

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

