



NATIONAL LEAGUE OF CITIES
Institute for Youth, Education, and Families

*Banning the Box: Facilitating the Reentry of Former Offenders
into the Workforce and Community*
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Speakers:

Angie Nalezny, human resource director, City of St. Paul, Minn.,
Angela Rudolph, assistant to the mayor, City of Chicago, Ill.;
Chuck Turner, councilmember, City of Boston, Mass.,
Dorsey Nunn, director, All of Us or None, San Francisco, Calif.

HOLSCLAW: Thank you all for joining us for this audioconference call sponsored by the National League of Cities, the National Employment Law Project and the National HIRE Network. We are so glad that you all could join us today. We have a record number of participants for this call and we are so pleased in your interest in this topic.

I want to first start off by telling you that we are departing from our traditional format today. Rather than an interactive talk show format, we are going to have more of a panel discussion among our speakers. We just have so much information to cover that we want to make sure that we convey everything that you might want to know about this topic.

I want to also point out that to ask a question for this call, we are taking questions by e-mail only. So, if you could please e-mail your question to Maurice Emsellem of the National Employment Law Project at emsellem@nelp.org, that will be greatly appreciated. I will repeat this e-mail address at about 30 minutes past the hour, so you have the opportunity to ask questions of the speakers. I encourage you at any point during the call to go ahead and e-mail Maurice with a question if you think of something that comes up as speakers are talking. If you could also include as you are asking the question, your title, organization, and list your city. It just helps us place where all of our questions are coming from and that is greatly appreciated.

So, again, thank you for joining this call on “Banning the Box.” Our cities are at ground zero for the record numbers of people that are leaving prison and returning to their communities, looking for work and a new way of life. In addition to nearly 700,000 people leaving prison each year, about 1 in 5 Americans has a criminal record, which will show up on a routine criminal background check. With many employers conducting background checks and easy access to information, a criminal record alone ends up denying many qualified workers a

chance at a job and a second chance to contribute to their communities. However, like many of you on the line, community leaders and elected officials, you are taking action on this re-entry challenge and we appreciate the interest that you have shown today with this new determination and bold new strategies.

Today, we are going to talk with some of the nation's leading experts about how cities have moved to change their hiring practices to reduce the barriers to employment and set an example as the model employer for their communities. As we will soon hear, they have adopted various strategies, but all with the same goal: to make their hiring process more fair and increase the pool of qualified workers for government jobs. For example, in Boston, the city council adopted an ordinance requiring the city to limit discrimination in hiring by only asking about an individual's criminal record later in the hiring process, not at the application stage, and their policy applies as well to employers that contract with the city, which is an interesting development. Also, in Chicago, Mayor Daley called on city agencies to open up their hiring process based on the recommendation of a commission of local experts and community leaders, but you will hear more about that.

I want to introduce our speakers and thank them all for joining this audioconference and being willing to tell their stories to you and hope that it inspires you all to take action at the local level. We do have a mix of participants on the line – elected officials, senior level city staff, as well as community based organizations and even individuals with criminal records joining us today. So, I welcome all of you and look forward to this conversation. First, I would like to introduce Councilman Chuck Turner with the Boston City Council. He has worked as an activist for over 40 years. During that time, he served as the Director of a Community Development Corporation, and as an organizer at a training center and a placement agency for construction workers of color. He has also worked as a manager and counselor at the nation's oldest batterer's treatment organization and as an education director at a nonprofit consulting firm focused on establishing worker co-operatives. He has a B.A. from Harvard and was a Community Fellow at MIT. Councilman Turner, would you like to say hello?

TURNER: Hello, glad to be with you.

HOLSCLAW: Thanks. Next, I would like to introduce Angela Rudolph, who is the assistant to Mayor Daley in the City of Chicago, and she joined the mayor's office in October of 2006. She has been charged with spearheading the development of strategies and initiatives for the City of Chicago to support people with criminal backgrounds. She previously served as the program director at Chicago Metropolis 20/20, where she was focused on justice and violence by working on issues of childhood exposure to violence, re-entry, juvenile justice, and sentencing reform. She holds a Master's in education policy from the University of Illinois and a B.A. from Union College in American history. Would you like to say hello, Angela?

