

..Number

120663

..Version

PROPOSED SUBSTITUTE A

..Reference

..Sponsor

ALD. LEWIS, HAMILTON, COGGS, PEREZ AND BOHL

..Title

Substitute resolution relating to City job application procedures to increase the number of job opportunities available for persons with prior convictions.

..Analysis

This resolution directs that the Director of the Department of Employee Relations to take the steps necessary to remove questions related to prior conviction and pending criminal charges from the initial job application for City employment. This resolution also authorizes the Director of the Department of Employee Relations to work with the City Attorney and other City personnel, to develop a citywide policy and procedure that provides a uniform and mandatory process for conducting pre-appointment background checks on all candidates who have been selected for appointment to city positions and shall report this policy to the Committee on Finance and Personnel for review and approval prior to the removal of questions related to prior conviction and pending criminal charges from the initial job applications, but not later than December 31, 2016.

..Body

Whereas, In an average year, in Wisconsin there are 8,600 ex-offenders who, having served their sentences, are released from some level of corrections and 3,600 of those released return as residents of Milwaukee County; and

Whereas, Although corrections experts recognize that the single most important step to foster re-entry to society is stable, family-sustaining employment, all ex-offenders struggle to overcome the stigma of prior convictions when seeking the employment necessary to restore their lives; and

Whereas, Without access to the employment necessary for successful re-entry to society, many ex-offenders find themselves resorting to behaviors that harm themselves and the community, perpetuating a cycle of re-offense and incarceration; and

Whereas, Most employers include questions of prior convictions on the initial job applications and, sometimes unlawfully, use that information to deny further consideration for applicants; and

Whereas, Local and national organizations, such as the New Hope Project, the National HIRE Network, 9 to 5 and the Legal Action Center have advocated for "ban the box" legislation that moves disclosure of conviction and pending charge history from the initial job application to the interview step; and

Whereas, "Ban the box" legislation enables job seekers with criminal pasts to clear the first barrier to employment and demonstrate their skills, abilities and evidence of rehabilitation to prospective employers; and

Whereas, The National HIRE Network's National Blueprint for Reentry makes a number of recommendations to remove barriers to employment and specifically calls for expanding "ban the box"-type legislation to reconstitute the nature of prior conviction questions, allowing for ex-offenders to

demonstrate qualifications and evidence of rehabilitation prior to being subjected to background investigations; and

Whereas, Several urban areas across the nation, including Boston, Chicago, Minneapolis, St. Paul, Oakland, San Francisco, Detroit, Memphis, Seattle and Philadelphia, as well as the states of California, Connecticut, Illinois, Massachusetts, Minnesota, New Mexico, and Hawaii have adopted “ban the box” policies in the hiring process for state or municipal jobs, noting that it is in the community’s best interest to facilitate re-entry for its citizens who are ex-offenders; and

Whereas, Moving the prior conviction information from the initial application would have no bearing on the City’s ability to deny employment to any job applicant for any of the following:

1. Any law enforcement-related position or any position with qualifications established by the Law Enforcement Standards Board.
2. Any positions subject to the conditions of the Wisconsin Caregiver law.
3. Offenses that are substantially related to the circumstances of the position, as defined by Wisconsin Fair Employment Law.
4. Failure on the part of the applicant to disclose prior convictions or pending charges related to the circumstances of the position applied for.

; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Director of the Department of Employee Relations is directed to take the steps necessary to remove questions related to prior conviction and pending criminal charges from the initial job application for City employment; and, be it

Further Resolved, That the Director of the Department of Employee Relations shall work with the City Attorney and, as necessary, other City personnel, to develop a citywide policy and procedure that provides a uniform and mandatory process for conducting pre-appointment background checks on all candidates who have been selected for appointment to a City position and shall report this policy to the Committee on Finance and Personnel for review and approval prior to the removal of questions related to prior conviction and pending criminal charges from the initial job applications, but not later than December 31, 2016.

..Requestor

..Drafter

LRB166241-2

La-Wanda G. Fletcher

September 26, 2016