



**To the Mayor and Members of the City Council**

**September 17, 2019**

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**SUBJECT: BAN THE BOX**

The purpose of this report is to provide information regarding the City of Fort Worth's use of criminal history information in the selection process of applicants for general government positions within the City. *Note: Due to the unique requirements and extensive background verification already in place, this does not apply to sworn police or fire personnel.*

Recently a Council Member mentioned the "ban the box campaign." This campaign focuses on the removal of questions related to criminal history on applications for employment. In 2012, the Equal Employment Opportunity Commission (EEOC) provided guidance concerning potential discrimination in employment screening related to the use of criminal histories. Relying on certain arrest or criminal history information when there is no business justification for it can perpetuate disparity in hiring results. Its purpose is to enable ex-offenders to display their qualifications in the hiring process before being asked about their criminal records. The premise of the campaign is that anything that makes it harder for ex-offenders to find a job makes it likelier that they will re-offend, which is not in society's best interest.

In order to abide by the EEOC's guidance and ensure fairness in the City's hiring processes the Human Resources department in 2015 removed all questions that were related to criminal conduct from the City's application for employment no longer requiring applicants to reveal whether they have one or more criminal convictions at the time they apply.

Consistent with the Personnel Rules and Regulations, the city continues to examine a candidate's criminal history without involving the person making the employment decision. Human Resources consults with the supervisor before the job is posted regarding the nature of the position and what types of criminal offenses should typically disqualify a candidate from being selected for the position. Then, after the supervisor has selected the top candidate(s), and after a job offer has been presented, Human Resources staff gathers the criminal history information from the candidate(s), and performs the typical background check of verifying employment and researching criminal history. If a background check reveals that an applicant has any criminal convictions, including deferred adjudications, or deferred dispositions (other than minor traffic offenses), Human Resources conducts an individualized assessment to determine if job-related reasons and business necessity require the City to deny the applicant the position. The criteria considered includes:

- ***The nature and gravity of the offense or conduct*** –
  - the nature of the crime, i.e., a misdemeanor or a felony, and what class;
  - the type of offense, e.g., violent or assaultive, crime of moral turpitude including theft or fraud, sex offenses, drug offenses; and whether the individual has multiple convictions;
- ***The time that has passed since the offense or conduct and/or completion of the sentence*** – typical criminal history reviews include the immediately prior seven years (industry standard), however, Human Resources will review the individual's entire conviction record that is available; and
- ***The nature of the job they are seeking*** – individuals seeking positions in accounting or as a cashier would be disqualified if they had a history of theft, fraud, embezzlement, etc.



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By making the above changes, the City of Fort Worth has eased barriers to employment for applicants with prior criminal convictions by limiting criminal history as a hiring consideration.

If you have any questions concerning this information, please contact Brian Dickerson, Human Resources Director at 817-392-7783.

**David Cooke**  
**City Manager**