

To the Mayor and Members of the City Council

June 2, 2015

Page 1 of 2

**SUBJECT: BAN THE BOX CAMPAIGN**

The purpose of this report is to provide information regarding the City of Fort Worth's use of criminal history information in the selection process of applicants for general government positions within the City. *Note: Due to the unique requirements and extensive background verification already in place, this does not apply to sworn police or fire personnel.*

Recently a Council Member mentioned the "ban the box campaign." This campaign focuses on the removal of questions related to criminal history on applications for employment. In 2012, the Equal Employment Opportunity Commission (EEOC) provided guidance concerning potential discrimination in employment screening related to the use of criminal histories. Relying on certain arrest or criminal history information when there is no business justification for it can perpetuate disparity in workforce diversity.

In order to abide by the EEOC's guidance and ensure fairness in the City's hiring processes the Human Resources department removed three of the four questions that were related to criminal conduct from the City's application for employment last fall. In an effort to further reduce the hiring supervisor's and the City's risk of being falsely accused of discriminatory hiring practices, we are removing the final question regarding criminal history from our application for employment, and no longer requiring applicants to reveal whether they have one or more criminal convictions at the time they apply.

Consistent with the Personnel Rules and Regulations, the removal of criminal history questions does not mean the City will no longer examine a candidate's criminal history. Rather, it just means this process will be conducted without involving the person making the employment decision. Specifically, Human Resources will consult with the supervisor before the job is posted regarding the nature of the position and what types of criminal offenses should typically disqualify a candidate from being selected for the position. Then, after the supervisor has selected the top candidate(s), but **prior** to any job offer being presented, Human Resources staff will then gather the criminal history information from the candidate(s), and perform our typical background check of verifying employment and researching criminal history. If a background check reveals that an applicant has any criminal convictions, including deferred adjudications, or deferred dispositions (other than minor traffic offenses), Human Resources and the department will conduct an individualized assessment to determine if job-related reasons and business necessity require the City to deny the applicant the position. The criteria considered will include:

- ***The nature and gravity of the offense or conduct –***
 - the nature of the crime, i.e., a misdemeanor or a felony, and what class;
 - the type of offense, e.g., violent or assaultive, crime of moral turpitude including theft or fraud, sex offenses, drug offenses; and whether the individual has multiple convictions;

To the Mayor and Members of the City Council

June 2, 2015

Page 2 of 2



SUBJECT: BAN THE BOX CAMPAIGN

- ***The time that has passed since the offense or conduct and/or completion of the sentence*** – typical criminal history reviews include the immediately prior seven years (industry standard), however, Human Resources will review the individual's entire conviction record that is available; and
- ***The nature of the job they are seeking*** – individuals seeking positions in accounting or as a cashier would be disqualified if they had a history of theft, fraud, embezzlement, etc.

Please feel free to direct any questions you may have to Brian Dickerson, Director of Human Resources, or myself.

David Cooke
City Manager