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CITY OF OAKLAND



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Date: March 2, 2017

To: City Council

From: Councilmember Kaplan

Re: Resolution Declaring That Past Non-Work-Related Cannabis Use Shall Not Be Grounds for Rejection for a City of Oakland Job Unless Doing So Is Ordered by A Superior Government Agency With Authority Over Such Matters

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Dear Colleagues on the City Council and Members of the Public,

In 2016, California voters passed Proposition 64, the "California Marijuana Legalization Initiative," which legalized recreational marijuana under state law for persons aged 21 years or older. Historically, the "war on marijuana" has disproportionately targeted people of color, especially African Americans.

One way of decreasing employment disparities for marginalized communities of color and addressing the disproportionate impacts of the war on drugs in those communities is to prohibit employment discrimination based on past non-work-related cannabis use.

For this reason, we are introducing this Resolution declaring that: past non-work-related cannabis use consistent with Proposition 64 shall not be considered in the selection process for any City job except where such consideration is legally required by an agency with authority over such matters. In those cases, (such as POST) we would ask the City to work with those agencies to urge removal of this requirement and seek to clarify post prop-64 requirements. We urge you to support this Resolution, which will be heard at the Finance Committee meeting on March 14, 2017.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rebecca Kaplan", written in a cursive style.

Councilmember At-Large Rebecca Kaplan

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Approved as to Form and Legality

# OAKLAND CITY COUNCIL

  
City Attorney

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember Kaplan

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**RESOLUTION DECLARING THAT PAST NON-WORK-RELATED CANNABIS USE SHALL NOT BE CONSIDERED IN THE SELECTION PROCESS FOR ANY CITY JOB EXCEPT POLICE OFFICER TRAINEE, POLICE OFFICER AND PUBLIC SAFETY DISPATCHER AND ANY OTHER POSITION FOR WHICH SUCH CONSIDERATION IS LEGALLY REQUIRED**

**WHEREAS**, Oakland has been a leader in the cannabis legalization movement and is committed to creating equitable policies; and

**WHEREAS**, the Oakland City Council recognizes that the “war on marijuana” has disproportionately targeted people of color, especially African Americans, as demonstrated by a recent study conducted by the American Civil Liberties Union of California and the Drug Policy Alliance, which found that African Americans were respectively cited for marijuana possession infractions 4.0 and 3.6 times more than Whites; and

**WHEREAS**, the Oakland City Council seeks to decrease employment disparities for marginalized communities of color and to address the disproportionate impacts of the war on drugs in those communities; and

**WHEREAS**, in 2016, California voters passed Proposition 64, the “California Marijuana Legalization Initiative,” which legalized recreational marijuana under state law for persons aged 21 years or older; and

**WHEREAS**, one way of decreasing employment disparities and increasing employment opportunities for qualified job applicants is to prohibit discrimination based on past non-work-related cannabis use that is consistent with Proposition 64; and

**WHEREAS**, the Oakland City Council recognizes that past non-work-related cannabis use does not predict a job applicant’s performance or otherwise determine their qualifications; and

**WHEREAS**, the City of Oakland would benefit from a policy that prohibits disqualification of job candidates who have engaged in past non-work-related cannabis use to the

broadest extent possible under the law because such a policy would expand the City's pool of qualified job applicants;

WHEREAS, California Penal Code section 13510 charges the California Commission on Peace Officer Standards and Training (POST) with establishing minimum selection standards for peace officers and public safety dispatchers; and

WHEREAS, POST regulations provide that agencies "shall consider" illegal drug and alcohol use in the selection process for peace officers and dispatchers; and

WHEREAS, recreational and medical marijuana use is presently illegal under federal law; now, therefore be it

**RESOLVED:** That past non-work-related cannabis use consistent with Proposition 64 shall not be considered in the selection process for any City job except police officer trainee, police officer and public safety dispatcher, and any other position for which such consideration is legally required; and be it further

**RESOLVED:** That the City shall work with POST and state officials in an effort to change the POST regulations to relieve municipalities from the requirement to consider past non-work-related cannabis use during the selection process for police officer trainees, police officers and public safety dispatchers.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, CAMPBELL WASHINGTON, GALLO, GIBSON MCELHANEY, GUILLEN, KALB, KAPLAN, AND PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California