

RESOLUTION NO. 2015-61

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, ADOPTING A FAIR CHANCE HIRING PRACTICE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS: “Ban the Box” is a national initiative with the goal of increasing employment opportunities for people with past criminal convictions from which they have been rehabilitated by removing questions from the employment application regarding past criminal history, thereby allowing consideration of current qualifications instead of past criminal history at the application stage, and

WHEREAS: Many other cities and counties throughout the United States, including Tampa, Jacksonville, Boston, Chicago, San Francisco, Austin and Minneapolis, have adopted new employment application practices in support of the “Ban the Box” initiative, and

WHEREAS: The City of Fort Myers recognizes that as many as one in three Americans have some kind of a criminal record, including arrests without convictions and crimes which might not be related to future job qualifications; and

WHEREAS: The City of Fort Myers recognizes that anything that makes it harder for ex-offenders to find a job leads to increased unemployment and makes re-offense more likely, creating negative effects for society; and

WHEREAS: The City of Fort Myers is committed to ensuring that all qualified individuals seeking employment at the City should be given an equal opportunity to apply for available positions; and

WHEREAS: The City Council finds that the City of Fort Myers should take a leading role in providing an opportunity for employment to qualified persons with past convictions which are not related to the job position for which they are otherwise qualified; and

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WHEREAS: It is the intent and purpose of this resolution to ensure that the City of Fort Myers implement just and fair measures and practices when screening and identifying persons eligible for employment, regardless of whether they have had past convictions or arrests.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FORT MYERS, FLORIDA, that:

1. City of Fort Myers job applications, with exception of those positions within the City of Fort Myers Police Department and the City of Fort Myers Fire Department, shall not inquire about an applicant's criminal history.

2. This Resolution does not hinder the City from inquiry into whether a person holds a necessary occupational license (e.g., is a member of the bar of the state, has the required engineering license), regardless of whether lack of licensure is due to an applicant's criminal history.

3. Applications for positions in the City of Fort Myers that require the candidate to hold a valid driver's license as part of the position's job duties, may continue to contain a question(s) pertaining to the applicant's driving record.

4. The review of prior convictions at later stages of the hiring process for all positions other than positions within the Police Department or Fire Department will be relevant to legitimate business necessity while continuing to assure workplace safety and avoid negligent hiring.

5. The Human Resources Department may take into consideration when reviewing an individual with a documented criminal record the following, as may be applicable:

- a. Nature of offense;

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- b. Whether the offense involved a minor or a vulnerable adult;
- c. Time elapsed since conviction;
- d. Whether a pattern of convictions is evident;
- e. Specific job duties and responsibilities of a position sought;
- f. Whether potential employee will be in a closely supervised work environment;
- g. Employment/work/volunteer references;
- h. Parole and/or probation officer recommendations;
- i. Evidence, as provided by the applicant, to demonstrate completion of an acceptable rehabilitation program conducted for ex-offenders.

6. Nothing in this resolution requires the City of Fort Myers to hire someone with a criminal record, nor limits the City's ability to select the most qualified applicant for a position.

7. Nothing in this resolution prohibits the City of Fort Myers from denying employment based on a criminal conviction directly related to the position sought.

8. The City of Fort Myers shall continue to comply with Florida Statutes, Chapter 435, regarding eligibility for candidates to be hired into positions of trust, and nothing herein shall prevent the City from arranging criminal background checks prior to the initial hiring for any position following the application stage.

9. The Human Resources Department will provide training to hiring managers in City departments regarding hiring practices and implement "Ban the Box" policy, and procedures within 90 days of the adoption of this resolution.


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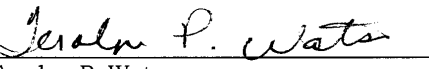
10. This resolution shall become effective immediately upon adoption.

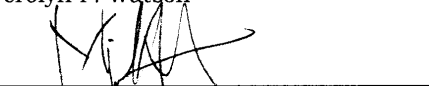
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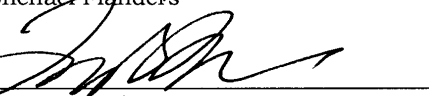
PASSED IN PUBLIC SESSION of the City Council of the City of
Fort Myers, Florida, this 7th day of December, A.D., 2015.

Aye 
Teresa Watkins Brown

Aye 
Johnny W. Streets, Jr.

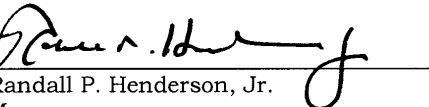
Aye 
Terolyn P. Watson

Aye 
Michael Flanders

Aye 
Forrest Banks

Aye 
Gail Anthony
Council Members

APPROVED this 7th day of December, A.D., 2015, at
5:33 o'clock p.m.

Aye 
Randall P. Henderson, Jr.
Mayor

FILED in the Office of the City Clerk this 7th day of December,
A.D., 2015.


Marie Adams, MMC
City Clerk