

LEGISLATIVE DIGEST

Amended in Committee 3/14/18

[Police, Administrative Codes - Considering Criminal History in Employment and Housing Decisions]

Ordinance amending the Police Code to prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on convictions for decriminalized behavior, including the non-commercial use and cultivation of cannabis; reduce from 20 to 5 the number of employees required for an employer to be covered by the Fair Chance Ordinance (Article 49); prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on a person’s conviction history until after a conditional offer of employment; authorize the City to impose penalties for the first violation of that Ordinance, increase the penalties for subsequent violations, and authorize the payment of penalties to the victims of those violations; create a private right of action for the victims; and amend the Administrative Code to, among other things, as defined herein, require City contractors and subcontractors to adhere to the above requirements when making decisions regarding employment of persons for work on City contracts and subcontracts.

Existing Law and Amendments to Existing Law

Existing Law	Amendments to Existing Law
Employers, housing providers, contractors, and subcontractors may inquire about, require disclosure of, and base housing and employment decisions on convictions for decriminalized behavior that are seven years old or less. Examples of such decriminalized behavior include the non-commercial use and cultivation of cannabis.	This measure would prohibit employers, housing providers, contractors, and subcontractors from inquiring about, requiring disclosure of, or basing housing and employment decisions on convictions for decriminalized behavior, including convictions for the non-commercial use and cultivation of cannabis.
The law applies to employers that employ 20 or more persons.	This measure would apply to employers that employ 5 or more persons.
For a first violation, no penalties may be assessed.	For a first violation, a penalty of no more than \$500 could be assessed.
For a second violation, a penalty of no more than \$50 may be assessed.	For a second violation, a penalty of no more than \$1,000 could be assessed.
For subsequent violations, a penalty of no more than \$100 may be assessed.	For subsequent violations, a penalty of no more than \$2,000 could be assessed.
If multiple people are impacted by the same procedural violation at the same time (e.g. all	If multiple people are impacted by the same procedural violation at the same time, the

<p>applicants for a certain job opening are asked for their conviction history on the initial application), the violation is treated as a single violation rather than multiple violations.</p>	<p>violation would be treated as one violation for each impacted person.</p>
<p>Penalties must be paid to the City.</p>	<p>Penalties would be paid to the person impacted by the violation.</p>
<p>Only the City Attorney can sue for violations of this law.</p>	<p>This measure would authorize any employee or applicant whose rights have been violated to sue.</p>
<p>Employers and housing providers may inquire about, require disclosure of, or base housing and employment decisions on a person's conviction history after either a live interview or after a conditional offer of employment.</p>	<p><u>This measure would prohibit employers and housing providers from inquiring about, requiring disclosure of, or basing housing and employment decisions on a person's conviction history until after a conditional offer of employment.</u></p>

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