

Updated January 3, 2007

## **Major U.S. Cities Adopt New Hiring Policies Removing Unfair Barriers to Employment of People with Criminal Records**

Several major cities across the United States (including Boston, Chicago, Minneapolis, San Francisco, St. Paul and the County of Alameda) have adopted significant new policies to limit discrimination in city jobs against people with criminal records. As Mayor Richard Daley explained when he announced Chicago's new hiring policy, "Implementing this new policy won't be easy, but it's the right thing to do. . . . "We cannot ask private employers to consider hiring former prisoners unless the City practices what it preaches."

U.S. cities are ground zero for the record numbers of people with a criminal record who are now struggling to find work and contribute to their communities. More cities are taking on this "reentry" challenge by adopting a new "smart on crime" agenda which promotes public safety by creating more employment, housing and drug treatment opportunities. In the process, more cities are also evaluating local policies that create unnecessary barriers to employment of people with criminal records. As summarized below, a growing number of cities have also taken the critical first step by removing unfair barriers to employment in their city hiring policies. Of special significance, many cities have now removed the question on their job applications asking for an individual's criminal history, thereby deferring the criminal background check until the later stages of the hiring process.

### **1. New City Hiring Policies**

#### **\*Boston City Council Ordinance**

Of special significance, Boston's City Council ordinance (which took effect July 1, 2006) applies not only to hiring in city jobs, but also to the hiring decisions of an estimated 50,000 private vendors who do business with the City. The successful campaign to reform Boston's hiring policy was backed by broad community coalition called the Massachusetts Alliance to Reform CORI (MARC).

According to the ordinance, the City of Boston and its vendors cannot conduct a criminal background check as part of their hiring process until the job applicant is found to be "otherwise qualified" for the position. This critical protection ensures that everyone is first considered for employment based on their actual skills and experience before the employer takes into account the presence or absence of a criminal record. The ordinance also requires that the final employment decision, which includes information about the individual's criminal record, also considers the age and seriousness of the crime and the "occurrences in the life of the Applicant since the crime(s)." In addition, the Boston ordinance creates important appeals rights for those denied employment based on a criminal record and the right to present information related to the "accuracy and/or relevancy" of the criminal record.

In the process of implementing the new ordinance, the City of Boston significantly revised its job application by removing the question about criminal history from the application form. Thus, unless required by law (as in the case of law enforcement and other special categories of workers), the applicant's criminal history is not considered until later in the hiring process when the individual is determined to be "otherwise qualified" for the position. Also significant, the new job application leads off with an anti-discrimination statement providing notice that the City complies with all state and federal equal employment opportunity laws, while also listing "ex-offender status" as a classification protected under the civil rights laws.

#### **Resources:**

- Boston City Council Ordinance, [click here](#).
- City of Boston Job Application, [click here](#).

#### **Local Contacts:**

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### **\*City of Chicago Hiring Policy**

In May 2004, Chicago Mayor Richard Daley created the Mayoral Policy Caucus on Prisoner Reentry, bringing together government and community leaders to address the challenges facing 20,000 people each year who return to Chicago after being released from prison. In January 2006, the Caucus issued a major report calling for broad ranging reforms of City policy. With regard to city hiring, the report recommended that the Mayor "Adopt internal guidelines for the City of Chicago's personnel policies regarding criminal background checks, and advocate for fair employment standards."

At the same time that the report was released, Mayor Daley announced several major "reentry" initiatives, including reform of the City's hiring policies as recommended by the Caucus. The Mayor's press release described a new hiring policy requiring the City to "balance the nature and severity of the crime with other factors, such as the passage of time and evidence of rehabilitation . . . . Put more simply, this change means that City hiring will be fairer and more common sense." The Mayor added, "Implementing this new policy won't be easy, but it's the right thing to do . . . We cannot ask private employers to consider hiring former prisoners unless the City practices what it preaches."

Implementing the Mayor's new hiring policy, the City Department of Human Resources has issued guidelines imposing standards on all city agencies regulating hiring decisions related to people with criminal records. For the first time, the City of Chicago now requires all agencies to take into account the age of an individual's criminal record, the seriousness of the offense, evidence of rehabilitation, and other mitigating factors before making their hiring decisions. As part of the new hiring process, the City of Chicago also plans on revising its job applications to remove the question about criminal history and defer the criminal background check until later in the hiring process.

#### **Resources:**

- Mayor Daley's Press Release (January 24, 2006), [click here](#).
- Report of the Mayoral Policy Caucus on Prisoner Reentry (January 2006), [click here](#).

