

AGENDA ITEM COVER SHEET

Agenda Item Title:

Consider Adopting a Resolution to Ban the Box in Support of Fair Hiring Practices.

Date of Meeting March 26, 2019

Ward # if applicable N/A

Department Human Resources

Person Submitting Item: Sonya Hayes

Call for Public Hearing Yes No

Date of Public Hearing

Explanation of Item:

During the February 12, 2019 Board of Aldermen meeting, the Governing Board expressed their support of the "Ban the Box" initiative. The "box" that inquires whether an applicant has been convicted of any law violation, other than a minor traffic violation, will be removed from the city's employment application effective April 1, 2019.

Actions Needed by Board:

Consider Adopting a Resolution to Ban the Box in Support of Fair Hiring Practices.

Is item time sensitive? Yes No

Will there be advocates/opponents at the meeting? Yes No

Backup Attached:

Resolution to Ban the Box in Support of Fair Hiring Practices
Pre-Employment Background Investigation Policy to be implemented by the City Manager

Cost of Agenda Item: N/A

If this item requires an expenditure, has it been budgeted and are funds available and certified by the Finance Director : Yes No

Additional notes:



NEW BERN

NORTH CAROLINA

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Human Resources Department (252) 639-7571

TO: Mayor Outlaw and Board of Aldermen

FROM: Sonya H. Hayes
Director of Human Resources

DATE: March 26, 2019

SUBJECT: Resolution to Ban the Box In Support of Fair Hiring Practices

Background Information

During the February 12, 2019 Board of Aldermen meeting, the Governing Board expressed their support of the “Ban the Box” initiative. Scott Davis, City Attorney, indicated that he would consult with colleagues and bring the matter back before the Board on March 26, 2019.

The “box” that inquires whether an applicant has been convicted of any law violation, other than a minor traffic violation, will be removed from the city’s employment application effective April 1, 2019. An applicant’s criminal conviction history will not be collected until after a conditional offer of employment has been extended unless it is necessary to fill unique positions that require extensive background checks. This will ensure that the city’s hiring practices do not unduly deny or discourage people with criminal arrest or conviction records from appropriate employment with the city, and further encourage the rehabilitation of people with criminal records to strengthen our community.

Recommendation

We are requesting that the Board of Aldermen adopt a resolution to “Ban the Box” in support of fair hiring practices. Also enclosed for the Board’s review is the Pre-Employment Background Investigation Policy to be implemented by the City Manager effective April 1, 2019.

If you have any questions, please do not hesitate to contact me.

Everything comes together here.

RESOLUTION TO BAN THE BOX IN SUPPORT OF FAIR HIRING PRACTICES

THAT WHEREAS, the Board of Aldermen of the City of New Bern desires to ensure that the city's hiring practices do not unduly deny or discourage people with criminal arrest or conviction records from appropriate employment with the city, and further encourage the rehabilitation of people with criminal records to strengthen our community; and

WHEREAS, the ability of people with criminal records to successfully integrate into their communities following conviction an/or incarceration contributes to reduced recidivism, strengthens families, and leads to safer communities; and

WHEREAS, according to the National Employment Law Project, many people with criminal records are likely to be unemployed or underemployed; and

WHEREAS, people with criminal records represent a workforce that has skills to contribute and a desire to add value to the community; and

WHEREAS, studies done by the National Employment Law Project indicate that stable employment is one of the best predictors of post-conviction success; and

WHEREAS, the U.S. Equal Employment Opportunity Commission, to maximize compliance with federal anti-discrimination law, recommends:

- (a) Delaying inquiry of a job candidate's criminal conviction history;
- (b) Considering the job-relatedness of the criminal conviction;
- (c) Taking into account the length of time since a criminal conviction occurred; and
- (d) Providing an individualized assessment affording the opportunity by a candidate to correct any inaccuracies in a criminal history and to submit evidence of mitigation or rehabilitation.

WHEREAS, the Board of Aldermen of the City of New Bern desires that the city implement a personnel policy to ensure continued compliance with all federal, state, and local laws when conducting criminal background checks for use in evaluating candidates, and to prohibit the collection of an applicant's criminal conviction history until after making a conditional offer of employment unless it's necessary to fill unique positions that require extensive criminal background checks.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

Section 1. That the City of New Bern shall continue to abide by all federal, state, and local laws when conducting criminal background checks for use in evaluating candidates for employment, and shall not collect an applicant's criminal conviction history until after making a conditional offer of employment unless it's necessary to fill unique positions that require extensive criminal background checks.

Section 2. That the City Manager shall ensure that the city's employment policies only require criminal background checks for positions where a criminal background check is necessary to prevent conduct which might be detrimental to the health, safety, or welfare of the public, or to protect the city from conduct which might be detrimental to the city and its property.

Section 3. That the City Manager, with input from the city's Human Resources Department, shall prepare and implement an employment policy consistent with the following principles:

(a) A good faith determination be made as to which specific positions of employment are of such sensitivity that a criminal background check is warranted as described above, or is required by law.

(b) When such a criminal background check is warranted, the city shall not conduct such a check, nor shall it make any inquiry of a candidate regarding their criminal history, until after making a conditional offer of employment unless it's necessary to fill unique positions that require extensive criminal background checks. To this end, the city's employment application shall not require disclosure of a candidate's prior criminal history, and no such inquiry shall be made during the initial job application process unless necessary to fill positions that require extensive criminal background checks.

(c) When considering a job-related criminal background history, the city shall take into account the length of time since the offense occurred and other relevant factors such that no person shall be disqualified from employment solely or in part because of a prior conviction unless required by law.

(d) The city shall ensure that there is a process in place by which, if a candidate has a job-related criminal conviction that will may result in an adverse employment decision, the

Human Resources Department shall notify the candidate and allow the candidate to submit information regarding any possible inaccuracy of their criminal record and to present evidence of mitigation or rehabilitation relating to any job-related conviction.

Section 4. That the City of New Bern urges private employers and government contractors to develop hiring practices that encourage the rehabilitation and appropriate employment of individuals with criminal records.

ADOPTED THIS 26th DAY OF MARCH, 2019.

DANA E. OUTLAW, MAYOR

BRENDA E. BLANCO, CITY CLERK