

RESOLUTION NO: 110-11

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA IN
SUPPORT OF THE “BAN THE BOX” INITIATIVE AND REQUIRING THAT ANY
QUESTIONS REGARDING PRIOR CRIMINAL CONVICTIONS BE REMOVED
FROM PRINTED AND ONLINE CITY OF RICHMOND EMPLOYMENT
APPLICATION FORMS**

WHEREAS, the City of Richmond is committed to ensuring that all qualified individuals seeking employment within the City should be given an equal opportunity to apply for available positions; and

WHEREAS, the City of Richmond believes that providing an equal opportunity includes extending employment opportunities to qualified individuals who have been released from incarceration and are rebuilding their lives; and

WHEREAS, the U.S. Equal Employment Opportunity Commission has stated that “excluding individuals from employment on the basis of their conviction records has an adverse impact on Blacks and Hispanics in light of statistics showing that they are convicted at a rate disproportionately greater than their representation in the population” and that “such a policy or practice is unlawful under Title VII in the absence of a justifying business necessity”; and

WHEREAS, hiring practices that consider the past criminal history of applicants without a justifying business necessity can prevent willing and qualified job applicants from obtaining gainful employment; and

WHEREAS, the inability to obtain gainful employment after release from incarceration can contribute to a host of problems including high rates of unemployment, increased recidivism rates, and increased crime; and

WHEREAS, the community at large benefits when recidivism rates are reduced and gainful employment is critical for individuals to avoid re-offending, and

WHEREAS, there has been a nationwide initiative, referred to as “Ban the Box”, in which employers are encouraged to remove questions regarding prior criminal convictions from employment applications; and

WHEREAS, various cities and counties throughout the United States, including Boston, Chicago, Minneapolis, St Paul, San Francisco, and Alameda County, have adopted new employment application practices aligned with the "Ban the Box" initiative; and

WHEREAS, as one of the three largest employers in Richmond, the City’s hiring practices can influence the practices utilized by other employers, and

WHEREAS, the City of Richmond has an opportunity to lead the way toward greater economic opportunity for individuals by providing equal opportunities for employment to members of the community, including those members who were formerly incarcerated and are attempting to rebuild their lives; and

WHEREAS, the City of Richmond recognizes that positions that State and/or federal laws may require criminal background investigations for certain positions, including positions that involve work with children, positions in law enforcement, and other sensitive positions; and

WHEREAS, the City of Richmond will continue to comply with State and/or federal laws in conducting required and necessary background investigations, while also balancing the interest in providing opportunities for employment to those who have prior convictions in positions in which there are no statutory prohibitions against employment.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Richmond, California, hereby request the removal of any questions regarding prior criminal convictions from printed and online City of Richmond employment application forms; and

BE IT FURTHER RESOLVED, the City of Richmond will inquire about criminal backgrounds in a supplemental questionnaire that will be applicable to those positions for which criminal background investigations are required by State and/or federal law and/or which are justified by business necessity; and

BE IT FURTHER RESOLVED, the Assistant City Manager/ Human Resources Management Director will meet with representatives from the Safe Return Project to assure that the city's hiring policies and procedures provide opportunities to individuals who were formerly incarcerated to seek gainful employment and reintegrate successfully into the workforce, while ensuring compliance with legal requirements and protecting the interest of the City and community at large.

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a special meeting thereof held on November 22, 2011, by the following vote:

AYES: Councilmembers Beckles, Booze, Ritterman, Rogers, Vice Mayor Butt, and Mayor McLaughlin.
NOES: None.
ABSTENTIONS: Councilmember Bates.
ABSENT: None.

DIANE HOLMES
CLERK OF THE CITY OF RICHMOND
(SEAL)

Approved:

GAYLE MCLAUGHLIN
Mayor

Approved as to form:

RANDY RIDDLE
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of **Resolution No. 110-11**, finally passed and adopted by the City Council of the City of Richmond at a special meeting held on November 22, 2011.