

REGULAR SESSION, OCTOBER 18, 2018

**ORDINANCE NUMBERS:
NO. 27889 MAYOR COUNCIL SERIES
THRU
NO. 27902 MAYOR COUNCIL SERIES**

ORDINANCE
(AS AMENDED)

CITY OF NEW ORLEANS

CITY HALL: August 23, 2018

CALENDAR NO. 32,382

NO. 27889 MAYOR COUNCIL SERIES

BY: COUNCILMEMBERS GISLESON PALMER, MORENO, WILLIAMS, BANKS BROSSETT, GIARRUSSO AND NGUYEN

AN ORDINANCE to amend and reordain Section 2-8 and to ordain Section 2-13 of the Code of the City of New Orleans; to extend fair chance hiring standards to persons, corporations, and entities in a contract, cooperative endeavor agreement, or grant with the City; and to establish fair chance hiring standards in the City of New Orleans, relative to employment by the City, by limiting the consideration of criminal history of an applicant; and to provide otherwise with respect thereto.

WHEREAS persons with criminal records suffer from pervasive discrimination in many areas of life, including employment, housing, education, voting, and eligibility for social benefits; and WHEREAS according to the United States Bureau of Justice Statistics, about 100 million people nationwide have criminal records and report to experience lifelong discrimination due to their prior convictions; and

WHEREAS about 1.8 million people in Louisiana and 10,000 people in New Orleans are estimated to have criminal records and be exposed to such discrimination; and

WHEREAS people of color are overrepresented in the criminal justice system, meaning they are especially burdened by employment discrimination connected to having a criminal record; and

WHEREAS criminal background checks by employers have increased at a record rate, according to Step Up Louisiana, with a vast majority of U.S. employers now screening their workers for criminal records; and

WHEREAS people who have formerly offended represent a group of job seekers able to participate in the workforce; and

WHEREAS obstacles to employment for people with criminal records may contribute to recidivism, given that people who are employed are significantly less likely to be re-arrested, thereby undermining public safety and individuals' ability to successfully re-enter and thrive in the community; and

WHEREAS the City of New Orleans is committed to recruiting a broad, diverse, and skilled workforce, and wishes to safely remove barriers that impede otherwise qualified individuals from obtaining employment within Departments of the City of New Orleans and certain private employers contracted to perform work for the City; and

WHEREAS this ordinance is intended to give a person with a criminal record the opportunity to be judged on his or her own merits during the application process, at least until the completion of one interview, and should not be construed to limit the employer's ability to choose the most qualified and appropriate applicant for a position; NOW, THEREFORE

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That Section 2-8 of the Code of the City of New Orleans is hereby amended and reordained to read as follows:

“Sec. 2-8. Contracts, cooperative endeavor agreements, and grants not to be awarded to parties owing delinquent taxes to the city who have a felony conviction, or who fail to comply with Sec. 2-13 (a-f).

* * *

(d) In addition to the prohibition provided in subsection (c), it shall also be unlawful for the mayor, the president of the city council, or any designee of either the mayor or the president to execute a contract or cooperative endeavor agreement with, or award any grant to, any person, corporation, or entity that fails to indicate compliance with the hiring practices provided in Section 2-13 (a-f) of this Code, or provide written reasons why deviation from Section 2-13 (a-f) is necessary. All contracts, cooperative endeavor agreements, and grant agreements shall provide a sworn statement relative to the requirement that the person, corporation, or entity responsible for executing the contract or agreement, or providing the service provided for therein, is compliant with the provisions of this subsection. No payment shall be made under any new or renewal contract, cooperative endeavor agreement, or grant unless the recipient is compliant with this subsection. This subsection shall apply to any agreements executed on or after March 1, 2019. This subsection shall not apply to any agreements executed before March 1, 2019. The provisions of this subsection shall not apply to the New Orleans Police Department, New Orleans Fire Department, New Orleans Aviation Board, the New Orleans Office of Homeland Security and Emergency Preparedness, or the Youth Study Center (Department of Human Services).

(e) If a contract is awarded and is found to be in violation of this section, said contract shall be voidable.

