

## **EXECUTIVE ORDER NO. 5 OF 2018**

### **Westchester County Fair Chance to Work Policy**

WHEREAS, Westchester County strives to be a place that ensures all people have a fair chance of employment; and

WHEREAS, County employment applications requesting disclosure of an individual's record of conviction can improperly be utilized to immediately eliminate a capable worker from further consideration for a position of employment; and

WHEREAS, these applications provide a barrier in the hiring process that presents public safety and fairness concerns, which negatively affect Westchester's economy; and

WHEREAS, removing this barrier for qualified workers will lift up low wage workers, increase employment and reduce crime in Westchester County; and

WHEREAS, this policy will ensure all qualified job applicants are evaluated on their merits first; and

WHEREAS, particularly for employees that interact with our most vulnerable populations such as senior citizens, the disabled and our youth, background checks and fingerprinting will still be done after an individual has had the opportunity to present his or her qualifications for the job; and

WHEREAS, putting people back to work will be good for the economy by increasing income tax contributions, consumer activity and boosting sales tax revenues; and

WHEREAS, employment is the single most important influence on decreasing recidivism; and

WHEREAS, two years after release, nearly twice as many employed people with records had avoided another encounter with law enforcement than their unemployed counterparts; and

WHEREAS, Westchester County is committed to removing these initial application barriers for individuals with records of convictions who are seeking employment

with Westchester County government so as to enable them to be interviewed and considered along with other equally qualified applicants;

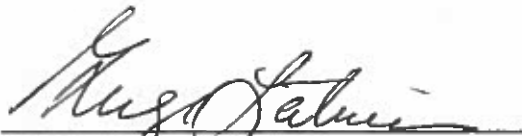
NOW THEREFORE, I, George Latimer, County Executive of the County of Westchester, by virtue of the authority vested in me by the Laws of Westchester County, hereby declare that it is

RESOLVED, no office, agency or department of the County of Westchester (“County”), shall print or circulate any preliminary application, which expresses, directly or indirectly, any requirement for employment based on a person’s arrest or conviction, unless such history precludes employment, so as to enable them to be interviewed and considered along with other equally qualified applicants; and it is further

RESOLVED, that this Executive Order does not prohibit background checks or fingerprinting from being performed following the submission of an application for employment; and it is further

RESOLVED, that Executive Order No. 8 of 2002 entitled “County Background Investigation Policy”—a copy of which is annexed hereto and incorporated herein by reference—which authorizes certain background investigations with respect to the County positions of Commissioner, Deputy Commissioner, Director, Deputy Director, Department Head, or any other appointment to be included at the discretion of the County Executive following a conditional offer of employment, shall remain in effect; and it is further

RESOLVED, that this Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.



GEORGE LATIMER

County Executive

Dated: April 6, 2018

White Plains, New York

EXECUTIVE ORDER NO. 8 OF 2002

WHEREAS, the County of Westchester is committed to ensuring that all County employees to be appointed to the position of Commissioner, Deputy Commissioner, Director, Deputy Director, Department Head, or any other appointment to be included at the discretion of the County Executive are properly trained, educated and otherwise suitable for the position for which they have been hired; and

WHEREAS, background investigations will assist the County in determining whether a candidate for County employment possesses the experience, qualifications, and ability to perform in the position to which they have been appointed and fitness for public service;

WHEREAS, background investigations will help to ensure that the information provided by prospective appointees is truthful, complete and accurate; and

WHEREAS, background investigations are necessary to protect the health and welfare of Westchester County residents, employees and visitors, by ensuring that persons appointed to provide public services are suitable for a particular position; and

WHEREAS, any prospective employee found to have violated the County's Background Investigation Policy will, depending on the nature and severity of the conduct, be subject to the appropriate disciplinary or corrective action; and

WHEREAS, I have determined that it is in the best interests of the County to formally enact policies and procedures to address this important public safety issue;

NOW THEREFORE, I, ANDREW J. SPANO, County Executive of the County of Westchester, in light of the aforementioned and in accordance with my statutory duties, do hereby order that: (1) the following Background Investigation Policy be implemented; (2) the policies and procedures set forth therein be complied with by the appointed County employees; (3) the Background Investigation Policy be disseminated to the appropriate County officers and employees; and (4) the County's policy take effect immediately.

**COUNTY BACKGROUND INVESTIGATION POLICY**

**I. Purpose**

This policy has been established to create a procedure for employment background investigations for candidates to be appointed to the position of Commissioner, Deputy Commissioner, Director, Deputy Director, Department Head, or any other appointment to be included at the discretion of the County Executive, in Westchester County Government.

**II. Application**

This policy shall apply to all candidates for the positions of Commissioner, Deputy Commissioner, Director, Deputy Director, Department Head, or any other appointment to be included at the discretion of the County Executive.

**III. Procedure**

- A. Background investigations will be commenced by the Applicant Investigation U. Department of Public Safety when an individual under consideration for appoi

referred to the Department of Public Safety at the direction of the Deputy County Executive, pursuant to a conditional offer of employment.

- B. Upon a conditional offer of employment, the candidate will be directed to appear at Department of Public Safety Headquarters to: (1) complete a Release of Information Form, (2) be fingerprinted, and (3) provide a copy of his/her driver's license. The candidate will be given a Background Investigation packet, which is required to be completed by the candidate and returned to the Applicant Investigation Unit with all required supporting documentation, within seven (7) business days.
- C. The background investigation will be conducted in two (2) phases. Phase I will include a check of: driver's license, outstanding warrants, the candidate's educational background and the candidate's past two (2) employers. Phase I will be completed within five (5) business days of receipt by the Applicant Investigation Unit of a candidate's completely executed Phase I form. Phase II will be comprised of all of the remaining items in the investigation packet, including a criminal history check based on the fingerprint submission.
- D. A preliminary report of Phase I findings will be submitted by the Department of Public Safety Investigator to the First Deputy Commissioner, who will review and forward the report to the Commissioner of Public Safety. Upon the Commissioner's review, the findings will be forwarded to the Deputy County Executive for action as may be deemed appropriate, including, but not limited to termination of the application process.
- E. If any candidate is delinquent in submitting any items pursuant to the investigation, the First Deputy Commissioner of Public Safety will make such notification to the Deputy County Executive.
- F. The completed Background Investigation report will be submitted to the First Deputy Commissioner of Public Safety for review, and will be forwarded to the Commissioner of Public Safety for final review. The results of the report will be forwarded to the Deputy County Executive.
- G. No candidate will be appointed to the position prior to the completion of Phase I of the background investigation. However, in the event that the services of a candidate are needed immediately, such person may be appointed but will not be placed on the County payroll until Phase I of the Background Investigation is completed.
- H. If a candidate has been convicted of a felony and/or misdemeanor, any decision regarding such candidate's fitness for a position must be made on a case-by-case review of the factors contained in Sections 752 and 753 of the New York State Corrections Law.

#### **IV. Effective Date**

This Executive Order shall take effect immediately and shall remain in effect until otherwise superseded or revoked.

---

**ANDREW J. SPANO**  
County Executive