



# CITY of WILMINGTON North Carolina

ITEM O3a

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5/1/2018

City Council  
City Hall  
Wilmington, North Carolina 28401

Dear Mayor and Councilmembers:

Attached for your consideration is a resolution to ensure that the hiring practices of the City do not unduly deny or discourage people with criminal arrest or conviction records from appropriate employment with the City of Wilmington. The ability of people with criminal records to successfully reintegrate into their communities following conviction and/or incarceration reduces recidivism and leads to safer communities while strengthening families.

The resolution would establish that candidates will not be asked about their criminal history, nor will a criminal background check be conducted, until after a decision has been made to make a conditional offer of employment to the candidate. The City of Wilmington shall also ensure that a process is in place by which, if an applicant has been convicted of a criminal offense that raises the issue of a potential threat to the health, safety, or welfare of the public or a potential risk of conduct detrimental to the City or its property, that the Human Resources Department shall notify the applicant and allow them to submit information of inaccuracy or evidence of mitigation or rehabilitation relating to any criminal conviction.

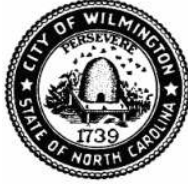
Passage of the attached Resolution is recommended.

Respectfully submitted,

Sterling B. Cheatham,  
City Manager

O3a-1

# Resolution



City Council  
City of Wilmington  
North Carolina

**Introduced By:** Sterling B. Cheatham, City Manager

**Date:** 5/1/2018

## **Resolution to Ban the Box in Support of Fair Hiring Practices**

### **LEGISLATIVE INTENT/PURPOSE:**

To ensure that the hiring practices of the City 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.

WHEREAS, the ability of people with criminal records to successfully reintegrate into their communities following conviction and/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 has 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:

delaying inquiry of a job candidate's criminal conviction history;

considering the job-relatedness of the criminal conviction;

taking into account the length of time since a criminal conviction occurred; and

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.

### **THEREFORE, BE IT RESOLVED:**

THAT, the City of Wilmington shall continue to abide by all federal, state, and local laws when conducting criminal background checks for use in evaluating candidates for employment. If it has been established that a position requires a criminal background check, the City of Wilmington shall not conduct such a check, nor shall it make any inquiry of a candidate regarding their criminal history, until after a decision has been made to make a conditional offer of employment to the candidate.

The City of Wilmington shall continue to ensure that all policies and laws enacted by the city 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; and

FURTHER BE IT RESOLVED THAT, the City of Wilmington shall ensure that there is a process in place by which, if a candidate has been convicted of a criminal offense that raises the issue of a potential threat to the health, safety, or welfare of the public, or a potential risk of conduct detrimental to the city or its property, 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 criminal conviction. The City of Wilmington urges private employers and government contractors to develop hiring practices that encourage the rehabilitation and appropriate employment of individuals with criminal records.

Adopted at a \_\_\_\_\_ meeting  
on \_\_\_\_\_ 2018

ATTEST:

\_\_\_\_\_  
Penelope Spicer-Sidbury, City Clerk

\_\_\_\_\_  
Bill Saffo, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney