



**COUNTY OF LOS ANGELES
DEPARTMENT OF HUMAN RESOURCES**

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MICHAEL J. HENRY
DIRECTOR OF PERSONNEL

August 30, 2006

To: Each Supervisor

From: Michael J. Henry
Director of Personnel

David E. Janssen,
Chief Administrative Officer

Raymond G. Fortner, Jr.
County Counsel

Subject **REQUEST FOR CRIMINAL CONVICTION HISTORY
ON EMPLOYMENT APPLICATIONS**

On May 23, 2006, your Board instructed the Chief Administrative Officer, Director of Personnel and County Counsel to:

1. Conduct a comprehensive analysis to determine the extent to which departments are inappropriately disqualifying applicants due to prior convictions.
2. Examine the feasibility of implementing an application process which does not deter qualified and rehabilitated individuals from applying for employment when such is the case.
3. Develop recommendations to improve training of human resources personnel in order to eliminate any unfair discrimination against qualified and rehabilitated applicants.
4. Jointly report back to the Board within 45 days with any recommendations to modify the County's employment application process as described herein.

The Department of Human Resources (DHR) sent a survey to all County departments and 60 other public sector organizations regarding their practices relating to the screening of employment applications for criminal convictions (Attachments A and B). This included the seven agencies that were reported in the discussion by the public to have already modified their applications to exclude questions regarding criminal history (Attachment C).

A random sample of applications received from four entry-level examinations was also reviewed. The findings of the review of the applications are inconclusive as to whether our current job application is a deterrent to potential candidates with criminal convictions. While there were applicants in each of the above examinations we reviewed who had conviction histories, we are unable to determine how representative it is of the total number of eligible candidates with similar backgrounds.

DHR's review found that the departments that do disqualify applicants due to their conviction history appear to be appropriately doing so based on established departmental hiring standards, County policy and current law.

SURVEY RESULTS

County Departments

The DHR survey found that departments maintain records but do not compile statistics regarding the acceptance or rejection of applications due to criminal convictions. All departments reported that they utilize the conviction information on the job application in determining eligibility for employment as part of the hiring process; and seven of the 38 departments evaluate the eligibility during the time of the application screening and have, in some cases, disqualified applicants due to their convictions.

Sixteen County departments have policies on conducting background checks. Eight departments have automatic bars to employment for designated positions. For example, Children & Family Services, Beaches and Harbors, and Parks and Recreation automatically bar convicted sex offenders because of their minor child client population. The Museums of Art and Natural History bar those who have theft convictions due to security concerns for the priceless collection of artifacts in their possession. Departments with peace officers (e.g., Sheriff, Office of Public Safety) bar applicants with felony convictions pursuant to State law.

Other Jurisdictions

Based on the 23 outside agencies that responded to our survey, only two (City and County of San Francisco and the City of Boston) have modified their job applications to exclude the request for information regarding an applicant's criminal conviction history. San Francisco implemented this change in July 2006 and Boston modified their application during Spring 2006. As these changes only recently became effective, there is no historical data regarding the impact this change has had in the number of applicants or the hiring process.

The City of Chicago is working with community leaders on a prisoner re-entry initiative and a review of their hiring practices is a component of this project. Seven other agencies indicated they are currently reviewing their hiring process and job applications; but no formal action has been taken yet.

Below is a detailed response to each of the items requested.

1. Conduct a comprehensive analysis to determine the extent to which departments are inappropriately disqualifying applicants due to prior convictions.

When screening employment applications, departments generally limit their review to whether the applicant meets the requirements as reflected on the job bulletin. However, all departments evaluate the applicants' criminal conviction background as disclosed on their applications during the hiring process. DHR reviewed a sample of the applications that were disqualified due to conviction history (Attachment D) and found that they were evaluated appropriately based on established departmental standards, such as:

- Designated sensitive positions
- Job nexus
- Type and nature of crime
- Recency of conviction
- Age of applicant at time of conviction
- Employment history since conviction

If a job application is rejected, it is County practice to provide candidates with appeal rights in the written notice of this action. If the application is accepted, the appeal rights are provided with the notice of results from the exam. A review of the 2,299 examination appeals filed during the last fiscal year (July 1, 2005 to June 30, 2006) determined that only two appeals were filed for application rejections due to conviction history. Both of the appeals were denied, which supports the finding that departments are properly evaluating the applications.

2. Examine the feasibility of implementing an application process which does not deter qualified and rehabilitated individuals from applying for employment when such is the case.

DHR conducted a random review of over 1,000 applications submitted for four entry-level examinations of different job types (laborer, clerical, administrative, and service). The results were as follows:

- *Grounds Maintenance Helper* (laborer position) – This examination was targeted for former GAIN/GROW participants as part of a welfare-to-work program. Of the 240 applications reviewed, 122 (50.8%) indicated on their applications that they had criminal convictions. None of the employees were excluded during the application process and 102 were placed on the eligible list and were reachable for appointment. Seven were hired.

- *Intermediate Clerk* (clerical position) – The requirements for this examination were six months County clerical experience, one year of clerical experience outside the County or an Associate of Arts degree in Clerical Procedures or Office Administration. Of the 313 applications reviewed, 12 (3.8%) indicated on their applications that they had criminal convictions. None were excluded due to their conviction history; however, only six were successful in the examination process, one of whom is eligible for hiring consideration and currently reachable for appointment.
- *Administrative Aide* (administrative position) – The requirements for this examination were a bachelor's degree from an accredited college and current enrollment in a designated masters' program. Of the 188 applications reviewed, eight (4.3%) indicated on their applications that they had criminal convictions. None were excluded due to their conviction history; however, six did not meet the minimum job requirements and only one of the remaining two was successful in the examination process. This candidate is currently reachable for appointment.
- *Animal Shelter Aide* (service) – There were no education or experience requirements. Of the 291 applications reviewed, 46 (15.8%) indicated on the applications that they had criminal convictions. None were excluded in the examination process due to their conviction history. Nineteen of the 46 were placed on the list; five of whom were reachable for appointment but were disqualified during the selection process due to their conviction history.

Although there were applicants in each exam who had prior criminal convictions, we are unable to conclusively determine if the County's current job application is a deterrent. This is due to the wide disparity in the number of candidates who did apply in the different exams, and the lack of available data on the number of eligible candidates with similar backgrounds who did not apply.

If the Board were to decide to remove the question regarding criminal conviction history from the County's employment application, several actions would need to take place.

- Destroy the present stock of applications and replace with a modified application. It is anticipated that the cost to provide an initial six-month supply of applications would be \$75,000. Or, phase-in the modified application once the present stock is depleted, which should be depleted within nine months.
- Develop a supplemental document to the application for the collection of background information on designated positions, such as law enforcement or legal personnel.

- Revise current departmental background check policies and/or practices and develop a separate document for gathering this information at a point in the hiring process that is separate and apart from the examination process.
 - Identify any legal issues or automatic bars for certain positions (e.g., sex offender convictions for positions dealing with children) and ensure that it is clearly communicated on job bulletins.
 - Offer to meet and consult with County unions regarding this change in employment practice.
- 3. Develop recommendations to improve training for human resources personnel in order to eliminate any unfair discrimination against qualified and rehabilitated applicants.**

The County of Los Angeles is an equal opportunity employer that actively seeks to recruit a wide diversity of qualified candidates to fill over 95,000 positions. In order to further support this objective and to better ensure consistent and uniform practices are utilized in the evaluation of criminal conviction information during the examination and hiring processes, the following is recommended:

- Review current departmental policies and develop a Countywide policy on conducting criminal background checks.
 - Develop a training program for HR professionals Countywide that reinforces appropriate hiring standards in the employment process.
- 4. Jointly report back to the Board within 45 days with any recommendations to modify the County's employment application process as described herein.**

The timing for collecting criminal conviction information in order to determine employment eligibility is a policy issue for your Board. We did not find any requirements or restrictions that would bar you from modifying the current practice of requesting criminal conviction information on the County application.

