

County Council of Cuyahoga County, Ohio

Ordinance No. O2021-0018

Sponsored by: County Executive Budish/Department of Human Resources/Sheriff's Department	An Ordinance amending Sections 306.01, 306.02, and 306.03 of the County Code to make any exceptions consistent with State and Federal law, and to streamline the hiring process; and declaring the necessity that this Ordinance become immediately effective.
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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, 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, contributes to the County's reentry efforts, and will create efficiencies in the County hiring process generally.

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

SECTION 1. Sections 306.01, 306.02, and 306.03 of the County Code are hereby amended as follows (deletions are stricken, additions are bold and underlined):

Section 306.01: 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:
 - 1. conviction of some misdemeanors and felonies may preclude applicants from serving in some county positions;
 - 2. **aside from circumstances set forth in Section 306.02(A)(1), all job openings will require a background check at the time of conditional offers of employment; and**
 - 3. **conditional offers of employment become permanent only upon successful completion of the background check process.**

Section 306.02: 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. ~~W~~**Anytime in the hiring process when the County is required by state or federal law to use such criteria in making a hiring decision for certain positions or job duties, in which case the provisions of Section 306.01 shall not apply; or.**
 - 2. ~~A~~**When not required by law to use such criteria in making a hiring decision,** 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 306.02(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 306.03 **Reserved**

~~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 2. It is necessary that this Ordinance become immediately effective for the usual daily operation of the County; the preservation of public peace, health or safety in the County; and any additional reasons set forth in this preamble. Provided that this Ordinance receives the affirmative vote of at least eight members of Council, it shall take effect and be in force immediately upon the earliest occurrence of any of the following: (1) its approval by the County Executive through signature, (2) the expiration of the time during which it may be disapproved by the County Executive under Section 3.10(6) of the Cuyahoga County Charter, or (3) its passage by at least eight members of Council after disapproval pursuant to Section 3.10(7) of the Cuyahoga County Charter. Otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

SECTION 3. 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 Ms. Baker, seconded by Ms. Simon, the foregoing Ordinance was duly enacted.

Yeas: Sweeney, Tuma, Gallagher, Conwell, Turner, Stephens, Simon, Baker, Miller and Jones

Nays: None

County Council President Date

County Executive Date

Clerk of Council Date

First Reading/Referred to Committee: November 23, 2021
Committee(s) Assigned: Human Resources, Appointments & Equity

Legislation Substituted in Committee: November 30, 2021

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