

Introduced by: Luis E. Cotto, Councilperson

HEADING  
AND  
PURPOSE

**\*NEW\* AN ORDINANCE ESTABLISHING A POLICY FOR CRIMINAL RECORD CHECK SCREENING PROCEDURE FOR THE CITY OF HARTFORD’S VENDORS’ HIRING POLICY, “BAN THE BOX” ORDINANCE.**

COURT OF COMMON COUNCIL,  
CITY OF HARTFORD  
April 13, 2009

Be It Ordained by the Court of Common Council of the City of Hartford:

That Hartford Municipal Code is amended by adding Chapter 2, Article XIV, Sec. 2-785 through Sec. 2-793 as follows:

**Sec. 2-785. Resolution**

The Court of Common Council by substitute resolution dated January 12, 2009 cited practices that stigmatize individuals with criminal records, no matter how minor, during an initial employment interview process, serve to deter employers from hiring these individuals who may otherwise, with all things considered, be qualified for employment opportunities.

**Sec. 2-786. Title.**

Criminal Record Check Screening Procedure for the City of Hartford’s vendors.

**Sec. 2-787. Purpose.**

It is the intent and purpose of this Article to assist the successful reintegration of formerly-incarcerated people back into the community by removing barriers to gainful employment after their release from prison.

**Sec. 2-788. Definitions.**

Applicant means any current or prospective employee, licensee, or other person who requests to be considered for employment by the City, not including Board of Education and the public schools, or by one of its vendors.

Awarding Authority means any department, agency, or office of the City of Hartford that purchases goods and/or services from a Vendor.

City means the city of Hartford.

Conviction means any sentence arising from a plea or verdict of guilty, including a sentence of probation or a sentence of unconditional discharge.

Direct Relationship means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the employment sought.

Otherwise Qualified means any Applicant who meets all other criteria for a position or consideration for a position.

**Sec. 2-789. Criminal Record Check Standards for the City of Hartford's Vendors.**

- (a) The City of Hartford has implemented criminal record check policies and practices that are fair to all persons involved and seeks to do business with Vendors that maintain substantially similar policies and practices.
- (b) Vendor job applications shall not contain a "box" or inquiry regarding a job applicant's prior convictions.
- (c) In connection with the licensing or employment of any person, it shall be unlawful discriminatory practice for a City vendor to make any inquiry about or to take any adverse action against any person on the basis of any arrest or criminal accusation made against such person, which is not then pending against that person and which did not result in a conviction. It shall further be an unlawful discriminatory practice for a City vendor to require any person to disclose or reveal any arrest or criminal accusation made against such person which is not then pending against that person and which did not result in a conviction.
- (d) City Vendors shall adhere to a policy in which an applicant's criminal record is not revealed to the individual or individuals, who are making a hiring decision, until a conditional offer of employment has been offered. Further, rejection of an applicant shall only be considered lawful if the contents of the criminal record have a direct bearing on the nature of employment or the offer of employment would violate state or federal law.
- (e) The Awarding Authority shall review all Vendors' criminal record check policies for consistency with City Standards. The Awarding Authority shall consider any Vendor's deviation from the criminal record check standards as grounds for rejection, rescission, revocation, or any other termination of the contract.
- (f) The Applicant shall have five (5) business days, after receipt of the notice and the photocopy of the criminal record from the Awarding Authority or vendor, to respond to the Awarding Authority or vendor regarding the criminal record report. The Awarding Authority or vendor shall provide the Applicant with an opportunity to present information rebutting the accuracy and/or relevance of the criminal record report and must review any information and documentation received from the Applicant prior to taking any final action with regard to the Applicant.

**Sec. 2-790. Retaliation and Discrimination Prohibited.**

It shall be unlawful to retaliate or discriminate against any person on account of his having claimed a violation of this ordinance.

**Sec. 2-791. Regulatory Authority.**

The Department of Human Relations shall have the authority to promulgate rules and regulations necessary to implement and enforce these sections and may promulgate a form of the Affidavit.

**Sec. 2-792. Severability.**

If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**Sec. 2-793. Implementation.**

The provisions of these sections shall be effective ninety (90) days from their passage.

