

LEGISLATIVE DIGEST

[Administrative, Police Codes - Criminal History Inquiries for Employment and Housing]

Ordinance amending the Administrative and Police Codes to narrow the definition of Property Contracts that are subject to limitations on criminal history inquiries; allow employers and City contractors to inquire about and consider infractions on driving records for positions involving driving; allow employers and City contractors to inquire about and consider a conviction that is more than seven years old for positions involving the supervision or care of minors, dependent adults, or seniors; authorize the City to bring a civil action against a housing provider that violates restrictions on criminal history inquiries; and provide that the criminal history inquiry restrictions in these Codes prevail over any existing conflicting City law.

Existing Law

Article 49 of the Police Code restricts employers and affordable housing providers' consideration of criminal history information in making employment and housing-related decisions. Chapter 12T of the Administrative Code places similar restrictions on City contractors and lessees in making employment decisions.

Amendments to Current Law

The proposed ordinance would amend the Police Code and Administrative Code as follows:

- Narrow the definition of "Property Contracts" that are subject to limitations on criminal history inquiries to remove leases under which the City is the lessee or tenant, and exempt leases with public entities.
- Allow employers and City contractors to consider infractions on driving records when hiring for driving-related positions.
- Clarify that employers and City contractors may ask for consent to conduct a background check on a job application only if the application form includes a clear and conspicuous statement that the background check will not be conducted until either after the first live interview or after a conditional offer of employment.
- Allow Department Heads to waive the prohibition on considering convictions more than seven years old for City contractors or grantees who provide services to or supervise minors, dependent adults, or seniors.
- Allow employers to consider convictions more than seven years old when hiring for positions involving the supervision or care of minors, dependent adults, or seniors.

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- Amend the definition of “employment” that is subject to the requirements of the ordinance to clarify that such employment must be at least eight hours per week within the City.
- Authorize the City to file a civil action against a housing provider that violates the Police Code’s restrictions on criminal history inquiries.
- Provide that the provisions of the ordinance prevail over any existing conflicting City law.

Background Information

Article 49 of the Police Code and Chapter 12T of the Administrative Code, together referred to as the “Fair Chance Ordinance,” was adopted in February 2014 by Ordinance No. 17-14 and became operative on August 13, 2014. The proposed amendments would clarify certain restrictions in the Ordinance and provide narrow exceptions to allow employers and City contractors to consider infractions for driving-related job positions and convictions older than seven years for positions involving the supervision or care of minors, dependent adults, and seniors.

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