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'Ban the Box' Bill Becomes Law in Vermont

MONTPELIER – In order to help people with criminal convictions find employment and build successful lives, Gov. Peter Shumlin has signed a bill to remove questions about criminal records from the very first part of job applications in Vermont. “Banning the box” will give those with criminal records a fair chance at a good job and reduce the risk of recidivism and incarceration. The law follows a 2015 Executive Order signed by Gov. Shumlin to implement a “ban the box” hiring policy for state jobs.

The bill (H.261), prohibits employers from asking questions about prior criminal convictions on an initial job application, allowing applicants to be judged on their work history and qualifications rather than on a mistake made in their past. Employers will still be allowed to ask questions in later stages of the hiring process and the law provides exemptions for certain positions where a criminal conviction would automatically disqualify an applicant due to state or federal law.

“Too many Vermonters with criminal records are unable to successfully re-enter their communities due to lack of employment. Banning the box is all about breaking down barriers and giving those Vermonters who have paid their debt to society a fair chance at finding a good job,” Gov. Shumlin said. “Nobody wins when Vermonters are trapped in a cycle of unemployment and incarceration.”

Just last week, President Obama signed a Presidential Memorandum promoting the rehabilitation and reintegration of individuals, crediting lack of opportunity for those with criminal records with decreased public safety and higher costs to taxpayers. The President directed federal

agencies to adopt “ban the box” hiring practices and called on agencies to review and revise procedures for evaluating an applicant’s criminal record.

Christopher Curtis, Co-Chair of the Governor’s Pathways from Poverty Council and Attorney at Vermont Legal Aid, has made “Ban the box” hiring policies a priority.

“This legislation will allow many qualified workers to get a foot in the door to employment – it’s a fair shake and a second chance for many applicants who might otherwise find their applications in the recycle bin as a result of a prior conviction. This only results in Vermonters not being able to keep their housing or meet other important obligations,” said Curtis. “Ban the box’ can help open up new job opportunities for Vermonters.”

The National Employment Law Project estimates 70 million American adults have arrests or convictions in their past that can make it difficult for them to obtain employment. A U.S. Labor Department survey found that an arrest early in life, regardless of whether convicted, can have significant negative effects on future prospects. According to the survey, being arrested and convicted by age 23 makes a person 11 percent less likely to own a home and 13 percent more likely to live below the poverty line by age 25. Those arrested and convicted before 23 also are less likely to graduate high school and move onto college, according to the survey.

Gov. Shumlin has made creating a fairer, more effective criminal justice system a priority. He launched a War on Recidivism and expanded Vermont's expungement laws, which have helped reduce Vermont's prison population to its lowest level since the early 2000s. Under The Governor also fought for a comprehensive pre-trial services law designed to bypass the court process for those people addicted to drugs and who can be safely treated in a community setting. And he has worked with Chittenden County State’s Attorney TJ Donovan on two pilot Driver Restoration Days that have helped hundreds of Vermonters get their licenses reinstated.

Vermont is the seventh state to implement a state-wide ‘ban the box’ law that applies to both state and private employers.

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