

Memorandum



CITY OF DALLAS

DATE **May 27, 2016**

TO **Honorable Mayor and Members of the City Council**

SUBJECT **Ban the Box**

On Wednesday, June 1, 2016 you will be briefed on the Ban the Box. The briefing materials are attached for your review.

Please let me know if you have any questions or need additional information.

A handwritten signature in black ink, appearing to read 'A.C. Gonzalez', with a large, stylized flourish.

A.C. Gonzalez
City Manager

c: Christopher D. Bowers, Interim 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
Joey Zapata, Assistant City Manager
Jeanne Chipperfield, Chief Financial Officer
Sana Syed, Public Information Officer
Elsa Cantu, Assistant to the City Manager – Mayor & Council

Ban the Box

Briefing to Dallas City Council

June 1, 2016



Purpose

- Provide information on regulations for public and private employers regarding hiring people with criminal convictions:
 - Ban the Box, and
 - Fair Chance Hiring

Ban the Box and Fair Chance Hiring

Ban the Box

- Removes the conviction history questions on job applications
 - Delays criminal background inquiries to later in the hiring process

Fair Chance Hiring

- Incorporates EEOC's arrest and conviction records guidelines which requires employers to consider:
 - Job-relatedness of a conviction
 - Time passed from the conviction, and
 - Mitigating circumstances or evidence of rehabilitation

Information from National Employment Law Project (NELP) on ban the box and fair chance hiring.

City of Dallas

- The City removed general criminal history questions from its employment applications for civilian positions in 2007
 - Criminal background checks are conducted after making a contingent offer of employment
- The City still has criminal history questions on employment applications for sworn positions
- Last May, Council approved revised standards for criminal convictions for Laborers and Truck Drivers
 - Prior to change, 57% of applicants for laborer/truck driver positions were disqualified based on the criminal convictions matrix
 - Currently, losing 20% of applicants

Private Employers

Private employers that have banned the box include:

- Walmart
- Target
- Accenture
- Home Depot
- Starbucks
- Proctor and Gamble
- Microsoft
- Koch Industries
- Royal Dutch Shell
- British Petroleum
- Bed, Bath and Beyond
- Waste Management
- Regency Centers

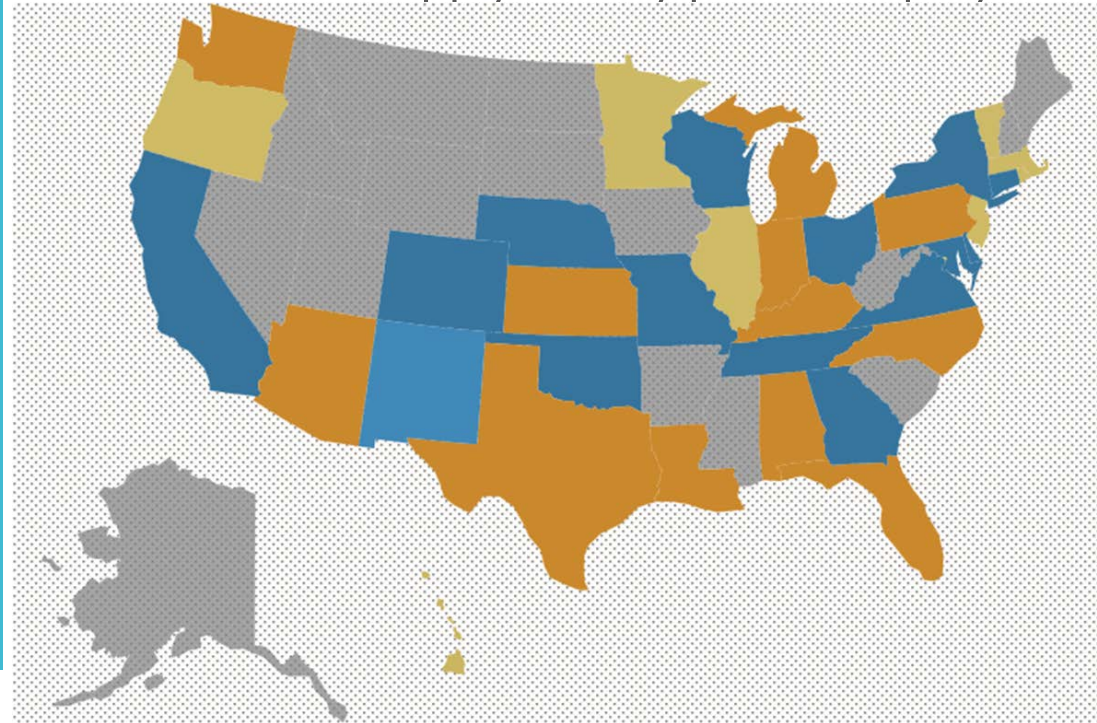


Other Cities' Policies



Other Cities' Policies

- Cities and/or States have adopted various forms of ban the box/fair chance hiring policies
 - Some apply to specific agency's employees
 - Some apply to vendors
 - Some apply to public and private employers
 - Some apply to only public employers



