

File No. 120292

Board Item No. 14

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Board of Supervisors Meeting

Date: March 27, 2012

Cmte	Board	
<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form (for hearings)
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER:

Completed by: Annette Lonich

Date: March 22, 2012

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document is in the file.

Print Form

Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee:
- An ordinance, resolution, motion, or charter amendment.
- 2. Request for next printed agenda without reference to Committee.
- 3. Request for hearing on a subject matter at Committee:
- 4. Request for letter beginning "Supervisor inquires"
- 5. City Attorney request.
- 6. Call File No. from Committee.
- 7. Budget Analyst request (attach written motion).
- 8. Substitute Legislation File No.
- 9. Request for Closed Session (attach written motion).
- 10. Board to Sit as A Committee of the Whole.
- 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission Youth Commission Ethics Commission
- Planning Commission Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a different form.

Sponsor(s):

Supervisor Olague, Campos

Subject:

Resolution supporting Assembly Bill 1831

The text is listed below or attached:

Resolution supporting Assembly Bill 1831, which expands California's "Ban the Box" policy for state and public employees to city and county workers statewide.

Signature of Sponsoring Supervisor: *Christina Olague*

For Clerk's Use Only:

1 [Supporting Assembly Bill 1831 – Regarding Expansion of California’s “Ban the Box” Policy]

2
3 **Resolution supporting Assembly Bill 1831, which expands California’s “Ban the Box”**
4 **policy for state and public employees to city and county workers statewide.**

5
6 WHEREAS, existing law requires the hiring practices and promotional practices of a
7 local agency, as defined, to conform to the Federal Civil Rights Act of 1964 and prohibits any
8 local agency from, as a part of its hiring practices or promotional practices, employing any
9 educational prerequisites or testing or evaluation methods, which are not job related unless
10 there is no adverse effect; and

11 WHEREAS, California Assembly Bill 1831 (Dickinson), recently introduced in the
12 California Assembly, would prohibit a local agency from inquiring into or considering the
13 criminal history of an applicant and including any inquiry about criminal history on any initial
14 employment application; and

15 WHEREAS, California Assembly Bill 1831 would authorize a local agency to consider
16 an applicant’s criminal history after the applicant’s qualifications have been screened and the
17 agency has determined the applicant meets the minimum employment requirements, as
18 stated in any notice issued for the position; and

19 WHEREAS, California Assembly Bill 1831 would not apply to a position for which a
20 local agency is otherwise required by law to conduct a criminal history background check; and

21 WHEREAS, California Assembly Bill 1831 would also express a legislative finding and
22 declaration that reducing barriers to employment for people who have previously offended,
23 and decreasing unemployment in communities with concentrated numbers of people who
24 have previously offended, is a matter of statewide concern; and

1 WHEREAS, All cities and counties, including charter cities and counties, would be
2 subject to the provisions of California Assembly Bill 1831; and

3 WHEREAS, In California and around the country, qualified job applicants often are
4 plagued by old or minor convictions and are discouraged from submitting applications for
5 employment because a check box on job applications requires disclosure of criminal history
6 information that often leads employers to dismiss applicants at the outset; and

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

11 WHEREAS, The City and County of San Francisco and over 30 cities and counties in
12 the United States removed the conviction history inquiry from initial employment applications
13 in public employment and delayed the criminal background check until the later stages of the
14 hiring process; and

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

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

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

24 WHEREAS, In October 2005, the Board of Supervisors, unanimously adopted
25 legislation that promoted the successful integration of individuals with criminal histories and

1 initiated the removal of the request for criminal history information in the initial application
2 process for public employment; and

3 WHEREAS, The Reentry Council of the City and County of San Francisco, in its
4 Annual Report, identified arrest and conviction records as barriers to employment and it
5 recommends that the City and County of San Francisco's policy on criminal background
6 checks should be extended to other jurisdictions; and

7 WHEREAS, On March 6, 2012, the Reentry Council of the City and County of San
8 Francisco submitted a letter urging Mayor Lee and the San Francisco Board of Supervisors to
9 pass a resolution in support of California Assembly Bill 1831; and

10 WHEREAS, The City and County of San Francisco strongly supports California
11 Assembly Bill 1831 because it promotes public safety by reducing unnecessary barriers to
12 employment for nearly seven million adults in California with criminal records; now, therefore,
13 be it

14 RESOLVED, That the Board of Supervisors of the City and County of San Francisco
15 hereby supports California Assembly Bill 1831 and authorizes the Clerk of the Board of
16 Supervisors to communicate to the California State Legislature in support of California
17 Assembly Bill 1831.

ASSEMBLY BILL

No. 1831

Introduced by Assembly Member Dickinson
(Coauthor: Assembly Member Swanson)

February 22, 2012.

An act to add Section 50085.3 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1831, as introduced, Dickinson. Local government: hiring practices.

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

This bill would prohibit a local agency from inquiring into or considering the criminal history of an applicant or including any inquiry about criminal history on any initial employment application. The bill would authorize a local agency to consider an applicant's criminal history after the applicant's qualifications have been screened and the agency has determined the applicant meets the minimum employment requirements, as stated in any notice issued for the position. The bill would not apply to a position for which a local agency is otherwise required by law to conduct a criminal history background check.

The bill would also express a legislative finding and declaration that reducing barriers to employment for people who have previously offended, and decreasing unemployment in communities with

concentrated numbers of people who have previously offended, is a matter of statewide concern, and that therefore, all cities and counties, including charter cities and counties, would be subject to the provisions of the bill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares that reducing
2 barriers to employment for people who have previously offended,
3 and decreasing unemployment in communities with concentrated
4 numbers of people who have previously offended, is a matter of
5 statewide concern. Therefore, this act shall apply to all cities and
6 counties, including charter cities and charter counties. The
7 Legislature further finds and declares that, consistent with the
8 Criminal Justice Realignment Act of 2011 (Chapter 39 of the
9 Statutes of 2011), increasing employment opportunities for people
10 who have previously offended will reduce recidivism and improve
11 economic stability in our communities.

12 SEC. 2. Section 50085.3 is added to the Government Code, to
13 read:

14 50085.3. (a) A local agency shall not inquire into or consider
15 the criminal history of an applicant or include any inquiry about
16 criminal history on any initial employment application. A local
17 agency may consider an applicant's criminal history after the
18 applicant's qualifications have been screened and the agency has
19 determined the applicant meets the minimum employment
20 requirements, as stated in any notice issued for the position.

21 (b) This section shall not apply to a position for which a local
22 agency is otherwise required by law to conduct a criminal history
23 background check.

24 (c) Nothing in this section shall be construed as requiring that
25 a local agency conduct a criminal history background check.

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