

California Assembly Bill 1831: Statewide “ban the box” in cities and counties

[AB 1831 \(2012\)](#) would have required city and county agencies to delay consideration of an applicant’s criminal history until after the agency determined that the applicant is minimally qualified for the position. The bill exempted agencies that were required by law to run a criminal background check and all positions within a criminal justice agency. After passing through the Assembly Local Government Committee and the Assembly floor, the bill was held in the Senate Committee on Governance and Finance. On the day of the hearing, an influential local newspaper supported the bill with an [editorial](#). The bill was introduced by [Assemblymember Roger Dickinson](#) (D), see [bill information](#). The Assemblymember [has indicated](#) that he plans to reintroduce the bill next year. The bill was supported by a broad base of labor, interfaith, civil rights, social justice, and criminal justice groups, and some cities and counties, including Oakland, Richmond, Berkeley, Alameda County, San Francisco City and County, and Santa Clara County.

Nine cities and counties in California implement some form of ban the box, which makes California the state with the most ban the box local jurisdictions in the nation without statewide legislation.

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National Employment Law Project

ASSEMBLY FLOOR ALERT
AB 1831 (DICKINSON)—VOTE “AYE”

What does the bill do? This bill would provide that a city or county agency delay the consideration of an applicant’s criminal history until after the agency has determined the applicant’s qualifications meet the requirements for the job position.

Why is it needed? Studies have shown that stable employment lowers recidivism. With this bill, our cities and counties will take an important step toward becoming model employers, leading the way for the private sector.

AB 1831 allows people with a conviction history to compete fairly for employment without compromising safety and security on the job. Key facts about AB 1831:

- Six states, including California’s state personnel board, and over 30 U.S. cities and counties, including nine in California, have adopted similar policies—several with bipartisan support.
• Cities and counties may still conduct criminal background checks and screen out disqualified workers.
• Any positions that require background checks or in law enforcement agencies are exempted.
• Several human resources departments in California with policies like AB 1831 have attested to ease of implementation, the streamlining of resources, and the benefit of expanding their pool of workers.

Co-Sponsors:

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SUPPORT FOR AB 1831

American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO
California Labor Federation AFL-CIO
California Conference Board of The Amalgamated Transit Union
California Teamsters Public Affairs Council
International Longshore & Warehouse Union
Los Angeles Black Worker Center
Los Angeles County Federation of Labor, AFL-CIO
Professional & Technical Engineers, Local 21
SEIU Local 1000
UNITE HERE
UNITE HERE Local 2
United Food and Commercial Workers Union, Western States Council
Chief Adult Probation Officer Wendy Still and District Attorney George Gascón, City and County of San Francisco
San Francisco Public Defender Jeff Adachi
Chief of Police Chris Magnus, City of Richmond
Chief of Police Ronald Davis, City of East Palo
Cities of Berkeley, Oakland, and Richmond
Counties of Alameda and Santa Clara
Councilmembers Dee Andrews, 6th District and

Steven Neal, 9th District, City of Long Beach
Councilmember Nancy Nadel, City of Oakland
Councilmember Jovanka Beckles, City of Richmond
Councilmember Ash Kalra, City of San Jose
A New Way of Life Reentry Project (ANWOL)
All Of Us Or None
California Attorneys For Criminal Justice
California Employment Lawyers Association
California Public Defenders Association
California Rural Legal Assistance Foundation
Californians United For A Responsible Budget
Drug Policy Alliance
Legal Aid Society - Employment Law Center
National Association For The Advancement of Colored People (NAACP), California State Conference
National Association of Social Workers - California Chapter, Women's Council
National Council of La Raza (NCLR), California Affiliate Network
PICO California
Western Center On Law & Poverty

(MORE SUPPORT ON BACK)

