

OFFICE OF MAYOR		Number:
Subject: CITY OF BIRMINGHA EXECUTIVE ORDER – “Ban the Box”		Page 1 of 3
		Effective Date:
		Approved:
Applies to:	<input type="checkbox"/> Original <input checked="" type="checkbox"/> Revision	
All Employees	WHEREAS:	People with criminal records suffer from discrimination in many areas of life, including employment opportunities; and
	WHEREAS:	The City of Birmingham is committed to modeling fair hiring practices for all Alabama employers; and
	WHEREAS:	Too many persons with criminal records are unable to successfully re-enter their communities due to lack of employment and self-sufficiency; and
	WHEREAS:	Civil Service job applicants with criminal records represent an untapped segment of workers with skills to contribute and a desire to add value to their communities; and
	WHEREAS:	Research by the Equal Employment Opportunity Commission and the Dannon Project, a Department of Labor grantee, a non-profit organization, (offering job training education and case management assistance to individuals leaving prison so they can become self-sufficient and responsible members of the community) indicates that stable employment is one of the best predictors of post-conviction success; and
	WHEREAS:	Employment of those with criminal records promotes public safety and cost-containment by significantly reducing the risk of recidivism and incarceration; and
	WHEREAS:	“Ban the Box” is a policy intended to improve public safety, enhance workforce development, and provide increased civil service employment opportunities for applicants with criminal convictions on their records by removing the criminal history related questions from the initial stage of the civil service employment application process. Such policies allow returning citizens an opportunity to explain their unique circumstances in person to a potential employer; and

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All Employees	WHEREAS:	Such a policy removes questions related to a job applicant’s criminal record in the initial stage of many employment applications, thereby preventing the conviction from serving as an immediate reason for screening out an applicant when the conviction may have little or no bearing on the work to be performed; and
	WHEREAS:	The City of Birmingham should be a part of the vanguard of states and municipalities across the county who have adopted hiring practices to remove unfair barriers to employment of people with criminal records; and
	WHEREAS:	The City of Birmingham is positioned to enhance its reputation as regional and national leader by being the largest city in the state of Alabama to implement a fair hiring policy for applicants with criminal records; and
	WHEREAS:	The U.S. Equal Employment Opportunity Commission, to maximize compliance with federal anti-discrimination law, recommends delaying inquiry of a job applicant’s conviction history and considering the job-relatedness of the conviction; and
	WHEREAS:	The Mayor Council Act vest the Mayor with the power to appoint and remove all employees of the City (except as otherwise provided by that act) and to authorize the head of a department or office to remove subordinates in such department or office; and
	WHEREAS:	The Jefferson County Personnel Board Enabling Act and Jefferson County Personnel Board Rule 9.5 authorize the Director and the Mayor, as the Appointing Authority, to declare an applicant ineligible for recruitment and/or examination because of a conviction of a felony under state or federal law.
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All Employees	<p>NOW THEREFORE, BY VIRTUE OF THE POWER VESTED IN ME AS MAYOR OF THE CITY OF BIRMINGHAM, IT IS HEREBY</p> <p>ORDERED: That the Director of the Human Resources Department and all other Departments and Divisions of the City pursuant to her directions, shall implement hiring policies and procedures intended to encourage the full participation of motivated and qualified persons with criminal histories in the workforce, reduce recidivism, and assure public safety. The “Ban the Box” policy should establish practices that:</p> <ol style="list-style-type: none"> 1. Prohibit the use of a criminal record as an automatic bar to employment; 2. Prevent the use of an application form that inappropriately excludes and discriminates against qualified job applicants; 3. Promote the accurate use and interpretation of a criminal record; 4. Provide qualified applicants with the opportunity to discuss any inaccuracies, contest the content and relevance of a criminal record, and provide information that demonstrates rehabilitation; 5. Request that the Director of the Personnel Board, where ever possible consistent with this order, not to automatically disqualify a potential applicant for employment with the City of Birmingham due to a conviction of a felony under state or federal law-including removing all questions related to all criminal history from the initial stage of the application process. 6. Shall not affect applications for sensitive governmental positions in which a criminal history would be an immediate disqualification and initial disclosure on such applications shall still be required. <p>This Executive Order shall take effect upon signing.</p>	

Done this 4th day of February, 2016

WILLIAM A. BELL, SR.
MAYOR