- State covers public employers
- State covers private employers
- Other local policies, no state law or policy
- No state or local policy

Other Cities' Policies

City	Date Law Effective	Minimum Employees	Who does the enforcement	Penalties
Newark, NJ (City, private employers, licensing, and housing)	11/18/12	15	Human Rights Commission	Type 1 - \$500 Type 2 - \$1000
Buffalo, NY (City, vendors & private employers)	1/1/14	15	Committee on Civil Rights & Community Relations	1 st offense-\$500 Subsequent -\$1000
Columbia, MO (City & private employers)	1/1/14	1	Human Rights Commission	Each offense Up to \$1000 and/or Up to 30 days imprisonment
Baltimore, MD (Public & private employers)	8/13/14	10	Baltimore Community Relations Commission	Each offense Up to \$500 and/or Up to 90 days imprisonment

Other Cities' Policies (continued)

City and affected parties	Date Law Effective	Minimum Employees	Who does the enforcement	Penalties
New York, NY (City, private employers & licensing)	10/27/15	4	Commission of Human Rights	(Specific language not found in ordinance)
Seattle, WA (City & Private employers)	11/1/13	1	Seattle Office Of Civil Rights	1 st offense – Warning 2 nd offense - \$750(100% to charging party) Subsequent- \$1000 (100% to charging party)

Other Cities' Policies (continued)

City	Date Law Effective	Minimum Employees	Who does the enforcement	Penalties
San Francisco, CA (City & County and Private employers & Public Housing)	1/13/14	20	Office of Labor Standards	<u>Aggrieved person:</u> Liquidated damages in the amount of \$50/day, back pay, reinstatement, benefits/pay unlawful withheld, reasonable attorney's fees & costs
District of Columbia (District & private employers)	12/17/14	10	Office of Human Rights	<u>Employer (based on employee size):</u> 11-30 – Up to \$1000 31-99 – Up to \$2500 100+ - Up to \$5000 <u>Aggrieved person:</u> Back pay, reinstatement, compensatory damages and reasonable attorney's fees



City of Austin Ordinance



Austin Fair Chance Hiring Ordinance

- In March 2016, Austin adopted a ban the box ordinance regulating private employers
 - Ordinance took effect in April 2016
 - No enforcement will take place until April 2017
- For purposes of the ordinance, an employer is defined as:
 - A person, company, corporation, firm, labor organization, or association that employs at least 15 people whose primary work location is in Austin for each working day in each of the 20 or more calendar weeks in the current or preceding year
 - It also includes an agency acting on behalf of an employer
- The term employer does not include:
 - The United States
 - A corporation wholly owned by the U.S.
 - A 501(c) private ownership club (other than a labor organization)
 - A state or state agency
 - A political subdivision of the state

Austin Fair Chance Hiring Ordinance

- The ordinance:
 - Prohibits an employer from publishing information about a job that states or implies that an applicant's criminal history automatically disqualifies an applicant from consideration for the job
 - Prohibits an employer from soliciting or otherwise inquiring about an applicant's criminal history on an application
 - Prohibits an employer from soliciting criminal history information about an applicant or considering an applicant's criminal history unless the employer first makes a conditional offer of employment
 - Prohibits an employer from refusing to consider hiring an applicant because the applicant did not provide criminal history information before a conditional offer of employment

Austin's Process

- City staff held four stakeholder meetings.
- Sent invitations to:
 - Small business community
 - All Austin area chambers of commerce
 - Minority Trade Alliance
 - Austin Area Urban League
 - Texas Advocates for Justice
 - Texas Criminal Justice Coalition
 - Minorities for Equality in Employment, Education, Liberty and Justice
 - Mt. Zion Criminal Justice Ministries
 - Austin/Travis County Re-entry Round Table
 - Central Texas Building and Construction Trades Council
 - African American Youth Harvest Foundation
 - Austin Interfaith
 - Texas Civil Rights Project
 - Other interested community members



Questions/Comments?