

RESOLUTION

OF THE CITY OF MINNEAPOLIS

By Glidden and Samuels

Ensuring that the hiring practices of the City of Minneapolis do not discriminate against or unreasonably deny individuals with criminal history records employment with the City and further encouraging rehabilitation of criminal offenders

WHEREAS, individuals with criminal records suffer from pervasive discrimination in many areas of life, including employment, housing, education, and eligibility for many forms of social service benefits (*See The Mark of a Criminal Record*, Devah Pager); and

WHEREAS, according to the Minnesota Department of Corrections, as of January 1, 2006, 24,279 persons were under correctional supervision in Hennepin County and Hennepin County was home to 24.6 percent of persons on supervised release statewide; and

WHEREAS, many people who have been convicted of offenses in other counties in the State of Minnesota have moved to Hennepin County and the City of Minneapolis to begin their lives anew; and

WHEREAS, people of color are arrested, convicted, and incarcerated in numbers disproportionate to their representation in the population, which disproportionately impacts their families and communities; and

WHEREAS, many formerly-incarcerated people in the State of Minnesota and County of Hennepin are likely to be unemployed or underemployed;¹ and

WHEREAS, the City of Minneapolis seeks to assist the rehabilitation of criminal offenders including the successful reintegration of formerly-incarcerated people into the community after their release from prison and acknowledges that the lack of employment opportunities for individuals with a criminal record is a principal factor for recidivism; and

WHEREAS, through enacting Minnesota Statutes Chapter 364, the Minnesota State Legislature has declared it to be the policy of the state to:

encourage and contribute to the rehabilitation of criminal offenders and to assist them in the resumption of the responsibilities of citizenship. The opportunity to secure employment or to pursue, practice, or engage in a meaningful and profitable trade, occupation, vocation, profession or business is essential to

¹ In 2006, during a snapshot of time, 35% of all adults on supervised release in Hennepin County were unemployed, while 12% of adults on supervised release had only part-time employment. Only 48% of adults on supervised release were employed full-time. Hennepin County Community Corrections.

rehabilitation and the resumption of the responsibilities of citizenship (Minn. Stat. §364.01); and

WHEREAS, Minn. Stat. §364.03 implements the aforementioned policy by prohibiting the disqualification of an individual with a criminal record from employment by the state, its agencies, and political subdivisions, unless the crime directly relates to the employment sought; and

WHEREAS, Minn. Stat. 364.04 prohibits public employers from using records of arrests not followed by a valid conviction, convictions which have been annulled or expunged, and misdemeanor convictions where no jail sentence can be imposed, in connection with any application for employment; and

WHEREAS, certain positions of employment with the City of Minneapolis are exempted from Chapter 364 and thus from this Resolution, including but not limited to police and fire and other positions as defined by Minn. Stat. 364.08 and 364.09; and

WHEREAS, private sector employers' adoption of similar changes to their employment application form and hiring practices would have a widespread beneficial impact on our community by increasing employment opportunities for individuals with criminal history, thereby decreasing the likelihood of re-offending; and

WHEREAS, the Human Resources Department has reviewed the City's current hiring policies and procedures, has found them to be in conformance with Minnesota Statutes Chapter 364, and the Human Resources Department is proactively taking measures to review the City's employment application form and processes in an effort to ensure that people with criminal records have a full and fair opportunity to secure public employment in the City of Minneapolis; and

WHEREAS, the actions of the Human Resources Department to review its employment application form and processes are part of many proactive activities that the City of Minneapolis is already doing, will undertake in 2007, and may be considered in the future as referenced in its Resolution to "Close the Gap", adopted November 3, 2006 by the City Council;

NOW, THEREFORE, BE IT RESOLVED that if a determination has been made that an applicant has been convicted of a crime or crimes directly relating to the position sought, the Human Resources Department will continue to comply with the notification requirements articulated in Minn. Stat. 364.05; and be it

FURTHER RESOLVED, that in addition to documentary evidence, the City of Minneapolis shall consider any evidence presented by the applicant regarding the nature and seriousness of the crime or crimes for which convicted, all circumstances relative to the crime or crimes, including mitigating circumstances or social conditions surrounding the commission of the crime or crimes, the age of the person at the time the crime or crimes were committed, the length of time elapsed since the crime or crimes were

committed, and all other competent evidence of rehabilitation and present fitness: and be it

FURTHER RESOLVED, that the City of Minneapolis will make a good faith determination as to which specific positions of employment are of such sensitivity and responsibility that a background check is warranted. If it has been established that a position requires a background check, the City will not conduct that check until after the applicant is determined to be otherwise qualified for that position; and, be it

FURTHER RESOLVED that the City of Minneapolis will revise its employment application to eliminate the box requiring disclosure of past criminal records on applications for public employment, as this information is sought and revealed in any necessary background investigation; and be it

FURTHER RESOLVED, that the City of Minneapolis urges private employers to adopt fair hiring practices that encourage the rehabilitation of criminal offenders, as articulated in Minn. State 364.01 et al.