

H.B. 4354 “Ban the Box Act” to Enhance Workforce Participation and Reduce Recidivism

The problem with “the box” on job applications, which people must check if they have a conviction history, is that it creates unfair barriers to employment. “Banning the box” allows employers to judge applicants on their qualifications first, without the stigma of a record. Employers can then make case-by-case assessments, instead of blanket exclusions.

Employers are reluctant to hire people with records

The box on a job application discourages people from applying to jobs in the first place. The box also narrows the applicant pool of qualified workers when employers toss out applications that have the box checked, regardless of the applicant's skills and qualifications. Both the employer and the applicant lose out. Research finds that a conviction record reduces the likelihood of a job callback or offer by nearly 50%^[i].

Removing job barriers helps the economy and is good for business

Allowing people to work increases their tax contributions, boosts sales tax, and saves tax dollars by keeping people out of the criminal justice system.

The solution: H.B. 4354 - Ban the Box Act

Research indicates that once an employer has had the chance to examine the qualifications of the applicant, the employer would be more willing to hire the applicant. It's a tried and tested policy. In the United states 37 states have embraced some version of ban the box.

HB 4354 would apply to public and not private employers. However the bill does not apply to public employers that require, by state or federal law, a criminal history inquiry as a preliminary qualification to be considered for employment.

As the legislation's findings state, “It is the duty of the State of West Virginia to encourage and contribute to the successful reintegration of people with a criminal history. The ability to procure meaningful employment is essential to reinstating good citizenship. The Legislature also finds that reducing barriers to employment for persons with a criminal history is a matter of statewide concern and that increasing employment opportunities will reduce recidivism and improve community stability.”

What doesn't ban the box do?

An employer is not required to hire an individual under this policy. In other words, the employer retains the discretion to hire the most qualified candidate. The ban the box policy also does not prohibit an employer from conducting a background check after an initial interview.

^[i]Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3583356/#:~:text=Across%20teams%2C%20a%20criminal%20record,15%20percent>)