RUDOLPH: Hello, everybody. Glad to be here.

HOLSCLAW: Next, I have Dorsey Nunn, who is the executive director of All of Us or None in San Francisco, and Dorsey has over 20 years of experience as a paralegal and has worked over 25 years on prison-related issues. Presently, he serves as the program director or co-director of Legal Services for Prisoners with Children. He is the co-founder of All of Us or None, a newly developing civil and human rights organization. Also, interestingly, in 1971, at the age of 19,

Mr. Nunn was sentenced to life in the California Department of Corrections. He was paroled in 1981 and was discharged from parole in 1984. Would you like to say hello, Dorsey?

NUNN: Hello, and I am not the executive director of All of Us or None. I am just one of its proudest members.

HOLSCLAW: Well, I promoted you, Dorsey. Wonderful. Well, pardon me for that. Next, I have Angie Nalezny, human resources director from the City of St. Paul, Minnesota. Angie has been in the human resources field for over 16 years. Her previous work experiences include assistant city manager, labor negotiator, and HR specialist. She is the president of the Minnesota Chapter of Public Employer Labor Relations Association and has a Masters in the Arts in industrial relations and human resources from the University of Minnesota and a B.A. in business management from the College of St. Benedict. Would you like to say hello, Angie?

NALEZNY: Sure, Hi. This is Angie. I am glad to be with you.

HOLSCLAW: Wonderful. Well, you have met all of our speakers and I want to jump right into the conversation. As you can tell, they have a lot of experience and they come at this from a lot of different angles, so I look forward to hearing more and I want to kick the conversation off with Councilman Turner. Tell us why the Boston City Council took action to pass a law to change the hiring practices, especially related to individuals with criminal records? What was happening in Boston?

TURNER: Well, the atmosphere over the last 2-3 years has been one of growing concern regarding the treatment of men and women coming back to our communities from prisons. They are blocked by federal regulation around renting subsidized housing, from getting federal school loans, and we are finding that both private and public employers, here in Boston and in the state of Massachusetts, are discriminating against them when it comes to job opportunities. The city actually initiated two years ago our first major change and that is that they took off of the application for the 8,000 jobs covered by the city's human resources department, independent of police, fire, and education – they took off of that application the question of whether someone has a criminal background. The question is only applied to 1,200 of those jobs, that is if a person is applying for one of the 1,200 jobs that are viewed as situations where the person would be working with a youth, elder, disabled person, or other vulnerable population, then the question is asked and if there is a concern about the appropriateness, there is a discussion held and if the person is rejected because of the criminal history, then they are informed, specifically, of that, but that applies only to 1,200 of the 8,000 jobs.

In addition, the city council passed an ordinance that said the city policy should be applied to the vendors that do business with the city. That it why are we establishing a standard for ourselves and not establishing it for vendors. That ordinance was passed with the provision that a waiver could be requested, but so far, no business that is doing business with the city and that has signed a contract since July 1, 2006, has requested a waiver.

HOLSCLAW: And so the City of Boston, as we are looking at these policies across the country, has one of the strongest laws on the books. Can you tell the participants on the call, very

specifically, what the ordinance does? It extends to contractors beyond the city and then it takes this question off of how many applications out of all of the jobs in the city?

TURNER: In 2005, the city took off the human resources application covering 8,000 jobs, the question of whether you had been convicted of a crime. That question is only asked of those 1,200 positions

HOLSCLAW: ... where it might be important.

TURNER: Yes. ... where there is a vulnerable population being dealt with. Then the city council extended this policy to all companies doing business with the City of Boston, with the understanding that if a department head requests the waiver, a waiver can be granted, but the council has to be notified.

NUNN: Hey, Councilman Turner, have you thought about pressing that in the area of community agreement contracts for the people who are developing a housing tract or building Home Depots and Ikeas and stuff like that in your community? Have you made it a part of any of the negotiations for the community agreement contracts?

TURNER: We have not extended it out yet. We are waiting for our first full year of experience with the vendor policy in place and then we will be looking at how we can extend it legally. Right now, it just applies to companies that do business with the City of Boston, either in providing services or goods.

