



SOUTH  
QofM

## OCTOBER 2022 QUESTION OF THE MONTH

### What is “Fair Chance Hiring” and which CSG South states have enacted it?

You may have heard or seen commentary on the federal [Clean Slate Act](#), as it was marked up by the U.S. House Judiciary Committee in September of 2022. You may have also seen the phrase “ban the box” or “Fair Chance Hiring” and be curious what this is all about. As it currently stands, the **federal Clean Slate Act has bipartisan support from five members in three CSG South states.**

“Fair Chance Hiring,” “Clean Slate,” or “Ban the Box” refer to policies aimed at assisting the one in three Americans with a criminal record regain employment after their reentry into society. The goal is to reduce arbitrary hiring discrimination against these individuals. Among the tools available to lawmakers wishing to address this issue are policies which delay when an employer can ask about criminal history, expunge or seal the records of eligible individuals automatically, and require employers to give specific consideration to the nature of the conviction, its relationship to the work being applied for, and the length of time since the conviction. Importantly, such policies allow employers to hire the best available candidate, while also mitigating barriers to employment.

According to the National Employment Law Project, there are currently eight CSG South states with state-level policies specifically pertaining to hiring practices for public employees. **Louisiana, Tennessee, and Virginia all have enacted legislation which provides protections against hiring decisions made based solely on criminal history.** In general, criminal history can’t be considered until later in the hiring process, rather than at the initial application phase. Meanwhile, **Georgia, Kentucky, Missouri, North Carolina, and Oklahoma each rely on an executive order to extend these same protections for public sector employees.**

**Since 2020, there have been 36 bills introduced in CSG South states related to banning the box/fair chance/clean slate-related policies in both the public and private sector. Of those 36 only two bills - one in Oklahoma and one in Louisiana - have been enacted.** Oklahoma’s [bill](#) closely resembles the federal Clean Slate Act, as it directly relates to the expungement and sealing of criminal records. Meanwhile, legislation enacted in Louisiana established a task force that is working with the Bureau of Criminal Identification and Information and allows them to work with nonprofits to help analyze the relevant data.