DHR's review of County departments' current practices found that they are utilizing established hiring standards when evaluating the eligibility of applicants. Therefore, as the County of Los Angeles is a large public entity that conducts over 1,100 open competitive exams, processes approximately 100,000 applications, and hires over 11,000 new employees (including part-time, temporary and permanent) on average each year, we feel it is more efficient to obtain any information to assist in hiring decisions as early in the process as possible. Requesting this information on the application openly discloses to potential candidates from the beginning, that their conviction history is a factor that is assessed for employment consideration, but

convictions are not automatically disqualifying. Also, it does not artificially raise their expectations of being hired. They are given an opportunity upfront to give detailed information about the conviction (e.g., the conviction occurred as a young adult and no further offenses), as well as any other extenuating circumstances that they feel should be considered in the hiring decision. Therefore, it is recommended that no change be made to the County's current job application. However, we will modify the Information Sheet that accompanies the application to clarify the types of convictions that are not required to be disclosed (e.g., juvenile convictions that have been sealed or expunged; adult convictions that have been dismissed or pardoned under Penal Code Section 1203.4, or other valid court orders).

If you have any questions, please contact any of us, or your staff may call Susan Toy Stern, Chief Deputy Director, Department of Human Resources, at (213) 974-2631.

MJH:DEJ
RGF:SKT

Attachments

CONVICTION INFO ON JOB APPS2

**LOS ANGELES COUNTY DEPARTMENTS SURVEY RESULTS REGARDING
DISCLOSURE OF CONVICTION INFORMATION
ON EMPLOYMENT APPLICATION**

QUESTION	RESPONSE	COMMENTS
1. EMPLOYMENT APPLICATION PROCESS		
A. Do you have any departmental policies or procedures regarding consideration of criminal background information during the hiring process?	Yes = 19 No = 19	<p><u>Yes:</u> Affirmative Action Compliance, Beaches & Harbors, Board of Supervisors--Executive Office, Chief Information Office, Children & Family Services, Community Development Commission, County Counsel, District Attorney, Fire, Human Resources, Internal Services, Mental Health, Parks & Recreation, Probation, Public Library, Public Social Services, Public Works, Registrar Recorder, Sheriff</p> <p><u>No:</u> Agricultural Commissioner, Alternate Public Defender, Animal Care, Assessor, Auditor-Controller, Chief Administrative Office, Child Support Services, Community & Senior Services, Consumer Affairs, Coroner, Health Services, Human Relations Commission, Military & Veterans Affairs, Museum of Art, Museum of Natural History, Ombudsman, Public Defender, Regional Planning, Treasurer Tax Collector</p>
B. Does your department keep statistics related to applications that are accepted or rejected during the application process as a result of criminal conviction history?	No = all departments	

Attachment A

QUESTION	RESPONSE	COMMENTS
<p>C. Have you disqualified any applicants during the application process due to criminal convictions?</p>	<p>Yes = 8 No = 30</p>	<p><u>Yes:</u> Beaches & Harbors, Children & Family Services, Community Development Commission, Health Services, Museum of Art, Parks & Recreation, Public Works, Sheriff</p> <p><u>No:</u> Affirmative Action Compliance, Agricultural Commissioner, Animal Care, Alternate Public Defender, Assessor, Auditor-Controller, Board of Supervisors--Executive Office, Chief Administrative Office, Chief Information Office, Child Support Services, Community & Senior Services, Consumer Affairs, Coroner, County Counsel, District Attorney, Fire, Internal Services, Human Relations Commission, Human Resources, Ombudsman, Mental Health, Military & Veterans Affairs, Museum of Natural History, Probation, Public Defender, Public Library, Public Social Services, Regional Planning, Registrar-Recorder, Treasurer Tax Collector</p>
<p>D. When receiving applications, does your department have any automatic bars to employment for criminal convictions regardless of the nature of the convictions (other than workers' compensation fraud)?</p>	<p>Yes = 8 No = 30</p>	<p><u>Yes:</u> Beaches & Harbors, Children & Family Services, Community Development Commission, County Counsel, Museum of Art, Museum of Natural History, Ombudsman, Parks & Recreation</p> <p><u>No:</u> Affirmative Action Compliance, Agricultural Commissioner, Alternate Public Defender, Animal Care, Assessor, Auditor-Controller, Board of Supervisors—Executive Office, Chief Administrative Office, Chief Information Office, Child Support Services, Community & Senior Services, Consumer Affairs, Coroner, District Attorney, Fire, Internal Services, Health Services, Human Relations Commission, Human Resources, Mental Health, Military & Veterans Affairs, Probation, Public Defender, Public Library, Public Social Services, Public Works, Regional Planning, Registrar-Recorder, Sheriff, Treasurer Tax Collector</p>

