

BAN THE BOX FAQ

What is Ban the Box?

Ban the Box, officially Assembly Bill 218 (California Labor Code Sec. 432.9), was signed by Governor Brown on October 10, 2013 and is operative July 1, 2014. The law prohibits state and local agencies from inquiring about criminal convictions during the employment application process for most positions until the agency has determined that the applicant meets the minimum employment qualifications as stated in any notice issued for the position.

What does Ban the Box (California Labor Code Section 432.9) require?

- Any inquiry about convictions on an employment application must be removed. Under existing law, California Labor Code Section 432.7, the employer is already prohibited from inquiring into arrests or into convictions that have been dismissed, with some explicit statutory exceptions.
- The employer must delay any inquiry into convictions until after the employer has determined the applicant meets the minimum employment qualifications, as stated in the notice for the position, with some exceptions.

What is the intended purpose of Ban the Box?

Ban the Box is intended to encourage the hiring of qualified ex-offenders by ensuring that employers screen applicants based on their work qualifications, without consideration of their prior criminal history. It also aims to reduce recidivism through the employment of qualified ex-offenders.

Which employers are subject to Ban the Box?

State agencies, cities, counties, chartered cities and counties and special districts (e.g., fire protection districts, water districts).

When does Ban the Box go into effect?

AB 218 (California Labor Code Section 432.9) will be operative July 1, 2014.

Are there any other exemptions from the law?

This section shall not apply to a position for which a state or local agency is otherwise required by law to conduct a conviction history background check (e.g., state laws regulate workers caring for children, the elderly and other sensitive populations), to any position within a criminal justice agency, as that term is defined in Section 13101 of the Penal Code, or to any individual working on a temporary or permanent basis for a criminal justice agency on a contract basis or on loan from another governmental entity.