

# **FAIR CHANCE HIRING**

**HUMAN RESOURCES DEPARTMENT**

City Council  
Briefing

February 23,  
2016

# OBJECTIVES

- Review Council direction from May 2015 on Fair Chance Hiring
- Provide overview of activities since May 2015
- Review recommendations from Economic Opportunity Committee (EOC)
- Provide Overview of draft ordinance provisions

# COUNCIL DIRECTION

- May 21, 2015, Item from Council Resolution 20150521-025
  - The City Manager is directed to:
    - Provide support for a stakeholder process
    - Develop language for potential policies to promote delaying inquiry into conviction history until later in the employment hiring process for private-sector employers
    - Consider National Employment Law Project recommended ordinance language to include fair chance hiring policies
    - Consider options for employers contracting with the City and participants in a Chapter 380 Economic Development agreement
    - Present options to the Council Economic Opportunity Committee

# PROCESS

- Four Stakeholder Meetings Held in July & August 2015
- Business Community meetings, webinars, and survey conducted in September 2015
- Staff analysis and benchmarking
- Developed policy concepts and presented to Economic Opportunity Committee
  - Staff Comment and Presentations in September, October, & November 2015

# EOC COMMITTEE REQUESTED ITEMS FOR ORDINANCE

- **Ban the Box**
  - Removes the question of criminal history from paper, oral, and online applications.
- **Definition – Employer**
  - Identifies that employers with 10 or more employees would be subject to the ordinance
- **Limiting Inquiry**
  - Employers can conduct criminal history inquiries only on individuals who have received a written or verbal conditional job offer.
- **Evaluation Criteria**
  - Encourages employers to establish criteria for evaluating criminal history.
- **Adverse Action Notification**
  - Requires written notice to an individual not hired due to criminal history.
- **Non-Retaliation**
  - Prohibits retaliation against those who file a complaint.
- **Job Advertisement**
  - Ensures that job postings and advertisements include Fair Chance Hiring language.

# DRAFT ORDINANCE SUMMARY

## ■ Applicability

- 15 or more individuals working for an employer in the City limits
- Does not apply to jobs where a federal, state, or local law disqualifies an individual based on criminal history

## ■ Fair Chance Provisions:

- Employers cannot ask about criminal history in an application (Ban the Box)
- Employers cannot state in job postings and advertisements that having a criminal history is an automatic disqualifier
- Employers cannot ask about criminal history until *after* a conditional offer is made
- Employers cannot refuse an applicant because they didn't provide criminal history information before a conditional offer
- Employers cannot refuse to hire, promote, or revoke an offer based on criminal history, unless a conviction relates to the duties and responsibilities of the job
- If an employer refuses to hire, promote, or revoke an offer because of an applicant's criminal history, the employer must tell the applicant in writing

# DRAFT ORDINANCE ENFORCEMENT & PENALTIES

- **Enforcement by the Equal Employment/Fair Housing Office**
  - Investigate complaints received no later than 90 calendar days after the alleged violation
  - May subpoena records or testimony relevant to the investigation
- **Penalties not assessed for 2 years after ordinance adoption**
  - First year: Education only
  - Second year: Investigations and written warnings
- **Third year: \$100 Civil Fine Assessed**

# POSSIBLE ADMINISTRATIVE NEEDS

- Education Outreach - To be determined
- Administration and Enforcement – 2 positions
- Case management software/programming

