

Code Change

ORDINANCE NO. 2013- 3

AN ORDINANCE OF THE CITY OF TAMPA, FLORIDA, AMENDING CITY OF TAMPA CODE OF ORDINANCES, CHAPTER TWELVE, CREATING ARTICLE VI, SECTIONS 12-127 THROUGH 12-130, "CRIMINAL HISTORY SCREENING PRACTICES"; PROVIDING FOR REPEAL OF ALL ORDINANCES IN CONFLICT; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Tampa complies with all state and federal laws for hiring practices; specifically, the City of Tampa may not disqualify a candidate for employment solely because of a criminal conviction; and

WHEREAS, the Tampa City Council intends to assist ex-offenders with successful re-entry into the community by safely removing barriers to employment; and

WHEREAS, the Tampa City Council believes that selection for employment using the Criminal History Screening Practices codified herein can be accomplished without compromising the security of the City or its citizens, and without depriving others of opportunities.

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TAMPA, FLORIDA,

Section 1. That "Chapter 12, Article VI" is created as follows:

"CHAPTER 12, ARTICLE VI, CRIMINAL HISTORY SCREENING PRACTICES"

Section 2. That "Sec. 12-127. Definitions." is created as follows:

"Section 12-127. Definitions.

For purposes of this Article:

- (a) Applicant means a person who applies for employment with the City of Tampa, excluding persons applying for employment with the police or fire department.
- (b) Background check means the process of verifying information submitted by an applicant, including criminal history, through third party sources.
- (c) Criminal history means any information related to criminal charges against the applicant, proceedings related to the applicant's criminal charges and disposition of the applicant's criminal charges.
- (d) Finalist means an applicant selected for a position.

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1 (e) Initial application for employment means any document, whether in paper or
2 electronic form, the City of Tampa requires an applicant to submit prior to being
3 selected as a finalist for a position.

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5 (f) Position means the particular job with the City of Tampa sought by the applicant.
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7 **Section 3.** That “**Section 12-128. Background Checks.**” is created as
8 follows:
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10 **“Section 12-128. Background Checks.**
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12 (a) Except as otherwise provided by state or federal law, the City of Tampa will not
13 inquire about an applicant’s criminal history on its initial application for
14 employment.
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16 (b) Except as otherwise provided by state or federal law, the City of Tampa will not
17 seek an applicant’s authorization to conduct a background check unless and until
18 the applicant is selected as the finalist for a position.
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20 (c) The City of Tampa will make the finalist a contingent offer of employment,
21 pending a successful background check, as determined by the City of Tampa.
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23 (d) If the City of Tampa determines the background check makes the finalist
24 ineligible for the position, the finalist will be notified and given an opportunity to
25 respond. The City of Tampa will consider any additional information provided
26 in writing by the finalist within five business days of notification of ineligibility.
27

28 (e) The City of Tampa’s selection and hiring decisions are final and are not subject
29 to appeal.
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32 **Section 4.** That “**Section 12-129. Limiting Provisions.**” is created as
33 follows:
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35 **“Section 12-129. Limiting Provisions.**
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37 (a) This Article does not apply to the selection of any position that is otherwise subject
38 to additional screening or requirements regarding criminal history as allowed by
39 state or federal law.
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41 (b) Nothing in this Article requires the City to hire someone with a criminal record,
42 nor limits the City’s ability to select the most qualified applicant for a position.
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44 (c) Nothing in this Article prohibits the City from denying employment based on a
45 criminal conviction directly related to the position sought.
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47 (d) Nothing in this Article creates a cause of action for any applicant with regard to
48 hiring or selection for employment.
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1 **Section 5.** That "Section 12-130. Implementation." is created as follows:
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3 "Section 12-130. Implementation.
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5 The Director of Human Resources will have 90 days from the effective date of this
6 ordinance to develop and implement any policies necessary to ensure full compliance with
7 this Section.
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9 **Section 6.** That if any part of this ordinance is declared unconstitutional or
10 invalid by a court of competent jurisdiction, the remaining provisions of this ordinance
11 will remain in full force and effect.
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13 **Section 7.** That all ordinances or parts of ordinances in conflict herewith are
14 hereby repealed to the extent of any conflict.
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16 **Section 8.** That this ordinance takes effect immediately upon becoming law.
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18 PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF
19 TAMPA, FLORIDA, ON JAN 10 2013.
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21
22 ATTEST:

23 Shirley Fox-Krawdas
24 CITY CLERK/DEPUTY CITY CLERK

21
22 CITY COUNCIL:

23 [Signature]
24 CHAIR/CHAIR PRO TEM

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26 APPROVED BY ME ON JAN 14 2013

27 Bob Buckhorn
28 BOB BUCKHORN, MAYOR
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31 PREPARED BY AND APPROVED
32 AS TO LEGAL SUFFICIENCY:
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35 ALLISON WILLIS SINGER
36 ASSISTANT CITY ATTORNEY
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