

County Council of Cuyahoga County, Ohio

Ordinance No. O2012-0005

Sponsored by: Councilmembers Connally, Rogers, Miller, Jones, Brady and Conwell	An Ordinance prohibiting inquiries about or consideration of criminal convictions of applicants for Cuyahoga County employment positions until the applicant has been offered conditional employment; establishing the criterion under which criminal records may be considered; and establishing exceptions.
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WHEREAS, Cuyahoga County has promoted numerous re-entry initiatives, designed to encourage the successful reintegration of formerly incarcerated persons back into the community; and

WHEREAS, numerous local, state and national studies have indicated that the removal of collateral consequences, including removing barriers to employment are among the most significant factors leading to successful reintegration; and

WHEREAS, the Ohio Department of Rehabilitation and Correction is encouraging employers, including governments, to evaluate and reform hiring practices, with the purpose of ensuring that applicants are considered on the basis of qualifications and abilities, and not eliminated solely on the basis of criminal history; and

WHEREAS, prohibiting inquiries about criminal background on the Cuyahoga County job application, unless otherwise required by law; and prohibiting inquiries about criminal background until the time of conditional offer of employment; and establishing the criteria under which criminal backgrounds may be considered promotes the fair consideration of all applicants for employment and contributes to the County's reentry efforts; and

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF CUYAHOGA COUNTY, OHIO:

SECTION 1. Removal of Criminal Background Question from Employment Application and During Initial Screening/Interview Process.

- (a) Cuyahoga County may not ask about criminal background on applications for County employment, whether on-line or on paper.

- (b) Cuyahoga County may not inquire into the criminal background of any applicant for employment, until such time as the applicant has been offered conditional employment.
- (c) Cuyahoga County will include a disclaimer on all job applications indicating that conviction of some misdemeanors and felonies may preclude applicants from serving in some county positions and all job openings will require a background check at the time of conditional offers of employment.

SECTION 2. Conditions Under Which the County May Consider Criminal History When Making Employment Determinations.

- (a) The County may inquire into and consider the criminal history of an applicant for employment:
 - 1. When required by law to use such criteria in making a hiring decision.
 - 2. At the time of or once the applicant has been offered conditional employment.
- (b) When the County inquires into and considers the criminal history of a candidate under Section 2(a)2, the County will apply the nexus test for each position as required by law, including, but not limited to, considering the following criteria:
 - 1. The nature of the offense for which the applicant was convicted
 - 2. The length of time that has passed since the conviction occurred.
 - 3. The relationship of the conviction to the duties and responsibilities of the position for which the candidate is being considered for employment.
 - 4. Any positive changes demonstrated since the conviction.

SECTION 3. Exceptions.

The provisions of Section 1 above shall not apply if the inquiries or actions are specifically related to the consideration of applicants for positions as Deputy Sheriffs and Regional Enterprise Data Sharing System (REDSS) Staff.

SECTION 4. Instructions to the Department of Human Resources.

The Department of Human Resources shall make whatever changes are necessary to existing human resource policies and practices to ensure compliance with this Ordinance by all departments, agencies, offices, boards and commissions under the direction of the County Executive or County Council.

SECTION 5. Effective Date.

This Ordinance shall take effect thirty (30) days after the signature of the County Executive.

SECTION 6. It is found and determined that all formal actions of this Council relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

On a motion by Mr. Rogers, seconded by Ms. Conwell, the foregoing Ordinance was duly enacted.

Yeas: Simon, Miller, Brady, Germana, Conwell, Jones, Rogers and Connally

Nays: Greenspan, Gallagher and Schron

County Council President

Date

County Executive

Date

Deputy Clerk of Council

Date

First Reading/Referred to Committee: February 28, 2012

Committee(s) Assigned: Human Resources, Appointments & Equity

Additional Sponsorship Requested on the Floor: February 28, 2012

Second Reading: July 24, 2012

Third Reading/Referred to Committee: August 14, 2012

Committee(s) Assigned: Committee of the Whole

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