

"BAN THE BOX"

Implementation

What is “Ban the Box”?

“Ban the Box”, officially Assembly Bill 218 (California Labor Code Section 432.9), prohibits state and local agencies from inquiring about criminal convictions during the employment application process until the agency has determined that the applicant meets the minimum employment qualifications as stated in any notice issued for the position.

What is the intended purpose of “Ban the Box”?

“Ban the Box” is intended to encourage the hiring of qualified formerly incarcerated individuals 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.

What does “Ban the Box” Require?

“Ban the Box” requires the removal of self-reporting questions about conviction history from employment applications.

This expands current law which precludes local and state agencies from inquiring into arrests or convictions that have been dismissed, with some statutory exceptions.

What does “Ban the Box” Require?

In addition, “Ban the Box” requires that an employer must delay any inquiry into convictions until after the employer has determined that the applicants meet the minimum employment qualifications, as stated in the notice for the position, with some exceptions.

Which employers are subject to “Ban the Box”?

“Ban the Box” applies to state agencies, cities, counties, chartered cities and counties and special districts (e.g., fire protection districts, water districts).

Exemptions from “Ban the Box”

The law does 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);
- any position within a criminal justice agency (defined by Section 13101 of the Penal Code); or
- any individual working on a temporary or permanent basis for a criminal justice agency, on a contract basis or on loan from another governmental agency.

When is “Ban the Box” effective?

“Ban the Box” was signed by Governor Brown October 10, 2013, became law January 1, 2014, and is operative **July 1, 2014.**

What steps has the County taken to implement “Ban the Box”?

- Revised employment application to remove the check “box” and associated question regarding criminal convictions.
- New application will “go live” Monday, June 30th.
- Created FAQ which explains law to job applicants and County departments.
- Providing training and implementation assistance to County department personnel.