

BAN THE BOX: IT'S TIME FOR FAIR HIRING IN THE SOUTH

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Webinar presented by New Southern Strategy Coalition

FAIR CHANCE – “BAN THE BOX” ACROSS THE U.S.

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NELP

**National Employment
Law Project**

- Check out the new, comprehensive toolkit at www.nelp.org/banthebox to help launch your fair chance “ban the box” local campaign.
- You’ll find NELP’s [Fair Chance Factsheet](#), [Best Practices and Model Policies](#), [Research Summary](#), [City and County Guide](#), the latest [State Guide](#), and many [other resources](#).
- Feel free to contact me for assistance, mrodriguez@nelp.org

Twelve States and Over 65 Cities and Counties

- Statewide policies: California (2013, 2010), Colorado (2012), Connecticut (2010), Delaware (2014), Hawaii (1998), Illinois (2013), Maryland (2013), Massachusetts (2010), Minnesota (2013, 2009), Nebraska (2014), New Mexico (2010), and Rhode Island (2013).
- Over 65 cities and counties in: California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, Tennessee, Texas, Virginia, Washington, Wisconsin



“BAN THE BOX” IN THE SOUTH

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SOUTHERN COALITION
for SOCIAL JUSTICE

- Human and Civil Rights advocacy organization
 - Community lawyering model
 - Multi-disciplinary staff
 - Multi-issue advocacy
 - Voting rights
 - Criminal Justice reform
 - Environmental justice
 - Human rights

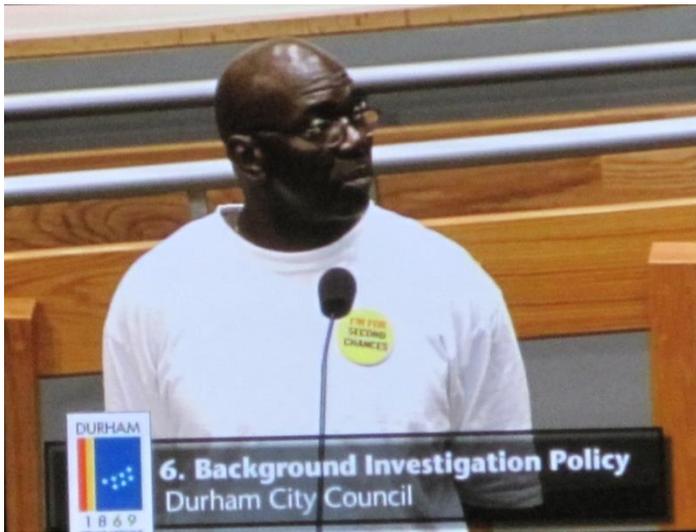
“Ban the Box” in the South

- 21 jurisdictions in the south have banned the box
 - 7 cities by ordinance
 - Austin, TX; Jacksonville and Tampa, FL; Memphis, TN; Richmond, VA; Louisville, KY; Kansas City, MO
 - 14 jurisdictions by administrative policy
 - North Carolina-6 cities and counties
 - Virginia-4 cities and counties
 - Travis County, New Orleans, Atlanta, Baltimore

Durham “Ban the Box” Campaign June 2010



Leadership Development of Directly Impacted People



- April 2011 Durham City passed Ban the Box Administrative Policy
- October 2012 Durham County passed Ban the Box Administrative Policy

Employment Outcomes of Durham Policies

- Since 2011 the hiring rate for Durham City has quadrupled
 - % of people with CR out of total yearly hires
 - 2011: 2.25%
 - 2012: 4.46%
 - 2013: 9.36%
 - 2014: 15.53%
- Since 2011 the number of people with CR hired by the County has nearly tripled.
 - 96% of the people with CR that were recommended were ultimately hired

“BAN THE BOX” IN MEMPHIS, TN

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“Ban the Box” in Memphis, TN

- Fight the assumptions with human stories. We must make this an issue based on opportunity- the opportunity to contribute to family and community through employment.

“Ban the Box” in Memphis, TN

- Find a cross section of the population that shows the wide range of people affected by discrimination because of criminal histories.
 - Make the point that it isn't the “typical” felon that is asking for opportunity.
 - Find skilled and unskilled workers, college educated and high school dropouts, and parents

“Ban the Box” in Memphis, TN

- Organize and prepare them prior to presenting to the lawmakers. Use language that is consistent and not self-serving, until the time to illustrate how this discrimination affects their lives.
 - The message must be universal, yet specific.
 - Determine who will “lead” the effort as point of contact.

“Ban the Box” in Memphis, TN

- Before a proposal is voted on, ask that it be made available to the point of contact in order to ensure the proposal is what your community needs and adequately provides opportunity for employment.

“Ban the Box” in Memphis, TN

- After a successful campaign that results in the adoption of the proposal, follow up with the implementation.
 - This is the most important part. Improper implementation could reduce the effectiveness of the ordinance.
 - Remain visible and ask for updates.

ENHANCE THE CHANCE OR “BAN THE BOX” IN GEORGIA

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The logo for the Georgia Justice Project, featuring the words "GEORGIA", "JUSTICE", and "PROJECT" stacked vertically in a serif font, enclosed within a thin green rectangular border.

