

HELAINE ZACK
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MISCELLANEOUS RESOLUTION #19192

BY: Commissioners Nancy Quarles, District #17; Penny Luebs, District #16; Gwen Markham, District #9; Marcia Gershenson, District #13; William Miller, District #14 and Kristen Nelson, District #5

Janet Jackson
#21

IN RE: BOARD OF COMMISSIONERS – ADOPTION OF FAIR CHANCE HIRING POLICY FOR OAKLAND COUNTY EMPLOYMENT APPLICATIONS

To the Oakland County Board of Commissioners

Chairperson, Ladies, and Gentlemen:

WHEREAS the ability of people with records to successfully reintegrate into their communities contributes to reduced recidivism, strengthens families, leads to safer communities and contributes to increased economic opportunity; and

WHEREAS studies indicate that stable employment is one of the best predictors of post-conviction success; and

WHEREAS individuals with past records have skills to contribute and are often unemployed or underemployed due to unfair and unreasonable hiring practices; and

WHEREAS men with criminal records account for about 34 percent of all nonworking men ages 25 to 54, according to a recent New York Times/CBS News/Kaiser Family Foundation poll; and

WHEREAS a landmark study by Professor Devah Pager of Harvard University found that the likelihood of a callback for an interview for an entry-level position drops by 50 percent for applicants with a criminal record; and

WHEREAS the failure to employ the large population of people with felony convictions cost the United States about 0.4 to 0.5 percentage points of gross domestic product in 2008, or roughly \$57 billion to \$65 billion, according to a study by the Center for Economic and Policy Research; and

WHEREAS a broad menu of reforms, which some localities have deemed "Fair-Chance" laws, incorporate "Ban-the-Box" policies, which delay inquiry into a criminal record, and build off the best practices detailed in the U.S. Equal Employment Opportunity Commission's (EEOC) guidelines on the use of arrest and conviction records in employment decisions; and

WHEREAS EEOC recommendations that have been incorporated into fair-chance laws include prohibiting certain criminal record information from consideration in hiring decisions, such as arrests that did not lead to convictions; considering only specific job-related convictions in hiring; and providing job applicants an opportunity to explain their criminal record; and

WHEREAS across the nation, the "Ban-the-Box" is gaining tremendous momentum - 34 states and over 150 cities and counties have adopted fair chance policies or laws; and

WHEREAS Michigan joined this growing list on September 7, 2018, as Governor Snyder signed Executive Directive 2018-4, banning the criminal history pre-employment screening for most state departments and agencies; and

WHEREAS Oakland County is an Equal Opportunity Employer. We are committed to providing equal opportunity in all employment practices including selection, hiring, promotion, transfer, and compensation to all qualified applicants and employees without regard to race, religion, color, sex, age, national origin, disability, veteran status, weight and height; and

WHEREAS Oakland County's current pre-employment and hiring practices fall short of the U.S. Equal Employment Opportunity Commission's guidelines regarding the use of arrest and criminal history records, creating the possibility that the County may be disproportionately impacting some individuals protected under Title VII; and

WHEREAS Corporation Counsel has confirmed that "nothing within the Oakland County Merit Rules requires including a question regarding an applicant's criminal history"; and

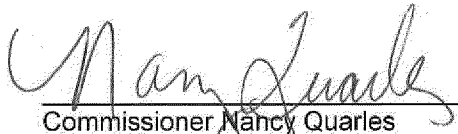
WHEREAS Oakland County will be stronger when all our residents can successfully compete for employment absent unfair discriminatory practices and utilize their skills in the workforce.


NOW THEREFORE BE IT RESOLVED that the Oakland County Board of Commissioners hereby add Oakland County to a growing number of states, counties and local governments that have endorsed the "Ban-the-Box" initiative.


BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners hereby approves Attachment A, the "Fair Chance Hiring Policy".

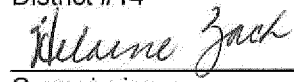
BE IT FURTHER RESOLVED that the "Fair Chance Hiring Policy" be incorporated in the Merit Rules in Merit Rule 5 - Examinations, following item 5 - H (1).

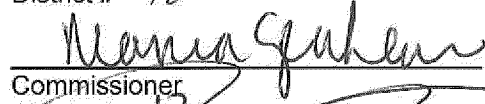
BE IT FURTHER RESOLVED that the Oakland County Board of Commissioners urges private employers and county contractors to adopt fair chance hiring practices that encourage the rehabilitation and employment of people with past records.
Chairperson, I move the adoption of the foregoing resolution.

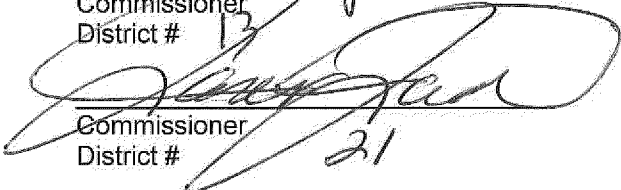

Commissioner Nancy Quarles
District #17


Commissioner Gwen Markham
District #9


Commissioner William Miller
District #14


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District # 18


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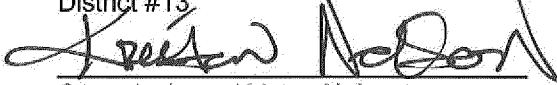
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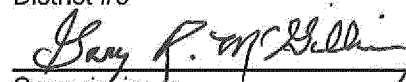
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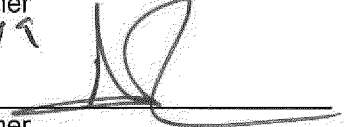

Commissioner Penny Luebs
District #16

Commissioner Marcia Gershenson
District #13


Commissioner Kristen Nelson
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Attachment A

FAIR CHANCE HIRING POLICY

Section 1.-Employment Applications: Except as otherwise required by federal or state law, the County of Oakland shall not inquire into or consider the criminal conviction of an applicant for employment with the County of Oakland until the applicant is being interviewed or is otherwise qualified for employment.

Section 2.-Consideration of Criminal Background: A criminal background is not a bar to county employment provided, that the prior criminal activity is not directly related to the position being sought.

Section 3.- Positions Requiring a Background Check: The Human Resources Department shall make a good faith determination as to which specific positions of employment are of such sensitivity that a background check is warranted or are required by law; and shall conduct background checks for these positions only. The Department shall provide a report annually to the Board of Commissioners of the classifications and number of positions requiring a pre-employment background check.

Section 4.-Disqualification: If an applicant is disqualified due to a job-related past conviction, the Human Resources Department shall notify the applicant and conduct an individualized assessment that permits the applicant to submit information regarding inaccuracy of the record and evidence of mitigation or rehabilitation, as appropriate. The Human Resources Department shall advise the County Department responsible for filling the position if the past conviction is an unreasonable basis for denying employment with Oakland County.

Resolution #19192

May 23, 2019

The Chairperson referred the resolution to the Legislative Affairs and Government Operations Committee.
There were no objections.