

Human Resources Policy

Fair-Chance Hiring

HRP Number HR-TM001	Date May 15, 2017
Category Talent Management	Supersedes None
Contact 717.787.8001	Scheduled Review July 2018

1. Purpose

This Human Resources Policy is to establish a Commonwealth-wide hiring policy that affords opportunities to individuals with past criminal records to be judged on their skills and qualifications and not solely on their criminal history, by removing the criminal history question from the non-civil service employment application.

2. Scope

This Human Resources Policy (HRP) applies to all departments, boards, commissions, and councils under the Governor’s jurisdiction for human resources management. Agencies not under the Governor’s jurisdiction are strongly encouraged to follow this HRP.

3. Background

This Administration is committed to reducing employment barriers for the millions of Pennsylvanians that seek the opportunity to work and contribute to their communities, and recognizes that every Pennsylvanian should have a meaningful opportunity to compete for jobs in the Commonwealth. Fair-chance hiring policies are common sense, as prospective applicants for employment should be judged on their skills and qualifications, rather than solely on an arrest or conviction record.

Offering opportunities to individuals with past criminal records of a nonviolent nature promotes public safety by significantly reducing the risk of recidivism and reincarceration, as steady employment is one of the best predictors of post-conviction success.

A fair-chance hiring policy will best allow prospective applicants with nonviolent criminal records to explain individualized circumstances while

preserving the Commonwealth's ability to appropriately screen applicants as part of the hiring process.

Current Pennsylvania law prohibits private employers from considering conviction records that do not relate to an applicant's suitability for employment, and private employers must provide written notification if a denial of employment was based in whole or in part on the applicant's criminal history.

4. Policy

The Secretary of the Office of Administration hereby establishes, and Commonwealth agencies shall implement and maintain, a fair-chance hiring policy that removes the criminal history question from the commonwealth's employment application, based on the following:

- a.** Consideration of arrests not leading to a conviction; annulled, expunged, or pardoned convictions; convictions for summary offenses; and convictions that do not relate to an applicant's suitability for Commonwealth employment is prohibited.
- b.** In making hiring decisions, the hiring entity shall consider the public interest of ensuring access to employment for former offenders.
- c.** This HR Policy shall not affect positions in which a criminal conviction makes an applicant ineligible under law.
- d.** This HR Policy also shall not apply to employment positions responsible for the safeguarding or security of people or property, law enforcement, or those involving contact with vulnerable populations.
- e.** All departments, agencies, boards, commissions, and councils shall utilize the online job application system as required by ITP-BUS008. No department, agency, board, commission, or council shall utilize its own job application form or questionnaire, unless such form or questionnaire is approved by the Secretary of the Office of Administration.

Nothing in this HR Policy shall be construed to impair or otherwise affect the authority by law to an executive department, agency, or the head thereof. This HR Policy is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by

any party against the Commonwealth of Pennsylvania, its departments, agencies, or entities, its officers, employees, or agents or any other person.

5. Effective Date

The Effective Date of this HR Policy is July 1, 2017.

6. Related References

Commonwealth policies, including Executive Orders, Management Directives, IT Policies, and HR Policies are published on the Office of Administration’s public portal:

<http://www.oa.pa.gov/Policies/Pages/default.aspx>

7. Publication Version Control

It is the user’s responsibility to utilize the latest version of this publication, which appears on <http://hrm.oa.pa.gov> for Commonwealth personnel and on the Office of Administration public portal: <http://www.oa.pa.gov/Policies/Pages/default.aspx>. Questions regarding this publication are to be directed to 717.787.8001.

This chart contains a history of this publication’s revisions:

Version	Date	Purpose of Revision
Original	05/05/2017	Base Document
Revision	05/15/2017	Removed the word “effective” from the header date field to be consistent with other Commonwealth policy formats