HOLSCLAW: That is great, Councilman Turner, and that actually leads me directly into hearing about how the implementation of this ordinance is going and specifically, have you faced any challenges or opposition?

TURNER: I just talked to both Bill Kessler, who is assistant director of human resources and Bill Hannum, who is the head of purchasing, about the implementation and they said as of today, there is no problem that they have encountered in the implementation of either the policy, taking the question off of the human resources application, or in extending the policy to vendors and so at this point, city officials feel that the policies are working well and have not presented any problems at all.

HOLSCLAW: That is very interesting and Councilman Turner, I have one more question, before we move to Angela in Chicago that I think the participants on the call, especially the elected officials and the city staff that might be listening in, would be interested in. What type of financial implication has this had for this city to change the hiring policy? Have there been any financial implications?

TURNER: Well, anecdotally, what we are hearing is that given the fact that they do not have to process this question, they save time. A tremendous amount of time is being saved in the human resources departments, given the fact that this question is very narrowly being focused on 1,200 jobs. And in terms of the extension of the policy to vendors, it is included as part of the

terms and conditions, so it has not led to any additional costs at all from our conversations with those implementing it.

HOLSCLAW: Councilman Turner, I apologize. I do have one more follow up question. This does not mean for the 8,000 jobs that the box is not on those applications, it does not necessarily mean that there won't be a background check, correct?

TURNER: It means that for 6,800 jobs, there won't be a background check and I thought I would talk to Mr. Kessler today just to get any additional thoughts of the perspective of the city and he says that as they looked at the 8,000 jobs, they felt that there were only 1,200 where there was a vulnerable population that might be involved, and so the question is why should we ask the question for people who are going to be working in the department of public works or in the other departments of this city? If people have gone to jail and served their time and have come out and are legal in the eyes of the departments to which they have been jailed, then there is no reason for the city to add to them the extra burden of looking into their background. So, we apply it only for those 1,200 out of 8,000 jobs, where there would be a vulnerable population involved and the city has a responsibility to provide adequate oversight.

HOLSCLAW: Thank you so much, Councilman Turner. I now want to turn to Angela Rudolph in the City of Chicago. Chicago took a different strategy to help residents with criminal records, a different approach. Angela, tells us more about what happened in Mayor Daley's leadership in Chicago.

RUDOLPH: Well, I think what makes Chicago a bit different is the fact that we were not required to make the changes regarding our hiring practices by ordinance. Basically, in 2003, the mayor decided that he wanted to put a lot more of his resources and energy to looking the issue of re-entry in the City of Chicago. We had a number of people who were coming back out of secured facilities and we had to figure out what to do to make sure that those people get served. So, what we decided to do was to implement the mayoral policy caucus on prisoner re-entry in 2004. To sit down and talk to a lot of different people who were working on these issues every day, people who worked at the Department of Corrections, parole, community service organizations and we put together a concerted plan on how can we figure out what are the top needs for re-entry into the City of Chicago, and one of their primary recommendations was to overhaul the city's hiring practices themselves.

HOLSCLAW: And what happened, Angela?

RUDOLPH: Well, what we ended up doing was putting out by order of the mayor a change in the hiring practices for the City of Chicago saying that no longer would a criminal background be viewed as the sole basis for hiring for any position. So, while we are in the early stages of implementing that process, what that basically means is that by the end of next month, the box will be completely removed from the application in the City of Chicago. We implemented that new hiring policy, where we have put decision-making not in the Department of Human Resources in regards to criminal background, but the decision is made at the individual hiring departments themselves, because we understand that they know better than anyone what sort of ban needs to be in place depending on what the position would be. In addition to that, what we

decided was that the only positions that you will be required to disclose a background in the early stages would be those positions that have to deal with public safety themselves. So, positions like police, fire, office of emergency management and communications, things of that nature.

HOLSCLAW: I am under the impression that the city hopes that this will serve as a model, not just for the departments within the city, but also to private employers. Talk a little bit more about that.

