

PRESENTED: June 17, 2014

ADOPTED: June 17, 2014

RESOLUTION NO. 2014- 06-25

A RESOLUTION TO AMEND THE CITY EMPLOYMENT APPLICATION TO NO LONGER REQUIRE DISCLOSURE OF PAST CRIMINAL HISTORY DURING THE INITIAL JOB APPLICATION PROCESS.

WHEREAS, "Ban the Box" is a national movement with the goal of increasing employment opportunities for people with past criminal convictions by removing questions from the employment application regarding past criminal history; and

WHEREAS, many other cities throughout the Commonwealth, including Alexandria, Petersburg, Portsmouth, Richmond, Norfolk, and Newport News, have adopted new employment application practices in support of the "Ban the Box" initiative; and

WHEREAS, the City commits to remove questions about past criminal history from its employment application; and

WHEREAS, the City will continue to perform full criminal background investigations on job applicants,

NOW THEREFORE, BE IT RESOLVED, that the Council of the City of Danville, Virginia, hereby amends its employment application to no longer require disclosure of past criminal history during the initial job application process.

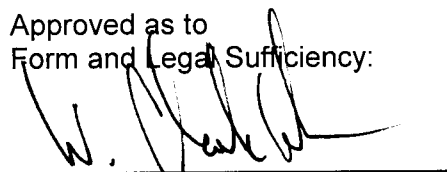
APPROVED:

  
MAYOR

ATTEST:

  
CLERK

Approved as to  
Form and Legal Sufficiency:

  
City Attorney

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*Fancy Greenwood – Organizer*  
(804) 943-4683 work/cell



June 3, 2014

RE: Ban the Box Initiative

The Danville Chapter of Virginia Organizing requests that the city remove questions about criminal history from the application for city employment. This "Ban the Box" campaign gives people with past criminal convictions a fair shot at a job and a chance to start over again. It's a great program and an important first step down a long road, and Virginia Organizing hopes we can count on your support.

The question Virginia Organizing would like removed from city job applications reads as follows:

*Except for minor traffic violations, have you ever been convicted of any violation of law, and/or are you currently charged with a violation of law? (Your criminal history will be checked. Falsification of an employment application is grounds for immediate disqualification or dismissal. A conviction does not automatically disqualify you as an applicant.)*

Several cities around Virginia have already made this change, including Richmond, Petersburg, Newport News, Norfolk, Portsmouth and Alexandria. Under these ordinances and programs, city staff can ask potential employees about relevant convictions for sensitive positions but does not ask the broad question on all applications. We want Danville to take the lead on this issue in Southside Virginia and show that people really can get a second chance.

In order to provide you with more insight into how this has worked in other parts of the state—and how it can work here in Danville—, we would like to include the following information for your consideration: (1) an overview of Ban the Box from the National Employment Law Project, (2) copies of the Ban the Box ordinances and related materials from Richmond and Petersburg, and (3) staff memos showing an administrative route to Ban the Box from Alexandria and Portsmouth.

Thank you for taking this important step for our city's returning citizens, and please don't hesitate to contact us for more information.

Sincerely,  
Danville Chapter  
Virginia Organizing

Contacts:

Marty Jackson  
434-429-8109

Nik Belanger  
434-709-4953

# BAN THE BOX

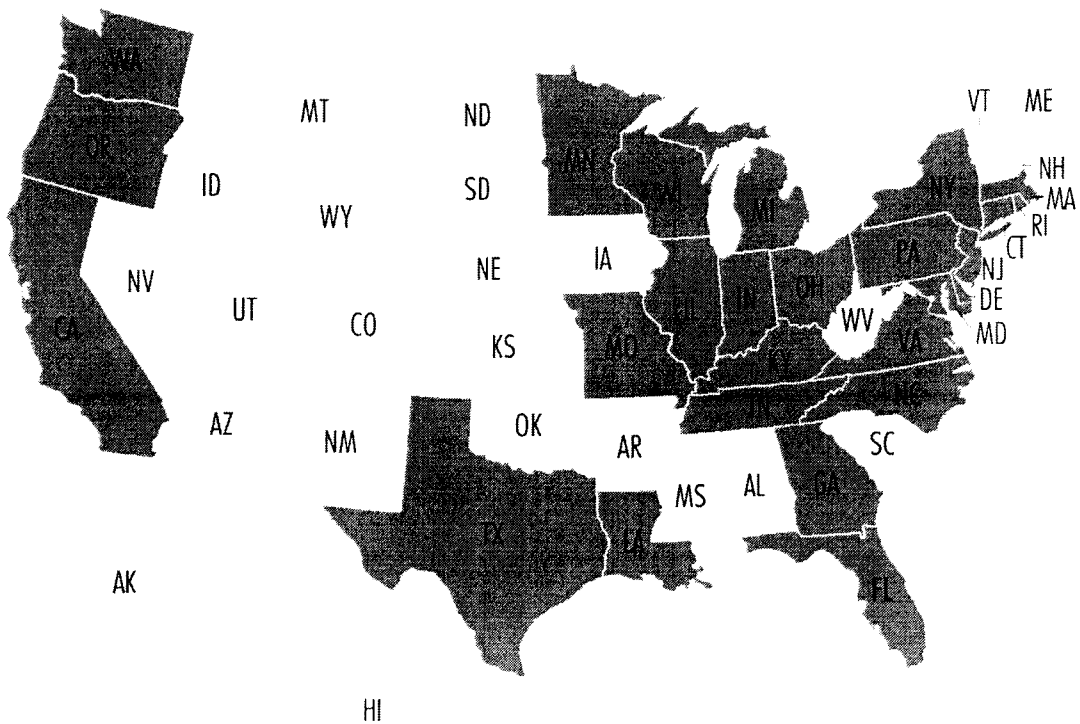
MAJOR U.S. CITIES AND COUNTIES ADOPT FAIR HIRING POLICIES  
TO REMOVE UNFAIR BARRIERS TO EMPLOYMENT  
OF PEOPLE WITH CRIMINAL RECORDS

RESOURCE GUIDE  
APRIL 2014

**NELP**

National Employment  
Law Project

MAJOR U.S. CITIES AND COUNTIES ADOPT FAIR HIRING POLICIES  
TO REMOVE UNFAIR BARRIERS TO EMPLOYMENT OF PEOPLE WITH  
CRIMINAL RECORDS:



■ STATES WHERE CITIES OR  
COUNTIES HAVE BANNED  
THE BOX

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### **CALIFORNIA**

ALAMEDA COUNTY, CA  
BERKELEY, CA  
COMPTON, CA  
CARSON, CA  
EAST PALO ALTO, CA  
OAKLAND, CA  
RICHMOND, CA  
SAN FRANCISCO, CA  
SANTA CLARA COUNTY, CA

### **CONNECTICUT**

BRIDGEPORT, CT  
HARTFORD, CT  
NEW HAVEN, CT  
NORWICH, CT

### **DELAWARE**

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### **FLORIDA**

JACKSONVILLE, FL  
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### **GEORGIA**

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### **LOUISIANA**

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BALTIMORE, MD

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CAMBRIDGE, MA  
WORCESTER, MA

### **MICHIGAN**

DETROIT, MI  
KALAMAZOO, MI  
MUSKEGON COUNTY, MI

### **MINNESOTA**

MINNEAPOLIS, MN  
ST. PAUL, MN

### **MISSOURI**

KANSAS CITY, MO

### **NEW JERSEY**

ATLANTIC CITY, NJ  
NEWARK, NJ

### **NEW YORK**

BUFFALO, NY  
NEW YORK, NY

### **NORTH CAROLINA**

CARRBORO, NC  
CHARLOTTE, NC  
CUMBERLAND COUNTY, NC  
DURHAM CITY, NC  
DURHAM COUNTY, NC  
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### **OHIO**