Acacia Adult Day Services
Advocacy, Re-Entry, Resources, Outreach
(A.R.R.O.)
All Of Us Or None, Riverside Chapter
Asian Communities For Reproductive Justice
Berkeley Organizing Congregations For Action
California Drug Counseling, Inc.
California Prison Moratorium Project
Center For Living And Learning
Center For Training And Careers
Alto Community Works
Congregations Organizing For Renewal
Contra Costa Interfaith Supporting Community
Organization
Critical Resistance
Crossroad Bible Institute
East Bay Community Law Center
Ella Baker Center For Human Rights
Engineers and Scientists Of California
Equal Justice Society
Equal Rights Advocates
Fair Chance Coalition To Ban The Box Campaign
Families To Amend California's Three Strikes
Fresh Start Ministries And Community Services,
Inc.
Friends Committee On Legislation Of California
FYI Trilogy
Gamble Institute
Homeless Outreach Program Integrated Care
System
Inner City Law Center
Justice Now
LA Voice
Lawyers' Committee For Civil Rights Of The San
Francisco Bay Area
Los Angeles Alliance For New Economy
National Center For Youth Law
National H.I.R.E. Network (Helping Individuals
With Criminal Records Reenter Through
Employment)
New Start L.A. Reentry Program
Oakland Community Organizations
Pacific Institute
PolicyLink
Richmond Progressive Alliance
Rubicon Programs
Sacramento Area Congregations Together
Safe Return Project
Sanmina-SCI Corporation
Sentencing Project, The
South Bay Veterans Employment Committee
Starting Over, Inc.

The Ripple Effects
Time For Change Foundation
Watsonville Law Center
Youth Uprising
Individual Letters (33)

Frequently Asked Questions for AB 1831 (Dickinson) ***Fairness in Local Government Hiring Practices***

What will AB 1831 do?

AB 1831 would provide that a city or county agency delay the consideration of an applicant's criminal history until after the agency has determined the applicant's qualifications meet the requirements for the job position.

Will AB 1831 prevent criminal background checks for employment?

No. The bill provides that the local agency may consider an applicant's criminal history after the applicant's job qualifications have been screened and the local agency has determined the applicant's qualifications meet the requirements for the position.

Will AB 1831 require local agencies to hire people with conviction histories?

No. The bill does not alter or impact any job qualifications or the local agency's legal discretion to hire the most qualified applicant for the job position.

Will AB 1831 require criminal background checks for employment?

No. The local agency retains its discretion, in compliance with existing law, to determine whether a job position requires a criminal background check.

Which job positions will be exempt from the bill's requirements?

The provision does not apply to positions for which the local agency is required by law to conduct a criminal background check, such as positions in law enforcement, positions working with children, the elderly or disabled, and other sensitive positions. Further, the provision exempts all positions in a criminal justice agency.

When did the State Personnel Board delay criminal history inquiry?

Effective June 25, 2010, under Governor Schwarzenegger's administration, the [State Personnel Board](#) revised the State Examination/Employment Application to remove inquiries about conviction history.

What California cities and counties delay an inquiry into an applicant's criminal history?

Currently, the following cities and counties do not inquire into an applicant's criminal history on the initial application: Alameda County, Berkeley, City of East Palo Alto, Compton, Oakland, Richmond, City of San Diego, San Francisco City and County, and Santa Clara County.

What other states delay an inquiry into an applicant's criminal history?

The following five states delay inquiries into an individual's criminal record: Connecticut (applies to state personnel and licensing), Hawaii (applies to all public and private employment), Massachusetts (applies to all public and private employment), Minnesota (applies to all public employment), and New Mexico (applies to state personnel and licensing).

What other U.S. cities and counties delay an inquiry into an applicant’s criminal history?

More than 30 cities and counties around the U.S. have adopted fair hiring policies including New York City, Austin, Baltimore, Boston, Chicago, Cincinnati, Cleveland, Jacksonville, Memphis, Minneapolis, New Haven, Providence, Philadelphia, St. Paul, Seattle, and Worcester.

Have there been bipartisan efforts to support this fair hiring practice?