QUESTION	RESPONSE	COMMENTS
<p>E. If the question regarding criminal convictions was removed from the employment application, would this lengthen your hiring process?</p>	<p>Yes = 11 No = 27</p>	<p><u>Yes:</u> Beaches & Harbors, Board of Supervisors—Executive Office, Chief Information Office, Community Development Commission, District Attorney, Fire, Museum of Art, Parks & Recreation, Public Works, Registrar-Recorder, Sheriff</p> <p><u>No:</u> Affirmative Action Compliance, Agricultural Commissioner, Animal Care, Alternate Public Defender, Assessor, Auditor-Controller, Chief Administrative Office, Child Support Services, Children & Family Services, Community & Senior Services, Consumer Affairs, Coroner, County Counsel, Health Services, Human Relations Commission, Human Resources, Internal Services, Mental Health, Military & Veterans Affairs, Museum of Natural History, Ombudsman, Probation, Public Defender, Public Library, Public Social Services, Regional Planning, Treasurer Tax Collector</p>
<p>F. Briefly describe your employment application screening process. Who reviews the applications that contain conviction information? What criteria are used to accept/reject applications with criminal convictions?</p>		<p><u>Common answers:</u></p> <ul style="list-style-type: none"> • Applications are screened for completeness; they are then accepted or rejected if applicant meets minimum requirements • Applications reviewed by exam analyst and/or personnel officer • Applications not rejected on basis of declared convictions

QUESTION	RESPONSE	COMMENTS
2. BACKGROUND CHECK PROCESS		
A. How is the criminal background check conducted (check all that apply)?	<p>Dept. of Justice (LiveScan) = 33</p> <p>Private Investigative Service = 2</p> <p>Other (answers include: Sheriff's department, court records and personnel history statements) = 8</p>	<p><u>DOJ LiveScan:</u> Affirmative Action Compliance, Agricultural Commissioner, Alternate Public Defender, Animal Care, Assessor, Auditor-Controller, Beaches & Harbors, Board of Supervisors—Executive Office, Chief Administrative Office, Chief Information Office, Child Support Services, Children Family Services, Community & Senior Services, Consumer Affairs, Coroner, District Attorney, Health Services, Human Resources, Internal Services, Mental Health, Military & Veterans Affairs, Museum of Natural History, Ombudsman, Parks & Recreation, Probation, Public Defender, Public Library, Public Social Services, Public Works, Regional Planning, Registrar-Recorder, Sheriff, Treasurer Tax Collector</p> <p><u>Private Investigative Service:</u> Coroner, Museum of Art</p> <p><u>Other:</u> Community Development Commission, District Attorney, Human Relations Commission, Museum of Art, Parks & Recreation, Probation, Public Defender, Sheriff</p>

