

**RESOLUTION
CITY OF SAINT PAUL, MINNESOTA**

Presented by _____

1 A RESOLUTION DIRECTING THE OFFICE OF HUMAN RESOURCES TO CONDUCT AN AUDIT
2 OF THE CITY'S HIRING PRACTICES, ENSURING INDIVIDUALS WITH CRIMINAL HISTORY
3 RECORDS ARE NOT UNREASONABLY DENIED EMPLOYMENT WITH THE CITY OF SAINT
4 PAUL, AND TO SUBMIT A REPORT ON THE AUDIT TO THE CITY COUNCIL
5

6 WHEREAS, people of color in general are arrested, convicted and incarcerated in numbers
7 disproportionate to their representation in the population as a whole; and such inequity impacts their
8 opportunity to find employment as it results in collateral consequences for families and communities; and
9

10 WHEREAS, the Minnesota State Legislature, through enactment of Minnesota Statutes Chapter 364, has
11 declared it to be the policy of the state of Minnesota:

12 to encourage and contribute to the rehabilitation of criminal offenders and to assist them in the
13 resumption of the responsibilities of citizenship. The opportunity to secure employment or to
14 pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or
15 business is essential to rehabilitation and the resumption of the responsibilities of citizenship,
16 as stated in Minn. Stat. §364.01; and
17

18 WHEREAS, Minn. Stat. §364.03 implements the aforementioned policy by prohibiting the disqualification
19 of an individual with a criminal record from employment by the state, its agencies, and political
20 subdivisions, unless the crime directly relates to the employment sought; and
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22 WHEREAS, the lack of employment opportunities for individuals with criminal records is a principle
23 factor for recidivism; therefore, the Office of Human Resources has reviewed the City's current hiring
24 policies and procedures, and has found them to be in conformance with Minnesota Statutes Chapter 364.
25 Moreover, the Office of Human Resources has proactively taken measures to review the City's
26 employment application form and processes, and has made modifications to ensure that people with
27 criminal records have a full and fair opportunity to secure public employment in the City of Saint Paul.
28 One such modification includes the elimination of the conviction question on the employment application,
29 as this information is revealed in any necessary background investigation; and
30

31 WHEREAS, private sector employers' adoption of a similar change to their employment application form
32 and processes would have a widespread beneficial impact on our community, by increasing employment
33 opportunities for this segment of our society by decreasing the likelihood of recidivism; now, therefore, be
34 it
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36 RESOLVED, the City will make a good faith determination as to which specific positions of employment
37 are of such sensitivity and responsibility that a background check is warranted. Further, certain positions
38 of employment with the City of Saint Paul are exempted from Chapter 364 including, but not limited to,
39 police and fire, positions working with children, and positions that handle money or sensitive information.
40 If it has been established that a position requires a background check, the City will not conduct that check
41 until after the applicant is determined to be otherwise qualified for that position; and, be it
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43 FURTHER RESOLVED, the City shall not use or access the following criminal records in relation to a
 44 background check: records of arrests not followed by a valid conviction; convictions which have been,
 45 pursuant to law, annulled or expunged; and misdemeanor convictions where no jail sentence can be
 46 imposed; and, be it
 47
 48 FURTHER RESOLVED, if a decision is made that the applicant has been convicted of a crime(s) directly
 49 relating to the position sought, and the City does not offer the applicant employment, the Office of Human
 50 Resources will continue to comply with the notification requirements set forth in Minn. Stat. §364.05; and,
 51 be it
 52
 53 FURTHER RESOLVED, that in addition to the documentary evidence, the City shall consider any
 54 evidence presented by the applicant regarding: the nature and the seriousness of the crime(s) for which
 55 convicted; all circumstances relative to the crime(s), including mitigating circumstances or social
 56 conditions surrounding the commission of the crime(s); the age of the person at the time the crime(s) were
 57 committed; the length of time elapsed since the crime(s) was committed; and all other competent evidence
 58 of rehabilitation and present fitness; and, be it
 59
 60 FINALLY RESOLVED, the Office of Human Resources will conduct an audit and submit a report to the
 61 City Council which reviews the City's hiring practices in an effort to ensure individuals with criminal
 62 records are not unreasonably denied employment with the City of Saint Paul. This report will be submitted
 63 to the City Council sixty (60) days after adoption of this resolution.
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 67
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	Yeas	Nays	Absent
Benanav			
Bostrom			
Harris			
Helgen			
Lantry			
Montgomery			
Thune			

Requested by Department of:

By: _____

Form Approved by City Attorney

By: _____

Adopted by Council: Date _____

Adoption Certified by Council Secretary

By: _____

Approved by Mayor: Date _____

By: _____

Form Approved by Mayor for Submission to Council

By: _____