RUDOLPH: Absolutely. You know, one of the things that the mayor has gone on record a number of times saying is that we cannot go out to the public sector and say that you need to be smarter about your hiring practices and more thoughtful about how you look at people's backgrounds, if we had not, so to speak, cleaned our own house. So, while this is the first stage of what needs to be done, our next stage in putting this policy in place is to go out and talk to the business community and help them to understand that many of their fears in regards to hiring people with criminal backgrounds are just that – fear. This fear is often placed in misunderstandings about what people are talking about. No one is saying that you have to hire everyone who comes to your door. What we are saying is that you need to have a case-by-case determination on people's backgrounds and what the position is that someone is seeking employment in.

We are also looking at putting together a public service campaign to help people to understand the notion of second chances. Letting people see that, you know, there are many people who often have criminal backgrounds that you would not “suspect,” but when given a second chance they are very capable of rising to the opportunity presented in front of them and being able to be a very productive part of any organization.

Also, letting employers understand that there are many supports out there for them. There are job developers who they can tap into to be able to get to this very large employment pool of people who are very willing to be employed, who are often specialized in training for their particular fields, who are also providers in terms of skills, and who are also, in terms of job developers, they are to be a resource in case some sort of problem does come up. In the past, they are someone that they can reach back to, to be able to assist and make the transition as soon as possible.

HOLSCLAW: That's great. Angela, tell us how many former offenders are returning to Chicago annually.

RUDOLPH: You know, we have probably a little over 20,000 people coming from the Illinois Department of Corrections alone. Typically, there are about 40,000 people who are within the Department of Corrections and over half of those people come from the City of Chicago, so that was one of the leading reasons behind why Mayor Daley decided that this is definitely a top priority, something that he is willing to look at. Because to make our community and the city stronger, we need to make sure that we were providing as much as we possibly could for those to be quite honest with you, ten community areas where a vast majority of these people were returning to.

HOLSCLAW: Well, thank you so much for sharing part of the story and I want to remind the participants on the call that if you have a question, please do e-mail Maurice at emsellem@nelp.org, and include your title, organization, and city.

TURNER: Abby, could I, ... this is Councilman Turner, could I just make a very quick statement?

HOLSCLAW: Absolutely.

TURNER: Mayor Menino would want me to give the city the proper credit and to acknowledge that they made the change in removing the box from the HR application before the ordinance. The administration took the action on their own accord and then we worked together on the ordinance.

HOLSCLAW: Now, that is perhaps a very important point, Councilman Turner, in strategy for folks that are on the line and I would encourage those of you who may be representing a community-based organization and, perhaps, want to approach your local elected officials about this and utilize the examples that you are hearing about today. And on the same token, the elected officials on the line may be interested in taking this action and learning more from Boston, Chicago, and we will hear shortly from St. Paul, and I am now going to turn to Dorsey, who is, again, with All of Us or None in representing people with criminal records. This organization has been a leader in advocacy to promote new hiring practices. Tell us, Dorsey, a little bit about why your organization chose “Ban the Box” as a strategy in your campaign. How has it been received by elected officials in cities in California?

NUNN: In early 2003, maybe 50 or 60 of us gathered in the hills of Oakland and what we started talking about was strengthening our voice. Because we figured that we were running into not just only the ugly practice of discrimination, but the structural part of it, which are the questions that appear on applications. Later that year, in 2003, we went into New Orleans, and I think that it was 50 of us that gathered nationally, and we started talking about the structural discrimination that we were running across. In fact, when you talk about banning the box, I think that it was at a 2003 meeting in New Orleans, that the term “Ban the Box” was originated. It was an All of Us or None meeting and some parts of us pushing forward dealt with how do we approach cities that are in the position to actually influence private employers. How do we approach cities to first get them to do it and then get them to ask other people who are participating in the field of employment to consider it?

So, in San Francisco, I think one of the things that was unique, was that it was formerly incarcerated people who organized under the banner of All of Us or None and helped draft the resolution that we presented to the City and the County of San Francisco and then being that we did not know the difference between resolution and ordinance, what we did was we got formerly incarcerated people to put the work in and turned a resolution into a city ordinance, which got them to not ask the question “Have you been convicted of a felony or have you been convicted in a court?” on the initial wave of the application.