QUESTION	RESPONSE	COMMENTS
<p>B. How is criminal conviction information on potential employees obtained (check all that apply)?</p>	<p>Employment Application Only = 13</p> <p>Employment Application and Supplemental Application = 1</p> <p>Employment Application and Employee Information Sheet = 6</p> <p>Employment Application and Other = 3</p> <p>Employee Information Sheet Only = 3</p> <p>Other = 11 (answers include Department of Justice LiveScan, Background Packet, Criminal Background Sheet, Personnel History Statement, Sheriff, DMV)</p>	<p><u>Employment Application Only:</u> Alternate Public Defender, Animal Care, Beaches & Harbors, Board of Supervisors—Executive Office, Chief Information Officer, Consumer Affairs, Human Relations Commission, Internal Services, Military & Veterans Affairs, Museum of Natural History, Public Defender, Public Works, Regional Planning</p> <p><u>Employment Application and Supplemental Application:</u> Museum of Art</p> <p><u>Employment Application and Employee Information Sheet:</u> Agricultural Commissioner, Chief Administrative Office, Children & Family Services, Health Services, Human Resources, Parks & Recreation</p> <p><u>Employment Application and Other:</u> Assessor, County Counsel, District Attorney</p> <p><u>Employee Information Sheet Only:</u> Mental Health, Public Library, Registrar-Recorder</p> <p><u>Other:</u> Affirmative Action Compliance, Auditor-Controller, Child Support Services, Community Development Commission, Community & Senior Services, Coroner, Fire, Ombudsman, Probation, Sheriff, Treasurer & Tax Collector</p>

QUESTION	RESPONSE	COMMENTS
<p>C. At what point in the hiring process is the background check conducted?</p>	<p>After Initial Selection Interview = 3</p> <p>During Final Selection Process = 15</p> <p>After Job Offer = 17</p> <p>At Time of New Hire Orientation = 4</p>	<p><u>After Initial Selection Interview:</u> Alternate Public Defender, Museum of Art, Probation</p> <p><u>During Final Selection Process:</u> Affirmative Action Compliance, Animal Care, Assessor, Auditor-Controller, Beaches & Harbors, Chief Administrative Office, Child Support Services, Children & Family Services, Community Development Commission, Internal Services, Museum of Natural History, Ombudsman, Probation, Public Defender, Public Social Services</p> <p><u>After Job Offer:</u> Agricultural Commissioner, Auditor-Controller, Board of Supervisors—Executive Office, Chief Administrative Office, Chief Information Office, Community & Senior Services, Coroner, District Attorney, Human Relations Commission, Human Resources, Mental Health, Parks & Recreation, Public Library, Public Works, Registrar-Recorder, Sheriff, Tax Treasurer Collector</p> <p><u>At Time of New Hire Orientation:</u> Consumer Affairs, Health Services, Military & Veteran Affairs, Regional Planning</p>

QUESTION	RESPONSE	COMMENTS
3. SCREENING PROCESS		
A. Who reviews the results of criminal background checks (check all that apply)?	Hiring manager = 4 Human Resources office = 32 Administrative staff = 2 Other(Personnel Officer) = 1	<p><u>Hiring Manager:</u> Assessor, Auditor-Controller, Coroner, Public Social Services</p> <p><u>Human Resources Office:</u> Affirmative Action Compliance, Agricultural Commissioner, Alternate Public Defender, Animal Care, Assessor, Auditor-Controller, Beaches & Harbors, Board of Supervisors—Executive Office, Chief Information Office, Child Support Services, Children & Family Services, Community Development Commission, Community & Senior Services, Coroner, County Counsel, District Attorney, Health Services, Human Relations Commission, Human Resources, Internal Services, Mental Health, Military & Veterans Affairs, Museum of Art, Museum of Natural History, Ombudsman, Parks & Recreation, Probation, Public Defender, Public Library, Public Works, Registrar-Recorder, Sheriff</p> <p><u>Administrative Staff:</u> Alternate Public Defender, Public Social Services</p> <p><u>Other:</u> Chief Administrative Office</p>
B. Are the results of background checks compared to their respective employment application?	Yes = 28 No = 10	<p><u>Yes:</u> Agricultural Commissioner, Alternate Public Defender, Animal Care, Assessor, Beaches & Harbors, Board of Supervisors—Executive Office, Chief Administrative Office, Chief Information Office, Children Family Services, Community Development Commission, Community & Senior Services, District Attorney, Fire, Health Services, Human Relations Commission, Human Resources, Internal Services, Mental Health, Military & Veterans Affairs, Museum of Art, Parks & Recreation, Probation, Public Defender, Public Works, Regional Planning, Registrar-Recorder, Sheriff, Treasurer Tax Collector</p> <p><u>No:</u> Affirmative Action Compliance, Auditor-Controller, Child Support Services, Consumer Affairs, Coroner, County Counsel, Ombudsman, Probation, Public Library, Public Social Services</p>

