

The Fair Chance to Compete for Jobs Act of 2015 (Fair Chance Act)

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Over 70 million Americans who have criminal histories are faced with the daunting task of securing employment. They face improbable odds in obtaining jobs with arrest records or criminal convictions. Studies show that a criminal record reduces the likelihood of a callback or job offer by nearly 50 percent for men in general. African-American men with criminal records have been 60 percent less likely to receive a callback or job offer than those without records. For individuals who have paid their debt to society, and are trying to turn the page on a difficult chapter in their lives, criminal convictions pose a substantial barrier to employment.

Nationwide, States and cities have recently promoted a “Ban the Box” campaign to overcome the employment barrier of having to “check the box” with a felony conviction. Eighteen states and more than 100 cities and counties have taken action to give formerly incarcerated people a fair chance to secure employment. Companies such as Walmart, Starbucks, Koch Industries, Target, Home Depot, and Bed, Bath & Beyond have embraced Ban the Box policies to fairly assess job applicants.

Currently, federal law does not prevent federal employers from asking a formerly incarcerated person about their past crimes at any stage of the hiring process. The *Fair Chance Act* would bring the Ban the Box initiative to the federal government and would require federal employers and federal contractors not to ask about criminal history information until the final stages of the process. It also includes important exceptions for national security, law enforcement, and positions for which criminal history information is required by law.

This bill would reduce recidivism and strengthen our communities. It is a balanced approach that gives prospective employees a meaningful opportunity to interview and be considered based on their merits, while still providing employers the opportunity to learn about criminal histories before hiring new employees.

The *Fair Chance Act* would:

- *Ban the federal government—including the executive, legislative, and judicial branches—from requesting criminal history information from applicants until they reach the conditional offer stage;*
- *Prohibit federal contractors from requesting criminal history information from candidates for positions within the scope of federal contracts until the conditional offer stage;*
- *Include important exceptions for positions related to law enforcement and national security duties, positions requiring access to classified information, and positions for which access to criminal history information is required by law; and*
- *Require the Department of Labor, U.S. Census Bureau, and Bureau of Justice Statistics to issue a report on the employment statistics of formerly incarcerated individuals.*