CANTON, OH  
CINCINNATI, OH  
CLEVELAND, OH  
MASSILLON, OH

### **OREGON**

MULTNOMAH COUNTY, OR

### **PENNSYLVANIA**

PHILADELPHIA, PA  
PITTSBURGH, PA

### **RHODE ISLAND**

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### **TEXAS**

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### **VIRGINIA**

ALEXANDRIA, VA  
NEWPORT NEWS, VA  
NORFOLK, VA  
PETERSBURG, VA  
PORTSMOUTH, VA  
RICHMOND, VA

### **WASHINGTON**

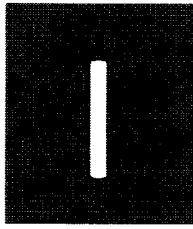
SEATTLE, WA

### **WASHINGTON DC**

WASHINGTON, DC

### **WISCONSIN**

DANE COUNTY, WI



In a 2011 National Employment Law Project (NELP) report, we estimated that 65 million Americans—or one in four adults—have a criminal record that may show up on a routine background check report.<sup>1</sup> Using updated information, NELP now estimates that 70 million Americans—still one in four adults—have a criminal record.<sup>2</sup> At the same time that the numbers of workers with criminal records have risen, the background check industry has expanded and overall, more employers are now using background checks as an employment screen than ever before. This resource guide documents the cities and counties that have recognized the devastating impact of these trends and taken steps to remove barriers to employment for qualified workers with criminal records, specifically by removing conviction history questions from job applications—a reform commonly known as “ban the box.”

As Mayor Richard Daley explained when he announced Chicago's policy promoting fairness in employment, "Implementing this new policy won't be easy, but it's the right thing to do. . . . We cannot ask private employers to consider hiring former prisoners unless the City practices what it preaches." Endorsing the value of a policy that allows workers to be judged on their merits, not on an old or unrelated conviction, the U.S. Equal Employment Opportunity Commission issued a revised guidance in April 2012 on the use of arrest and conviction records in employment under Title VII of the Civil Rights Act of 1964. In the guidance, which applies to all public and private employers, the Commission recommended as a “best practice . . . that employers not ask about convictions on job applications and that, if and when they make such inquiries, the inquiries be limited to convictions for which exclusion would be job related for the position in question and consistent with business necessity.”

This updated guide summarizes the 62 local jurisdictions across the U.S. that have adopted “ban the box” in the past ten years, including Chicago, Jacksonville, Philadelphia, San Francisco, Memphis, and Baltimore—to highlight a few. The guide provides key information for local officials and advocates to initiate reforms in their communities, including contact information, media, and campaign material links. Just in the first three months of 2014, 8 cities and counties across the nation have adopted these policies emphasizing an applicant’s qualifications rather than his or her past mistakes, such as Louisville, New Orleans, and Indianapolis. Of special significance, 18 cities and counties now extend the ban the box policy to private contractors or in the case of Buffalo, Seattle, Philadelphia, and Newark, to private employers, as well. In addition, over 10 states have adopted ban the box policies (see *Statewide Ban the Box*).

Despite today’s challenging job market, the momentum in support of ban the box hiring reforms continues to grow. In addition to this updated guide, NELP is available to provide assistance to communities seeking to join the ban the box movement. For additional information, contact Michelle Natividad Rodriguez at [mrodriguez@nelp.org](mailto:mrodriguez@nelp.org) and check out NELP’s fair chance toolkit at [www.nelp.org/banthebox](http://www.nelp.org/banthebox).

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<sup>1</sup> Michelle Natividad Rodriguez & Maurice Emsellem, “65 Million Need Not Apply: The Case for Reforming Criminal Background Checks for Employment,” National Employment Law Project (2011), available at [http://nelp.3cdn.net/e9231d3aee1d058c9e\\_55im6wopc.pdf](http://nelp.3cdn.net/e9231d3aee1d058c9e_55im6wopc.pdf)

<sup>2</sup> U.S. Bureau of Justice Statistics, *Survey of State Criminal History Information Systems, 2012* (Jan. 2014) at Table 1. U.S. Census Bureau, Population Division, available at <http://www.census.org/population/age/data/2010comp.html>.

INTRODUCED: March 25, 2013

Expedited Consideration

A RESOLUTION No. 2013-R **87 - 85**

To determine that certain positions should not be subject to the prohibitions imposed by City Code § 2-1119 on the inclusion of questions pertaining to an applicant's criminal conviction history on initial applications for City employment.

