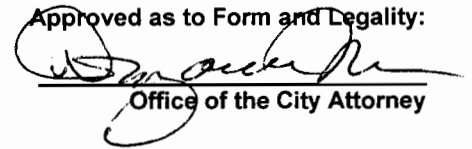


FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2012 MAR -8 PM 3:10

Approved as to Form and Legality:

  
Office of the City Attorney

## Oakland City Council

RESOLUTION No. 83766 C.M.S.

Introduced by Councilmember Nancy Nadel

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### RESOLUTION IN SUPPORT OF AB 1831 (DICKINSON/SWANSON), WHICH EXPANDS CALIFORNIA'S "BAN THE BOX" POLICY FOR STATE PUBLIC EMPLOYEES TO CITY AND COUNTY WORKERS ACROSS THE STATE

**WHEREAS**, existing law requires the hiring practices and promotional practices of a local agency, as defined, to conform to the Federal Civil Rights Act of 1964 and prohibits any local agency from, as a part of its hiring practices or promotional practices, employing any educational prerequisites or testing or evaluation methods which are not job-related unless there is no adverse effect; and

**WHEREAS**, this bill would prohibit a local agency from inquiring into or considering the criminal history of an applicant to and including any inquiry about criminal history on any initial employment application; and

**WHEREAS**, the bill would authorize a local agency to consider an applicant's criminal history after the applicant's qualifications have been screened and the agency has determined the applicant meets the minimum employment requirements, as stated in any notice issued for the position; and

**WHEREAS**, the bill would not apply to a position for which a local agency is otherwise required by law to conduct a criminal history background check; and

**WHEREAS**, the bill would also express a legislative finding and declaration that reducing barriers to employment for people who have previously offended, and decreasing unemployment in communities with concentrated numbers of people who have previously offended, is a matter of statewide concern; and

**WHEREAS**, all cities and counties including charter cities and counties, would be subject to the provision of the bill; and

**WHEREAS**, the City of Oakland strongly supports AB 1831, which goes a long way to promote public safety by reducing unnecessary barriers to employment for the nearly seven million adult Californians with a criminal record; and

**WHEREAS**, in California and around the country, qualified job applicants are often plagued by old or minor records and discouraged from applying because a "box" on job applications requires criminal history information that often leads employers to dismiss applicants at the outset; and

**WHEREAS**, people of color are especially hard hit by criminal background checks, which is why the U.S. Equal Employment Opportunity Commission (EEOC) requires employers to establish a strong nexus between an individual's criminal history and the specific responsibilities of a given job; and

**WHEREAS**, AB 1831 follows the lead of five states and over 30 U.S. cities and counties that have removed the conviction history inquiry from initial job applications in public employment and delayed a criminal background check until the later stages of the hiring process; and

**WHEREAS**, in 2010, California became the sixth state to do so when the State Personnel Board removed the question from job applications for state positions; and

**WHEREAS**, the City of Oakland adopted this policy in March, 2010 and removed the question from job applications for city positions; and

**WHEREAS**, "Realignment" (AB 109) of California's criminal justice system seeks to produce budgetary savings by reducing recidivism and promoting rehabilitation; and

**WHEREAS**, employment of eligible people with a conviction history is key to the success of realignment at the local level, as studies have shown that stable employment significantly lowers recidivism and promotes public safety; and

**WHEREAS**, like public employment at the state level, California's cities and counties should pave the way for the private sector to reduce barriers to employment of people with criminal records; now, therefore be it

**RESOLVED:** That the Oakland City Council hereby provides that it supports Assembly Bill 1831 and authorizes the City Administrator to communicate to the California State Legislature the City Council's support of the Bill.

IN COUNCIL, OAKLAND, CALIFORNIA,

MAR 20 2012

PASSED BY THE FOLLOWING VOTE:

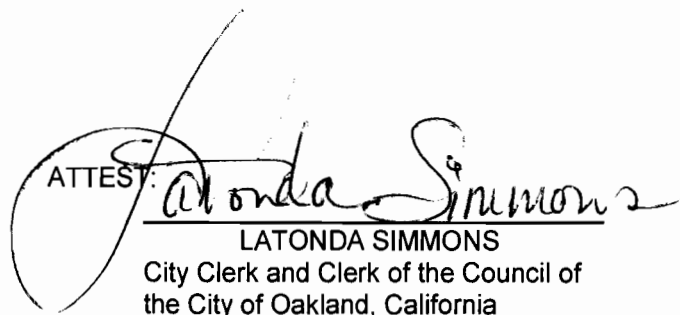
AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF, AND PRESIDENT REID - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:

  
LATONDA SIMMONS  
City Clerk and Clerk of the Council of  
the City of Oakland, California