

CALIFORNIA ASSEMBLY BILL 218 CAMPAIGN MATERIALS

California Governor Jerry Brown signed [AB 218](#) into law on October 10, 2013. The bill removed questions about convictions from both state and local agency job applications and postponed such inquiries until later in the hiring process. The bill was authored by [Assemblymember Roger Dickinson](#) of Sacramento, who led the two-year effort to enact the law.

The bill was initially introduced in 2012 as AB 1831 applying only to cities and counties. After the first effort stalled in the senate, AB 218 was introduced in 2013, which additionally covered state agencies and special districts. Sponsoring organizations included the [National Employment Law Project](#), [Legal Services for Prisoners with Children](#), [All of Us or None](#), and [PICO California](#). More than 100 organizations, spanning labor, interfaith, reentry, civil rights, employment, criminal justice, and others groups, formed a coalition that strongly supported the bill. It was also endorsed by several major newspapers, including [The New York Times](#), [Los Angeles Times](#), and [Sacramento Bee](#).

To help support other advocates efforts to launch fair chance campaigns, we’ve compiled the campaign materials that helped successfully pass AB 218 in this packet. Please note that facts cited in these materials may now be out of date as the materials were developed in 2013.

Attachments

Letter of Support Template [link](#)

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Lifting Up What Works



AB 218 (DICKINSON) FAIRNESS IN GOVERNMENT HIRING

What does the bill do? This bill would provide that state or local agencies delay consideration of an applicant's criminal history until after the agency has determined the applicant meets the minimum job qualifications.

Why is it needed? Nearly seven million Californians have criminal records that might cause them to be denied jobs, even for arrests or old, minor convictions. Studies have shown that stable employment lowers recidivism. The commonsense approach is to remove barriers to success for people who are qualified to work.

Do other states have this policy? Ten states, including California's state personnel board, have adopted similar policies—several with bipartisan support. The states are Colorado, Connecticut, Hawaii (since 1998), Illinois (committed), Maryland, Massachusetts, Minnesota, New Mexico and Rhode Island. There are over fifty U.S. cities and counties, including ten in California, and New York City that have implemented this policy.

AB 218 allows people with a conviction history to get a foot in the door without compromising safety and security on the job. Key facts about AB 218:

- Agencies may still conduct criminal background checks and screen out workers.
- Any positions that require background checks or in law enforcement agencies are **exempted**.
- Human resources departments in California with policies like AB 218 have attested to ease of implementation, the streamlining of resources, and the benefit of expanding their pool of workers.
- The U.S. Equal Employment Opportunity Commission endorsed the policy in 2012 as a best practice.

Co-Sponsors: Michelle Rodriguez, National Employment Law Project, mrodriguez@nelp.org, (510) 663-5705
Rev. Damita Davis-Howard, PICO California, ddavis-howard@oaklandcommunity.org, (510) 915-2651
Jesse Stout, Legal Services for Prisoners with Children, jesse@prisonerswithchildren.org, (415) 625-7049

For more information: Taryn Kinney, Asm. Roger Dickinson, (916) 319-2007 or Taryn.Kinney@asm.ca.gov

SUPPORT FOR AB 218

National Employment Law Project (co-sponsor)
 Legal Services for Prisoners With Children (co-sponsor)
 PICO California (co-sponsor)
 All of Us or None (co-sponsor)
 National Council of La Raza
 PolicyLink
 Justice Not Jails
 A New Way of Life Reentry Project
 Los Angeles Mayor Eric Garcetti
 San Francisco Mayor Ed Lee
 13 California City Violence Prevention Network

American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME)
 Amalgamated Transit Union, California
 California Conference of Machinists
 California Correctional Peace Officers Association (CCPOA)
 California Labor Federation, AFL-CIO
 California Teamsters Public Affairs Council
 Professional & Technical Engineers, Local 21
 Service Employees International Union (SEIU), Local 1000
 UNITE HERE

