



Text File

Introduced: 1/10/2012

Bill No: 2012-0013, **Version:** 2

Committee: Committee on Human Resources

Status: Passed Finally

Ordinance supplementing the Pittsburgh Code of Ordinances, Title One: Administrative, Article XI: Personnel, Chapter 181: General Provisions, by adding a new section, "Ensuring Equal Employment Opportunity For Persons Previously Convicted."

(aka Ban the Box)

WHEREAS, Individuals with criminal records suffer from pervasive discrimination in many areas of life, amongst the most difficult is attempting to obtain employment; and,

WHEREAS, Employers have increased the use of background checks considerably with the majority of large employers in the U.S. now screening their potential workers for convictions; and,

WHEREAS, Research shows that the lack of employment is a considerable cause of recidivism; with people who are employed proving significantly less likely to be re-arrested; and,

WHEREAS, Previously incarcerated people embody a group of job-seekers, ready to contribute and add to the workforce; and,

WHEREAS, Barriers to employment for ex-offenders is a major contribution to the creation of permanent members of an underclass that threatens the health of the community and weakens public safety; and,

WHEREAS, Elimination of the obstacles to employment provides economic and social opportunities to a large group of people living in the city; and,

WHEREAS, This ordinance is intended to support the successful reintegration of ex-offenders into the community by eliminating obstacles to gainful employment once released from prison; and,

WHEREAS, This ordinance is intended to improve the health and security of the community by helping people with criminal records to reintegrate into the community to provide for themselves and their families; and,

WHEREAS, This ordinance is intended to ensure that Applicants with histories of criminal convictions are not discouraged by the City of Pittsburgh's employment application process ~~has~~ and are not discouraged from applying for city employment.

The Council of the City of Pittsburgh hereby enacts as follows:

Section 1. The Pittsburgh Code of Ordinances, Title One: Administrative, Article XI: Personnel, Chapter 181: General Provisions, is hereby supplemented by adding a new section 181.12 as follows:

CHAPTER 181: GENERAL PROVISIONS

181.12 Ensuring Equal Employment Opportunity For Persons Previously Convicted

A. Definitions.

"Applicant" means any person considered for, or who requests to be considered for, employment by the City of Pittsburgh.

"City" means the City of Pittsburgh or any division, department, agency or office thereof, unless specifically excluded by this section.

"Conviction" means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

"Employment" means any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work and work through the services of a temporary or other employment agency; or any form of vocational or educational training with or without pay. Employment shall not, for the purposes of this section, include any sworn position.

"Relationship to the job" means the nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person's fitness or ability to perform one or more of the duties or responsibilities necessarily related to the employment sought.

"Otherwise Qualified" means any Applicant who meets all other criteria for a position or consideration for a position.

B. Equal Employment Opportunity For Persons Previously Convicted

1. Excluding applications for the public safety sensitive positions of police officer, fire fighter, paramedic and school crossing guard, and except as otherwise required by state and federal law, the City shall not inquire about an Applicant's conviction history until after it has been determined that the Applicant is otherwise qualified for the position.

2. After an applicant has been identified as otherwise qualified and selected for the position, the City will

make a conditional offer of employment to the Applicant, pending a conviction history check

3. If ~~;~~ as a result of a conviction history check ~~;~~ the City finds a valid reason to rescind ~~;~~ revoke or withdraw the conditional ~~;~~ the Applicant will have an opportunity to provide clarifying information for the City's consideration prior to its final decision about the offer.

4 The City will publish an application processing policy in accordance with this section.

C. REQUIRED PROVISIONS IN CONTRACTS

Every contract shall contain a provision stating that the contractor and all of its subcontractors shall comply with §181.12(b), subject to exceptions for public safety agreements/contracts and those entered into with other political jurisdictions, the Commonwealth of Pennsylvania or the United States of America. Any other exceptions shall be made only at the City Solicitor's recommendation, and then only with the Mayor's written approval. Any such recommendations and approvals shall be attached to the contract and filed with the City Controller's Office and the City Clerk.

This subsection also applies to contracts and agreements the City enters into with instrumentalities of the Commonwealth for which the City is the parent agency with the exception of those instrumentalities which are multi-municipal (i.e., Allegheny County Sanitation Authority; Sports and Exhibition Authority for Counties of the Second Class; Steel Valley Authority and the Southwestern Pennsylvania Commission.)