



City of Madison

City of Madison
Madison, WI 53703
www.cityofmadison.com

Master

File Number: 34801

File ID: 34801

File Type: Resolution

Status: Passed

Version: #2

Reference:

Controlling Body: COMMON COUNCIL

Lead Referral:

File Created Date : 07/09/2014

File Name: SUBSTITUTE Accepting the Ban the Box Report and removing questions regarding an applicant's criminal history from the City of Madison employment application for all City of Madison job vacancies except those in the Police Department and commissioned fire

Final Action: 09/02/2014

Title: SUBSTITUTE Accepting the Ban the Box Report, and removing questions regarding an applicant's criminal history from the City of Madison employment application for all City of Madison job vacancies except those in the Police Department and commissioned fire personnel, and directing City Staff to engage with vendors and contractors with the intent of introducing an ordinance within six (6) months requiring City vendors and contractors to ban the box from their employment applications in order to do business with the City.

Notes:

CC Agenda Date: 09/02/2014

Agenda Number: 95.

Sponsors: Paul R. Soglin, Maurice S. Cheeks, Marsha A. Rummel, Shiva Bidar-Sielaff, Lucas Dailey, John Strasser and Larry Palm

Effective Date: 09/05/2014

Attachments: Ban the Box final.pdf, Res34801.pdf

Enactment Number: RES-14-00679

Author: Brad Wirtz, Human Resources Director.

Hearing Date:

Entered by: dnettum@cityofmadison.com

Published Date:

Approval History

Version	Date	Approver	Action
#2	08/27/2014	Elizabeth York	Approve
1	07/09/2014	Elizabeth York	Approve

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Human Resources Department	07/09/2014	Referred for Introduction				
	Action Text:	This Resolution was Referred for Introduction					
	Notes:	Common Council 8/5/2014					
1	COMMON COUNCIL	07/15/2014	Refer to a future Meeting to Adopt	COMMON COUNCIL	08/05/2014	09/02/2014	
	Action Text:	This Resolution was Refer to a future Meeting to Adopt to the COMMON COUNCIL due back on 8/5/2014					
	Notes:						
1	COMMON COUNCIL	08/05/2014	Re-refer to a Future Meeting to Adopt	COMMON COUNCIL	09/02/2014	09/02/2014	Pass
	Action Text:	A motion was made by DeMarb, seconded by Clausius, to Re-refer to a Future Meeting to Adopt. The motion passed by voice vote/other.					
	Notes:	Adopt at 09/02 Council Meeting					
#2	COMMON COUNCIL	09/02/2014	Adopt Substitute				Pass
	Action Text:	A motion was made by Schmidt, seconded by DeMarb, to Adopt Substitute. The motion passed by voice vote/other.					
	Notes:	- 20 registrants in support.					

Text of Legislative File 34801

Fiscal Note

No appropriation is required to accept this report, to modify employment applications as stated, and to communicate the intention of the forthcoming ordinance. If the Next Steps suggested in the report are implemented, there could be fiscal impacts in the future.

Title

SUBSTITUTE Accepting the Ban the Box Report, ~~and~~ removing questions regarding an applicant's criminal history from the City of Madison employment application for all City of Madison job vacancies except those in the Police Department and commissioned fire personnel, and directing City Staff to engage with vendors and contractors with the intent of introducing an ordinance within six (6) months requiring City vendors and contractors to ban the box from their employment applications in order to do business with the City.

Body

WHEREAS, the City of Madison is committed to fostering a community where all members of our community have equitable employment opportunities, and

WHEREAS, the City can lead by example to ensure that employers can make excellent hiring and employment decisions based on relevant work qualifications without any opportunity to improperly consider a person's criminal record, and

WHEREAS, the City seeks to reduce recidivism through family supporting employment opportunities for qualified candidates with previous criminal histories; and

WHEREAS, the City has historically included questions regarding criminal history on job applications, and

WHEREAS, questions regarding criminal history may have an adverse impact on the city applicant pools; and

WHEREAS, criminal history may be ascertained during later stages of the employment process when a finalist for the vacant position has been determined ~~it is determined such information is necessary~~; and

WHEREAS, other states and municipalities have passed laws that prohibit the use of questions regarding an applicant's criminal history on an employment application, called Ban the Box policies; and

WHEREAS, the City of Madison intends to introduce a similar ordinance to apply to vendors and contractors who do business with the city within the next six (6) months; and,

WHEREAS, the Mayor and Common Council requested a report and recommendation and any necessary ordinance or resolution for the Common Council regarding removal of questions regarding an applicant's criminal history from the City job applications, and whether such a policy should extend to any city contractors,

NOW, THEREFORE BE IT RESOLVED, the attached Ban the Box report is accepted and the City Human Resources Director shall remove all questions regarding an applicant's criminal history from the initial employment application for all City of Madison vacancies except those in the police department and commissioned fire personnel. **A criminal background check will be done only after a conditional offer of employment has been made to an applicant. In addition, the City of Madison Personnel Rules will be updated to specifically prohibit hiring managers from using private or public means of obtaining arrest and/or conviction information on candidates for employment. Finally, HR Staff or legal staff will notify candidates who are disqualified due to a background check with specific information regarding the reason, and will proceed in accordance with guidance provided by the U.S. Equal Employment Opportunities Commission, and,**

BE IT FURTHER RESOLVED, the City will communicate with various committees, vendors, and contractors, with the intent that within six (6) months from the adoption of this resolution, the City will introduce an ordinance prohibiting City vendors and contractors from asking applicants about their arrest and conviction history until after a conditional offer of employment has been made, consistent with the steps the City of Madison is taking internally.