

**RESOLUTION NO. 119-13**

**RESOLUTION OF THE COUNCIL OF THE CITY OF RICHMOND, CALIFORNIA  
ESTABLISHING THE DEFINITION OF SENSITIVE POSITION AS REQUIRED BY  
SECTION 2.65.030(H) OF ORDINANCE NO. 14-13 N.S.**

---

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: and

WHEREAS, on July 30, 2013 the Richmond City Council adopted Ordinance No. 14-13 N.S., Adding Section 2.65 to the Richmond Municipal Code, which requires that all contractors, lessees, recipients of City financial aid, and their respective subcontractors that employ the equivalent of ten or more full-time employees in their total workforce and who desire to obtain contracts with the City of Richmond, remove any question regarding prior criminal convictions from their printed and/or on-line employment application forms and do not make any inquiry

into an applicant's conviction history: and

WHEREAS, pursuant to section 2.65.030(h) of Ordinance 14-13 N.S., The Richmond Police Department has made the determination and recommendation that a job position is of such sensitivity that an exemption is warranted per Section 2.65.050. The City Manager, or designee, is hereby delegated the power and authority to develop the list of "Sensitive Positions", to be submitted to the City Council for their approval by Resolution;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Richmond, California, hereby establishes that for the purposes of Section 2.65.030(h), of Ordinance 14-143 N.S., a Sensitive Position is any position that contains one or more of the following job Characteristics:

1. Regular unsupervised handling of large amounts of cash;
2. Regular unsupervised handling of an individual's private, personal and confidential information;
3. Regular unsupervised contact with children under the age of sixteen;
4. Regular unsupervised contact with the elderly or disabled;
5. Regular unsupervised responsibility for operating a bus, taxi, or limousine used to transport the general public;
6. Any position in a business where part of the regular operations of the business involves the unsupervised entry into private or business premises for the performance of its service or to otherwise conduct business.
7. Any position in a business where part of the regular operations of the business involves the unsupervised handling of any substance subject to the Regulated Substances for Accidental Release Prevention by the State of California. Hazardous substances are defined as those found on the California Code of Regulations; Title 19. Public Safety; Division 2. Office of Emergency Services; Chapter 4.5 California Accidental Release Prevention (CalARP) Program; and
8. Any position where State or Federal Law requires a criminal background check.

\*\*\*\*\*

I certify that the foregoing resolution was passed and adopted by the Council of the City of Richmond at a regular meeting thereof held December 17, 2013, by the following vote:

AYES: Councilmembers Butt, Beckles, Myrick, Rogers, Vice Mayor Boozé, and Mayor McLaughlin

NOES: None.

ABSTENTIONS: None.

ABSENT: Councilmember Bates.

DIANE HOLMES  
CLERK OF THE CITY OF RICHMOND  
(SEAL)

Approved:

GAYLE MCLAUGHLIN  
Mayor

Approved as to form:

BRUCE GOODMILLER  
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. 119-13, finally passed and adopted by the City Council of the City of Richmond at a regular meeting held on December 17, 2013.