Yes. Most recently, Republican Mayor Bloomberg adopted this policy in New York City. Republican Governor Kasich is now exploring delaying criminal background check inquiries in Ohio, because as he has [stated](#), “for people who’ve paid their debt and rehabilitated themselves, we want to give them a chance.” Republican Governor Tim Pawlenty signed Minnesota’s fair hiring legislation in 2009.

How many people have a criminal history in California?

Based on [U.S. Bureau of Justice Statistics](#) and the [U.S. Census](#), the National Employment Law Project estimates that there are almost 7 million adults in California with criminal records on file with the state, which is about 25% of the adult population.

How will this fair hiring practice increase public safety?

Research has demonstrated that employment is a key factor in reducing recidivism and ensuring positive public safety outcomes. People who are employed after release from prison are less likely to return.¹ One study found that only 8% of those who were employed for a year committed another crime compared to that state’s 54% average recidivism rate.² Increased employment and increased wages are also associated with lower crime rates in states.³

How will this fair hiring practice support “realignment”?

“Realignment” (AB 109, enacted 2011) of California’s criminal justice system seeks to produce budgetary savings by reducing recidivism and promoting rehabilitation. Employment of eligible people with a conviction history is key to the success of realignment at the local level, as studies have shown that stable employment lowers recidivism and promotes public safety. Local agencies should set an example for the private sector by being model employers, especially now when thousands of non-violent offenders are seeking employment and a second chance.

How will this fair hiring practice support our recovering economy?

No healthy economy can sustain a large and growing population of unemployed workers, especially in those communities already hard hit by joblessness. Indeed, the impact on the economy is staggering. The cost of corrections at each level of government consumed [\\$74](#)

¹ Christy Visher, Sara Debus & Jennifer Yahner, *Employment after Prison: A Longitudinal Study of Releasees in Three States*, Justice Policy Center Research Brief (Oct. 2008), available at

http://www.urban.org/UploadedPDF/411778_employment_after_prison.pdf

² American Correctional Association, 135th Congress of Correction, *Presentation by Dr. Art Lurigio (Loyola University) Safer Foundation Recidivism Study* (Aug. 8, 2005).

³ Aliya Maseelall, Amanda Petteruti, Nastassia Walsh & Jason Ziedenberg, *Employment, Wages and Public Safety*, Justice Policy Institute (Nov. 2007) at 2-4, available at

http://www.justicepolicy.org/images/upload/07_10_REP_EmploymentAndPublicSafety_AC.pdf.

[billion](#) a year in 2007, and the reduced output of goods and services of people with felonies and prison records is estimated at between [\\$57 and \\$65 billion in losses](#). When hard-working Californians are able to support themselves and their families, our communities will reap the economic benefits.

How are people of color impacted by barriers to employment based on conviction histories?

Racial disparities in arrest rates, conviction rates and sentencing terms have led to African American and Latino overrepresentation in the criminal justice system. Because of these disparities, screening out job applicants with criminal records excludes a larger share of African Americans and Latinos. Given these facts, it is unsurprising that African Americans and Latinos are especially hard hit by unemployment. In January 2012, the unemployment rate for African Americans was 13.6% and 10.5% for Latinos, while the national rate stood several points below at 8.5%. However, individuals from across the racial and socioeconomic spectrum have been swept up by the criminal justice system and negatively impacted by employment barriers based on criminal records.

How would this fair hiring policy interact with federal employment discrimination law?

The U.S. Equal Employment Opportunity Commission (EEOC) issued guidances that recognize racial disparities in the criminal justice system—the most recent [guidance](#) was updated on April 25, 2012. Because criminal background checks have a disparate impact on people of color, Title VII of the Civil Rights Act of 1964 prohibits no-hire policies against people with criminal records. An employer’s consideration of a conviction history may pass muster under Title VII if an individualized assessment is made taking into account whether the conviction is job-related and the time passed since the conviction. Removing the inquiry about conviction history from the initial job application promotes a case-by-case assessment of the applicant, which is more consistent with Title VII. In fact the EEOC has recommended as a best practice “that employers not ask about convictions on job applications.”

