

Memorandum



CITY OF DALLAS

DATE May 8, 2015

TO Honorable Members of the Quality of Life & Environment Committee: Dwaine R. Caraway (Chair)
Sandy Greyson (Vice Chair), Adam Medrano, Rick Callahan, Carolyn R. Davis, Lee M. Kleinman

SUBJECT Labor Hiring & Sanitation Employment Program

On Monday, May 11, 2015, the Quality of Life & Environment committee will be briefed on the Labor Hiring & Sanitation Employment Program. The briefing is attached for your review.

Please contact me if you have any questions.

A handwritten signature in blue ink that reads "Joey Zapata".

Joey Zapata
Assistant City Manager

Attachment

c: Honorable Mayor and Members of the City Council
A.C. Gonzalez, City Manager
Warren M.S. Ernst, City Attorney
Craig D. Kinton, City Auditor
Rosa A. Rios, City Secretary
Daniel F. Solis, Administrative Judge
Ryan S. Evans, First Assistant City Manager

Eric D. Campbell, Assistant City Manager
Jill A. Jordan, P.E., Assistant City Manager
Mark McDaniel, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Labor Hiring & Sanitation Employment Program

Quality of Life & Environment Committee

May 11, 2015



Purpose

- A review of the labor hiring process was undertaken to address two items:
 - Item One
 - Difficulty in staffing labor positions
 - Laborer I & II and Truck Driver I & II
 - Item Two
 - Requests by the City Council to establish a program to support day laborers who work on Sanitation collection crews to transition to full-time City employment

Background

- The City operates under two different systems related to employment
 - Civil Service positions/departments
 - Non-Civil Service positions/departments
 - Laborers I & II, and Truck Drivers I & II are non-civil service positions, regardless of the department the employee works in (see appendix, slide 24, for list of laborer positions by department)
 - See appendix, slide 25, for list of civil service/non-civil service departments
- Civil Service established a criminal background hiring matrix in the 1990s
 - The matrix was revised in 2004
 - This matrix establishes wait times from criminal conviction before a candidate can be hired at the City
- This Civil Service criminal background hiring matrix is used to qualify candidates for both civil service and non-civil service positions
- Human Resources administers the matrix for civilian positions
 - Civil Service administers the matrix for uniformed officers



ITEM ONE

***DIFFICULTY IN STAFFING
LABOR POSITIONS***



Labor Hire Staffing Issues

- HR received comments from Department Directors in large operating departments about the inability to maintain full staffing for select labor positions
 - Laborer I & II
 - Truck Driver I & II
- A review of hiring practices showed that the biggest hurdle for hiring in these positions is the current criminal background hiring matrix

Labor Hire Staffing Issues

Hiring Process

- After an applicant is interviewed and selected for a position
 - Applicant is given a contingent offer of employment
 - Applicant completes an Authorization Form, consenting to a background check that will be completed by Quick Search (City's current 3rd party vendor)
 - Quick Search returns a report
 - HR staff member reviews results and compares them to the 'hiring matrix'

Labor Hire Staffing Issues

How it Affects City of Dallas Labor Hires

- About 57% of the labor hire candidates we make offers to fail the background check and cannot be hired using the current criminal background check matrix
- The inability to hire individuals for these positions impacts operations for large operating departments such as Sanitation, Streets and Water

Labor Hire Staffing Issues

How it Affects City of Dallas Labor Hires (cont'd)

- Stats on Laborer I & II and Truck Driver I & II for 20-month period from July 1, 2013 through March 3, 2015
 - 1,402 - Candidates interviewed
 - 723 - Candidates presented offers and submitted for background check
 - 311 - New employees hired
- Some are not hireable because they cannot pass the pre-employment drug screen/physical, but the vast majority cannot be hired because of criminal history

Current Hiring Matrix

- According to the matrix, some requirements for employment require ten years from adjudication of crime
 - Quick Search's database (and other background check companies) only provides seven years worth of data
 - It is possible that a crime adjudicated more than seven years ago would not show up on the Quick Search report
 - The COD Background Check Authorization Form that a City of Dallas applicant signs indicates a seven-year look back period
- Current matrix establishes an absolute bar on hiring for those with pending charges, probation, fines and/or deferred adjudication, including charges for Class C misdemeanors



