SUMMARY

This proposed ordinance amends Chapter 18 of the 1984 Detroit City Code, Finance and Taxation, Article V, Purchases and Supplies, by adding Division 11 entitled, Criminal Conviction Questions for City Contractors, Sections 18-5-161, 18-5-162, 18-5-163, 18-5-164 and 18-5-165, to provide for the applicability of the division to City contractors and subcontractors with contracts that are $25,000 or more; to prohibit criminal conviction questions on employment applications; to provide for exceptions to the prohibition of asking the criminal conviction question; to require affidavit of hiring policy of compliance; and to make those bids and contracts not in compliance with this division, non-responsive bids and voidable contracts, respectively.
BY COUNCIL MEMBERS KENNETH V. COCKREL, JR. AND KWAME KENYATTA:

AN ORDINANCE to amend Chapter 18 of the 1984 Detroit City Code, Finance and Taxation, Article V, Purchases and Supplies, by adding Division 11 entitled, Criminal Conviction Questions for City Contractors, Sections 18-5-161, 18-5-162, 18-5-163, 18-5-164 and 18-5-165, to provide for the applicability of the division to City contractors and subcontractors with contracts that are $25,000 or more; to prohibit criminal conviction questions on employment applications; to provide for exceptions to the prohibition of asking the criminal conviction question; to require affidavit of hiring policy of compliance; and to make those bids and contracts not in compliance with this division, non-responsive bids and voidable contracts, respectively.

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 18 of the 1984 Detroit City Code, Finance and Taxation, be amended by amending Article V, Purchases and Supplies, by adding Division 11, entitled, Criminal Conviction Questions for City Contractors, containing Sections 18-5-161, 18-5-162, 18-5-163, 18-5-164 and 18-5-165, to read as follows:

ARTICLE V. PURCHASES AND SUPPLIES

DIVISION 11. CRIMINAL CONVICTION QUESTION FOR CITY CONTRACTORS

Sec. 18-5-161–18-5-169 Reserved

Sec. 18-5-161. Applicability.

This division shall apply to all City contractors and their subcontractors for goods or services with whom the City enters into a contract in the amount of $25,000 or more.
whether or not the contract is subject to competitive bid.

Sec. 18-5-162. Prohibition on criminal conviction question for City contractor’s employment applicants.

Except as specified in this division, contractors and subcontractors with the City of Detroit shall not inquire or consider the criminal convictions of their employment applicants until the applicant is being interviewed and/or otherwise qualified by the contractor.

Sec. 18-5-163. Exceptions to the prohibition on criminal conviction question for City contractor’s employment applicants.

This division does not limit the right of the contractor or their subcontractor to:

(a) Conduct criminal history background checks on applicants for positions where there is a statutory duty to do so, including asking if there is a criminal conviction on the contractor’s employment applications for those positions only;

(b) Otherwise take into consideration an applicant’s criminal conviction during the hiring process.

(c) Notify applicants that laws and company policies will disqualify an individual with a particular criminal conviction from employment in particular positions based on the requirements of those positions.

Sec. 18-5-164. Affidavit of hiring policy required.

As part of the contract package, each contractor or subcontractor subject to this division, shall submit to the Finance Department Purchasing Division an affidavit that their hiring policy is in compliance with this division prior to submission of the contract to City Council for approval.
Sec. 18-5-165. Non-responsive bids; Voidability of contract.
(a) Failure to comply with this division shall render the contractor’s bid or proposal to the City non-responsive.
(b) Failure to comply with this division shall render the contractor’s contract with the City voidable by the City.

Secs. 18-5-166–18-5-169 Reserved.

Section 2. All ordinances, or parts of ordinances, which conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary for the preservation of public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. In the event that this ordinance is passed by a two-thirds (2/3) majority of City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-116 of the 1997 Detroit City Charter. Where this ordinance is passed by less than a two-thirds (2/3) majority City Council Members serving, it shall become effective on the thirtieth (30th) day after enactment, or on the first business day thereafter, in accordance with Section 4-115 of the 1997 Detroit City Charter.

Approved as to form:

Krystal A. Crittendon
Corporation Counsel