



SENATE MAJORITY OFFICE

Oregon State Legislature
State Capitol
Salem, OR

NEWS RELEASE

June 11, 2015

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“Ban the Box” receives bipartisan Senate approval

HB 3025 will help those with prior arrests or convictions seek employment

SALEM – The Senate approved “ban the box” legislation this afternoon on a bipartisan vote of 21-8. House Bill 3025 establishes an unlawful employment practice that bans employers from excluding consideration of a job applicant from an initial interview solely because of a past criminal conviction—as long as the applicant has served all the terms of their conviction. The bill clarifies that it does not prevent an employer from considering an applicant’s criminal history in making their hiring decisions.

“Banning the ‘box’ will help Oregonians who have served their time reintegrate into society and break the cycles of criminal violence that are far too common,” said Senator Michael Dembrow (D-Portland), chair of the Senate Workforce Committee. “We know that people of color are disproportionately caught up in our criminal justice system, and thus are disproportionately harmed by employers’ criminal background check procedures. House Bill 3025 is a modest step toward remedying the long-term consequences of a criminal justice system that disproportionately harms communities of color.”

Upon release from incarceration, ex-offenders are expected to reintegrate into society through a number of means, including securing gainful employment. However, Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, religion, sex and national origin, does not prohibit discrimination on the basis of criminal history.

“Studies have clearly shown that employment can reduce recidivism. However, many individuals released after serving their time are unable to even get an interview, let alone find a

job, because of their conviction,” said Senate Majority Leader Diane Rosenbaum (D-Portland). “House Bill 3025 removes a barrier to opportunity for individuals trying to re-build their life.”

HB 3025 creates exceptions for employers who are subject to federal, state or local laws that require consideration of applicant’s criminal history; for law enforcement agencies; for employers in the criminal justice system; and for employers seeking nonemployee volunteers. Enforcement authority for HB 3025 will reside within the Oregon Bureau of Labor and Industries.

Once signed into law, Oregon will join a growing number of states and municipalities taking action on policies that restrict job opportunities for persons with criminal histories. As of November of 2014, 13 states and 70 cities had adopted some form of “ban the box” legislation over the prior four years.

HB 3025 will now go to the House of Representatives for concurrence.

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