How has this fair hiring practice been successful?

Minneapolis collected data on its 2006 fair hiring policy delaying background checks until the job offer stage. The city found that delaying the criminal background check until the job offer state decreased the amount of transactional work for staff and did not slow down the hiring process. Featured in the February 2012 [HR Magazine](#), Mark Washington, human resources director for the City of Austin in Texas, notes that since the city adopted this policy, more qualified candidates with criminal backgrounds—candidates who previously may have opted against completing the application due to the background questions—have applied. "There are extremely talented and qualified people who happen to be ex-offenders," Washington adds. "They are just as productive as people who do not have criminal records." Several human resources departments in California have also attested to ease of implementation, the streamlining of resources, and the benefit of expanding their pool of workers.

For more information contact:

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AB 1831 (Dickinson)

Fairness in Local Government Hiring Practices

SUMMARY

This bill would provide that a city or county agency delay the consideration of an applicant's criminal history until after the agency has determined the applicant's qualifications meet the requirements for the job position.

PROBLEM

An estimated one in four adult Californians has an arrest or conviction record on file with the state, creating major, unnecessary employment barriers. Otherwise qualified individuals are often discouraged from applying for work in the public and private sectors because of a conviction history inquiry on the application.

"Realignment" (AB 109) of California's criminal justice system seeks to produce budgetary savings by reducing recidivism and promoting rehabilitation. Employment of eligible people with a conviction history is key to the success of realignment at the local level, as studies have shown that stable employment significantly lowers recidivism and promotes public safety.

THIS BILL

AB 1831 allows people with a conviction history to compete fairly for employment without compromising safety and security on the job. Cities and counties may still conduct criminal background checks and screen out disqualified workers. The provision does not apply to positions for which the agency is required by law to conduct a criminal background check, such as positions in law enforcement, positions working with children, the elderly or disabled, and other sensitive positions. Also, the provision would not apply to any position within a criminal justice agency, as defined in Section 13101 of the Penal Code.

Consistent with "realignment" of the state's criminal justice system, AB 1831 strives to reduce unnecessary barriers to employment for the nearly seven million adult Californians with a conviction history who may struggle to find work. Not only will this increase public safety, but also help fuel a strong economic recovery.

Because criminal background checks disproportionately deny employment to large numbers of people of color, the U.S. Equal Employment Opportunity Commission (EEOC) requires employers to establish a strong nexus between an

individual's criminal history and the specific responsibilities of the job. AB 1831 will make city and county hiring practices more consistent with the EEOC's guidelines on hiring people with arrest and conviction records. In fact, in April of this year, the EEOC recommended as a best practice that employers remove the question about conviction histories from the initial job application.

Five states and over 30 U.S. cities and counties responded to this growing societal challenge by removing the conviction history inquiry from initial job applications in public employment. Recently, Mayor Michael Bloomberg adopted this policy in New York City. Under Governor Schwarzenegger, California became the sixth state to do so when the State Personnel Board removed the question from job applications for state positions.

Several human resources departments in California with policies like AB 1831 have attested to ease of implementation, the streamlining of resources, and the benefit of expanding their pool of workers. With this bill, California's cities and counties will take an important step toward becoming model employers, leading the way for the private sector to allow people with a conviction history to compete fairly for employment without compromising safety and security on the job.

