

MEMORANDUM

The City of Daytona Beach

HUMAN RESOURCES DEPARTMENT

MEMO TO: James V. Chisholm, City Manager

FROM: Jim Sexton, Human Resources Director



DATE: May 8, 2015

SUBJECT: Implementation of the Fair Chance (Ban the Box) Management Policy and Procedure

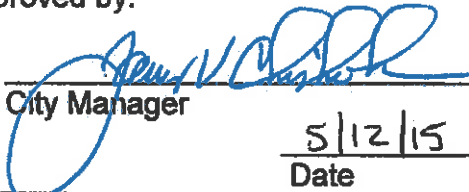
Attached please find the proposed Fair Chance (Ban the Box) Management Policy and Procedure for your signature. Because the implementation of the policy will require modification to the City's current application, we are recommending an effective date of July 1, 2015.

In summary, the Fair Chance (Ban the Box) Policy and Procedure precludes an applicant from disclosing information regarding criminal convictions until such time that the City expresses a desire to hire the individual. At that point, the applicant will be required to accurately disclose their criminal conviction history for vetting by the City. This policy will not apply to positions within the Police and Fire Departments, nor apply to confidential positions and positions otherwise required to undergo mandated DCF screening.

Although the disclosure of criminal convictions on the employment application has not been an automatic barrier to employment opportunities at the City of Daytona Beach, this policy will ensure that applicants will be considered based upon their knowledge, skills, and abilities as related to the requirements of a particular job classification, prior to disclosing such information.

If you would like to discuss further, please do not hesitate to call.

MANAGEMENT PROCEDURE

Effective Date: 07/01/15	Policy Number: 77	Page Number: 1 of 2	Supersedes Policy Dated: N/A
Subject: FAIR CHANCE (BAN THE BOX)		Approved by:  _____ City Manager 5/12/15 _____ Date	

A. The City of Daytona Beach is an equal opportunity employer in its recruitment and hiring practices and is equally committed to providing full and fair consideration in employment to qualified applicants for employment with criminal histories. Therefore, the City shall implement a policy intended to encourage the full participation of motivated and qualified persons with criminal histories in the workplace.

B. FAIR CHANCE POLICY

1) The City has adopted this policy with the intent and purpose to: (a) assist the successful reintegration of formerly-incarcerated people into the community after release; (b) prohibit the use of a criminal record as an automatic barrier to employment; (c) prevent the use of an application form that excludes qualified job applicants; (d) mitigate or eliminate exclusion of people who have been convicted of criminal activity in the past; and (c) provide employment opportunities to qualified individuals with past convictions or criminal histories.

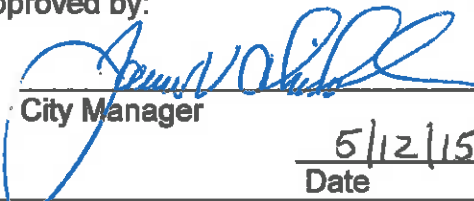
2) As a part of this procedure, the City will:

- Amend the employment application to no longer require disclosure of an applicant's past criminal history during the initial job application process.
- Add the following disclosure statement to the employment application:
"As part of the selection process, I understand that I will be required to complete a Conviction History Disclosure Form and submit it when requested by the City of Daytona Beach. The form will not be submitted with my application unless directed to do so in the job announcement. I hereby affix my initials to acknowledge my understanding of this statement."
- Develop a Conviction History Disclosure Form that will be reviewed by Human Resources.

C. LIMITATIONS AND EXEMPTIONS

1) This policy does not apply to the selection of any position that is otherwise subject to additional screening or requirements regarding criminal history as allowed by state or federal law (i.e., any position required to complete DCF screening).

MANAGEMENT PROCEDURE

Effective Date: 07/01/15	Policy Number: 77	Page Number: 2 of 2	Supersedes Policy Dated: N/A
Subject: FAIR CHANCE (BAN THE BOX)		Approved by:  _____ City Manager 5/12/15 _____ Date	

- 2) This policy shall not affect applications for sensitive (or confidential) positions in which a criminal history would be an immediate disqualification and initial disclosure on such applications shall still be required (i.e., Police and Fire Department Personnel).
- 3) Nothing in this policy requires the City to hire any person with a criminal record nor limits the City's ability to select the most qualified applicant for a position.
- 4) Nothing in this policy prohibits the City from making employment decisions based on a criminal conviction/history related to the position held or sought.
- 5) Nothing in this policy creates a cause of action for any applicant with regard to hiring or selection for employment.

In Summary, the City reaffirms that all employment decisions will be made on the basis of individual qualifications as related to the requirements of a particular job classification; and the City will provide equal employment opportunities to qualified individuals with past convictions or criminal histories.



THE CITY OF DAYTONA BEACH Conviction History Disclosure Form

Position Applying for: (Exact Title)				
Last Name		First Name		Middle Initial
Street Address		Apt. No.	Home Telephone Number () -	
City	State	Zip Code	Alternate Telephone Number () -	
E-mail Address		Social Security Number		
IMPORTANT: You will be asked to submit a copy of this form each time you are being considered for a position. Please keep a copy for your records. NOTE: A conviction record or adjudication will not be an automatic barrier to employment. Failure to disclose an accurate conviction history may result in non-hire or later dismissal.				
<u>CONVICTION HISTORY</u> Please read and complete the following sections carefully: 1. Have you ever been convicted of any offense against the law, or pleaded nolo contendere (no contest), or had adjudication withheld, or entered a court sponsored program, or forfeited collateral, or are you now under charges for any offense against the law, including DUI or DWI? <input type="checkbox"/> YES <input type="checkbox"/> NO 2. Have you been arrested and are currently out on bail or out on your own recognizance pending trial? <input type="checkbox"/> YES <input type="checkbox"/> NO If you answered NO , please sign and date the CERTIFICATION OF APPLICANT below. If you answered YES , please complete page 2; then sign and date the CERTIFICATION OF APPLICANT below.				
CERTIFICATION OF APPLICANT (please read carefully): I hereby certify that all statements made in this Conviction History Disclosure Form are true and complete to the best of my knowledge. I understand that any false, incomplete or incorrect statement, regardless of when discovered, may result in my disqualification or dismissal from employment with the City of Daytona Beach. Date: _____ Signature of Applicant: _____				
<u>APPOINTING AUTHORITY/DESIGNEE ONLY</u> _____, I, the Appointing Authority/Designee, certify that I have reviewed this Conviction History Disclosure Form and accompanying criminal history report and determined that the particular convictions and/or circumstances thereof disclosed by the applicant or reported in the criminal history will or will not (circle) disqualify the applicant from this particular position in the above-referenced department. _____ The statements made in this Conviction History Disclosure Form are false, inaccurate, or incomplete and will result in disqualification or dismissal from employment. Date: _____ Appointing Authority/Designee _____				

Please attach additional pages if necessary:

Offense or Case Name (provide code or section if known)	Conviction Date (on or about)	Where Violation Occurred (City, County, State)	Court Penalty Imposed (sentence & status)

OPTIONAL: Please provide any additional explanation you would like us to consider.