QUESTION	RESPONSE	COMMENTS
<p>C. How does your department determine if a conviction is job-related? Please check all that apply.</p>	<p>The degree to which the conviction is related to the duties and responsibilities of the job = 31</p> <p>The length of time since the most recent conviction = 26</p> <p>Age of applicant at time of conviction = 23</p>	<p>The majority of departments checked all three boxes.</p>
<p>D. What factors are considered as to the eligibility of those candidates with convictions?</p>		<p>Job nexus and how conviction relates to position are the most common answers.</p>

QUESTION	RESPONSE	COMMENTS
4. MAINTENANCE OF CONVICTION INFORMATION		
A. Where do you store an applicant's criminal conviction information?		Most departments answered that this information is locked in secure file cabinets or destroyed.
5. OVERALL COMMENTS		
A. Is there anything you would like to add regarding this potential change to this process?		<ul style="list-style-type: none"> • <u>Chief Information Office:</u> Our department contracted out our recruitment process to the Executive Office/Board of Supervisors and currently contracts with the Auditor-Controller. Therefore, It would be hard for us to answer the questions on the survey. • <u>County Counsel:</u> It does not appear that any change in the application would impact this department. We routinely do background checks on all candidates that are selected for employment. However, it is possible that removing this statement from the application will mean that a background check will now be mandatory for all potential hires because there will be no other method for screening. This may ultimately impact a department's budget since there is a cost associated with each background check. The current process does afford departments an opportunity to use the conviction information on the application as a means to verify the honesty of a potential hire. If they do not list criminal conviction information yet the background check reveals the opposite, the candidate's lack of honesty may have a job nexus in some instances. • <u>Human Resources:</u> If the question regarding criminal convictions is removed from the employment application we would need to ensure that during the hiring process we would be able to obtain this information.

**OTHER JURISDICTIONS
SURVEY RESULTS REGARDING
DISCLOSURE OF CONVICTION INFORMATION ON EMPLOYMENT APPLICATION**

QUESTION	RESPONSE (23 Jurisdictions Responded)	COMMENTS
1. EMPLOYMENT APPLICATION PROCESS		
A. Does your agency's standard employment application include a question about criminal convictions?	Yes = 21 No = 2	<p><u>No</u> - (Boston – Spring 2006; San Francisco – effective July 2006)</p> <p><u>Comments:</u> Montgomery County (Police and Firefighter/Rescuer applicants only)</p>
B. Has your agency taken steps to remove the question regarding criminal convictions from the standard employment application?	Yes = 2 No (being considered) = 7 marked the box; see explanations in comments. Not applicable = 13	<p>City of Chicago –The City is in the process of changing their procedures. Their plan is to ask the question on an information sheet that must be completed by the applicant once the job offer is made. The job offer will be contingent upon the background check. All employees are fingerprinted. The procedural change will take several months to implement.)</p> <p>City Los Angeles – Approached by Susan Burrton's group; motion introduced by three Council members; on August 2, 2006, the City's Personnel Committee ordered a comprehensive study to be submitted within 90 days.</p> <p>County of Tulare – They are always looking at ways to improve their processes, but have not taken any steps to remove the question. They have never been approached by any special interest groups.</p> <p>City of Virginia Beach - Was considered in 2005; no response when further information was requested.</p> <p>City of Phoenix - Not being considered; but they are in the process of revising the wording for administrative reasons. (The question which asks about conviction information varies on each employment information sheet for each department. A complaint from an employee association prompted the department to look at developing one standard question.)</p> <p>City of Las Vegas – They have no plans to change because they feel their current process works well.</p>