#### **Local Contact:**

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### **\*City of Minneapolis Resolution**

On December 22, 2006, the City Council of Minneapolis passed a resolution modeled after the Boston ordinance which requires the City to "make a good faith determination as to which specific positions of employment are of such sensitivity and responsibility that a background check is warranted." In those cases where a criminal background check is then required, "the City will not conduct that check until after the applicant is determined to be otherwise qualified for that position . . . ." In addition, the resolution expressly requires the City to "revise its employment application to eliminate the box requiring disclosure of past criminal records on applications for public employment . . . ."

#### **Resources:**

- Minneapolis City Council Resolution, [click here](#)

#### **Local Contact:**

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### **\*San Francisco "Ban the Box" Policy**

The campaign to "ban the box" on San Francisco's applications for public employment was led by All of Us or None, a community-

based organization of formerly-incarcerated people and their families.

Like most government employers, the City and County of San Francisco required all job applicants to check off a box on their initial job application indicating whether they have been "convicted by a court." In addition, job applicants were required to list all their convictions, no matter the age or seriousness of the offense. All of Us or None's investigation of this hiring policy revealed that it unfairly discriminated against people with criminal records because it discouraged them from even applying for City and County jobs. The policy was also found to limit the hiring pool of qualified candidates for public employment.

In October 2005, the San Francisco Board of Supervisors approved a resolution initiated by All of Us or None which called on the City and County of San Francisco to eliminate hiring discrimination against people with criminal records by removing the requirement that criminal history information be provided as part of the initial job application for public employment. A new hiring policy has since been adopted by the Civil Service Commission of the City and County of San Francisco and the Department of Human Resources.

Like Boston's ordinance, San Francisco's new policy (which took effect in June 2006) seeks to prevent discrimination on the basis of a criminal record by removing conviction history information from the initial application. Instead, an individual's past convictions will not be considered until later in the hiring process when the applicant has been identified as a serious candidate for the position. The only exception is for those jobs where state or local laws expressly bar people with convictions from employment. These applicants will still be required to submit conviction history information at the beginning of the hiring process. Unlike the Boston ordinance, San Francisco's policy only applies to public employment, not to private vendors that do business with the City or County of San Francisco.

**Resources:**

- San Francisco Department of Human Resources Policy, [click here](#).
- San Francisco Board of Supervisors Resolution, [click here](#).

**Local Contacts:**

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**\*City of St. Paul Mayor's Directive**

On December 5, 2006, Mayor Christopher Coleman of St. Paul issued a memo to the City Council directing the City's Human Resources Department to reform its hiring process. According to the new procedure, the City will remove the criminal history question from its job applications and delay the criminal background check until the final stages of the hiring process. In the memo, the Mayor also called on the private sector to play a major role promoting reforms that remove unfair barriers to employment of people with criminal records. Citing a leading report issued by the Council on Crime and Justice, which includes recommendations on city hiring policies, Mayor Coleman indicated he will send a letter to "CEOs emphasizing the value of the Council on Crime and Justice's report and encourage adoption of a similar policy."

**Resources:**

- Mayor Coleman's Memo to the City Council, [click here](#).
- Report of the Council on Crime and Justice, [click here](#).
- St. Paul Pioneer Press* article, [click here](#).

**Local Contacts:**

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**\*County of Alameda (Oakland Area) Pilot Program**

On October 3, 2006, the Alameda County Board of Supervisors unanimously adopted a resolution urging the Civil Service Commission and the Department of Human Resources to implement a "pilot project, revising the means and timing of when applicants

are required to disclose past criminal history records upon the application for public employment in the County of Alameda in order to mitigate or eliminate the negative impact against individuals who have been incarcerated or otherwise have criminal convictions to assist with the successful reintegration into the community."

The 18-month pilot project will be implemented by the County Department of Human Resources beginning January 2006. According to the new process, the County will remove the question on the job application which now requires all applicants to list their criminal convictions. Modeled after the San Francisco policy, the criminal history inquiry will instead take place later in the hiring process when the finalists are identified for the job. In addition, the County's criminal background checks will be centralized in a designated unit of specially-trained staff to minimize the potential for discrimination and create a more standardized screening process.

**Resources:**

- Board of Supervisors Resolution, [click here](#).
- Oakland Tribune* Article, [click here](#).

**Local Contacts:**

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**2. Proposed City Initiatives** (pending as of January 3, 2007)

**\*City of Indianapolis & Marion County**

On March 27, 2006, the City-County Council of Indianapolis passed a resolution calling on the Department of Administration and Equal Opportunity to "initiate a study that leads to a hiring policy for the Consolidated City and County for the employment, when appropriate job opportunities arise, of Marion County residents who are also previously incarcerated persons." The resolution also directed the Department to evaluate how best to coordinate employment services offered by the local corrections department and other agencies. The report, which was issued in June, is pending before the Council's Public Policy Committee. [Click here](#) for the Council's resolution directing the Department to prepare the study (see pages 163-164).