United Food and Commercial Workers Union,
 Western States
 Utility Workers Union of America, Local 132
 Alameda County Board of Supervisors
 City of Berkeley
 City of Carson Mayor Jim Dear
 City of Richmond
 Richmond Chief of Police, Chris Magnus
 Glendale City Employees Association
 Organization of Sacramento Municipal Utility
 District Employees
 San Bernardino Public Employees Association
 San Francisco Board of Supervisors
 San Francisco District Attorney George Gascón
 San Francisco Public Defender Jeff Adachi
 San Francisco Chief Adult Probation Officer
 Wendy Still
 San Luis Obispo County Employees Association
 Santa Rosa City Employees Association
 Santa Clara County Board of Supervisors
 9to5 California, National Association of Working
 Women
 ACLU of California
 All of Us or None -Sacramento Chapter
 All of Us or None, Los Angeles/Long Beach
 All of Us or None AV-East Kern Chapter
 All of Us or None San Diego
 A New PATH (Parents for Addiction Treatment
 and Healing)
 Asian & Pacific Islanders California Action
 Network (APIsCAN)
 AV-East Kern Second Chance
 Bayview Baptist Church
 California Attorneys for Criminal Justice
 California Catholic Conference of Bishops
 California Coalition for Women Prisoners
 California Communities United Institute
 California Drug Counseling, Inc.
 California Employment Lawyers Association
 California Partnership
 California Prison Focus
 California Public Defenders Association
 California Reform Sex Offender Laws
 California State Conference of the National
 Association for the Advancement of Colored
 People (NAACP)
 Californians for Safety and Justice
 Center for Young Women's Development
 Center on Juvenile and Criminal Justice
 Chrysalis
 Coalition on Homelessness
 Community Coalition
 Contra Costa Interfaith Supporting Community
 Organization
 Congregations Organizing for Renewal (COR)

Crossroad Bible Institute
 CURB (Californians United for a Responsible
 Budget)
 The Drug Policy Alliance
 The East Bay Alliance for a Sustainable Economy
 East Bay Community Law Center
 Ella Baker Center for Human Rights
 Engineers and Scientists of CA
 Equal Justice Society
 Equal Rights Advocates
 Friends Committee on Legislation of California
 Greenlining Institute
 Homies Unidos
 InnerCity Struggle
 Justice First, LLP
 Justice Now
 LA Voice
 Lawyers' Committee for Civil Rights of the San
 Francisco Bay Area
 Legal Aid Society-Employment Law Center
 Los Angeles Alliance for a New Economy
 Los Angeles Regional Reentry Partnership
 Mexican American Legal Defense and
 Educational Fund (MALDEF)
 Much More Bounce Inc./Ministries
 The National H.I.R.E. Network
 National Association of Social Workers -
 California Chapter
 NMT/The Ripple Effects
 Oakland Rising
 Pacific Institute
 Public Counsel
 Sacramento Area Congregations Together
 (A.C.T.)
 Saffron Strand, Inc.
 Sanmina Corporation
 SHIELDS for Families
 Starting Over Inc.
 Straight Talk Program, Inc.
 The Sentencing Project
 The Training Center
 Transgender Law Center
 University of California Student Association
 (UCSA)
 Western Center on Law & Poverty
 Women's Council of the California Chapter of
 National Association of Social Workers
 Women's Foundation of California
 Youth Justice Coalition (YJC)
 Youth Policy Institute (YPI)

GOVERNOR BROWN, SIGN AB218 AND INCREASE PUBLIC SAFETY BY CREATING JOB OPPORTUNITIES FOR PEOPLE WITH CONVICTIONS

A critical piece of legislation is on Governor Jerry Brown's desk (AB218) that, if signed, would go a long way to help give people with a criminal record – one in four adults in California – a fair shot at a job without in any way compromising safety and security at the workplace.

The bill would require public sector employers to remove the dreaded job application question that asks about an individual's criminal record, but it allows employers to conduct a background check later in the hiring process after an individual has had a chance to prove his or her job qualifications.

Nine states other than California have adopted similar protections, including three just in the past year, along with 50 cities and counties across the U.S. It's a reform whose time has come in California, as reinforced by the many diverse voices that have strongly endorsed the measure across the state.