\_\_\_\_\_  
Patron – Ms. Mosby

\_\_\_\_\_  
Approved as to form and legality  
by the City Attorney

\_\_\_\_\_  
PUBLIC HEARING: **MAR 25 2013** AT 6 P.M.

WHEREAS, section 2-1119 of the Code of the City of Richmond (2004), as amended, prohibits the inclusion of questions pertaining to an applicant's criminal conviction history on initial applications for City employment, except to the extent required by federal or state law or for positions that the City Council, by resolution, has determined should not be subject to this prohibition;

NOW, THEREFORE,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF RICHMOND:

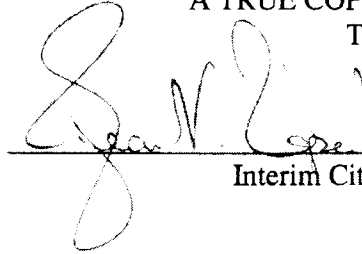
AYES:   **9**   NOES:   **0**   ABSTAIN: \_\_\_\_\_

ADOPTED:   **MAR 25 2013**   REJECTED: \_\_\_\_\_ STRICKEN: \_\_\_\_\_

That the Council determines that the positions set forth on the four-page attachment to this resolution entitled "Positions with Background Restrictions by Department" should not be subject to the prohibitions imposed by section 2-1119 of the Code of the City of Richmond (2004), as amended.

A TRUE COPY:

TESTE:



Interim City Clerk





# Richmond City Council

The Voice of the People

Richmond, Virginia

Ed. 2

## Office of the Council Chief of Staff

### Ordinance/Resolution Request

**TO** Allen Jackson, Richmond City Attorney  
Richmond Office of the City Attorney

**THROUGH** Lou Ali  
Council Chief of Staff *V. Jones for Lou Ali*

**FROM** Joyce L. Davis, Policy Analyst  
Richmond City Council  
Office of the Council Chief of Staff

**COPY** Michelle Mosby, Councilmember, 9th District  
Vincent Jones, Deputy Chief of Council of Staff *V. Jones*  
Haskell Brown, Deputy City Attorney  
Jennifer Jackson, Senior Legal Secretary  
Sharol Burton, Senior Legal Secretary  
John Westbrook, 9th District  
Marianne Pitts, Council Policy Analyst

**RECEIVED**  
MAR 18 2013

**DATE** March 15, 2013

OFFICE OF CITY ATTORNEY

**PAGE/s** 1 of 6

**TITLE** RESOLUTION TO DELINEATE THE EXCLUDED POSITIONS FROM CRIMINAL CONVICTION HISTORY AS AN INITIAL EMPLOYMENT QUESTION

This is a request for the drafting of an **Ordinance**  **Resolution**

**REQUESTING COUNCILMEMBER/PATRON**

Council member Michelle Mosby

**SUGGESTED STANDING COMMITTEE**

Governmental Operations

**ORDINANCE/RESOLUTION SUMMARY**

Resolution to delineated excluded positions from criminal conviction history as an initial employment question

**BACKGROUND**

In accordance with Ordinance No. 2013-40, Sec. 2-1119, the criminal conviction history on the initial application for City employment would be prohibited, except to the extent required by federal or state law or for positions that the Council, by Resolution, has determined should not be subject to this prohibition. This Resolution request is submitted to delineate the positions excluded from the requirements in accordance with Ordinance No. 2013-40, which prohibits the inclusion of questions pertaining to an applicant's criminal conviction history on initial applications for City employment. The recommended positions as determined by the Human Resources Department are attached on pages 3-6.

