



Legislation Text

File #: 14-0720, **Version:** 1

Resolution to Remove All References to Past Felony Convictions on the City of Ann Arbor Employment Application

In many cases, a felony conviction is used to prevent employment. The City does not use felony convictions that way, having recognized in our existing policies that many city jobs are not incompatible with many felony convictions. But those who apply for jobs often feel turned away before they apply when they are required to assert a felony conviction. The use of the 'box' on applications inadvertently prevents employment opportunities - and can lead to difficulty finding housing, paying bills, retaining or establishing a family, and a variety of other social/economic circumstances that could result in new criminal behavior.

The goal of this resolution is to eliminate that result while retaining the ability of the Human Resources staff to adequately ensure that new employees possess the skills needed for the position while not placing them in a position where their past could cause problems. The staff will continue to conduct criminal background checks, but only for those candidates who fit the requirements for a position and are likely to be offered a job. Similar resolutions have been adopted by Washtenaw County and Ypsilanti City and Township. Superior Township is in the process of adopting a similar resolution; Pittsfield Township is also considering such an adoption.

Councilmembers Warpehoski and Briere have individually discussed this issue with WeROC and the Human Rights Commission. The resolution has been improved by contributions from Assistant City Attorney Nancy Niemela and Councilmembers Warpehoski and Eaton.

Sponsored by: Councilmembers Briere, Eaton, Warpehoski and Teall

Whereas, The U.S. Equal Employment Opportunity Commission notes that an employer will be subject to liability if a criminal record screening policy or practice disproportionately screens out members of a protected classification and the employer does not demonstrate that the policy or practice is job related and consistent with business necessity;

Whereas, Approximately 300 individuals return to Washtenaw County from prison each year after having served sentences for felony convictions;

Whereas, Historically, it has been very difficult for these individuals to obtain work because of their criminal histories;

Whereas, The lack of work for individuals with criminal histories is a principal factor in the increased recidivism rate for these individuals;

Whereas, Reducing the recidivism rate in Washtenaw County will not only increase public safety, but also be more cost effective for the City of Ann Arbor taxpayers, as the cost of incarceration is approximately \$32,000.00 per inmate, per year;

Whereas, To assist those individuals with felony convictions to receive a fair opportunity to obtain work, several communities, both locally and nationally, have adopted policies which remove the criminal conviction check-off box found on many employment applications and provide a strict procedure to follow when background checks are utilized; and

Whereas, The City of Ann Arbor is now proposing to adopt a similar Policy (the primary provisions of which are attached to this Resolution) to assist those individuals with criminal backgrounds to receive a fair review when they apply for City jobs;

RESOLVED, That the City Council declares that it is the policy of the City of Ann Arbor that a prior criminal conviction will not bar employment by the City of Ann Arbor unless the exclusion is job-related for the position in question and consistent with business necessity;

RESOLVED, That the City Council direct the City Administrator to implement a policy with the provisions attached to this resolution; and

RESOLVED, That the Human Resources policy implementing these provisions be drafted and made effective 90 days after this resolution is approved:

A) The City will revise its employment application to eliminate the requirement that applicants disclose past criminal records on applications for employment, except for police and fire department applicants.

B) The City will not conduct any criminal background checks until after the applicant, who is the subject of the criminal background check, is determined to be otherwise qualified for the position and has received a conditional offer of employment from the City for that position.

C) When a criminal background check is conducted, the City will follow all provisions of the Fair Credit Reporting Act in relation to that background check and will, in an individualized assessment, consider appropriate factors, including but not limited to:

- (1) The nature and gravity of the offense or conduct for which the individual was convicted;
- (2) The time that has passed since the offense or conduct and/or completion of the sentence;
- (3) The nature of the job sought;
- (4) The facts or circumstances surrounding the offense or conduct;
- (5) The number of offenses for which the individual was convicted;
- (6) Age at the time of conviction, or release from prison;
- (7) Evidence that the individual performed the same type of work post conviction, with another employer, with no known incidents of criminal conduct;
- (8) The length and consistency of employment history before and after the offense or

conduct;

(9) Rehabilitation efforts;

(10) Employment or character references and any other information regarding fitness for the particular position; and

(11) Whether the individual is bonded under a federal, state or local bonding program.

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