SUPPORT

National Employment Law Project (co-sponsor)
American Civil Liberties Union (ACLU) of California (co-sponsor)
Legal Services for Prisoners With Children (co-sponsor)
American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO
California Labor Federation AFL-CIO
California Conference Board of The Amalgamated Transit Union
California Teamsters Public Affairs Council
International Longshore & Warehouse Union
Los Angeles Black Worker Center
Los Angeles County Federation of Labor, AFL-CIO
Professional & Technical Engineers, Local 21
SEIU Local 1000
UNITE HERE
UNITE HERE Local 2
United Food and Commercial Workers Union,
Western States Council

Chief Adult Probation Officer Wendy Still and District Attorney George Gascón, City and County of San Francisco
 San Francisco Public Defender Jeff Adachi
 Chief of Police Chris Magnus, City of Richmond
 Chief of Police Ronald Davis, City of East Palo Alto
 City of Berkeley
 City of Oakland
 City of Richmond
 County of Alameda
 County of Santa Clara
 City and County of San Francisco
 Councilmember Dee Andrews, 6th District, City of Long Beach
 Councilmember Jovanka Beckles, City of Richmond
 Councilmember Ash Kalra, City of San Jose
 Councilmember Nancy Nadel, City of Oakland
 Councilmember Steven Neal, 9th District, City of Long Beach
 A New Way of Life Reentry Project (ANWOL)
 Acacia Adult Day Services
 Advocacy, Re-Entry, Resources, Outreach (A.R.R.O.)
 All Of Us Or None
 All Of Us Or None, Riverside Chapter
 Alto Community Works
 Asian Communities For Reproductive Justice
 Berkeley Organizing Congregations For Action
 California Attorneys For Criminal Justice
 California Drug Counseling, Inc.
 California Employment Lawyers Association
 California Prison Moratorium Project
 California Public Defenders Association
 California Rural Legal Assistance Foundation
 Californians United For A Responsible Budget
 Center For Living And Learning
 Center For Training And Careers
 Congregations Organizing For Renewal
 Contra Costa Interfaith Supporting Community Organization
 Critical Resistance
 Crossroad Bible Institute
 Drug Policy Alliance
 East Bay Community Law Center
 Ella Baker Center For Human Rights
 Engineers and Scientists Of California
 Equal Justice Society
 Equal Rights Advocates
 Fair Chance Coalition To Ban The Box Campaign
 Families To Amend California's Three Strikes
 Fresh Start Ministries And Community Services, Inc.
 Friends Committee On Legislation Of California
 FYI Trilogy

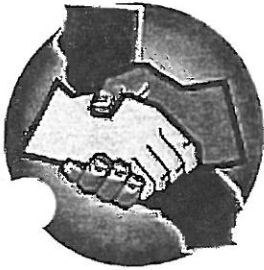
Gamble Institute
 Homeless Outreach Program Integrated Care System
 Inner City Law Center
 Justice Now
 LA Voice
 Lawyers' Committee For Civil Rights Of The San Francisco Bay Area
 Legal Aid Society - Employment Law Center
 Los Angeles Alliance For New Economy
 National Association For The Advancement of Colored People (NAACP), California State Conference
 National Association of Social Workers - California Chapter, Women's Council
 National Center For Youth Law
 National Council of La Raza (NCLR), California Affiliate Network
 National H.I.R.E. Network (Helping Individuals With Criminal Records Reenter Through Employment)
 New Start L.A. Reentry Program
 Oakland Community Organizations
 Pacific Institute
 PICO California
 PolicyLink
 Richmond Progressive Alliance
 Rubicon Programs
 Sacramento Area Congregations Together
 Safe Return Project
 Sanmina-SCI Corporation
 Sentencing Project, The
 South Bay Veterans Employment Committee
 Starting Over, Inc.
 The Ripple Effects
 Time For Change Foundation
 Watsonville Law Center
 Western Center On Law & Poverty
 Youth Uprising
 Individual Letters (33)

STATUS

Committee on Senate Governance and Finance, June 20, 2012

FOR MORE INFORMATION

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 Assemblymember Roger Dickinson
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March 9, 2012

Assemblyman Cameron Smyth
Chair, Assembly Local Government Committee
1020 N Street, Room 157
Sacramento, CA 95814

RE: AB 1831 (Dickinson) – SUPPORT

Dear Assemblyman Smyth:

The California Labor Federation strongly supports AB 1831 (Dickinson), which helps promote rehabilitation and decrease crime by easing barriers to employment for those with a criminal conviction.