EDITORIAL BOARDS

The Los Angeles Times

"To Help Ex-Cons, Ban the Box," July 3, 2013

"The most telling predictor of whether an ex-offender will reenter the community as a law-abiding and productive member, or whether instead he or she will return to jail or prison, is employment. Former inmates with steady jobs have fairly high success rates. For those who can't find work, prospects are dismal . . . There is a growing movement nationwide to 'ban the box' from employment applications and end discrimination against people who have spent time behind bars. It is time for California to join the movement, cautiously but deliberately . . . AB218 makes sense and deserves to become law. For public employers, at the earliest stage of the job application process, it's time to ban the box."

AB218 has also been endorsed by the editorial boards of the *Sacramento Bee* ("Clarifying Our Position on Criminal Background Check Boxes," September 10, 2013) and the *New York Times* ("An Unfair Barrier to Employment," May 5, 2013)

PUBLIC OFFICIALS

Mayor Eric Garcetti, Los Angeles

"AB218 would help people with convictions become employed and successfully reintegrate into the community. As we have done in Los Angeles, this bill will allow people with a conviction history get a foot in the door without compromising safety and security." (Support Letter, August 8, 2013)

Mayor Edwin M. Lee, San Francisco

"We know from our own experience that allowing people with a conviction history to compete fairly for employment will not compromise safety and security in the workplace. Indeed, it can reduce recidivism and promote public safety. I am very pleased to support this bill." (Support Letter, July 17, 2013)

LAW ENFORCEMENT

Chief of Police Chris Magnus, City of Richmond

"I strongly support AB218, which will help reduce recidivism and provide members of the Richmond community and other residents of California the opportunity to compete for jobs. This legislation promotes public safety by reducing unnecessary job barriers for the nearly seven million adult Californians with a criminal record." (Support Letter, March 4, 2013)

District Attorney George Gascon, City and County of San Francisco

"Public sector employers in California have a special obligation to pave the way for the private sector to reduce barriers to employment of people with criminal records. For these reasons, I support AB218." (Support Letter, March 22, 2013)

CLERGY

Father Gregory Boyle (Founder and Executive Director of Homeboy Industries in Los Angeles) and Reverend Joseph Clopton (of Sacramento Area Congregations Together)

"It's not just about fairness for people with criminal records – it's also good for California's economy and for the safety of our communities to ensure we're maximizing job opportunities for everyone." (Op-ed, "Fair Hiring Policy Gets an Unfair Rap," Sacramento Bee, September 10, 2013)

HUMAN RESOURCES PROFESSIONALS

Jody Pollak, Alameda County Labor Relations Analyst

"[T]here has been no negative or adverse consequences since we made this change back in 2007. The feedback that we've received has been overwhelmingly positive. In fact what we hear from members of the community is that they are far more likely to apply for a position with Alameda County based on this change that we made . . . [W]e've been able to expand our pool of qualified applicants as a result of this change in our application process, which has been a tremendous benefit to the County." Testimony before the California Senate Labor Committee (June 26, 2013)

LABOR UNIONS

California Labor Federation, AFL-CIO

"As California moves toward realignment, and there is a shift from incarceration to community release and supervision, it is essential that we get real about rehabilitation. The public sector should be a model of opportunity for the rest of California's employers." (Support Letter, March 28, 2013)

AB 218 (Dickinson)

Fairness in Government Hiring Practices

SUMMARY

This bill would provide that state and local agencies may not inquire into an applicant's criminal conviction history or include such an inquiry in their application for employment until after the agency has determined the applicant's qualifications meet the requirements for the position.

PROBLEM

An estimated one in four adult Californians has an arrest or conviction record on file with the state, creating major, unnecessary employment barriers. The Department of Justice generates over 1.7 million criminal background checks every year for employment and licensing purposes.

Because criminal background checks disproportionately deny employment to large numbers of people of color, the U.S. Equal Employment Opportunity Commission (EEOC) requires employers to establish a strong nexus between an individual's conviction history and the specific responsibilities of the job.