(f) The Chief Administrative Office shall produce a report annually of all city contracts, cooperative endeavor agreements, and grants executed or renewed from the previous year confirming that they are in compliance with this section. This report must be submitted annually by March 31 to the Chair of the City Council Governmental Affairs Committee for review.

(g) Exceptions. The provisions of this section shall not apply to:

(1) Donations to the city;

(2) Immovable property transactions which are conducted at public auction, not including leases of property;

(3) Agreements with federal or state governmental entities and/or the various agencies/political subdivisions thereof;

(4) Legal claims resolutions; or

(5) Contracts to satisfy emergency needs during a declared state of emergency.”

SECTION 2. That Section 2-13 of the Code of the City of New Orleans is hereby ordained to read as follows:

“Sec. 2-13. Review of Employment Candidates’ Criminal History.

(a) Applicants to the City of New Orleans, for both classified and unclassified positions, will be considered for employment opportunities based on the merits of their skills and experience related to the position for which they are applying. The hiring department or office (hereafter “hiring department”) will conduct interviews of qualified individuals prior to requesting a criminal background check, and no job application submitted prior to such interview shall inquire into an applicant’s criminal history. This policy is known as “Ban the Box”.

(b) For all positions, the job announcement, recruitment information, and position description shall provide the following information: “The hiring department will conduct interviews of qualified individuals prior to requesting a criminal background check, and no job application submitted prior to such interview shall inquire into an applicant’s criminal history. If this position is subject to a background check for any convictions related to its responsibilities and requirements, employment will be contingent upon successful completion of a background investigation including criminal history. Criminal history will not automatically disqualify a candidate.”

(c) Following the appropriate recruitment procedure for classified and unclassified personnel, the hiring department will conduct interviews, select up to three applicants per position, and send an authorization to release information form to each applicant following the interview. An enclosure letter to accompany the form informs the applicant that a criminal background check will occur, asks the applicant to disclose any prior convictions, and notifies the applicant that he or she will receive a copy of any report received by the City. Other processes shall be as

provided in CAO Policy Memorandum 129, issued January 10, 2014.

(d) The hiring department shall not consider the following criminal records in its review of the criminal background check:

- (1) Records of arrest or charges not followed by a valid conviction;
- (2) Sealed, dismissed, or expunged convictions;
- (3) Misdemeanor convictions where no jail sentence may be imposed; or
- (4) Non-felony convictions committed when the applicant was younger than 18 years old, regardless of whether they have been expunged.

(e) If the applicant's criminal history contains information, from records not listed in subsection (d), the hiring department shall provide the applicant with an opportunity to respond and submit evidence that the information is inaccurate or that mitigation or rehabilitation has occurred since the conviction. The relevant form and other processes shall be as provided in CAO Policy Memorandum 129. After receiving the response form from the applicant with any supplemental information or after the expiration of five business days from notifying the applicant of his or her opportunity for response, whichever occurs first, the hiring department may make a final employment decision using any supplemental information provided by the applicant to consider the nature of the crime, the time elapsed, the nature of the job, and mitigating factors, including those recommended by the U.S. Equal Employment Opportunity Commission in guidance document number 915.002.

(1) Evidence of mitigation or rehabilitation may be established by the passage of time since the offense or release from incarceration without any subsequent arrest or conviction; compliance with terms and conditions of probation or parole; completion of mandatory or voluntary drug or alcohol treatment programs, if relevant; and documentation of current fitness or suitability for the position, including but not limited to letters of reference, certificates of program completion, or records of educational attainment.

(f) Any information pertaining to an applicant's background check obtained in connection with the hiring process shall remain confidential and shall not be used, distributed, or disseminated by the hiring department, except as otherwise required by law.

(g) The Chief Administrative Office (hereafter "enforcement agency") is authorized to enforce this section and oversee complaints from persons denied employment in violation thereof.

(h) Chief Administrative Office Human Resources Division shall maintain a record of completed application forms, criminal background checks, and any supplemental information provided by an applicant for a minimum of three years, and shall provide the enforcement agency with access to such records to monitor compliance with this section.

