[Supporting Assembly Bill 1831 – Regarding Expansion of California's "Ban the Box" Policy]

Resolution supporting Assembly Bill 1831, which expands California's "Ban the Box" policy for state and public employees to city and county workers statewide.

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, California Assembly Bill 1831 (Dickinson), recently introduced in the California Assembly, would prohibit a local agency from inquiring into or considering the criminal history of an applicant and including any inquiry about criminal history on any initial employment application; and

WHEREAS, California Assembly Bill 1831 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, California Assembly Bill 1831 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, California Assembly Bill 1831 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 provisions of California Assembly Bill 1831; and

WHEREAS, In California and around the country, qualified job applicants often are
plagued by old or minor convictions and are discouraged from submitting applications for
employment because a check box on job applications requires disclosure of criminal history
information that often leads employers to dismiss applicants at the outset; and

WHEREAS, People of color are disproportionally impacted by criminal background
checks in employment, which is why the U.S. Equal Employment Opportunity Commission
(EEOC) requires employers to establish a strong nexus between an applicant's criminal
history and the specific duties and responsibilities of a given position; and

WHEREAS, The City and County of San Francisco and over 30 cities and counties in
the United States removed the conviction history inquiry from initial employment applications
in public employment and delayed the 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 employment applications for state level positions
in public service; and

WHEREAS, Realignment of California's criminal justice system, as described in
California Assembly Bill 109, 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 the realignment strategy at a local level, as studies show that stable employment
significantly lowers recidivism and promotes public safety; and

WHEREAS, In October 2005, the Board of Supervisors, unanimously adopted
legislation that promoted the successful integration of individuals with criminal histories and
WHEREAS, The Reentry Council of the City and County of San Francisco, in its Annual Report, identified arrest and conviction records as barriers to employment and it recommends that the City and County of San Francisco’s policy on criminal background checks should be extended to other jurisdictions; and

WHEREAS, On March 6, 2012, the Reentry Council of the City and County of San Francisco submitted a letter urging Mayor Lee and the San Francisco Board of Supervisors to pass a resolution in support of California Assembly Bill 1831; and

WHEREAS, The City and County of San Francisco strongly supports California Assembly Bill 1831 because it promotes public safety by reducing unnecessary barriers to employment for nearly seven million adults in California with criminal records; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco hereby supports California Assembly Bill 1831 and authorizes the Clerk of the Board of Supervisors to communicate to the California State Legislature in support of California Assembly Bill 1831.
Resolution supporting Assembly Bill 1831, which expands California's "Ban the Box" policy for state and public employees to city and county workers statewide.

March 27, 2012 Board of Supervisors - CONTINUED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

April 03, 2012 Board of Supervisors - ADOPTED
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

I hereby certify that the foregoing Resolution was ADOPTED on 4/3/2012 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Date: April 13, 2012

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, became effective without his approval in accordance with the provision of said Section 3.103 of the Charter.

Angela Calvillo
Clerk of the Board