

**From:** Pallas, Karen [Karen.Pallas@state.vt.us] on behalf of Spellman, Maribeth [Maribeth.Spellman@vermont.gov]

**Sent:** Thursday, April 30, 2015 2:36 PM

**To:** Aumand, Francis; Barrett, Susan; Boes, Richard; Boyd, Tom; Brown, Cary; Cahill, David; Chen, Harry; Cimaglio, Barbara; Clark, Sarah; Clasen, Michael; Cohen, Hal; Cole, Chris; Collins, Lori; Condos, Jim; Cook, Steve; Coriell, Scott; 'Cray, Steven'; Dolan, Tracy; Donegan, Susan; Dupre, Paul; Faxon, Allan; Ferland, Brad; Fischer, John; Flynn, Keith; French, Aaron; Gauthier, Richard; Giddings, Richard; Griffin, Bill; Henry, Dixie; Herlihy, David; Hoffer, Doug; Hogan, Mike; Holcombe, Rebecca; Hollar, Jennifer; Ide, Robert; Jackson, Melissa; Johnson, Harriet; Johnson, Justin; LaClair, Jolinda; Leriche, Lucy; Litevich, James; Mackay, Noelle; Maheras, Georgia; Markowitz, Deb; Mears, David; Menard, Lisa; Mesner, Susan; Miller, Elizabeth; Miller, Lawrence; Minoli, Wanda; Minter, Sue; Moulton, Pat; Mousley, Gregg; Murphy, Reeva; Noonan, Annie; Noonan, Tim; Obuchowski, Mike; O'Neil, Michael E; Pallito, Andy; Pearce, Beth; Peterson, Mary; Pieciak, Michael; Porter, James; Porter, Louis; Provost, David; Reardon, Jim; Recchia, Chris; Reed, Frank; Reid, Martha; Richards, Karen; Ross, Chuck; Rouelle, Angela; Royar, Kim; Samsom, Kaj; Schatz, Ken; Schuren, Alyssa; Schurr, Stuart; Skowronski, Robert; Smith, Gregory; Smith, Megan; Snyder, Michael; Sorrell, Bill; Springer, Darren; Talbott, Bill; Thompson, Darwin; Tivnan, Maureen; Tucker, David; Valerio, Matthew; Volz, James; Walcott, Cindy; Wehry, Susan; Winters, Chris; Wisloski, Stephen; Young, Susanne; Zeller, Susan

**CC:** Anderson, Michelle; Cheney, Thomas S

**Subject:** Executive Order 03-15 - Ban the Box Hiring Policy

**Attachments:** EO 03-15.pdf

Recently the Governor signed Executive Order 03-15, "Ban the Box Hiring Policy" which will require most State Agencies and Departments to remove questions regarding an applicant's criminal history from the initial stages of the hiring process. I note the EO does NOT prohibit questions about criminal history entirely, but rather changes when such questions may be asked.

The EO further directed the Commissioner of the Department of Human Resources to create a State policy to implement the EO. As an initial step this will require the removal of the question regarding criminal history from initial application forms processed by DHR. Beyond that, however, a policy must be developed for when and how the questions will be asked. I recognize that the various agencies and departments in the state have differing needs, requirements and practices when it comes to the consideration of an applicant's criminal history. Therefore, in order to establish a policy that is effective, efficient to administer, and meets the goals of the EO, I am requesting input from all Agencies and Departments. Specifically I am requesting a description of current practices, including any waiver procedures, whether background checks are currently conducted, and if so for what positions, the level of those checks, and any special issues, requirements or considerations your organization has, such as statutory mandates, or special security concerns. This information will greatly assist me in creating a policy that works for everyone.

Please provide your input to Tom Cheney, [Thomas.s.cheney@vt.state.us](mailto:Thomas.s.cheney@vt.state.us), by May 18, 2015. DHR General Counsel, Michelle Anderson, is also available to discuss and issues, concerns or questions you have regarding the EO, the new policy or this information request, [michelle.anderson@vt.state.us](mailto:michelle.anderson@vt.state.us).

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Maribeth Spellman | Commissioner | Vermont Department of Human Resources  
110 State Street | Montpelier, VT 05620-3001 | Ph: 802-828-3491 | Fax: 802-828-3409

STATE OF VERMONT  
EXECUTIVE DEPARTMENT  
EXECUTIVE ORDER NO. 03-15

[Ban the Box Hiring Policy]

WHEREAS, Vermonters with criminal records suffer from discrimination in many areas of life, including employment opportunities;

WHEREAS, state government is committed to modeling fair hiring practices for all Vermont employers;

WHEREAS, too many Vermonters with criminal records are unable to successfully re-enter their communities due to lack of employment and self-sufficiency;

WHEREAS, Vermonters with criminal records represent a workforce with skills to contribute and a desire to add value to their communities;

WHEREAS, studies indicate that stable employment is one of the best predictors of post-conviction success;

WHEREAS, employment of those with criminal records promotes public safety and cost-containment by significantly reducing the risk of recidivism and incarceration;

WHEREAS, a "ban the box" hiring policy increases the opportunity of applicants with criminal records to explain their circumstances while preserving employers' ability to ultimately conduct a criminal background check as part of the hiring process;

WHEREAS, such a policy removes questions related to a job applicant's criminal record in the initial stage of many employment applications, thereby preventing the conviction from serving as an immediate reason for screening out an applicant when the conviction may have little or no bearing on the work to be performed;

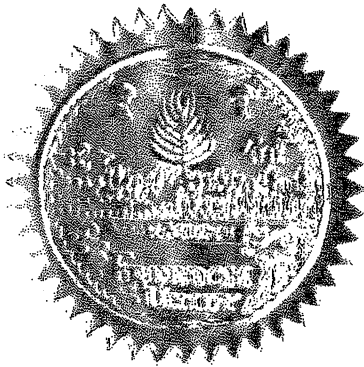
WHEREAS, states across the country have adopted hiring practices to remove unfair barriers to employment of people with criminal records; and

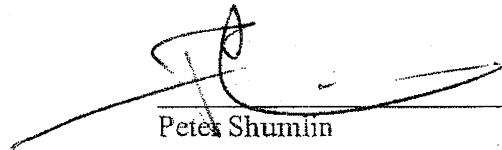
WHEREAS, the U.S. Equal Employment Opportunity Commission, to maximize compliance with federal anti-discrimination law, recommends delaying inquiry of a job applicant's conviction history and considering the job-relatedness of the conviction.

NOW, THEREFORE, BE IT RESOLVED that I, Peter Shumlin, by virtue of the authority vested in me as the Governor of the State of Vermont, do hereby order and direct that the Department of Human Resources create and implement a "ban the box" hiring policy that encourages job applications from all motivated, hardworking, and otherwise qualified people, regardless of a person's criminal record. Such a policy shall provide qualified applicants the opportunity to explain a criminal record when applying for state positions, but shall not affect positions for which a criminal conviction makes a candidate ineligible regardless of the circumstances.

This Executive Order shall take effect upon signing.

Dated April 21, 2015



  
Peter Shumlin  
Governor

Executive Order No. 03-15