

**MEMORANDUM**

DATE: April 15, 2008  
TO: Members of the Commissioners Court  
VIA: Alicia Perez, Executive Manager, Administrative Operations  
Roger Jefferies, Executive Manager, Justice and Public Safety  
FROM: Linda Moore Smith, Director, Human Resources Department  
SUBJECT: Hiring Practices Related to Ex-Offenders

**Proposed Motions**

**DISCUSS AND TAKE APPROPRIATE ACTION ON REPORT MADE BY THE AUSTIN/TRAVIS COUNTY REENTRY ROUNDTABLE CONCERNING EMPLOYMENT OF EX-OFFENDERS:**

- A. RECEIVE FEEDBACK ON AUSTIN/TRAVIS COUNTY REENTRY ROUNDTABLE REPORT
- B. APPROVE GUIDELINES FOR HIRING EX-OFFENDERS
- C. APPROVE REVISION TO TRAVIS COUNTY EMPLOYMENT APPLICATION TO REMOVE QUESTIONS RELATED TO AN APPLICANT'S CRIMINAL HISTORY.

**Staff Recommendation**

**A. RECEIVE FEEDBACK ON AUSTIN/TRAVIS COUNTY REENTRY ROUNDTABLE'S REPORT.**

The Austin/Travis County Reentry Roundtable submitted a series of recommendations to the Commissioners Court in 2007 on enhancing employment opportunities for ex-offenders. The purpose of the overall initiative is to assist ex-offenders with opportunities to obtain gainful employment thereby facilitating community reintegration and reducing recidivism. Over the last several months, Human Resources Department (HR) and the County's Ex-Offender Workforce Development Program have worked collaboratively with the Austin/Travis County Reentry Roundtable (A/TCRR) to address these recommendations.

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Following is a brief status report on current activities and specifically on HR plans to enhance guidelines and practices for hiring ex-offenders as cited among recommendations in the Austin/Travis County Reentry Roundtable report.

**Recommendation 1:**

***The A/TC Roundtable and Travis County HR Department should survey each county department about their current hiring policies/practices for persons with criminal backgrounds.***

HR is working with the County's Ex-Offender Workforce Development Program to collect data from departments on their hiring of ex-offenders. HR developed a department specific survey that is being administered by the Ex-Offender Workforce Development Program Specialist.

**Recommendation 2:**

***Travis County HR Department should continue developing background check guidelines and provide departments background verification and evaluation services.***

HR offers a centralized service to departments to conduct background verification and evaluation services to support the hiring and selection process of non-law enforcement departments for special categories of workers. Four (4) HR employees have been certified by the State Department of Public Safety to conduct such criminal background checks, after passing the State's credentialing process.

The background evaluation service is provided and encourages departments to balance the nature and severity of the crime with other factors. More specifically, departments are encouraged to take into account the age at time of offense, the seriousness of the offense, frequency and other mitigating factors before making its hiring decisions.

**Recommendation 3:**

***Travis County should consider moving the questions about an applicant's criminal background from the initial application to a later stage in the application process.***

**See Motion "C" - Proposed Revision – Travis County Employment Application**

**Recommendation 4:**

***Travis County should consider reviewing all classified positions and identifying which positions would/would not require a criminal background review; and, at what level.***

As mentioned in Recommendation 1, the HR is working with the County's Offender Workforce Development Administrator to collect baseline data that supports the implementation of this recommendation. Upon completion of the data collection process, the Human Resources Classification and Compensation Division will work to modify specific job descriptions, as appropriate.

**Recommendation 5:**

***Travis County criminal background review guidelines should include consideration for age at time of offense, the nature, frequency and severity of the offense, the resolution of the offense, evidence of rehabilitation, and other mitigating factors.***

HR is in the process of completing the Employment Verification Policy, which includes a provision for departments to consider the nature and severity of a crime with other factors before making a hiring decision. HR will provide background evaluation services to facilitate the department level decision-making process on whether to select an applicant with a criminal history for a particular position.

It is anticipated that the Employment Verification Policy will be submitted for the Court's consideration in summer 2008.

**Recommendation 6:**

***Travis County should consider creating a document/handout/brochure that clearly explains Travis County's guidelines for hiring persons with criminal backgrounds that can be made available to potential applicants.***

HR will work with the Ex-offender Workforce Development Administrator to promote Travis County's commitment to reintegrate ex-offenders into the community. Upon approval of the Guidelines for Hiring Ex-Offenders, a flyer will be developed and available at any place that the revised Employment Application is posted and/or distributed, e.g. Travis County Website, HR, and recruiting events.

**Recommendation 7:**

***The A/TC Reentry Roundtable will work with HR to assist in identification of training opportunities for County managers/supervisors who make hiring/supervision decisions that will assist in recruiting and managing persons with criminal backgrounds.***

The Criminal Justice Planning (CJP) Office will identify and develop appropriate training, in collaboration with HR for supervisors and managers that will assist them in integrating ex-offenders into the workforce. Training would assist all employees, as well as ex-offenders, in adapting to the new workplace environment.