**\*County and City of Los Angeles**

There are separate measures pending before the Los Angeles County Board of Supervisors and the Los Angeles City Council to review their hiring policies related to people with criminal records. On November 22, 2006, the Board of Supervisors held a hearing on a motion ([click here](#)) sponsored by Supervisor Yvonne Burke, which featured supporting testimony from Congresswoman Maxine Waters, other prominent community leaders, grassroots organizations, and people with criminal records seeking work. On May 23, 2006, the Los Angeles City Council debated a resolution ([click here](#)) sponsored by Councilwoman Jan Perry, which resulted in a decision by the Council to order a study of hiring practices by the Los Angeles Department of Human Resources.

**\*City of Newark, New Jersey**

On July 10, 2006, Newark's newly-elected Mayor, Cory A. Booker, released his 100-day plan which prominently featured a "prisoner re-entry initiative" to "reduce legal restrictions in municipal hiring and contracting for residents with criminal records, where appropriate." Like the Boston ordinance, the initiative would authorize criminal background checks "only after an individual is determined to be otherwise qualified for a position for which certain kinds of convictions are deemed relevant." [Click here](#) for the Mayor's 100-day plan (see page 6).

**\*City & County of Philadelphia**

On November 1, 2006, the Philadelphia City Council held a hearing on a bill to strictly limit hiring discrimination against people with criminal records. Modeled after the Boston ordinance, the Philadelphia bill would require the employer to "first review the qualifications of an applicant and determine that an applicant or current employee is otherwise qualified for the relevant position before the Employer may conduct a criminal record check." The Philadelphia bill also goes further than the Boston ordinance by applying not only to city agencies and private vendors that do business with city, but also to all private companies employing more than 10 people within the City of Philadelphia. [Click here](#) for the bill, which is pending before the City Council.

**3. Additional Resources**

**New York Times Editorial (Excerpted below)**  
**"Cities That Lead the Way" (March 31, 2006)**

"Three cities -- Boston, Chicago and San Francisco - have taken groundbreaking steps aimed at de-emphasizing criminal histories for qualified applicants for city jobs, except in law enforcement, education and other sensitive areas where people with convictions are specifically barred by statute. . . . Taken together, the recent developments in Boston, Chicago and San Francisco symbolize a step forward in terms of fairness for law-abiding ex-offenders, who are often barred from entire occupations because of youthful mistakes and minor crimes committed in the distant past."

**Star Tribune Editorial (January 2, 2007), [click here](#).**

**"Twin Cities Adopt Smart Job Stances: Effort is to Help Stop Revolving Prison Door"**

"As anyone who's spent time searching the Internet knows, background checks for criminal records are easier than ever to conduct; it's understandable that companies increasingly use them to pare job seekers. Nevertheless, a countervailing big-city trend has found its way to Minneapolis and St. Paul, and it deserves both explanation and praise. Both cities took steps in December to remove from initial job application forms the box requiring disclosure of a criminal record."

**National League of Cities Weekly Newsletter ([Click here](#) for the full article)**

**"Cities Adopt Hiring Policies to Facilitate Prisoner Reentry" (May 22, 2006)**

"Major cities, including Boston, Chicago and San Francisco, have recently adopted new hiring policies that would reduce barriers to municipal employment for former prisoners. While former offenders would still be kept out of certain occupations, the policies align with a new public safety agenda in which cities are creating opportunities for employment, housing and drug treatment to reduce recidivism. By focusing on crime prevention, this 'smart on crime' approach responds to the disproportionate number of former offenders re-entering society through large U.S. cities. Polls show widespread support across America for rehabilitation as a public safety strategy."

**National League of Cities Audio Conference, co-sponsored by the National Employment Law Project and the National HIRE Network (January 18, 2007)**

**"Banning the Box: Facilitating the Reentry of Former Offenders into the Workforce & Community ([Click here](#)).**

**National Employment Law Project Presentation**

**Before the U.S. Conference of Mayors Annual Conference ([Click here](#))**

"New City Hiring Policies Promote Public Safety by Reducing Barriers to Employment of People with Criminal Records" (June 4, 2006)

**Model Letter in Support of Local Hiring Initiatives ([Click here](#))**

**Prepared by the National Employment Law Project and the National H.I.R.E. Network**

## **4. Technical Assistance**

For more information about city hiring policies that limit discrimination against people with criminal records, or for help developing similar policies for other cities, contact:

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