"Realignment" (AB 109) of California's criminal justice system seeks to produce budgetary savings by reducing recidivism and promoting rehabilitation. Employment of eligible people with a conviction history is key to the success of realignment at the local level, as studies have shown that stable employment significantly lowers recidivism and promotes public safety.

Otherwise qualified individuals are often discouraged from applying for work in the public and private sectors because of a conviction history inquiry on the application.

THIS BILL

AB 218 will remove any inquiry into a conviction history on a job application and delay any background check until the employer has determined that the applicant's qualifications meet the job requirements. Consistent with "realignment" of the state's criminal justice system, AB 218 strives to reduce unnecessary barriers to employment for the nearly seven million

adult Californians with a conviction history struggling to find work. Not only will this increase public safety, but also help fuel a strong economic recovery.

AB 218 will also make government hiring practices more consistent with the EEOC's guidelines on hiring people with arrest and conviction records.

The provisions of the bill do not apply to positions for which the agency is required by law to conduct a criminal background check, such as positions in law enforcement, positions working with children, the elderly or disabled, and other sensitive positions. Also, the provisions would not apply to any position within a criminal justice agency. In order to allow employers time for implementation, the bill is effective July 1, 2014.

Nine states and over 50 U.S. cities and counties responded to this growing societal challenge by removing the conviction history inquiry from initial job applications in public employment. Under Governor Schwarzenegger, the State Personnel Board removed the question from job applications for state positions in 2010 and added a criminal history supplemental questionnaire for exempted positions.

With this bill, California state and local government will take an important step toward becoming model employers, leading the way for the private sector to allow people with a conviction history to compete fairly for employment without compromising safety and security on the job.

SUPPORT

National Employment Law Project (co-sponsor)
Legal Services for Prisoners With Children (co-sponsor)
PICO California (co-sponsor)
All of Us or None (co-sponsor)
National Council of La Raza
PolicyLink
Justice Not Jails
A New Way of Life Reentry Project
AFSCME

Amalgamated Transit Union, California
 California Conf. of Machinists
 California Correctional Peace Officers Association
 (CCPOA)
 The California Labor Federation
 California Teamsters Public Affairs Council
 Prof. and Tech. Engineers, Local 21
 SEIU Local 1000
 UNITE HERE
 United Food and Commercial Workers Union,
 Western States
 Utility Workers Union of America, Local 132
 Alameda County Board of Supervisors
 City of Berkeley
 City of Carson Mayor, Jim Dear
 City of Richmond
 Richmond Chief of Police, Chris Magnus
 Santa Clara County
 San Francisco Board of Supervisors
 San Francisco District Attorney George Gascón
 San Francisco Public Defender Jeff Adachi
 Wendy Still, San Francisco Chief Adult Probation
 Officer
 9to5 California, National Association of Working
 Women
 ACLU of California
 All of Us or None -Sacramento Chapter
 All of Us or None, Los Angeles/Long Beach
 APIs/CAN
 Bayview Baptist Church
 California Attorneys for Criminal Justice
 California Catholic Conference of Bishops
 California Coalition for Women Prisoners
 California Communities United Institute
 California Drug Counseling, Inc.
 California Employment Lawyers Association
 California Partnership
 California Prison Focus
 The California Public Defenders Association
 California State Conference of the National
 Association for the Advancement of Colored People
 Californians for Safety and Justice
 The Center for Young Women's Development
 The Center on Juvenile and Criminal Justice
 Chrysalis
 The Coalition on Homelessness
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 Crossroad Bible Institute
 CURB (Californians United for a Responsible
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 The Drug Policy Alliance
 The East Bay Alliance for a Sustainable Economy
 East Bay Community Law Center
 Ella Baker Center for Human Rights

Engineers and Scientists of CA
 Equal Justice Society
 Equal Rights Advocates
 The Friends Committee on Legislation of California
 The Greenlining Institute
 Homies Unidos
 InnerCity Struggle
 Justice First, LLP
 Justice Now
 LA Voice
 Lawyers' Committee for Civil Rights of the San
 Francisco Bay Area
 Legal Aid Society-Employment Law Center
 Los Angeles Alliance for a New Economy
 Los Angeles Regional Reentry Partnership
 The Mexican American Legal Defense and
 Educational Fund (MALDEF)
 Much More Bounce Inc./Ministries
 The National H.I.R.E. Network
 National Association of Social Workers - California
 Chapter
 NMT/The Ripple Effects
 Oakland Rising
 Pacific Institute
 Public Counsel
 Sacramento Area Congregations Together (A.C.T.)
 Saffron Strand, Inc.
 Sanmina Corporation
 Shields for Families
 Starting Over Inc.
 The Sentencing Project
 The Training Center
 The Women's Council of the California Chapter of
 The National Association of Social Workers
 The Women's Foundation of California
 The Youth Justice Coalition
 Western Center on Law & Poverty

FOR MORE INFORMATION

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 Assemblymember Roger Dickinson
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March 28, 2013

Assemblyman Bob Wieckowski
Chair, Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: AB 218 (Dickinson) – SUPPORT

Dear Assemblyman Wieckowski:

The California Labor Federation strongly supports AB 218 (Dickinson), which helps promote rehabilitation and decrease crime by easing barriers to employment for those with a criminal conviction.

Everyone knows that the best way to stop recidivism is to create job opportunities. Yet, instead of connecting the nearly seven million adult Californians with a criminal record to employment, they are routinely screened out from jobs they may be qualified for, without even an interview. This creates a permanent underclass of unemployable people, many of whom come from the same impoverished communities, and contributes to intergenerational poverty and despair.

AB 218 simply removes the question about an individual's criminal history from state, city and county job applications while still preserving the right to conduct a criminal background check later in the process. This gives workers a shot to compete for a job and to demonstrate that they have been rehabilitated and changed their lives around. The employer is still free to conduct a background check and to use that information in any subsequent hiring decision. The bill also exempts both law enforcement positions and those for which the public entity is required by law to conduct a criminal background check.

AB 218 follows the lead of six states and over 40 U.S. cities and counties that have removed the conviction history inquiry from initial job applications in public employment and delayed a criminal background check until the later stages of the hiring process.

As California moves toward realignment, and there is a shift from incarceration to community release and supervision, it is essential that we get real about rehabilitation. The public sector should be a model of opportunity for the rest of California's employers.

We urge you to vote "YES" on AB 218 (Dickinson) when it comes before you in the Assembly Judiciary Committee on Tuesday, April 2, 2013.

Sincerely,

Mitch Seaman
Legislative Advocate
ms/tng39521cwa/afl-cio
MS: sm
OPEIU 3 AFL CIO (31)

Cc: Committee Members
Assemblyman Roger Dickinson



George Gascón
District Attorney

March 22, 2013

Chair Bob Wieckowski and committee members
Assemblymember Roger Dickinson
Assembly Judiciary Committee
1020 N Street, Room 104
Sacramento, CA 95814

RE: SUPPORT FOR AB 218

Dear Chair Wieckowski, committee members, and Assemblymember Dickinson:

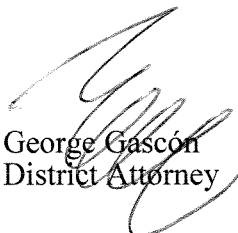
As District Attorney of San Francisco, I am writing to express my support of AB 218, which promotes public safety by reducing barriers to employment for the nearly seven million adult Californians with a criminal record. I have over three decades in law enforcement experience and I have seen that initiatives that support reentry are essential to public safety. AB 218 removes the question about an individual's criminal history from state, city, and county job applications while permitting a background check later in the hiring process. All of California will benefit when people with criminal records are no longer shut out of jobs and can financially support their families and contribute to a strong economic recovery.

In California and around the country, qualified job applicants are plagued by old or minor records and discouraged from applying because a "box" on job applications requires criminal history information that leads many employers to unfairly reject their applications. Because people of color are especially hard hit, the U.S. Equal Employment Opportunity Commission (EEOC) recently endorsed as a best practice removing the question about conviction histories from job applications to maximize compliance with federal civil rights law.

