

1 [Supporting Assembly Bills 218 and 870 - Expansion of California's Fair Hiring Policies to
2 Cities, Counties, State Agencies, Special Districts, and Private Employers That Contract with
3 State Agencies]

4 **Resolution supporting Assembly Bill 218, which expands California's existing fair**
5 **hiring policies for state and public employees to city and county workers statewide,**
6 **and Assembly Bill 870, which expands California's existing fair hiring policies to**
7 **private employers that contract with the State.**

8
9 WHEREAS, Existing law requires the hiring practices and promotional practices of a
10 local agency, as defined, to conform to the Federal Civil Rights Act of 1964 and prohibits any
11 local agency from, as a part of its hiring practices or promotional practices, employing any
12 educational prerequisites or testing or evaluation methods, which are not job related unless
13 there is no adverse effect; and

14 WHEREAS, California Assembly Bill 218 (Dickinson), on file with the Clerk of the Board
15 of Supervisors in File No. 130302, which is hereby declared to be part of this resolution as if
16 set forth fully herein, recently introduced in the California Assembly, would prohibit a local
17 agency from inquiring into or considering the criminal history of an applicant and including any
18 inquiry about criminal history on any initial employment application; and

19 WHEREAS, California Assembly Bill 218 would allow a local or state agency to
20 consider an applicant's conviction history after the applicant's qualifications have been
21 screened and the agency has determined the applicant meets the minimum employment
22 requirements, as stated in any notice issued for the position; and

23 WHEREAS, California Assembly Bill 218 would not apply to a position for which a local
24 agency is otherwise required by law to conduct a criminal history background check; and

25

1 WHEREAS, California Assembly Bill 218 would also express a legislative finding and
2 declaration that reducing barriers to employment for people who have previously offended,
3 and decreasing unemployment in communities with concentrated numbers of people who
4 have previously offended, is a matter of statewide concern; and

5 WHEREAS, All cities, counties, state agencies, and special districts, including charter
6 cities and counties would be subject to the provisions of California Assembly Bill 218; and

7 WHEREAS, California Assembly Bill 870 (Jones-Sawyer), on file with the Clerk of the
8 Board of Supervisors in File No. 130302, which is hereby declared to be part of this resolution
9 as if set forth fully herein, recently introduced in the California Assembly, would prohibit the
10 State from contracting with a person or entity that inquires into or considers the criminal
11 history of a potential employee on an initial employment application; and

12 WHEREAS, California Assembly Bill 870 would authorize the State to contract with a
13 person or entity that inquires into or considers an applicant's criminal history after the
14 applicant's qualifications have been screened and the employer has determined the applicant
15 meets the minimum employment requirements; and

16 WHEREAS, California Assembly Bill 870 would not apply to a position for which an
17 employer is otherwise required by law to conduct a criminal history background check or to
18 any contract position with a criminal justice agency; and

19 WHEREAS, California Assembly Bill 870 would also express a legislative finding and
20 declaration that reducing barriers to employment for people who have previously offended,
21 and decreasing unemployment in communities with concentrated numbers of people who
22 have previously offended, is a matter of statewide concern; and

23 WHEREAS, In California and around the country, qualified job applicants often are
24 plagued by old or minor convictions and are discouraged from submitting applications for
25

1 employment because a check box on job applications requires disclosure of criminal history
2 information that often leads employers to dismiss applicants at the outset; and

3 WHEREAS, People of color are disproportionately impacted by criminal background
4 checks in employment, which is why the U.S. Equal Employment Opportunity Commission
5 (EEOC) requires employers to establish a strong nexus between an applicant's criminal
6 history and the specific duties and responsibilities of a given position; and

7 WHEREAS, The City and County of San Francisco and over 45 other cities and
8 counties in the United States removed the conviction history inquiry from initial employment
9 applications in public employment and delayed the criminal background check until the later
10 stages of the hiring process; and

11 WHEREAS, In 2010, California became the sixth state to do so when the State
12 Personnel Board removed the question from employment applications for state level positions
13 in public service; and

14 WHEREAS, Realignment of California's criminal justice system, as described in
15 California Assembly Bill 109, seeks to produce budgetary savings by reducing recidivism and
16 promoting rehabilitation; and

17 WHEREAS, Employment of eligible people with a conviction history is key to the
18 success of the realignment strategy at a local level, as studies show that stable employment
19 significantly lowers recidivism and promotes public safety; and

20 WHEREAS, In October 2005, the San Francisco Board of Supervisors unanimously
21 adopted legislation that promoted the successful integration of individuals with criminal
22 histories and initiated the removal of the request for conviction history information in the initial
23 application process for public employment; and

24 WHEREAS, The Reentry Council of the City and County of San Francisco, in its
25 Annual Report, identified arrest and conviction records as barriers to employment, and it

1 recommends that the City and County of San Francisco's policy on criminal background
2 checks should be extended to other jurisdictions; and

3 WHEREAS, The City and County of San Francisco strongly supports California
4 Assembly Bill 218 and California Assembly Bill 870 because they promote public safety by
5 reducing unnecessary barriers to employment for nearly seven million adults in California with
6 criminal records; now, therefore, be it

7 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
8 hereby supports California Assembly Bill 218 and California Assembly Bill 870 and authorizes
9 the Clerk of the Board of Supervisors to communicate to the California State Legislature its
10 support of California Assembly Bill 218 and California Assembly Bill 870; and

11 FURTHER RESOLVED, That the San Francisco Board of Supervisors hereby directs
12 the Clerk of the Board to transmit copies to the members of the State Assembly from San
13 Francisco and the members of the State Senate that represent San Francisco with a request
14 to take all action necessary to achieve the objectives of this resolution.

15
16
17
18
19
20
21
22
23
24
25