

**CITY OF NEW ORLEANS
CHIEF ADMINISTRATIVE OFFICE**

POLICY MEMORANDUM NO. 129

January 10, 2014

TO: All Departments, Boards, Agencies and Commissions

FROM: Andrew D. Kopplin, First Deputy Mayor/CAO

**SUBJECT: Policy for Review of Employment Candidates' Criminal History
(Ban the Box)**

I. PURPOSE.

The City of New Orleans is committed to recruiting a broad, diverse, and skilled workforce. It has been shown that a criminal conviction is often a limitation in seeking gainful employment, and access to employment is a proven means of reducing recidivism that helps reintegrate individuals into the community. It has been further shown that obstacles to employment for people with prior criminal convictions and other barriers to reentry impair the economic and social vitality of this group, and is contrary to public policy. The City wishes to safely remove barriers that impede otherwise qualified individuals from obtaining employment within the Departments of the City of New Orleans, while still affirming the right of all City departments to deny candidates employment because their prior criminal convictions have a direct relationship to the job they are to perform or their employment would compromise public safety and property.

The Chief Administrative Officer hereby establishes a new employment review process concerning criminal history checks on applicants for classified and unclassified positions that follows the steps outlined in this policy memorandum. This review process excludes the Sewerage and Water Board, the New Orleans Police Department, the New Orleans Fire Department and the New Orleans Aviation Board.

II. GOVERNING AUTHORITY.

Chapter 3 Section 4-302(5) of the City Charter authorizes the Chief Administrative Officer (CAO) to "prescribe accepted standards of administrative practice to be followed by all offices, departments, and boards."

III. PROCEDURE.

Applicants will be considered for employment opportunities with the City of New Orleans based on the merits of their skills and experience related to the position for which they are applying. The hiring department will conduct interviews of all qualified applicants, prior to requesting a criminal background check. No employee shall start work without a criminal history check, with the exception of those covered under Section VI below.

The procedure is as follows:

1. All new recruitment information, announcements, and position descriptions will contain the following statement:

“This position is subject to a background check for any convictions related to its responsibilities and requirements. Employment is contingent upon successful completion of a background investigation including criminal history. **Criminal history will not automatically disqualify a candidate.**”

2. Following the appropriate recruitment procedure for classified and unclassified personnel, the Department conducts departmental interviews and selects applicant.
3. Hiring department sends an authorization to release information form to applicants (no more than 3 applicants per position) after interviews are completed. Enclosure letter informs applicant that a criminal background check will take place, asks the applicant to disclose any prior convictions, and notifies the applicant that they will receive a copy of any report received by the City.
4. The Chief Administrative Office Human Resource Division is responsible for processing the background checks and assisting in the determination. On receipt of the background check a complete copy is sent to the applicant with an enclosure letter allowing them to comment on the report.
5. The City, in consultation with the appointing authority, has the authority to make all hiring decisions. The City, or City designee makes final employment-related 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), age of the applicant at the time of conviction,

and the occurrences in the life of the applicant since the crime(s). The hiring department sends a final response to the applicant regarding the job offer.

IV. CHANGE IN JOB TITLE OR APPOINTING AUTHORITY.

As a general rule, if a current employee's job title or appointing authority changes, then a criminal history check may be performed at the discretion of the appointing authority.

V. TRAINING.

The Law Department is available to provide training to department HR personnel as well as appointing authorities through separate meetings. The Law Department will offer the training quarterly. Requests for training for new hires can be submitted directly to the Law Department.

VI. EMERGENCY SITUATIONS/EXCEPTIONS.

As a general rule, no employment decision shall take place without execution of the above outlined procedure. Any deviation or exceptions to the above detailed employment review process shall require the approval of the originating department's Deputy Mayor and CAO. In cases of exceptions, all criminal history checks must be conducted within 90 days of hire.

VII. INQUIRIES.

Questions regarding this memorandum should be addressed to the Chief Administrative Office.

ADK/jal

Attachments

Attachment A: EEOC Guidance

The EEOC Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. is attached. It may also be found at www.eeoc.gov/laws/guidance/arrest_conviction.cfm

Attachment B: Procedure

The authorization form to release a person's criminal history must be completed by the hiring department, signed by the applicant for employment, submitted to CAO HR Division and kept on file there. The form is available at www.lsp.org/pdf/crauthorizationform.pdf

The Chief Administrative Office Human Resource Division is responsible for submitting, receiving, and evaluating criminal history reports for all applicants. For convenience, some out- of- state or out- of- town candidates may need to request their criminal history summary check from the FBI or their state of residence and provide the Chief Administrative Office Human Resource Division a certified true copy for review.

Attachment C

[DEPARTMENT LETTERHEAD]

[DATE]

NAME OF APPLICANT

APPLICANT'S ADDRESS

RE: Authorization to Release Information Form

Dear APPLICANT:

You recently applied for employment with the Department of _____
for the City of New Orleans.

The next step in the application process is for you to sign and return the enclosed Authorization to Release Information Form so that a criminal background check can be completed. The City will send you a copy of the report it receives in response to this Release Form. The signed Authorization to Release Information Form should be mailed to the following address, or returned to that office in person **within five (5) days** from the date of this letter.

Chief Administrative Office, HR Division
City Hall, Suite 9E06
1300 Perdido Street
New Orleans, La. 70112

You are also requested to identify any prior convictions, other than minor traffic violations, on the enclosed form. Any questions regarding the enclosed forms, or this letter, should be directed to the Chief Administrative Office, (504) 658-8600.

Sincerely,

Appointing Authority
Department

Encl.: Authorization Release Form
Blank Form for list of convictions

cc: Chief Administrative Office
Department of Civil Service

ATTACHMENT D

LIST OF PRIOR CONVICTIONS

Please list all prior convictions, other than minor traffic violations. For each conviction, provide the date, what the conviction was for, and any other mitigating information that you wish to provide.

1. Offense:

Date of Conviction:

Other information [age at time of offense; other mitigating information]

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2. Offense:

Date of Conviction:

Other information [age at time of offense; other mitigating information]

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3. Offense:

Date of Conviction:

Other information [age at time of offense; other mitigating information]

4. Offense:

Date of Conviction:

Other information [age at time of offense; other mitigating information]

ATTACHMENT E

[CITY LETTERHEAD]

[DATE]

NAME OF APPLICANT

APPLICANT'S ADDRESS

RE: Criminal Background Report

Dear APPLICANT:

Enclosed is a copy of the Report the City received in response to submission of your Authorization to Release Information Form to the State of Louisiana. A copy of this report has been provided to the Department(s) to which you applied for a position.

If you believe any entries on the report are in error, or if you wish to address any of the items in the report, please feel free to send a letter to the department to which you applied for a position. You may also contact the department to discuss any issues in person.

Any questions regarding the enclosed forms, or this letter, should be directed to the Chief Administrative Office, (504) 658-8600.

Sincerely,

CAO Representative

Encl.: State Criminal Background Report

cc: Department of _____
Department of Civil Service