GEORGIA
JUSTICE
PROJECT

Georgia Justice Project's Strategy

- Direct Service
- Started with employment
- Established subject matter expertise
- Built unlikely relationships
- Legislation sponsored by conservative Republicans
- Demonstrate gratitude for commitments to positive criminal justice reform



Employment Taxpayers Instead of Tax Burdens

Goal 1	Expungement/Record Restriction	
Goal 2	Eliminate automatic drivers license suspension	
Goal 3	Protect employers from hiring liability	
Goal 4	Accurate reporting by private background companies	
Goal 5	Enhance the Chance (“Ban the Box”)	

Enhance the Chance Instead of “Ban the Box”

- Initially there was poor reception to phrase “ban the box” because of concern about employers never being able to ask about an applicant’s criminal history
- Explained the policy is really about **enhancing the chance** for applicants and employers alike
 1. Applicants can prove they are the best candidate for the position and explain criminal history
 2. Employers increase the qualified applicant pool and will not possibly exclude the best candidate

Gov. Nathan Deal

Addresses the Barriers to Employment



- “If [people with felony convictions] can find employment...I believe many of them will work hard to earn their place in society.” (April 2013)
- “Just imagine how difficult it is for people who do not have a criminal record to get a job. Try getting a job when you have a felony on your record.” (April 2013)
- “For someone who has a felony record...they probably never even get a job interview” (June 2013)
- “I want folks with prior [criminal] history to be able to get jobs” (June 2013).



STATE OF GEORGIA APPLICATION FOR EMPLOYMENT

An Equal Opportunity Employer

Complete information on searching for jobs with the State of Georgia and an on-line application procedure may be found on the Internet at Careers.ga.gov. Using Careers.ga.gov is the preferred method of applying for these State jobs.

Daytime Telephone Number				E-mail Address			
Last Name				First Name		Middle Init.	
Street or Mailing Address						Apartment No.	
City				State	Zip Code	County	

EMPLOYMENT ELIGIBILITY: To be employed by the State of Georgia, you must meet certain State and Federal employment eligibility requirements. These include (but are not limited to) United States citizenship or authorization to work in this country, positive rehire status if previously employed by the State, and no felony convictions (for some jobs). Please answer the following questions.

1. Are you a United States citizen? <input type="checkbox"/> YES <input type="checkbox"/> NO	2. Are you an alien authorized to work in the United States? <input type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A	3. Have you ever been dismissed from any State of Georgia government position? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach an explanation.	4. Have you ever been convicted of a felony? <input type="checkbox"/> YES <input type="checkbox"/> NO If YES, attach an explanation.
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Convincing Gov. Deal to Enhance the Chance (“Ban the Box”) in Georgia

- Met with Governor Deal (July 2013)
 - Discussed EEOC Guidelines/Title VII
 - Recommended that the state, as an employer, set the example for how criminal records should be considered by all employers in Georgia
- Drafted legislation and executive order
- Presented the idea to the Council on Criminal Justice Reform
 - Recommended the state “ban the box” for state employment (January 2014)
- “The governor will implement “ban the box” on the state level, in hopes that the private sector follows suit. This will afford those with blemishes on their record a shot at a good job, which is key to preventing a return to crime” Travis Johnson – Public Safety Policy Advisor (April 2014)

MISSISSIPPI AND “BAN THE BOX” POLICIES AND PRACTICES



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The state of Mississippi makes it very difficult for individuals with felony convictions to re enter communities.

- Mississippi boasts #2 position for incarceration nationally, per capita;
- Very limited, almost non existent, re entry programs throughout the state;
- One out of a handful of states that permanently disfranchises individuals with certain felony convictions (10 listed in state Constitution; state Attorney General expanded the list to 21 in order to add various definitions of ‘theft’);
- Voting rights can only be reinstated through criminal record expungement, Governor pardon, or legislative approval;

Local municipalities and organizations have been successful at passing ordinances and developing local initiatives that help to ease the burden.

- The city of Columbus ended their practice of disqualifying job applicants with felony convictions and established a committee to monitor the city's hiring practices;
- The city of McComb created a department within the city that connected formerly incarcerated persons with local businesses;
- The city of Jackson also established an office with this purpose.

Policies adopted during the 2014 legislative session moved the state forward a little, but also went backward.

- House Bill 585 is the state's first attempt at comprehensive sentencing reform and hopes to save the state over \$200 million in the next ten years;
 - ✓ Narrows the sentencing scale for drug convictions from 0-30 years to 0-8 years;
 - ✓ Revised standards for drug court eligibility;
 - ✓ Revised property crime sentences.
- Senate Bill 2689 prohibits local governments from adopting laws that “interfere with an employers’ ability to become ‘fully informed’ about the background of an employee.....”
- While more people will come home from state facilities, more barriers may await them...



Opportunities

Although we have a long way to go, we are committed to work that dismantles some of the barriers for people with criminal convictions by:

- Telling the stories of individuals with felony convictions- These are hardworking people who are paying for mistakes over and over again by being denied basic opportunities to pursue life's necessities like housing, living wages and education.
- Continuing to push local municipalities to adopt “ban the box” type ordinances.
- Supporting state and federal legislation to eliminate barriers to housing, employment and education.





NORTH CAROLINA

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Legislative shenanigans limit BtB and 1st source hiring

- **NC Gen Stat. § 153A-449. Contracts with private entities.**
 - A county may not require a private contractor under this section to abide by any restriction that the county could not impose on all employers in the county, such as paying minimum wage or providing paid sick leave to its employees, as a condition of bidding on a contract.
 - Durham, Carrboro, Chapel Hill, Asheville and Buncombe counties had living wage ordinances in place before the law passed.
 - New law is totally inconsistent with “anti-federalists”, “state’s rights ideology”
 - Still may be able to encourage private contractors to adopt fair hiring practices through the RFP process.

QUESTION AND ANSWER SESSION

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