

# Ban the Box Policy and Procedures

# POLICY

**The Ban the Box Policy of Augusta, Georgia**

**1. POLICY SUMMARY**

Augusta, Georgia's "Ban the Box" hiring policy promotes qualified applicant pools while reducing recidivism in the community by allowing skilled and motivated job applicants to participate in the hiring process without criminal history resulting in an automatic barrier to employment. This policy governs only the evaluation of criminal history during the pre-employment screening process.

**2. POLICY STATEMENT**

Augusta, Georgia ("Augusta") is committed to a hiring policy that affords individuals with a criminal background the opportunity to be considered for employment without compromising the values or safety concerns of Augusta and its citizens. Unless state and/or federal law precludes hiring an applicant who has a criminal conviction, Augusta will not inquire about an applicant's criminal convictions until after the applicant is chosen as the selected candidate for a position or a conditional offer of employment is extended.

**3. APPLICABILITY**

These procedures are applicable to positions under the authority and control of Augusta.

# PROCEDURE

## Procedures for the Ban the Box Policy of Augusta, Georgia

### 1. PROCEDURES

#### A. Application Process

- 1) Employment applications shall not contain any questions related to the criminal history of an applicant.
- 2) An applicant, however, must consent to a criminal background check, along with other pre-employment screening, after receiving a conditional offer of employment to be eligible for hire.

#### B. Evaluation of Criminal History/Selection Process

- 1) If an applicant is chosen as the selected candidate by the Department Head or designee, the Human Resources Department will extend a contingent offer of employment to the selected candidate. The selected candidate must consent to a criminal background check to be eligible for hire. All criminal background checks will be executed by the Human Resources Department. For SES positions, law enforcement may be asked to conduct a comprehensive background check, per the request of the Administrator.
- 2) When conducting the criminal background check, the Human Resources Department will make an *individualized assessment* of the relevance of the criminal record to the duties and responsibilities of the position. The selected candidate will be afforded an opportunity to explain the circumstances that led to any conviction and present any mitigating factors within three (3) business of notice of negative criminal history. The Human Resources Department will make a recommendation to the Department Head based on the results of the *individualized assessment*.
- 3) After receiving the recommendation from the Human Resources Department, the Department Head will make the final decision regarding hiring. The selected candidate will receive a final offer of employment if selected for hire by the Department Head.

#### C. Adverse Employment Decision

- 1) If the selected candidate is not hired because of his or her criminal history, he or she shall be notified in writing within thirty (30) days of this decision, and the selected candidate shall be provided with a photocopy of the results of the criminal inquiry, indicating the specific conviction(s) that relate(s) to the position's responsibilities.

**D. Confidentiality/Improper Dissemination of Information**

- 1) Any information obtained by Augusta that pertains to an applicant's criminal history shall remain confidential and shall only be shared with individuals who need to know the contents for evaluating candidates or employees in a manner consistent with these procedures, except as dictated by law.
- 2) No information obtained during the hiring process shall be used, distributed, or disseminated by an employee or official for any purpose other than those permitted under these procedures;
- 3) No information obtained during the hiring process shall be used, distributed, or disseminated by any employee or official to any other entity or individual, except as dictated by state and/or federal law.
- 4) Any employee who discloses the criminal history of an applicant for any reason inconsistent with these procedures, except for reasons dictated by law, shall be subject to discipline, including termination.

**2. EXEMPTIONS**

These procedures do not apply to applicants who are selected for public safety positions, / positions involving work with children, or any other positions in which state and/or federal law requires the exclusion of an applicant from employment because of criminal history. Augusta shall inquire about the criminal history of individuals applying for these positions at the beginning of the application process.

**3. APPLICABILITY**

These procedures are applicable to positions under the authority and control of Augusta.

**4. DEFINITIONS**

- a. Selected Candidate - the applicant who is chosen by the Department Head as the applicant receiving a contingent offer of employment after the completion of the interview process.
- b. Individualized Assessment – an evaluation of a selected candidate's criminal history to include, but not limited to, whether the individual committed the offense (if only an arrest); the nature and gravity of the offense; the time since the offense; and the nature of the job for which the applicant has applied.

**5. PROCEDURES TO IMPLEMENT POLICY**

The Human Resources Department may develop procedures or other supplementary information to support the implementation of this policy. Such supporting documentation requires the approval of the Administrator.