RECOMMENDATION

**Recommendation for City hiring of
Laborer I & II and Truck Driver I & II
Positions**



Matrix Revisions

(Laborer I & II and Truck Driver I & II only)

For direct City hires

- Revise the list of felonies to differentiate violent crimes from non-violent
- Reduce the length of time before a candidate can be hired from seven years since disposition of crime to either five or three years, depending on felony type
 - All hiring placements will still be reviewed based on the job relatedness
- Reduce the requirement for showing a stable work history from two years to one year

Matrix Revisions

(Laborer I & II and Truck Driver I & II only)

For direct City hires (cont'd)

- Review pending (or deferred adjudication) misdemeanor charges on a case-by-case basis to determine if it makes sense to bar employment until the case is adjudicated
- Review candidates paying fines, on deferred adjudication, or on probation on a case-by-case basis to determine if it makes sense to bar employment
- **Employees wishing to promote into civil service positions will still have to meet the standards established by Civil Service**

Comparison – For Laborer I & II and Truck Driver I & II

Crime*** Type	Current	Proposed For Direct City Hires
A	<ul style="list-style-type: none"> • 10 Year Wait <u>Per Rule</u> • 7 Year Wait <u>In Practice</u> 	<ul style="list-style-type: none"> • 5 Year Wait* • 1 Year Work History**
B	<ul style="list-style-type: none"> • 2 Year Work History 	<ul style="list-style-type: none"> • 3 Year Wait* • 1 Year Work History**
C	<ul style="list-style-type: none"> • 2 Year Work History 	<ul style="list-style-type: none"> • 1 Year Work History
D	<ul style="list-style-type: none"> • Job Relatedness 	<ul style="list-style-type: none"> • Same
Pending Charges	<ul style="list-style-type: none"> • Absolute bar on candidates with pending charges for some felonies and misdemeanors 	<ul style="list-style-type: none"> • Review misdemeanors on a case-by-case basis

* Wait time begins from the later of the following dates:

1. The release from prison/jail, or
2. The date of disposition/conviction of crime

** Work history requirement can be earned concurrently with the wait time

*** See appendix slide 28 for examples of crimes in each category



ITEM TWO

***ESTABLISHING A PROGRAM
TO SUPPORT SANITATION
DAY-LABORERS FOR FULL-
TIME CITY EMPLOYMENT***

Sanitation Services

Path to City Employment

- The City Council requested a program to provide a path for Sanitation collection crew day-laborers to transition to full-time city employment
- Sanitation Services currently utilizes approximately 200 laborers daily via contract
 - Most assisting on manual collection routes
- Many of the temporary laborers are dependable, hard working and conscientious
 - Many of these temporary employees cannot qualify for permanent positions based on the City's background hiring matrix requirements



Sanitation Services

Path to City Employment

- A pilot hiring program for Sanitation temporary contracted laborers would have multiple benefits:
 - Assist with the City's ability to hire laborers and truck drivers
 - Provide a pathway and opportunity for permanent employment to temporary day laborers

Sanitation Services

Path to City Employment

- Under a pilot program:
 - Hiring requirements for temporary day labor vendor would be modified
 - Temporary contract employees could qualify for specific City positions if they:
 - Have been employed by the temporary day labor contractor for a specified period of time, and
 - Earned a performance certificate indicating good performance, attendance and safety



Sanitation Services

Path to City Employment

- ❑ Pilot program participants would be eligible to compete for laborer and truck driver positions in Sanitation, Dallas Water Utilities, Streets and Trinity Watershed Management
- ❑ Pilot program participants could be hired with reduced waiting time since criminal conviction
- ❑ Pilot program participants would still have to interview and compete for positions