Everyone knows that the best way to stop recidivism is to create job opportunities. Yet instead of connecting the nearly seven million adult Californians with a criminal record to employment, they are routinely screened out from jobs they may be qualified for, without even an interview. This creates a permanent underclass of unemployable people, many of whom come from the same impoverished communities, and contributes to intergenerational poverty and despair.

AB 1831 simply removes the question about an individual's criminal history from city and county job applications while still preserving the right to conduct a criminal background check later in the process. This gives workers a shot to compete for a job and to demonstrate that they have been rehabilitated and changed their lives around. The employer is still free to conduct a background check and to use that information in any subsequent hiring decision. The bill also exempts those positions for which the city or county is required by law to conduct a criminal background check.

AB 1831 follows the lead of five states and over 30 U.S. cities and counties that have removed the conviction history inquiry from initial job applications in public employment and delayed a criminal background check until the later stages of the hiring process. Republican Mayor Michael Bloomberg adopted this policy in New York City just last year. In 2010, California became the sixth state to do so when the State Personnel Board removed the question from job applications for state positions.

As California moves toward realignment, and there is a shift from incarceration to community release and supervision, it is essential that we get real about rehabilitation. The public sector should be a model of opportunity for the rest of California's employers.

We urge you to vote "YES" on AB 1831 (Dickinson) when it comes before you in the Assembly Local Government Committee on Wednesday, April 11, 2012.

Sincerely,

Caitlin Vega
Legislative Advocate\
CV: sm
OPEIU 3 AFL CIO (31)

Cc: Committee Members
Assemblyman Roger Dickinson



CITY OF EAST PALO ALTO
POLICE DEPARTMENT
141 Demeter Street
East Palo Alto, CA 94303

RONALD L. DAVIS
CHIEF OF POLICE
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March 23, 2012

The Honorable Roger Dickinson
California State Assembly
State Capitol, Room 3126
Sacramento, CA 95814
Via electronic mail taryn.kinney@asm.ca.gov

RE: SUPPORT FOR AB 1831

Dear Assemblymember Dickinson:

I currently serve as the police chief for the City of East Palo Alto, and I've been a law enforcement officer for over 27 years working in two of the most diverse communities in California: Oakland and East Palo Alto. Both communities also face the challenges of crime and violence, and are plagued by high prisoner recidivism rates. In fact, six months after my appointment as police chief, a parolee just a few months out of prison shot and killed one of my police officers.

In response to this tragedy, however, the police department, community, and family of the slain officer, responded not by trying to increase the parolee recidivism rate but by trying to reduce it. The Police Department entered in a contract with the California Department of Corrections and Rehabilitation (CDCR) to operate a Day Reporting Center (DRC) – the only police department in the state to do so – and adopted a philosophy focusing on rehabilitation. The key component of this program was a state-funded jobs program with California Department of Transportation (Cal Trans). For many in this program they were now able to gain employment, albeit temporary, without being labeled based on their arrest record.

We literally watched men and women who had spent the majority of the life going in and out of jail embrace, with extreme pride, their job and the ability to earn money legally and provide for their families. In short, over the next three years we saw dramatic reductions in our recidivism rates, and our crime and violence rates.

During this program we also learned first-hand just how many unnecessary barriers exist in rehabilitation: a significant one being the need to check a box on job applications, and the undue embarrassment to the applicant, as well as the unconscious bias it can generate in employers.

If we are to stop the revolving doors of our state prisons; if we are to reduce crime and violence in our communities, especially under our ever growing fiscal constraints, and if we are to make our communities safer, we must remove the barriers to rehabilitation and invest in lowering our recidivism rates.

Just as education is a critical key to stopping youth crime and violence; obtaining employment is a critical key to reducing prisoner recidivism rates.