(i) The enforcement agency shall annually conduct an audit of the City's hiring practices to review compliance with this section, and shall provide an annual report to the Chair of the City Council's Governmental Affairs Committee summarizing the findings and any recommendations.

(j) This section shall not apply to any hiring conducted during an emergency, or for positions in the New Orleans Police Department, New Orleans Fire Department, the New Orleans Aviation Board, the New Orleans Office of Homeland Security and Emergency Preparedness, or the Youth Study Center (Department of Human Services).

SECTION 3. That the provisions of this ordinance shall take effect on March 1, 2019."

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS OCTOBER 18, 2018

JASON ROGERS WILLIAMS

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON OCTOBER 19, 2018

APPROVED: OCTOBER 23, 2018

LATOYA CANTRELL

MAYOR

RETURNED BY THE MAYOR ON OCTOBER 24, 2018 AT 11:40 A.M.

LORA W. JOHNSON

CLERK OF COUNCIL

ROLL CALL VOTE:

YEAS: Banks, Brossett, Giarrusso, Gisleson Palmer, Moreno, Nguyen, Williams - 7
NAYS: 0
ABSENT: 0
RECUSED: 0

ORDINANCE

(AS CORRECTED)

CITY OF NEW ORLEANS

CITY HALL: September 20, 2018

CALENDAR NO. 32,396

NO. 24890 MAYOR COUNCIL SERIES

BY: COUNCILMEMBER GISLESON PALMER (BY REQUEST)

AN ORDINANCE to authorize the Mayor of the City of New Orleans to enter into an agreement to grant a servitude to an adjacent property owner for encroachments on/over portions of public rights-of-way located at the municipal address 1801 Henriette Delille Street; to fix the minimum price and terms of said servitude agreement; to declare that such use as granted in the servitude agreement will incorporate space that is neither needed for public purposes nor shall such use interfere with the use of the public right-of-way; to set forth the reasons for said servitude agreement; and otherwise to provide with respect thereto.

SECTION 1. THE COUNCIL OF THE CITY OF NEW ORLEANS HEREBY ORDAINS, That the following servitude on/over portions of the public rights-of-way are not needed for public purposes at this time and that the Mayor is hereby authorized to grant the following servitude thereon to the adjacent property owners as described below:

(1) Balcony

The following described air rights of a portion of the right-of-way on/over Henriette Delille St are not needed for public purposes at this time and that the mayor is hereby authorized to grant a servitude thereon to the adjacent property owner for a yearly payment of \$244.85:

The air rights for a proposed encroachment of approximately 83 square feet for a balcony; the encroachment being part of the improvements located in 3rd Municipal District, Square 386, Lot A bounded by Henriette Delille Street, St. Anthony Street, Marais Street, Pauger Street, bearing the municipal address 1801 Henriette Delille Street, New Orleans, LA

SECTION 2. That the grant of servitude be undertaken for the following reasons:

(a) The owner, which owns the improvements adjacent to the City-owned property, has constructed or is planning to construct improvements upon the public rights-of-way after applying for and obtaining building permits, to the extent necessary, from the City of New Orleans;

(b) Said improvements and constructions referred to in subsection (a) hereinabove are dependent upon the servitude agreement with the owner; the plans and specifications submitted by the owner, to obtain the building permits for the improvements described herein, accurately delineate the improvements and constructions which are subject to the servitude agreement, and said plans and specifications were inspected and approved by the City of New Orleans prior to the issuance by the City of building permits allowing the improvements to be constructed as shown therein; the disposition of property rights by the servitude agreement as authorized herein will not hinder or preempt the use by the public or the City of any other public property and will provide revenues to the City otherwise not attainable if the aforementioned property rights were unused.

SECTION 3. That the Mayor is hereby authorized to execute the servitude agreement as described hereinabove in SECTION 1.

ADOPTED BY THE COUNCIL OF THE CITY OF NEW ORLEANS OCTOBER 18, 2018

JASON ROGERS WILLIAMS

PRESIDENT OF THE COUNCIL

DELIVERED TO THE MAYOR ON OCTOBER 19, 2018

APPROVED: OCTOBER 23, 2018

LATOYA CANTRELL