Option – For Sanitation Certificate Pilot Program

Crime Type	Proposed NEW City Requirement	Sanitation Day Laborer Pilot Program			Difference
		Day-Labor Contractor Wait	Employment Requirements	Total Time	
A	<ul style="list-style-type: none"> • 5 Year Wait • 1 Year Work History 	6 Month Wait*	<ul style="list-style-type: none"> • 2.5 Year Certificate • 2.5 Year Work History** 	3 years	2 years less
B	<ul style="list-style-type: none"> • 3 Year Wait • 1 Year Work History 	6 Month Wait*	<ul style="list-style-type: none"> • 1 Year Certificate • 1 Year Work History** 	18 months	1.5 years less
C	<ul style="list-style-type: none"> • 1 Year Work History 	No Wait	N/A	N/A	
D	<ul style="list-style-type: none"> • Job Relatedness 	N/A	N/A	N/A	

* Wait time begins from the later of the following dates:

1. The release from prison/jail, or
2. The date of disposition/conviction of crime

** Work history requirement can be earned concurrently with the wait time

Sanitation Services

Additional Programs

□ Additional programs

1. Sanitation Services would create 15 truck driver trainee positions as an additional opportunity
 - Temporary laborers are familiar with collection operations, but often lack the required commercial drivers license (CDL)
 - Employees would be required to earn a CDL within their 6 month probationary period
 - Sanitation Services will assist in the CDL training and provide equipment for final driving test
 - Truck driver trainees would allow Sanitation to transition trainees to truck drivers as needed

Sanitation Services

Path to City Employment (cont'd)

- Additional programs

- 2. Sanitation will partner with a social services agency to assist temporary laborers who are ex-offenders

- Social Service agency can serve as a one-stop shop to connect ex-offenders to the many agencies that provide assistance

- Something as simple as a suspended drivers license may be keeping individuals from permanent employment

Sanitation Services

Path to City Employment (cont'd)

□ Additional programs

3. When the new RFP goes out for the temporary labor vendor, it will include a requirement that the vendor partner with a social services agency to provide services to ex-offenders
4. The current temporary labor vendor (Results Staffing) has agreed to provide job readiness training for its employees



APPENDIX

Count of Laborer I & II and Truck Driver I* & II – By Department

Department	Laborer I	Laborer II	Truck Driver II	Total
Aviation	3	5		8
Code Enforcement	9	7		16
Water	49	176		225
EBS	14	8		22
Housing	2			2
Parks	12	145		157
Sanitation	30	3	226	259
Streets	78	114		192
Trinity Watershed Management	3	7	23	33
Total	200	465	249	914

** There are currently no incumbents in the truck Driver I position. Sanitation may use this position to create a “Truck Driver Apprentice” program.*



City Departments

Civil Service Departments

Aviation
Civil Service
Code Compliance
Communication & Information Services
Convention and Event Services
Court & Detention Services
Dallas Fire Rescue
Dallas Police Department
Dallas Water Utilities
Equipment & Building Services
Housing and Community Services
Human Resources
Judiciary
Public Works
Sanitation Services
Streets Services
Trinity Watershed Management

Non Civil Service Departments

Business Development & Procurement
City Attorney's Office
City Auditor's Office
City Controller's Office
City Manager's Office
City Secretary's Office
Economic Development
Employee's Retirement Fund
Financial Services
Library
Management Services
Mayor & Council Office
Office of Cultural Affairs
Park & Recreation
Planning and Neighborhood Vitality
Police & Fire Pension
Risk Management

Current Hiring Matrix

PRIOR CONVICTIONS – ELIGIBILITY WORKSHEET (Civil Service Rule VI, Sec 6A) – PROPOSED REVISIONS April 2004
 (Departments may have higher standards based on the nature of assignments.)

NATURE and STATUS OF CONVICTION	Absolute Bar Until Resolved	Eligible to apply ten (10) years * after conviction date PLUS completion of any related prison sentence <u>and</u> present record of at least two years of subsequent stable ¹ work history for Civil Service review. * Five (5) years if felony offense occurred prior to 21 years of age.	Must complete related prison sentence <u>and</u> present record of at least two years of subsequent work history for Civil Service review. (One year of City employment references will suffice for promotional opportunities).	If applicant is eligible for certification, hiring authorities are instructed to consider date, nature & job-relatedness of conviction(s).
I. FELONY involving <i>moral turpitude, violence and/or theft.</i> (see attached list)		X ²		YES
II. OTHER FELONIES and MISDEMEANORS involving <i>moral turpitude, violence and/or theft.</i> (see attached list)			X ³	YES
III. OTHER MISDEMEANORS and Welfare Fraud Convictions (per 8/97 Civil Service Board amendment). (see attached list)				YES
IV. ALL PENDING CHARGES (other than MINOR traffic offenses) and DEFERRED ADJUDICATION: If CURRENTLY on probation and/or paying a fine for any charges listed in sections I. FELONY or II. OTHER FELONIES and MISDEMEANORS of this matrix. (see attached list)	X			YES
V. DEFERRED ADJUDICATION: If CURRENTLY on probation and/or paying a fine for MINOR traffic offenses or any charges listed in section III. OTHER MISDEMEANORS of this matrix. (see attached list)				YES
VI. DEFERRED ADJUDICATION: No longer on probation OR paying a fine.				YES

