



Office of the Mayor

CONSENT CALENDAR

June 12, 2007

To: Members of the City Council

From: Mayor Tom Bates

Subject: Ensuring Equal Opportunity Employment Opportunities For People Re-Entering The Workforce After Prison.

RECOMMENDATION

Request the City Manager to 1) refer the review of the City of Berkeley's hiring process as it pertains to the consideration of conviction history, including but not limited to the application, the application review process and whether a nexus between a conviction and the vacant position must exist prior to a rejection of an applicant, and 2) return to Council with a report and recommendation that ensures equal opportunity employment opportunities for people re-entering the workforce after prison.

BACKGROUND

California incarcerates and releases more people per capita than any other state, resulting in large numbers of people whose backgrounds include past criminal activity and/or imprisonment. People with criminal records suffer pervasive discrimination in many areas of life – employment, housing, education, and eligibility for many forms of social benefits. Often this discrimination is life-long – lasting long after a person has served their time in prison and started a new life.

The State of California has embarked on an effort to reform our prison system, while at the same time it is building 53,000 new prison beds. With mandatory sentencing for some minor offenses, along with the Three-Strikes legislation, the population of formerly incarcerated and incarnated people continues to skyrocket. Recidivism rates in California continue to be high – up to 70%.

When a person with past convictions has served his/her time for the crime, it is important for potential employers to have the presumption of rehabilitation. However, if ex-prisoners have no re-entry plan and no opportunity for gainful employment, they often see no other option except returning to their previous life of crime.

Often employers use any conviction history as a way to eliminate applicants from consideration, without ever looking at their qualifications. In fact, just having the question – *Have you ever been convicted of a felony* poses the first barrier to someone working to improve his/her life. According to organizations that work with ex-prisoners, this question alone can intimidate a potential qualified candidate from even applying, assuming he/she will not even be considered if they answer honestly.

Working with organizations such as All of Us or None and Legal Services for Prisoners with Children, the Cities of San Francisco, Chicago and Boston have both passed legislation removing the question of criminal conviction from their initial application and screening process. As the hiring process proceeds, the human resources departments always ask for additional information, and at the time when they deem most critical, they ask for criminal history. At that point, they then evaluate whether there is a nexus between the vacant position and the conviction. The Counties of Alameda and Los Angeles are currently entertaining similar legislation.

I am asking that the City Manager review the City of Berkeley hiring process, from the application through to employment process. Currently, the City of Berkeley Application for Employment includes two yes/no questions on #16 – *Have you ever been discharged or forced to resign from employment?* and *Have you ever been convicted of a felony? If yes, state detail(s), employer(s) and reason(s).*

Some initial questions could be, but not limited to:

1. Does the City of Berkeley have written policies regarding employment of people with felony or misdemeanor convictions?
2. What is the application screening process and how is the answer to conviction history taken into consideration?
3. How and when in the process are criminal background checks done and which positions require such a check?
4. Is there consideration given to the length of time between the last conviction and the date of submitting the job application?
5. Who has access to disclosed criminal record information during the application process and what security is provided so confidentiality of these records is not violated?

#### FISCAL IMPACTS OF RECOMMENDATION

Staff time to review current policies and practices.

#### CONTACT PERSON

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