AB 218 follows the lead of six states and over 40 U.S. cities and counties that have removed the conviction history inquiry from initial job applications in public employment and instead delayed a criminal background check until the later stages of hiring. AB 218 allows people with a conviction history to compete fairly for employment without compromising safety and security at the workplace. The bill exempts jobs for which a criminal background check is legally required and law enforcement related positions.

Public sector employers in California have a special obligation to pave the way for the private sector to reduce barriers to employment of people with criminal records. For these reasons, I support AB 218.

Sincerely,



George Gascón
District Attorney



April 11, 2013

Assemblymember Roger Dickinson
State Capitol
P.O. Box 942849
Sacramento, California 94249-0007
Via electronic mail Taryn.Kinney@asm.ca.gov or facsimile (916) 319-2107

RE: SUPPORT FOR AB 218

Dear Assemblymember Dickinson:

I am the City of Richmond's Assistant City Manager/Human Resources Management Director. I am writing to share with you information regarding the City's criminal background screening practice and the City's support of AB 218.

The City of Richmond's Human Resources Management Department has had a long practice of delaying criminal background checks until after the applicant has been determined to be qualified for the job. This practice was instituted long before the question regarding conviction histories was removed from job applications in early 2012. Consistent with AB 218, the City has only conducted background checks on qualified applicants and has found that conducting background checks on a smaller pool of job applicants actually preserves the City's resources.

Removing the question about conviction histories from the City's initial job application was a simple process. The City had paper applications with the conviction history question on them, but was able to simply block out the question regarding conviction histories with a white label. The costs incurred to make this change were negligible.

Even before the City removed the question about conviction histories from the job application, the City has not had any problems delaying the criminal background check until after the conditional offer. The City's hiring process is in no way compromised by this change and the City has maintained the hiring discretion it needs to find the most qualified candidates.

Ultimately, it is not minimizing resource expenditures or streamlining the hiring process that motivated the City to adopt a policy similar to AB 218. Rather, the City has benefited from hiring dedicated and hardworking City employees because of this policy change.

On November 22, 2011, Richmond's City Council voted to remove questions about conviction histories from the initial job application and delay criminal background checks on applicants until after the applicant was determined to be qualified for the job position. Please find Resolution No. 110-11 attached for your review.

To demonstrate Richmond's support for AB 218, Richmond's City Council passed Resolution No. 26-13 on April 2, 2013. A copy of Resolution No. 26-13 is attached for your review. As stated in Resolution No. 26-13, a survey of Richmond residents conducted by the Safe Return Project revealed that 78% of local parolees were unemployed and over 70% were homeless.

The City is committed to reducing recidivism and finding job opportunities for people with conviction histories. As well, the City is demonstrating that it is a model employer and will hopefully lead the way for the private sector by hiring people with convictions who are making a positive contribution to our workforce.

Sincerely,



Leslie T. Knight
Assistant City Manager/Human Resources Management Director

cc: Mayor and City Councilmembers
Assembly Local Government Committee Chair Kathcho Achadjanian,
Vice-Chair Marc Levine and committee members
via facsimile: (916) 319-3959
Assemblymember Nancy Skinner, 14th Assembly District
via facsimile: (916) 319-2114

Attachments: Resolution No. 110-11
Resolution No. 26-13

LTK:dbm

RESOLUTION NO: 110-11

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA IN
SUPPORT OF THE "BAN THE BOX" INITIATIVE AND REQUIRING THAT ANY
QUESTIONS REGARDING PRIOR CRIMINAL CONVICTIONS BE REMOVED
FROM PRINTED AND ONLINE CITY OF RICHMOND EMPLOYMENT
APPLICATION FORMS**

WHEREAS, the City of Richmond is committed to ensuring that all qualified individuals seeking employment within the City should be given an equal opportunity to apply for available positions; and

WHEREAS, the City of Richmond believes that providing an equal opportunity includes extending employment opportunities to qualified individuals who have been released from incarceration and are rebuilding their lives; and