**Recommendation 8:**

***Travis County HR Department should consider developing data collection strategies and performance measures around hiring practices/policies of persons with criminal background. The data and measures collected should be reported to the Commissioners Court on a regular basis.***

CJP will prepare and submit summary-level bi-annual reports regarding Travis County hiring ex-offenders. At a minimum, the reports shall include the number of criminal background checks conducted, the number of persons hired (by department), job descriptions for the

persons hired, and the length of time on the job. HR will work collaboratively with CJP to provide necessary workforce data.

**Recommendation 9:**

***Travis County Human Resources Department and Travis County Criminal Justice Planning should develop a partnership to leverage the Ex-offender Workforce Development Specialist assigned to CJP to assist HR and other County departments work on issues that arise from County hiring of persons with criminal backgrounds.***

**Recommendation 10:**

***Travis County Human Resources Department should consider partnering with Travis County Health and Human Services Research and Planning Department to determine how the Rapid Employment Training Project can be utilized to inform persons with criminal backgrounds of County job openings.***

**Recommendation 11:**

***The A/TC Reentry Roundtable and the Travis County Human Resource Department should continue our partnership and work together to move approved recommendations forward.***

**HR Department Response to Recommendations 9, 10, and 11**

HR recognizes ex-offenders as a viable labor source. The Staff will continue to work collaboratively with all stakeholders, e.g. Ex-offender Workforce Development Program, A/TC Reentry Roundtable, Rapid Employment Training Project through Health and Human Services, and Travis County departments to provide an opportunity for the gainful employment of ex-offenders.

Over the years, a concerted effort has been made to recruit in venues that promote the County's employment opportunities, e.g. Travis State Jail Resource Fair, Project Rio Job Fairs, partnerships with the WorkSource Career Centers for subsidized employment. These efforts will continue.

Approval of the proposed motions will greatly facilitate efforts to refine hiring and selection policies and procedures with greater clarity and focus on improving opportunities for ex-offenders to become gainfully employed.

**B. APPROVE GUIDELINES FOR HIRING EX-OFFENDERS.**

Staff recommends approval of the proposed Guidelines for Hiring Ex-Offenders.

See Page 6, Guidelines for Hiring Ex-Offenders  
See Page 7, Flowchart - Hiring and Selection Process

## TRAVIS COUNTY

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### GUIDELINES FOR HIRING EX-OFFENDERS

The Travis County Commissioners Court seeks to promote the successful reintegration of ex-offenders in the community by assisting ex-offenders in obtaining gainful employment.

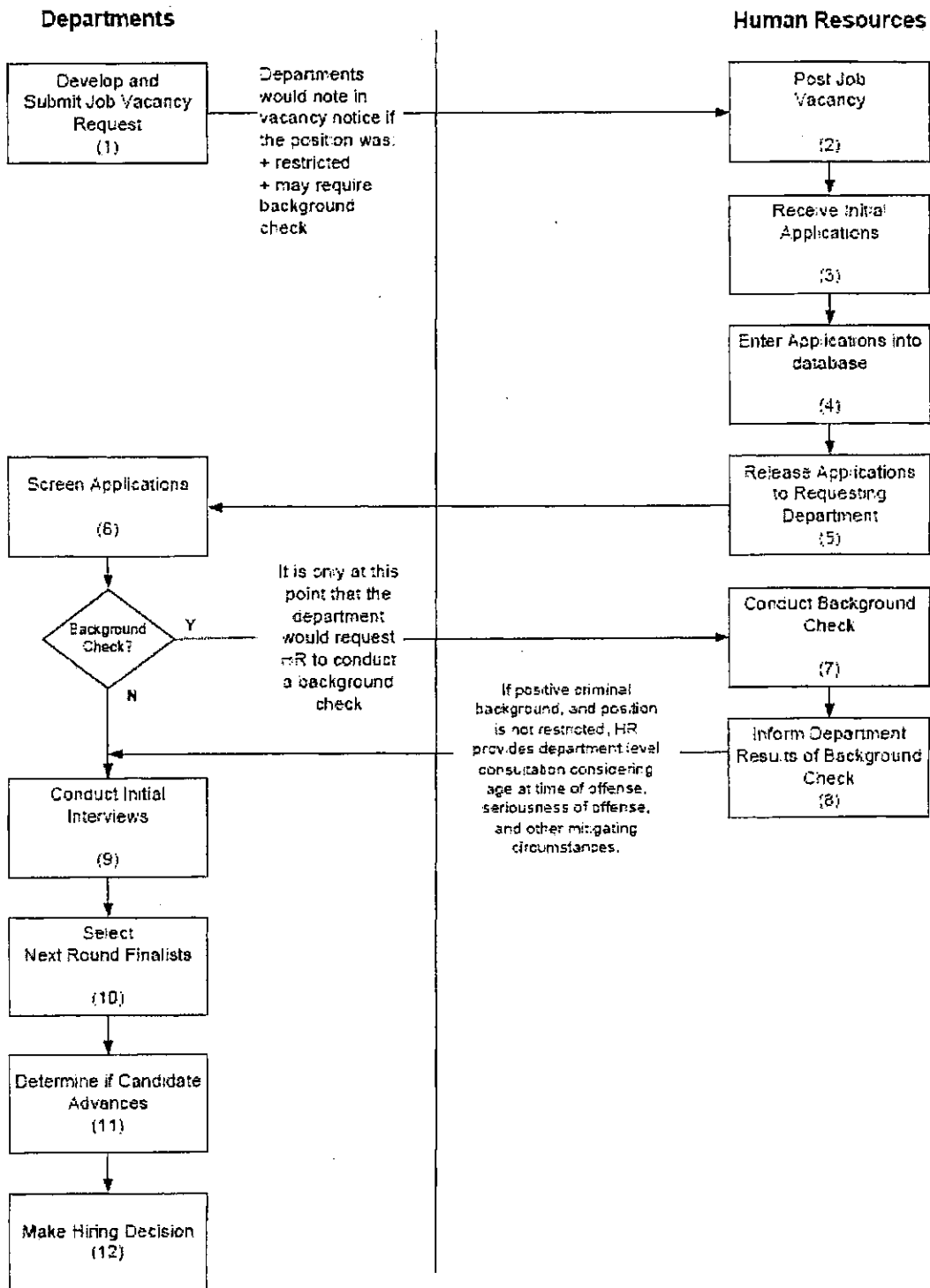
Recognizing that qualified individuals for many positions may be eliminated from employment consideration due to criminal history disclosure up front on the Travis County employment application, the County has delayed requesting information regarding criminal history until later in the employment application process.