¹ Stable employment has been defined as having no more than three different employers during a two-year period.

² If conviction was 20+ years ago and did not result in a Prison/Jail sentence, no references are required.

³ If conviction was 10+ years ago and did not result in a Prison/Jail sentence, no references are required.

Current Hiring Matrix

CONVICTION EXAMPLES

I. FELONY (10 year waiting period and two year stable work record)

- Arson
- Assault
- Bribery
- Burglary
- Child Molestation
- Credit Card Abuse
- Criminal Conspiracy/Attempt/Solicitation
- Domestic Violence
- Drugs: Cultivation
- Drugs: Intent to Deliver
- Drugs: Delivery
- Embezzlement
- Forgery
- Fraud
- Indecency with a Child
- Kidnapping
- Manslaughter
- Murder
- Rape
- Terroristic Threat
- Theft

II. OTHER FELONIES and MISDEMEANORS involving violence and/or theft (Two year stable work record)

Felonies

- Child Abandonment/Endangerment
- Criminal Mischief
- Drug Possession
- DWI/DUI
- Obscenity
- Obstruction
- Retaliation
- Stalking
- Unlawful Carrying of a Weapon
- Unlawful Restraint

Misdemeanors

- Misdemeanors for Charges in section I. FELONIES
- False Alarm or Report
- Indecent Exposure
- Prostitution
- Public Lewdness

III. OTHER MISDEMEANORS (Review for job relatedness)

- Misdemeanors for charges in section II. OTHER FELONIES
- Criminal Trespass
- Disturbing the Peace
- Disorderly Conduct
- Gambling
- Graffiti
- Harassment
- Issuance of a Bad Check (Hot Check)
- Leaving a Child in a Vehicle
- Public Intoxication
- Reckless Conduct
- Theft under \$50.00
- Vandalism

Conviction Examples

List A (Felonies)	List B (Felonies)	List C (Felonies & Misdemeanors)	List D (Other Misdemeanors)
<ul style="list-style-type: none"> • Arson • Aggravated Assault • Bribery • Burglary • Child Molestation • Aggravated Domestic Violence • Indecency with a Child • Kidnapping • Manslaughter • Murder • Rape • Terroristic Threat • Robbery • Sexual Assault 	<ul style="list-style-type: none"> • Drugs: Cultivation • Drugs: Intent to Deliver • Drugs: Delivery • Credit Card Abuse • Embezzlement • Forgery • Fraud • Theft • Criminal Conspiracy 	<p><u>Felonies</u></p> <ul style="list-style-type: none"> • Child Abandonment/Endangerment • Criminal Mischief • Drug Possession • DWI/DUI • Obscenity • Obstruction • Retaliation • Stalking • Unlawful Carrying of a Weapon • Unlawful Restraint <p><u>Misdemeanors</u></p> <ul style="list-style-type: none"> • Misdemeanors for Charges on Lists A & B • False Alarm or Report • Indecent Exposure • Prostitution • Public Lewdness • Simple Assault 	<ul style="list-style-type: none"> • Misdemeanors for charges on List C • Criminal Trespass • Disturbing the Peace • Disorderly Conduct • Gambling • Graffiti • Harassment • Issuance of a Bad Check (Hot Check) • Leaving a Child in a Vehicle • Public Intoxication • Reckless Conduct • Theft under \$50.00 • Vandalism

**The lists above are examples of crimes in each category. Other crimes will be evaluated on a case-by-case basis.*