

CITY OF TAMARAC
Interoffice Memorandum
Human Resources

To: Michael C. Cernech, City Manager
From: Lorenzo Calhoun, Director of Human Resources
Date: October 5, 2020
Re: Amendment to Administration Section of the Code of Ordinances to Ban the Box pertaining to employment with the City and its Contractors – Temporary Ordinance #2440

Recommendation:

The Director of Human Resources recommends that the Mayor and City Commission adopt on First Reading the proposed text amendment to codify the existing practice of the City of Tamarac regarding the screening of criminal history of applicants seeking employment with the City of Tamarac and its Contractors (effectively "Banning the Box"), and creating Section 2-245 of the City of Tamarac Code of Ordinances, at its October 14, 2020 meeting and on Second Reading at its October 28, 2020 meeting.

Issue:

Codification of the existing practice by the City of Tamarac and require its Contractors to eliminate questions on an employment application concerning an applicant's criminal history from the City of Tamarac's and its Contractors applications.

Background:

"Banning the Box" is a form of delaying the inquiry into a job candidate's criminal history and is intended to mitigate the blanket exclusion that job seekers with criminal records often face when applying for work. "Banning the Box" requires employers to eliminate the application questions regarding an applicant's criminal history in an attempt to reduce an employer's accessibility to criminal records until later on in the application process with the goal of decreasing discrimination against applicants who may have a criminal history. Hawaii was the first state to implement the law in 1998 and President Barack Obama "Banned the Box" on applications for federal government jobs in 2015. As of 2018, 11 states have mandated the removal of conviction history questions from job applications for private employers. In 2019, 35 states and approximately 150 cities and counties across the nation have implemented policies to Ban the Box.

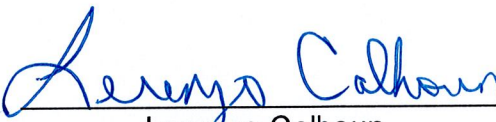
In February of 2015, the City of Tamarac adopted the practice of eliminating questions on the City's employment application which required applicants to divulge information regarding criminal history. Under the current practice and the proposed Ordinance, the City or its contractors would be able to review the criminal history information obtained from an applicant's background check after a conditional offer is extended to the applicant. At the February 24, 2020 Commission Workshop, Commissioner Mike Gelin officially introduced the topic of

codifying the existing practice in the City of Tamarac to Ban the Box on the City's and its Contractors employment applications. The Commission continued the discussion regarding Banning the Box during the City Commission Meeting on June 24, 2020 and at a subsequent meeting on August 26, 2020. Commissioner Gelin made a motion to direct the City Attorney's Office to draft an Ordinance to codify the existing practice of Banning the Box. Vice Mayor Marlon Bolton provided a second and the Commission approved the motion unanimously. A draft Ordinance, codifying the practice of Banning the Box is attached for discussion.

Summary of Recommendation: Staff recommends that the Mayor and City Commission adopt on First Reading the proposed text amendment to the City's Code of Ordinances. The proposed code amendment is consistent with City of Tamarac's existing practice of eliminating questions on the employment application which pertains to the criminal history of applicants. The proposed code amendment supports the City's Strategic Goal #6 "Tamarac is a Dynamic Workplace" by affording applicants who may possess a criminal history with a fair chance for employment with the City as well as its Contractors.

Fiscal Impact: There will be no direct budgetary impact.

Please contact me if I can answer any questions regarding this matter.


Lorenzo Calhoun

Approved _____

Disapproved _____

MAC/jh

Attachment: Temporary Ordinance No. 2440 – Legislative Draft Ordinance