second Chance

Eliminate Unnecessary Barriers to Reentry and Encourage Fair Chance Hiring Options: [Click here for Report](#)

Governor McAuliffe's executive order encourages private employers to adopt "similar hiring practices" and praises those like Target, WalMart and Home Depot that have already done so.

Many believe that legislation affecting Virginia's private employers may well be on the horizon. Six states now ban questions about prior convictions on job applications for private employment - Hawaii, Illinois, Massachusetts, Minnesota, Rhode Island and New Jersey.



Perspective #4: Employers & Hiring Managers - Next Steps



Generally, private employers are more confused and frustrated rather than anti ban-the-box. Here is a synopsis of some comments included in a paper by Roy Maurer written for the Society for Human Resource Management. [Click here for Article](#)

- * Employers are faced with a dizzying number of variations on ban-the-box, not only from state to state, but city to city.
- * Ban-the-box laws are not universal in their provisions and often conflict or overlap with existing anti-discrimination laws, the Fair Credit Reporting Act and other laws requiring or relating to background screening.
- * Employers that operate in multiple jurisdictions must be mindful of the law in each location which may include implementing a variety of processes.
- * Ban-the-box laws potentially raise the stakes for litigation and penalties. Further, they complicate the hiring process while eroding safety and security.
- * To mitigate risk and exercise appropriate due diligence, employers need to know relevant information regarding applicants' past history as early in the hiring process as possible.
- * Until there is clarity, employers are well-advised to be alert, aware and knowledgeable as to how the current state of the movement is in the areas they operate to ensure compliance.

Another line of thought is for Virginia employers to be proactive in evaluating their requirement for criminal background information on job applications. Given the political, legal and social pressures that bear on this issue, perhaps initiating self-imposed changes is superior to delaying until mandatory ban-the-box legislation is the order of the day.

Call or Email Today

Partnership Staffing, Inc.
Bill Auchmoody, CEO
804.254.0277
b.auchmoody@psiva.com

2211 Dickens Rd.
Suite 300
Richmond, VA 23230

Visit Our Website
<http://www.psiva.com>

Note: This newsletter is not intended to be and shall not be construed as legal advice.

Copyright © Partnership Staffing, Inc. 2015. All Rights Reserved.

Coupons & Deals



FREE \$25 American Express Gift Card

4 FREE Hours of Staffing

Published by: Top of Mind Communications, LLC Info@tomcrva.com

[Forward this email](#)



This email was sent to harry@tomcrva.com by b.auchmoody@psiva.com | [Update Profile/Email Address](#) | Rapid removal with [SafeUnsubscribe™](#) | [Privacy Policy](#).



Try it FREE today.

Partnership Staffing, Inc. | 2211 Dickens Rd. | Suite 300 | Richmond | VA | 23230