



TO: T.C. Broadnax, City Manager
FROM: Joy St. Germain, Human Resources Director
COPY: City Council and City Clerk
SUBJECT: Resolution Supporting the Removal of the Conviction Question from Applications for Employment with the City of Tacoma – June 30, 2015
DATE: June 16, 2015

SUMMARY:

Resolution to support “Ban the Box” by removing the question from the City of Tacoma’s employment application software program (NEOGOV) that asks “Have you been convicted of a felony within the last 10 years?”

COUNCIL SPONSORS:

Mayor Marilyn Strickland and Council Members: Lonergan, Walker and Woodards

STRATEGIC POLICY PRIORITY:

The requested Resolution aligns with the City Council’s Strategic Policy Priority: *To Foster a vibrant and diverse economy with good jobs for all Tacoma residents*, and the City’s Equity and Empowerment Initiative: *To support human rights and opportunities for everyone to achieve their full potential*.

BACKGROUND:

There is a nationwide movement to “ban the box” which refers to the check box on applications asking whether the candidate has ever been convicted of a serious crime. Proponents argue that removing the question/box reduces an unfair barrier to employment – the likelihood of being screened out early in the process without further consideration of qualifications based on checking “yes” -- for those with criminal records. Removing the box ensures that the candidates’ qualifications, rather than conviction records only, are considered in the early screening process.

Background checks will still be completed, which includes obtaining records of prior convictions, prior to hire. Current Equal Employment Opportunity Commission (EEOC) guidelines related to criminal history recommend against blanket disqualification based on conviction, and that hiring managers consider the specific offense and the relationship to the position for which the candidate applied, in determining whether the candidate is qualified for employment. The City’s background check guidelines reflect the EEOC guidelines. City background check procedures should include a review of criminal history and candidates would be asked to disclose any criminal history issue as part of that process after a conditional offer of employment is made pending the background check.

For Police Department applicants the question will continue to be asked early in the hiring process as part of the Personal History Questionnaire, and applicants must pass a background investigation and polygraph test. Procedures may differ for certain positions in the City Attorney’s Office and in the Tacoma Municipal Court.

Pierce County modified their County employment application in November 2012, removing the question regarding felony convictions in the last ten years. At this time there are 17 states and over 100 cities and counties that have taken steps to remove barriers to employment for qualified workers with records, including Seattle and Spokane.



At the June 16, 2015 Study Session, Council Member Woodards shared a Council Consideration Request for City Council concurrence to direct the City Manager to prepare a resolution for City Council consideration that will “Ban the Box” by removing the question from the City’s employment application asking “Have you been convicted of a felony within the last 10 years?”

ISSUE:

The City’s background check guidelines reflect the EEOC guidelines and include a review of criminal history; however, having a conviction question on the application may cause a blanket disqualification of applications with convictions without further consideration of qualifications.

ALTERNATIVES:

The Council could choose to not support the requested resolution.

RECOMMENDATION:

The recommendation is that the City Council adopt the resolution “To Ban the Box” for the purpose of reducing an unfair barrier to employment and the likelihood of applicants being screened out early in the process without further consideration of qualifications and the offenses in relationship to the position applied for.

FISCAL IMPACT:

There is no fiscal impact.