WHEREAS, the U.S. Equal Employment Opportunity Commission has stated that "excluding individuals from employment on the basis of their conviction records has an adverse impact on Blacks and Hispanics in light of statistics showing that they are convicted at a rate disproportionately greater than their representation in the population" and that "such a policy or practice is unlawful under Title VII in the absence of a justifying business necessity"; and

WHEREAS, hiring practices that consider the past criminal history of applicants without a justifying business necessity can prevent willing and qualified job applicants from obtaining gainful employment; and

WHEREAS, the inability to obtain gainful employment after release from incarceration can contribute to a host of problems including high rates of unemployment, increased recidivism rates, and increased crime; and

WHEREAS, the community at large benefits when recidivism rates are reduced and gainful employment is critical for individuals to avoid re-offending, and

WHEREAS, there has been a nationwide initiative, referred to as "Ban the Box", in which employers are encouraged to remove questions regarding prior criminal convictions from employment applications; and

WHEREAS, various cities and counties throughout the United States, including Boston, Chicago, Minneapolis, St. Paul, San Francisco, and Alameda County, have adopted new employment application practices aligned with the "Ban the Box" initiative; and

WHEREAS, as one of the three largest employers in Richmond, the City's hiring practices can influence the practices utilized by other employers, and

WHEREAS, the City of Richmond has an opportunity to lead the way toward greater economic opportunity for individuals by providing equal opportunities for employment to members of the community, including those members who were formerly incarcerated and are attempting to rebuild their lives; and

WHEREAS, the City of Richmond recognizes that positions that State and/or federal laws may require criminal background investigations for certain positions, including positions that involve work with children, positions in law enforcement, and other sensitive positions; and

WHEREAS, the City of Richmond will continue to comply with State and/or federal laws in conducting required and necessary background investigations, while also balancing the interest in providing opportunities for employment to those who have prior convictions in positions in which there are no statutory prohibitions against employment.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Richmond, California, hereby request the removal of any questions regarding prior criminal convictions from printed and online City of Richmond employment application forms; and

BE IT FURTHER RESOLVED, the City of Richmond will inquire about criminal backgrounds in a supplemental questionnaire that will be applicable to those positions for which criminal background investigations are required by State and/or federal law and/or which are justified by business necessity; and

BE IT FURTHER RESOLVED, the Assistant City Manager/ Human Resources Management Director will meet with representatives from the Safe Return Project to assure that the city's hiring policies and procedures provide opportunities to individuals who were formerly incarcerated to seek gainful employment and reintegrate successfully into the workforce, while ensuring compliance with legal requirements and protecting the interest of the City and community at large.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a special meeting thereof held on November 22, 2011, by the following vote:

AYES: Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: Councilmember Bates.

ABSENT: None.

DIANE HOLMES

CLERK OF THE CITY OF RICHMOND

(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 110-11**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on November 22, 2011.

RESOLUTION NO. 26-13

A RESOLUTION IN SUPPORT OF AB 218, WHICH HELPS LEVEL THE PLAYING FIELD FOR QUALIFIED CALIFORNIANS TO COMPETE FOR JOBS AND PROMOTES PUBLIC SAFETY BY REDUCING UNNECESSARY JOB BARRIERS FOR MILLIONS OF CALIFORNIANS WITH A CRIMINAL RECORD

WHEREAS, current law requires the hiring and promotional practices of local agencies to conform to the Federal Civil Rights Act of 1964; and,

WHEREAS, it is the intent of AB 218 to make California state agency and city and county hiring practices more consistent with the mandates of the Equal Opportunity Commission; and,

WHEREAS, AB 218 would prohibit any state or local agency in California from inquiring into or considering the criminal history of an applicant and including any inquiry about criminal history on any initial employment application; and

WHEREAS, AB 218 would authorize state or local agencies to consider an applicant's criminal history after the applicant's qualifications are screened and the agency determines the applicant's qualifications for the job as stated in any notice issued for the position; and,

WHEREAS, AB 218 does not apply to positions for which a state or local agency is otherwise required by law to conduct a criminal history background check; and

