

RESOLUTION NO.: 199 - 2015

OF

AUGUST 10, 2015

**A RESOLUTION TO REMOVE THE “HAVE YOU BEEN CONVICTED OF A CRIME”
QUESTION FROM THE CITY OF NEWBURGH APPLICATION
FOR EMPLOYMENT FORM**

WHEREAS, the City of Newburgh application for employment form includes the question, “Have you been convicted of any crime within the last seven years? If yes, explain:” and

WHEREAS, such a question often discourages rehabilitated individuals from seeking employment for fear that answering honestly will preclude the possibility of even being interviewed; and

WHEREAS, the following statement is at the bottom of the City of Newburgh’s job application form: “The NYS Human Rights Law prohibits discrimination in employment because of age, race, creed, color, national origin, sex, disability, marital status or criminal record. Accordingly, nothing in our application forms should be viewed as expressing, directly or indirectly, any limitation, specification, or discrimination as to age, race, creed, color, national origin, sex, disability, marital status or criminal record in connection with employment in the municipal service of the City of Newburgh. The City of Newburgh is an Equal Opportunity Employer”; and

WHEREAS, removing the question from the employment application does not preclude the City of Newburgh interviewer from asking a job candidate in a job interview the question above cited, nor would removing the question preclude the employer from conducting a background check on the individual; and

WHEREAS, the interviewing process for employment with the City of Newburgh should be revised to ensure that the above cited question is included in the job interview process; and

WHEREAS, before the decision to hire a job candidate is complete, the prospective new employee will be required to sign a statement declaring whether he or she has ever been ever been convicted of a crime, and if so, under what circumstances; and

WHEREAS, following an interview, the City of Newburgh hiring policy will require a job candidate to sign a waiver authorizing the City of Newburgh to perform a background check on the individual; and

WHEREAS, when someone in the past has been convicted or pled guilty to a felony or misdemeanor, they should have the opportunity to demonstrate to the employer, once given the

chance in an interview, that they are and have been law-abiding and deserve consideration, if qualified, for the employment opportunity; and

WHEREAS, the United States as a result of its “War on Drugs” has one of the highest rates and levels of felony and misdemeanor convictions; and

WHEREAS, these convictions are often for non-violent crimes; and

WHEREAS, returning persons convicted of felonies and misdemeanors to the workforce is an effective measure to prevent recidivism; and

WHEREAS, removing the questions cited above does not compromise the health, safety and welfare of the People of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, that the crime question be removed from the City of Newburgh job application form.