I strongly support AB 1831, which goes a long way to promote public safety by reducing unnecessary barriers to employment for the nearly seven million adult Californians with a criminal record. As now required by applicants for state employment, AB 1831 removes the question about an individual's criminal history from city and county job applications while permitting a background check later in the hiring process.

In California and around the country, qualified job applicants are often plagued by old or minor records and discouraged from applying because a "box" on job applications requires criminal history information that often leads employers to dismiss applicants at the outset. People of color are especially hard hit by criminal background checks, which is why the U.S. Equal Employment Opportunity Commission (EEOC) requires employers to establish a strong nexus between an individual's criminal history and the specific responsibilities of a given job.

AB 1831 follows the lead of five states and over 30 U.S. cities and counties that have removed the conviction history inquiry from initial job applications in public employment and delayed a criminal background check until the later stages of the hiring process. Republican Mayor Michael Bloomberg adopted this policy in New York City just last year. In 2010, California became the sixth state to do so when the State Personnel Board removed the question from job applications for state positions.

Similarly, AB 1831 allows people with a conviction history to compete fairly for employment without compromising safety and security on the job. The bill also exempts those job positions for which the city or county is required by law to conduct a criminal background check.

"Realignment" (AB 109) of California's criminal justice system seeks to produce budgetary savings by reducing recidivism and promoting rehabilitation. Employment of eligible people with a conviction history is key to the success of realignment at the local level, as studies have shown that stable employment significantly lowers recidivism and promotes public safety.

Like public employment at the state level, California's cities and counties should pave the way for the private sector to reduce barriers to employment of people with criminal records.

For the above stated reasons, I strongly supports AB 1831.

Sincerely,



Ronald L. Davis
Police Chief



March 28, 2012

The Honorable Roger Dickinson
California State Assembly
State Capitol, Room 3126
Sacramento, CA 95814
Via facsimile (916) 319-2109

RE: AB 1831

Dear Assemblymember Dickinson:

I am Alameda County's Interim Director for the Human Resource Services Department. I am writing to share with you information regarding the practice of criminal background screening of Alameda County's employees.

Alameda County in March of 2007 removed questions about conviction histories from the initial job application and delayed criminal background screening of applicants until after the applicants were determined to be qualified for the job position. Under the County's current process, self-disclosure of criminal history information is not required until the last step of the examination process is completed, and fingerprinting is not required until a conditional offer of employment is made. It is my understanding that this practice is consistent with AB 1831.

Alameda County's Human Resources Services (HRS) found that requiring criminal background screening after the applicants have been determined to be qualified for the job has been a judicious use of County resources. By requiring background-screening for only qualified applicants, HRS minimizes the background screening required and thus, preserves County resources by not expending resources on background screening of candidates who have not met the qualifications for the job.

HRS has not found that removing the question about conviction histories from the job application and requiring the background screening after the applicant is qualified for the job is a waste of the County resources; in fact, as described above, this practice saves the County resources.


The County's transition to removing the question about conviction histories from the initial job application was a simple process and was not resource-intensive. The transition to the County's current process of not requiring background screening until after the applicants are found to be qualified for the job was also simple to implement.

The County has not had any problems with this policy of removing the question about conviction histories from the initial job applications, requiring self-disclosure of criminal history information after the last step in the examination process, and requiring the fingerprinting of

candidates when a conditional offer of employment is made. In fact, the County has benefited from hiring dedicated and hardworking County employees because of the policy change.

Alameda County removed the question about conviction histories from the initial job application because the County is committed to reducing recidivism and finding job opportunities for people with conviction histories. By implementing this policy, the County is a model for the private sector demonstrating that people with convictions are making a positive contribution to our workforce.

Sincerely,



Mary Welch, Interim Director
Human Resource Services

cc: Assembly Local Government Committee Chair Cameron Smyth, Vice-Chair Luis Alejo
and committee members *via facsimile (916) 319-3959*