**FISCAL IMPACT STATEMENT**

Fiscal Impact	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Budget Amendment Required	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Estimated Cost or Revenue Impact	\$	
Fiscal Summary		

**Attachment/s**      Yes  No

Richmond City Council Ordinance/Resolution Request Form/updated 10.5.2012 /rs

<b>Positions with Background Restrictions by Department</b>	
<b>Parks and Recreation-Child Day program</b>	<b>Social Services-Child Welfare Agency</b>
<b>63.2-1720, 63.2-1721, 63.2-1724, 63.2-1725</b>	<b>VA Code section 63.2-1720</b>
Head Lifeguard & Lifeguard	Benefit Programs Specialist
Swimming Pool Manager	Benefit Programs Supervisor
Recreation Trainee	Deputy Director II
Recreation Aide	Director of Social Services
Recreation Instructor I&II	Early Childhood Development Manager
Trails Manager	Family Manager I&II
Recreation Center Supervisor	Human Services Administrator
Recreation Program Specialist I&II	Human Services Coordinator I&II
Recreation Program Supervisor	Human Services Manager
Recreation Program Coordinator	Intensive Case Manager
Community Services Representative	Intensive Case Manager Supervisor
Theater Manager	Social Services Case Manager
Operations Manager	Social Services Case Manager Supervisor
	Social Work Specialist
	Social Worker
<b>Police-Law Enforcement</b>	Social Worker Supervisor
<b>VA Code section 15.2 1705</b>	Welfare Case Aide
Chief of Police	
Deputy Chief of Police	
Police Major	<b>Library-Child Day Program</b>
Police Recruit	<b>VA Code section 63.2-1717, 3.2-1719,</b>
Police Officer I - IV	<b>63.2-1720, 63.2-1721, 63.2-1724, 63.2-1725</b>
Master Police Officer	Library Assistant I-III
Police Sergeant	Library Associate I&II
Police Lieutenant	Librarian I
Police Captain	
Communication Officer I&II	<b>Fire-Law Enforcement</b>
Assistant Communications Officer Supervisor	<b>VA Code section 15.2 1705</b>
Communications Officer Supervisor	Fire Recruit
Police Support Specialist	Fire Fighter I - IV
Assistant Chief of Police	Master Fire Fighter
	Fire Lieutenant
<b>Animal Care and Control-Animal Shelters</b>	Fire Captain
<b>VA Code section 3.2-6548 B</b>	Fire Battalion Chief
Administrative Program Support Assistant	Staff Battalion Chief
Administrative Services Manager	Deputy Fire Chief
Animal Control Officer I&II	Fire Chief
Animal Control Supervisor	
Animal Shelter Supervisor	
Kennel Assistant	
Kennel Master	
Office Support Specialist I&II	
Operations Manager	

<b>Justice Services-Child Welfare Agency</b>	<b>Planning-Law Enforcement</b>
<b>VA Code section 63.2-1720</b>	<b>VA Code section 15.2 1706</b>
Administrative Program Support Assistant	Code Enforcement Inspector I-III
Administrative Services Manager	Code Enforcement Inspector Supervisor
Assistant Superintendent II	
Classification Specialist/Juvenile Detention	
Detention Home Superintendent	
Food Service Manager	<b>Office of the Registrar</b>
	<b>VA Code section 24.2-112; Article II, section 1 of the Constitution of VA</b>
Food Service Worker I&II	
Human Services Administrator	
Human Services Coordinator I&II	Assistant Registrar
Juvenile Home Registered Nurse	Deputy General Registrar
Licensed Practical Nurse	
Office Support Specialist I&II	
Outreach Case Manager I&II	
Outreach Counselor/Juvenile Detention	
Security Control Specialist	
Senior Services Coordinator	
Support Services Manager	
Youth Assistant	
Youth Counselor	
Youth Counselor Supervisor I&II	

**Agency Heads, Deputies, and highly technical/hard to recruit positions**

Positions that are (1) typically have access to confidential and sensitive information and (2) are recruited on a national basis. The recruitment costs are high and in many cases candidates are flown in for a series of interviews. It is not efficient to go to this expense only to find that they are not qualified based information that could be self reported (experience, education, convictions, etc). We do not perform full scale background investigations until we are ready to make a job offer. Below is the current list, however, others may be added at a later date based on responsibilities.