WHEREAS, recognizing that reducing barriers to employment for people who have previously offended and decreasing unemployment in communities with concentrated numbers of people who have previously offended is a statewide concern; and,

WHEREAS, recognizing that qualified job applicants in California are often plagued by old or minor records and discouraged from applying because a "box" on the job application requires criminal history information; and,

WHEREAS, recognizing that indicating one's criminal history on a job application often leads employers to dismiss applicants at the outset; and,

WHEREAS, recognizing that criminal background checks for job applications affect people of color – especially young men of color – and minorities disproportionately greater than many other social groups; and,

WHEREAS, recognizing that the employment of eligible people with a conviction history is one key strategy to reducing recidivism rates and promoting rehabilitation; and,

WHEREAS, recognizing that the City of Richmond is one of over forty-five cities, counties and six states across the nation that have banned the box on employment applications.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Richmond hereby adopts this resolution in support of AB 218; and

BE IT FURTHER RESOLVED that the City Council direct the City Clerk to communicate to the California State Legislature our support of AB 218 by sending copies of this resolution to the following:

California Assemblymember Roger Dickinson
California Assemblymember Bob Wieckowski
California Assembly Committee on Judiciary
The National Employment Law Project
Legal Services for Prisoners with Children

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held on April 2, 2013, by the following vote:

AYES: Councilmembers Bates, Beckles, Butt, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin.

NOES: None.

ABSTENTIONS: None.

ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

BRUCE GOODMILLER
City Attorney

State of California }
County of Contra Costa } : ss.
City of Richmond }

I certify that the foregoing is a true copy of Resolution No. 26-13, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on April 2, 2013.

**Senate Labor and Industrial Relations
June 26, 2013**

Hearing on AB 218

**Testimony of Jody Pollak
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Good morning my name is Jody Pollak. I'm here from Alameda County where I'm a Labor Relations Analyst. I also helped with the implementation of the background screening process for Alameda County. Alameda County changed its process back in 2007 to no longer ask about criminal history information on the initial application. Of course, we continue to ask for the information but we now do it later on in our process.

The County made that decision based on its commitment to reducing recidivism as well as reducing barriers to employment for people with conviction histories. In response to the argument that AB 218 would end up being a waste of time and resources, I can tell you that Alameda County has found precisely the opposite to be true. And that by requiring criminal background screening only after applicants have been determined to be qualified for the job has actually been a much more effective use of County resources.

I want to cite one very quick example to show how that's in fact true. In an exam that I worked on not that long ago for the position of administrative assistant, the County received slightly more than 1000 applications for this position. That's far too many to ask in for an oral interview, obviously, so we ended up giving a written test to screen the applicant pool down to 50 people. We invited those 50 in for an oral exam and only at that time did we distribute a conviction history form for those candidates to fill out. So rather than having to screen over thousand applicants for criminal background information, we ended up only having to screen 50. For that reason again we found it to be a far more efficient use of our time to conduct our process in this way.

I also want to say that since Alameda County made that change in 2007 our current background screening process is in no way less rigorous then it was in the past. Our screening standards have not been compromised in any way. And also we make it a point to provide advance notice to applicants who might be disqualified because of conviction by stating very clearly on our job announcements when there is such a disqualifying conviction. So that they can realize, "okay, this might not be the job for me; I'll apply for a different job."

I also want to say that in terms of implementation, the transition to moving to this way of conducting a process has been in no way difficult to implement. It's been very straightforward. It has not been resource intensive to maintain. And I also want to emphasize that Alameda County has studied AB 218 very carefully and it's concluded that in no way would it remove the discretion that we need in order to run this process in the best way for the County.

So I want to conclude by saying that there've been no negative or adverse consequences since we made this change back in 2007. The feedback that we've received has been overwhelmingly positive. In fact what we hear from members of the community is that they are far more likely to apply for a position with Alameda County based on this change that we made. And so again I'll conclude by saying that we've been able to expand our pool of qualified applicants as a result of this change in our application process, which has been a tremendous benefit to the County. Thank you.