

TO: Buncombe County Commissioners  
FROM: Curt Euler, Human Resources Director  
DATE: April 19, 2016  
RE: Ban the Box Initiative

Ban the Box is an international campaign by civil rights advocates aimed at removing from the hiring application the check box that asks if applicants have a criminal record.

Currently, Buncombe County does all of its employment applications online and in the application states the following:

“Have you ever been convicted of an offense against the law other than a minor traffic violation? (A conviction does not mean you cannot be hired. The offense and how recently you were convicted will be evaluated in relation to the job for which you are applying): If yes please explain fully:”

Buncombe County Human Resources Department has been directed to look at the feasibility of removing the aforementioned language from its initial employment application.

Since 2011, the County’s internal policy has been that a person with a criminal record should not be disqualified from a job unilaterally and the County utilizes the recommended Equal Employment Opportunity Commission (EEOC), “Green Factors,” in evaluating the relevance and mitigating factors around the charge. Research indicates that removing the criminal history question from the initial application increases the diversity of the pool of applicants available to the employer. Research also shows that there are over 70 million U.S. adults with arrests or convictions. Many hiring managers turn away qualified applicants based on whether or not a person has a criminal conviction without delving into the factors behind the conviction. This problem disproportionately effects non-majority populations seeking employment.

The EEOC recommends removing the criminal history question from the application and deferring the criminal background check until later in the in process as a best practice. A number of jurisdictions in North Carolina have already banned the box from its employment application including Durham and Cumberland County along with the cities of Asheville, Carrboro, Charlotte and Durham. Buncombe County believes that this policy change is in line with the County’s mission statement and current hiring practices.

The County recognizes the need to protect its citizens. A criminal background check for all new employees will still be required prior to any final offer of employment. In addition, screening questions will be used for positions where certain criminal convictions would automatically disqualify an applicant from holding the position (i.e. law enforcement and social services caring for vulnerable populations). However by “banning the box” the County removes a potential barrier that might prevent an otherwise qualified applicant from being selected for an interview and evaluated.