



# AGENDA REPORT

**TO:** Members of The City Council

**FROM:** Council President Reid  
City Council

**SUBJECT:** Resolution to Support AB 1008

**DATE:** April 18, 2017

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## RECOMMENDATION

**TO ADOPT A RESOLUTION FOR THE CITY OF OAKLAND TO SUPPORT ASSEMBLY BILL 1008 (MCCARTY): EMPLOYMENT DISCRIMINATION: PRIOR CRIMINAL HISTORY**

## EXECUTIVE SUMMARY

The purpose AB would be to amend the Fair Employment and Housing Act (FEHA) by extending ban the box to private employers, delaying the background check until the conditional offer phase of the hiring process, and incorporating the 2012 EEOC guidelines that protect people of color against discrimination based on a criminal background check. The bill also adopts several of the helpful worker protections included in the Los Angeles and San Francisco laws.

## BACKGROUND / LEGISLATIVE HISTORY

California's current Ban the Box policy, passed in 2013, prohibits public employers from inquiring about an applicant's conviction history on an initial application. Today, 25 states and over 150 cities and counties nationwide have passed some form of a fair chance hiring law, including 9 states and 15 major cities (covering 20 percent of the U.S. workforce) that extend fair chance hiring to private employers. In California, in addition to the Richmond ordinance, Los Angeles and San Francisco now cover a large segment of California's employers. And here at home in Oakland, the Oakland Army Base redevelopment project has a strong Ban the Box policy for private employers. Ending discrimination in hiring is a priority for Oakland, given that 83% of adults and 92% of youth on probation in Alameda County reside in Oakland (site: Alameda County Probation Dept.). According to the California Department of Corrections and Rehabilitation, recidivism rates are around 45-61%, depending on various factors. Studies show that obtaining steady employment with livable wages reduces recidivism or the need to turn to the underground economy.

## ANALYSIS AND POLICY ALTERNATIVES

Ending discrimination in hiring is a priority for Oakland, given that 83% of adults and 92% of youth on probation in Alameda County reside in Oakland (site: Alameda County Probation

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Dept.). According to the California Department of Corrections and Rehabilitation, recidivism rates are around 45-61%, depending on various factors. Studies show that obtaining steady employment with livable wages reduces recidivism or the need to turn to the underground economy. Employment for formerly incarcerated people is also a racial justice issue given that 50% of adults on probation in Alameda County are Black, and 75% are people of color. When we eliminate barriers to employment for formerly incarcerated people, we have a positive and direct impact on communities of color, and we combat the systemic racism that has disproportionately harmed Black and Brown residents.

In 2013, the State of California passed historic legislation to reduce barriers to employment for people with conviction histories, and to decrease unemployment in communities with concentrated numbers of people with conviction histories, recognizing that these barriers are matters of statewide concern. The Ban the Box law passed in 2013 applied to state agencies, all cities and counties, including charter cities and charter counties, and special districts. In 2015, President Obama directed all federal agencies to “Ban the Box” and refrain from asking applicants about their convictions on the initial job application. Nationwide, 24 states and over 150 cities and counties have adopted a “Ban the Box” law, and over 300 companies have signed the White House Fair Chance hiring pledge. Since 2013, when Assembly Bill 218 was signed into law, five states have adopted fair chance hiring laws that cover private employers, Connecticut, Illinois, New Jersey, Oregon, and Vermont, as well as several major cities, including Baltimore, New York City, Philadelphia, and Austin, Texas.

### **FISCAL IMPACT**

There is no Fiscal Impact.

### **ACTION REQUESTED OF THE CITY COUNCIL**

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Respectfully submitted,

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Larry E. Reid  
President  
Oakland City Council

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