All applicants, including those with criminal backgrounds, are encouraged to research job vacancies within the County and apply if otherwise qualified.

Some positions may require a criminal background which will be noted in the job posting announcement. If the applicant is selected for an initial interview, he/she will be notified if a criminal background check is required and given the option to proceed with the interview process. For these positions, a criminal history does not necessarily disqualify an applicant from being considered for the position. Circumstances such as length of time since offense, seriousness of the offense, frequency of criminal incidents, and other mitigating factors may be considered.

For some positions in the County, a criminal background check is required. This restriction will also be noted in the job posting announcement.

## Travis County Hiring and Selection Process



**C. APPROVE REVISION TO THE TRAVIS COUNTY EMPLOYMENT APPLICATION TO REMOVE QUESTIONS RELATED TO AN APPLICANT'S CRIMINAL HISTORY.**

Staff recommends approval of the proposed motion to delete questions from the *Employment Application* related to an applicant's criminal background (commonly referred to as "Ban the Box"). An applicant's criminal history will be addressed later in screening process, as appropriate for the position for which he/she is applying.

**Approval of the proposed motion will meet the objective that each applicant is first considered for employment based on actual skills, experience and qualifications for a particular position, before the presence or absence of a criminal record is considered.**

The proposed motion supports the A/TC Reentry Roundtable's Recommendation 3, as stated below:

***Recommendation 3: The County should consider moving the question(s) about an applicant's criminal background from the initial application to a later stage of the application process to allow applicant to be screened into the hiring process based on skills, knowledge and qualifications.***

The criminal background question that currently appears on the *Employment Application* may create the perception of a barrier to the employment of ex-offenders. Approval of the proposed motion would enhance employment opportunities for ex-offender applicants, who qualify for jobs at all levels. As always, they would be allowed to advance through the initial screening process based on their skills, experience and qualifications.

**See Page 14 - Proposed Revision – Travis County Employment Application**

If Proposed Motion "B" is approved, Travis County would join a growing number of cities that have modified its employment application to "Ban the Box". Such cities include Boston, Chicago, Alameda County (Oakland), San Francisco, and Philadelphia, according to information provided by the A/TC Reentry Roundtable.

**Important Note**

**For those positions that have criminal background restrictions by law or by nature of the position (those who work with children, the elderly or other sensitive areas) the requirement that applicants must pass a criminal background check will be noted in the vacancy announcement.**

**In accordance with the Texas Department of Public Safety, Chapter 411, §411.1295, HR is granted access to criminal history record information for persons who are applicants for employment by the County. This authority does not include access to criminal history record information that is reserved for law enforcement agencies for enforcement and/or security related purposes.**

**Fiscal Impact – Proposed Motions A, B, C**

**None.**

**Should you have questions, contact Linda Moore Smith (4-9170) or Alicia Perez (4-9342) or Roger Jefferies (4-4759).**