



# REQUEST FOR COUNCIL ACTION

## City of Greenville, South Carolina

Agenda Item No.

16a

**TO:** Honorable Mayor and Members of City Council  
**FROM:** Nancy P. Whitworth, Interim City Manager

Ordinance/First Reading  Ordinance/Second & Final Reading  Resolution/First & Final Reading  Information Only

**AGENDA DATE REQUESTED:** June 24, 2019

**ORDINANCE/RESOLUTION CAPTION:**

TO SUPPORT THE "BAN THE BOX" INITIATIVE BY INCREASING EMPLOYMENT OPPORTUNITIES FOR QUALIFIED APPLICANTS WITH PAST CRIMINAL CONVICTIONS

**SUMMARY BACKGROUND:**

This Resolution recognizes hiring practices that unnecessarily consider the past criminal convictions of applicants can prevent willing and qualified job applicants from obtaining gainful employment, acknowledges the city of Greenville's long standing commitment to fair chance hiring practices, and expresses City Council's support for the City not considering the criminal history of a qualified applicant for employment with the City until after the completion of the interview, except for law enforcement and fire and rescue positions.

**IMPACT IF DENIED:**

If denied, City Council will not acknowledge the City's commitment to fair chance hiring practices or express support for the City not considering the criminal history of an applicant for employment until after the completion of the interview.

**FINANCIAL IMPACT**

N/A

### REQUIRED SIGNATURES

Department Director

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City Attorney

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OMB Director

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City Manager

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A R E S O L U T I O N

TO SUPPORT THE “BAN THE BOX” INITIATIVE BY INCREASING EMPLOYMENT OPPORTUNITIES FOR QUALIFIED APPLICANTS WITH PAST CRIMINAL CONVICTIONS

WHEREAS, more than 70 million Americans with criminal backgrounds face significant barriers to employment as a direct result of an arrest or criminal conviction since this population is often overlooked by potential employers without consideration of skills or qualifications; and

WHEREAS, these challenges limit formerly incarcerated Americans’ access to job opportunities, thereby increasing the likelihood of recidivism at a great cost to taxpayers and cities across the country; and

WHEREAS, numerous cities and private employers have adopted “Ban the Box” policies to better enable people with criminal records to overcome the barrier of having to check a box on a job application indicating they have a past criminal conviction; and

WHEREAS, such reforms save taxpayer dollars while providing opportunities to an often marginalized population; and

WHEREAS, the city of Greenville (“City”) has long focused on efforts that provide fair chances for its residents, including through hiring; and

WHEREAS, the City has a practice of hiring and retaining qualified individuals for the job advertised while providing equal opportunity for all applicants applying for City positions, including qualified individuals who have prior criminal convictions; and

WHEREAS, City Council commends the City’s continued implementation of such fair chance hiring practices; and

WHEREAS, City Council hopes other employers will adopt similar such hiring practices; and

WHEREAS, City Council believes that hiring practices that unnecessarily consider the past criminal convictions of applicants can prevent willing and qualified job applicants from obtaining gainful employment; and

WHEREAS, City Council feels that the City should ensure that its employees have the public’s trust, particularly where a city position involves working public safety, entrance into residence homes, work with children and the elderly, work with critical infrastructure, and other sensitive matters; and

WHEREAS, City Council believes that the City can continue to safeguard the public’s trust while providing equal opportunity for gainful employment with the City to people with prior criminal convictions; and

WHEREAS, City Council supports the City considering its legitimate interest in protecting the property, safety, and welfare of specific individuals and the general public in all hiring decisions; and

WHEREAS, City Council also supports the City’s practice of not considering the criminal history of a qualified applicant until after the completion of the interview, provided that questions

regarding background, including criminal convictions, are asked where such inquiries are required by law or are integral to the job being applied for, e.g. law enforcement, fire and rescue, and positions with access to children or vulnerable adults; and

WHEREAS, City Council further supports the City in making inquiries regarding the background and criminal history of applicants for law enforcement and fire and rescue positions; and

WHEREAS, City Council believes that, for general positions, it is appropriate for the City to not consider an arrest that does not result in conviction; a conviction that was dismissed, expunged, or sealed; or an infraction or misdemeanor which did not result in imprisonment; and

WHEREAS, City Council also believes that the City should continue to consider the following factors prior to rejecting an applicant with a criminal history: the nature, severity, and number of criminal conviction(s) or pending charge(s); the age of the applicant at the time the criminal offense was committed; the amount of time between the commission of the criminal offense and the date of application for employment; any verifiable information provided by the applicant related to his or her rehabilitation; and the relation of the elements of the criminal offense or charge to the responsibilities of the position the applicant seeks; and

WHEREAS, City Council supports the City providing an applicant the opportunity to demonstrate a conviction should not exclude him or her from consideration for the position sought with the City in the event a background check yields information of concern; and

WHEREAS, City Council also supports including information on City job advertisements and applications indicating that the City is a Fair Chance Employer;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, City Council does hereby support and encourage the City's efforts to ensure that information regarding applicant's criminal record is considered in the proper context, and to engage in hiring practices that do not necessarily place jobs out of reach for those citizens with criminal records.

RESOLVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

Attest:

\_\_\_\_\_  
CITY CLERK