

# FAIR CHANCE ACT GIVES SECOND CHANCE TO EX-OFFENDERS

- Discrimination by potential employers is far too common against ex-offenders who are trying to re-enter the workforce.
- However finding and retaining employment is exactly what formerly incarcerated individuals need in order to reintegrate into society.



## MOVEMENTS AND CAMPAIGNS



In 2004, a civil rights movement called *All of Us or None*, decided it was time something was done to help end employment discrimination against ex-offenders.



**Ban the Box**, an international campaign that is focused on persuading employees to remove the check box on job applications that asks if an individual has been convicted of a crime, is said to do just that.

## BANNING THE BOX IN MINNESOTA AND ACROSS THE NATION

Although it is estimated that approximately **1 in 4** adults in the United States has been convicted by a crime, the progress of the campaign has been slow.

While multiple jurisdictions adopted the ban the box policy, also known as the **fair chance act**, it was nearly 5 years later that an entire state adopted it as law.

In **2009**, the state of Minnesota banned the box for public employers, becoming the first state to do so.



In **2014**, the ban was extended to private employers.

Employers in the state who need to ask about criminal histories now must wait until they have either granted an interview or extended an actual conditional job offer.

Employers were given 30 days to change their applications, and those who did not comply faced fines of up to \$500 per month.

## PRESIDENT OBAMA MAKES A MOVE TOWARD BANNING THE BOX

On October 16, 2015, an estimated **130,000** signatures requesting the President Obama ban the box on federal job applications arrived at the White House.

The law will go into effect **January 1, 2016**.

With an estimated **600,000** formerly incarcerated individuals reintegrating into society each year in the United States, the new law could potentially affect the ability of billions to obtain employment.



The president responded on November 2, 2015 when he executed an order that will prohibit public employers from asking about criminal histories on job applications throughout the United States.

Currently, **19 states** have already banned the box for public employers, and seven states have eliminated the box in the private sector as well.

## WHEN CAN EMPLOYERS ASK ABOUT CRIMINAL HISTORY?

It is important to remember, however, that banning the box does not interfere with an employer's right to ask about criminal history in certain situations.



The federal law only applies to employers in the public sector this time unless the employer is located in one of seven states that have banned the box in its entirety. Minnesota is one of those states.

Employers may require a background check if it is required for the job in question.

Once a contingent offer of employment has been made, employers may ask about criminal history and/ or run a background check if they wish.

Employers may ask about criminal history after an interview has been granted.

In essence, the law does not remove employers rights to discover the criminal history or potential employees, it simply helps prevent formerly incarcerated individuals from being discriminated against.

## WHO WILL BE AFFECTED BY THE NEW BAN THE BOX LAW?

As changes to job applications begin to be implemented, it is expected that society as a whole will begin to notice a difference.



Recent studies reveal that an estimated **60%** to **75%** of formerly incarcerated individuals are unable to obtain employment within a full year of their release.



Banning the box will enable more ex-offenders to interact with hiring managers, an opportunity that is said to improve chances of gaining employment by up to **50%**.



According to the National Institute of Justice, a criminal record can reduce an individual's chances for obtaining employment by up to **50%**.



Many believe that an ex-offender's inability to secure employment increases the chances that that individual ends up right back in prison.

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