Attachment B

QUESTION	RESPONSE (23 Jurisdictions Responded)	COMMENTS
		City of Charlotte, NC - No plans to change. (We are in the 4th Circuit; we don't have to follow the recent 9th circuit ruling regarding when to ask for background information.)
C. Briefly describe the employment application screening process.		See surveys for various responses.
D. Has your agency developed any written policies and/or procedures regarding the consideration of criminal background information during the hiring process?	Yes = 14 No = 10	Ten policies provided. <u>Comments:</u> We have an informational flyer. We attach a sheet to employment application. In process of writing.
E. Please list any state laws, or local laws and/or ordinances that are considered when handling criminal conviction history information in the hiring of employees?		Nine have governing laws. (Examples of cites) State of California - Department of Justice State of California Penal Code Section 11105(b)(10) Illinois State Criminal Identification Act – 20ILCS8630/12 Massachusetts State General Laws MGL c6 and 803 City of Massachusetts - Code of Massachusetts Regulations <ul style="list-style-type: none"> • 803 CMR 305, 6.11 • 105 CMR 950.00 Minnesota State Statute 364 – Criminal Offenders Rehabilitation Mandate Monterey County Non-Discrimination Policy City of Virginia Codes 2-78, 12-26, 2-425 State of Virginia Codes 19.2-389(7), Criminal Justice Information Services (CJIS) – Federal and State Fair Credit Reporting Act – no specific cites Federal- 400 F.3d 702 (9 th Circuit 2005) - Leonel v. American Airlines Penal Codes – no specific cites POST – Peace Officer Standards and Training Public Safety Codes – no specific cites

QUESTION	RESPONSE (23 Jurisdictions Responded)	COMMENTS
2. BACKGROUND CHECK PROCESS		
A. At what point in the application process is a background check conducted?	After initial selection interview = 2 During selection final process = 9 After job offer = 13 At the time of hire = 3	<u>Comments:</u> Law enforcement different Offer pending background Applicant has to accept
B. How is criminal background check conducted?	FBI = 3 Private investigative service = 9 Internet = 1 Fingerprints = 12 Other = 5	<u>Comments:</u> State Dept. of Public Safety Sheriff DOJ/Live Scan Law Enforcement
3. SCREENING PROCESS		
A. Who reviews the results of criminal background checks (check all that apply)?	Hiring manager = 10 Human Resources office = 15 Administrative staff = 1 Others not listed (please explain) = 4	<u>Comments:</u> Dept. Heads HR Staff Collaboration/Team which includes ER staff, Attorney staff
B. Who determines whether a candidate is qualified for a specific job?	Human Resources/Director of Personnel = 15 Hiring manager = 13 Manager over specific division/unit = 9 Others not listed = 7	<u>Comments:</u> Dept. Heads ER consultations Background Unit (City of Los Angeles) Attorney Staff
C. Briefly describe how is it determined whether a conviction is in conflict with the job being performed?		<u>Comments:</u> Recency of the crime Severity of the crime Each crime is taken on a case by case basis Job nexus (job related) Type of crime and how long Nature of crime Record of employment post conviction Business necessity

QUESTION	RESPONSE (23 Jurisdictions Responded)	COMMENTS
D. Are there written policies regarding this determination? Are they specific to each job category?	Yes = 7 No = 16	Policies differ by department.
E. What consideration (if any) is given to the length of time between last conviction and the date an application is submitted? Who makes the determination?		<p><u>Considerations:</u> Specific laws Look at last 7 years Case by case Job relationship to business necessity Recency of conviction Conviction type Old convictions given less weight (depending on severity) Seriousness and nature of crime Number of crimes</p> <p><u>Determinations:</u> HR determines Dept & HR Attorney Staff (a Team)</p>

