

Introduced by: Luis E. Cotto, Councilperson

HEADING  
AND  
PURPOSE

**\*NEW\* AN ORDINANCE ESTABLISHING A POLICY FOR CRIMINAL RECORD CHECKS FOR THE CITY OF HARTFORD'S HIRING POLICY, "BAN THE BOX" ORDINANCE.**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD

April 13, 2009

Be It Ordained by the Court of Common Council of the City of Hartford:

That Hartford Municipal Code is amended by adding Chapter 2, Article VI, Division 6, Sections 2-381 through 2-389 as follows:

**Sec. 2-381. Resolution**

The Court of Common Council by substitute resolution dated January 12, 2009 resolved that the Human Resources Department review its current civil services processes and eliminate any barriers during an interview process that may preclude applicants with criminal records from gaining employment with the City of Hartford.

**Sec. 2-382. Purpose.**

It is the intent and purpose of this Section to assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from prison.

**Sec. 2-383. Findings.**

More than 650,000 people are released from state and federal prisons each year and hundreds and thousands more leave local jails. Approximately 1,200 adults return to the City of Hartford from prison every year. Formerly incarcerated people represent a group of job seekers, ready to contribute and add to the work force. Lack of employment is a significant cause of recidivism; people who are employed are significantly less likely to be re-arrested. Obstacles to employment for people with criminal records and other barriers to re-entry are creating permanent members of an underclass that threatens the health of the community and undermines public safety.

**Sec. 2-384. Definitions.**

Applicant means any current or prospective employee or person who requests to be considered for employment by the City, not including Board of Education and the public schools.

Conviction means any sentence arising from a plea or verdict of guilty, including a sentence of probation or a sentence of unconditional discharge.

Direct Relationship means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the employment sought.

Otherwise Qualified means any Applicant who meets all other criteria for a position or consideration for a position.

**Sec. 2-385. Criminal Record Check Standards for the City of Hartford.**

- (a) In connection with the employment of any person, it shall be not be permissible for the Department of Human Resources to make any inquiry about or to take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction. It shall further be an unlawful discriminatory practice for a City agency or vendor to require any person to disclose or reveal any arrest or criminal accusation made against such person which is not then pending against that person and which did not result in a conviction.
- (b) The Criminal Record Check related policies and practices of the City include, but are not limited to the following:
- i. The City does not conduct a criminal record check on an Applicant unless such a check is required by state or federal law or the City has made a good faith determination that the relevant position is of such sensitivity that a criminal record check is warranted.
  - ii. The City will review the qualifications of an Applicant and determine whether an Applicant is Otherwise Qualified.
  - iii. The City will not conduct a criminal record check for an Applicant that is not Otherwise Qualified for a relevant position.
  - iv. The City shall make an offer of conditional employment to an Applicant, notifying him/her that a criminal record check will be conducted. At this time, an Applicant may submit a voluntary disclosure statement of his or her criminal record and any mitigating factors relating to said criminal record.
  - v. The City makes final employment decisions based on all of the information available to the City, including the seriousness of the crime(s), the relevance of the crime(s), the number of crime(s), the age of the crime(s), and the occurrences in the life of the Applicant since the crime(s). If the final decision of the City is adverse to the Applicant and results in the refusal, rescission, or revocation of a position with the City then the City must notify the Applicant immediately of the decision and the specific reason(s) therefore.
  - vi. The Applicant shall have seven (7) business days, after receipt of the notice and the photocopy of the criminal record from the Department of Human Resources, to respond by first class mail to the Human Resources Appeals Board regarding the criminal record report. The Human Resources Appeals Board shall provide the Applicant with an opportunity to present information rebutting the accuracy and/or relevance of the criminal record report and must review any information and documentation received from the Applicant prior to taking any final action with regard to the Applicant.

**Sec. 2-386. Retaliation and Discrimination Prohibited.**

It shall be unlawful to retaliate or discriminate against any person on account of his having claimed a violation of this Chapter.

**Sec. 2-387. Regulatory Authority.**

The Human Resources Department shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections and may promulgate a form of the Affidavit.

**Sec. 2-388. Severability.**

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**Sec. 2-389. Implementation.**

The provisions of these sections shall be effective ninety (90) days from their passage.

