



Legislation Text

File #: 201092., **Version:** 3

Proposed addition to Chapter 14.5 titled "Miscellaneous Business Regulations" of the City Code of Ordinances, adding Article IX "Fair Chance Hiring" (B)

On May 13, 2021, the General Policy Committee heard a presentation by Community Spring nonprofit, advocating the adoption of a "fair chance hiring" ordinance. The proposed ordinance would bar local businesses from performing criminal background screenings on job applicants prior to extending an offer of employment, and would require that employers only consider recent convictions and pending prosecutions in hiring decisions, not arrests or remote convictions. While the City currently implements such practices for its public employees, the proposed ordinance would apply to private employers having 15 or more employees. Following the presentation, the Committee approved a motion to refer the matter to the Office of Equity & Inclusion for further analysis and to the City Attorney for drafting of an ordinance for further discussion.

The City Attorney's Office has analyzed the proposed ordinance. Multiple federal and State laws (Title VII; Genetic Information Nondiscrimination Act; the Florida Civil Rights Act; etc.) regulate the use of background information by private employers in hiring decisions. The EEOC has extensive guidance about the misuse of criminal background checks in violation of Title VII's prohibition on disparate impact discrimination. The Fair Credit Reporting Act also regulates an employer's or staffing agency's use of criminal background information on an applicant for employment, imposing detailed disclosure and reporting requirements for the protection of consumers. The proposed ordinance will avoid conflict with these controlling laws by having a limited scope and general application. The proposed ordinance does not operate on "protected class" status of the individual job applicant, but rather applies as a code-enforcement regulation upon all effected businesses (with some employers, such as daycare centers, exempted). Investigation and enforcement, through civil penalties, would be carried out by the Office of Equity and Inclusion. If adopted, the proposed ordinance would also require a minor amendment to ordinance Sec. 2-339.

The City Commission direct appropriate staff to engage with local businesses and the Chamber of Commerce, and to perform a study to determine the impact of the proposed ordinance on local businesses, including the fiscal impact on the Office of Equity & Inclusion.