QUESTION	RESPONSE (23 Jurisdictions Responded)	COMMENTS
4. GENERAL		
<p>A. What opportunities and/or obstacles have you encountered as a result of the change in how criminal conviction information is collected and handled (please check all that apply)?</p>	<p>The number of application appeals has increased = 2</p> <p>The number of application appeals has decreased = 0</p> <p>The number of people with criminal convictions applying for jobs has increased = 2</p> <p>There is no change to the number of applicants with criminal convictions applying for jobs = 7</p> <p>The hiring process now takes longer = 2</p> <p>The hiring process has been shortened = 0</p> <p>There has been an increase in the number of potential candidates with criminal convictions being incorrectly placed in sensitive positions = 1</p> <p>Other (please explain) = 1 (Chicago: As of June 2005, criminal history record clearances are being done by state department of justice and FBI; before it was done by the City.</p>	<p><u>Comments:</u> No analysis No recent changes Increase in # of potential candidates with criminal convictions being identified and removed or eliminated for consideration for sensitive positions</p>

**AGENCIES IDENTIFIED AS MODIFYING
JOB APPLICATION**

(At May 23, 2006 Board meeting)

AGENCIES	QUESTION REMOVED FROM APPLICATION?	RELEVANT COMMENTS
Baltimore	No	Baltimore has no plans to remove the question. <ul style="list-style-type: none"> • They have never been approached by any special interests groups. • Background checks are conducted contingent upon job offer. • Central HR reviews conviction data and determines job nexus.
Boston	Yes	Boston removed the question from its employment application in Spring 2006 based upon an internal decision by their Human Resources Department. The City adopted an ordinance effective July 1, 2006 as a result of the State of Massachusetts making some changes to their Criminal Offender Records Information Act (CORI).
Chicago	No (but being considered)	The city's Human Resources Department is considering removal to show support to the Mayoral Policy Caucus on Prisoner Reentry.
Grand Rapids	No response	
Hawaii	No response	
Philadelphia	No	Not considering removal of question; however, on July 15, 2006, a motion was introduced to establish criminal records screening standards by certain employers within the City of Philadelphia, all under certain conditions. Bill is currently with Public Safety Committee.
San Francisco	Yes	Effective July 2006

**Review of Applications Disqualified Pursuant to Civil Service Rule 6.04 (E)
Non-acceptance of Applicant — Criminal Conviction**

Department	Exam Name/No.	Applicant	Conviction	Appropriate	Reason
Beaches & Harbors	Grounds Maintenance Worker 1-0352-AH	A	Domestic Violence	Yes	Department designated sensitive position and recency of crime (2005, still on probation)
Beaches & Harbors	Grounds Maintenance Worker 1-0352-AH	B	Burglary	Yes	Department designated sensitive position and job nexus (access to County property)
Beaches & Harbors	Grounds Maintenance Worker 1-0352-AH	C	Grand Theft Auto	Yes	Department designated sensitive position, job nexus and recency of conviction (2005, still on probation)
Children & Family Services	Children's Social Worker II T9072F	A	DUI	Yes	Sensitive position, job nexus (DUI restriction per department) and recency (still on probation)
Children & Family Services	Children's Social Worker II T9072F	B	DUI	Yes	Sensitive position, job nexus (DUI restriction per department) and recency (conviction in 2004, still on probation)
Children & Family Services	Children's Social Worker II T9072F	C	Reckless Driving	Yes	Sensitive position, job nexus (driving) and recency (conviction in 2005, still on probation)
Health Services	Custodian Y6774-T	A	Grand Theft	Yes	Department designated sensitive position and job nexus (access to County property)

Attachment D

Department	Exam Name/No.	Applicant	Conviction	Appropriate	Reason
Health Services	Custodian Y6774-T	B	Possession of Controlled Substance	Yes	Department designated sensitive position and job nexus (access to County property and medications in hospitals)
Health Services	Laundry Worker Y6832J	C	Robbery	Yes	Department designated sensitive position and recency of conviction (2005, still on parole)
Parks & Recreation	Grounds Maintenance Worker D0352-S	A	Rape	Yes	State law regarding sexual offenses and designated sensitive position due to proximity to minors in parks)
Parks & Recreation	Grounds Maintenance Worker D0352-S	B	Grand Theft	Yes	Designated sensitive position and recency of conviction (2004, still on probation)
Public Works	Civil Engineer Assistant C3424G	A	Battery	Yes	Designated sensitive position and job nexus (zero tolerance for violent crimes)