Chief Administrative Officer

Deputy Chief Administrative Officer

Department Directors

Deputy Directors I & II

Assistant City Attorney II

Assistant Controller

Budget Manager

Chief Capital Projects Manager

Chief of Revenue Administration

City Traffic Engineer

Commissioner Of Buildings

Controller

Engineer IV

Information Services Manager

Investment and Debt Portfolio Manager

Press Secretary

Senior Assistant City Attorney

Senior Assistant to the Chief Administrative Officer

Senior Assistant to the Mayor

Senior Policy Advisor

Utilities Comptroller

Utility Financial Planning Manager

Utility Financial Reporting Manager

Positions in the Department of Finance which either collect funds/taxes/fees, have direct access to confidential citizen/tax payer information, or have direct access to confidential employee personal or financial information. These are staff positions which typically produce a large number of applicants but it is necessary for a screening of criminal background. It is more efficient to screen for experience, education, convictions, etc based on self report. Below is the current list, however, others may be added at a later date based on responsibilities.

Payroll Manager

Administrative Project Analyst—in payroll only

Customer Service Representative—in collections only

Positions in the Department of Information Technology which have access to sensitive financial and personnel records and are extremely difficult to recruit. These are positions where certain convictions will bar employment. Below is the current list, however, others may be added at a later date based on responsibilities

Information Technology Manager

Database Manager

Information Technology Specialist I-III

Network Engineer

Systems Developer

Systems Developer Lead

Systems Engineer



# City of Petersburg

## Ordinance, Resolution, and Agenda Request

**DATE:** August 20, 2013

**TO:** The Honorable Mayor and Members of City Council

**THROUGH:** William E. Johnson III, City Manager

**FROM:** Claristine J. Moore, Director, Human Resources

**RE:** Consideration of a Resolution amending the City's employment application to no longer require disclosure of past criminal history during the initial job application process for certain job positions within the City.

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**PURPOSE:** To consider a Resolution amending the City's employment application.

**REASON:** To provide information regarding the "Ban the Box" Initiative for Council's consideration.

**RECOMMENDATION:** Recommend Council adopt or consider the attached Resolution amending the City's employment application by removing questions regarding past criminal history for certain job positions.

**BACKGROUND:** Council directed staff to provide information regarding a proposal that is referred to as the "Ban the Box" initiative. "Ban the Box" refers to removing the section in employment applications that requires the applicant to check a box indicating whether or not they have a criminal history.

Currently, the City of Petersburg's employment application contains the following section: *Have you ever been convicted of a felony or any violation of the law for which a jail or prison sentence was or could have been imposed? (Please include traffic violations or offenses occurring before your eighteenth (18) birthday, if you were tried as an adult).  Yes  No. A conviction does not automatically mean that you cannot be employed.*

The City follows all applicable employment laws and guidelines to ensure that persons with a criminal history are afforded an opportunity for employment. There are however, positions that are deemed sensitive (e.g. public safety and children's activities) that may preclude applicants with a criminal history from being hired in those positions.

Currently, once a vacancy posting has closed all applications are forwarded to the respective department for review to determine which applicants appear to meet the qualifications noted in the job specifications. Screening must be based on job related factual information, not assumptions or other subjective information. After the interview and before a job offer is made, the Human Resources Department must review the process to ensure that established City

policies have been followed and the process was done in compliance with the EEOC Enforcement Guidance. Only after approved and the applicant has accepted the offer, is the criminal background check done. Job offers are contingent upon favorable background checks and drug screenings.

At this time, three localities in Virginia that have adopted the “Ban the Box” initiative – Newport News, Richmond, and Norfolk.

**COST TO CITY:** The cost of reprinting the City’s employment application.

**BUDGETED ITEM:** N/A

**REVENUE TO CITY:** N/A

**CITY COUNCIL HEARING DATE:** September 3, 2013

**CONSIDERATION BY OTHER GOVERNMENT ENTITIES:** N/A

**AFFECTED AGENCIES:** N/A

**RELATIONSHIP TO EXISTING ORDINANCE OR RESOLUTION:** None

**REQUIRED CHANGES TO WORK PROGRAMS:** None

**ATTACHMENTS:** A resolution.

**STAFF:** Claristine J. Moore, Human Resources Director