We also were successful in the County of Alameda, which had the same push. We were also instrumental in getting it accomplished for the City of East Palo Alto. Currently,

the County of Los Angeles is looking at it, as well as the City of Los Angeles, as well as San Bernardino. It is all the areas in which All of Us or None is functioning to remove that question.

HOLSCLAW: Dorsey, that brings me to, I think, some very specific advice that you offered the callers on the line, especially knowing that we have a large number of people that are representing community-based organizations. What would be your advice on strategy to organize at the local level and approach elected officials that may be very open to this conversation? What would you say your first few steps would be?

NUNN: Just to include formerly incarcerated people in the process – the people that have been convicted of crimes. Because, you know, most people who work think about this problem, probably in little, small pieces of time. Some of us have thought about this question on an ongoing basis for significant parts of our lives. So, you know, this question of banning the box, to everybody else that could simply be an employment question, but to some of us who have been convicted of crimes, this could as significant as the bus seat in December of 1955 or the lunch counters in 1960. It is that significant to us because we think that the “box” is something to be thought about. In addition to that, we think about it to the extent that we had to start developing our own best practices that we are presenting to people. This is exactly what we are talking about and this is exactly what we want, because we recognize that people that are doing an eight hour job may not have the time to think about it as deeply as we have been thinking about what the hiring practices should be for a city and what the hiring practices should be for the country.

HOLSCLAW: Well, thank you, Dorsey. I think that the work you are doing is inspiring and I think there is a lot to learn here. I am looking forward to questions that listeners may have for you, and I am realizing that in the interest of time, I need to quickly move to Angie to hear about what St. Paul has done so we can open it up to our call participants for questions. Angie, obviously you bring a very unique perspective to this as the director of the Department of Human Resources and I know that the call participants are anxious to hear probably one of the places that you definitely have to convince of an action like this at the local level, in order to get anything done. Tell us, last month your city decided to adopt a new hiring policy and it is your job as the city’s human resources director to implement that. Can you briefly describe the major benefit of St. Paul’s new policy and the major challenges that you have seen in implementing that?

NALEZNY: Sure. Because the question can have a chilling effect, we recognize that, so we decided to take it off of our job application last month. It has kind of been a natural evolution for us. We had moved the question to a space, a tear-off sheet that only human resources saw. Now, for the general applicant, they are not going to know that, but it was our first step about two years ago to make sure that everybody is on a level playing field when they get to the department. They do their interviews and it is only after, when someone is selected as a finalist, that we would actually ask that question. So, we have been doing this a long time.

One benefit that we have is that we have a state law that was put in place in 1974, and that actually requires public sector employers in Minnesota that you cannot discriminate on the basis of past conviction. There are several parts to that law that we have been following, obviously, since 1974, but this has been a natural evolution for us in our process.

HOLSCLAW: Now, that is helpful. If you don't mind, talk about how it has expanded the applicant pool?

NALEZNY: You know, we haven't found that yet, just because it is probably so new and I am not sure that we are ever going to be able to prove or disprove that. It is kind of like proving a negative. So, I am never going to know that, I guess.

HOLSCLAW: Tell us a little bit more about some particulars of St. Paul's new process.

NALEZNY: Sure. In many ways, our process has not changed at all. We were only actually doing criminal background checks on a third of our job titles: police, fire, and people who dealt with children at our recreation centers and people who dealt directly with money, and so, those are the only positions that we were actually ever doing criminal history checks on. Now we are not asking it at all up front. We go through our whole process – our screening process, our civil service test. We get our eligible list. The department gets the top three names and they choose their finalist due to the conditional job offer and it is at that point that we ask the top three people to give us their history if this is one of our identified titles. It is only at the very, very end that we are asking them to give us their criminal history background if they haven't and then we do checks. So, there is still that veracity check.

I know one concern that we had when we were dealing with our city attorney's office is that you are going to lose the veracity touch. Are they telling you the truth up front in the application, and then you can double check that later. Well, by taking it off the job application, yes, we have lost maybe one part of it, but we still have it in that before we go ahead and do a criminal history check, we send a form out to all our top applicants and we say, "please fill out this form." This gives us permission to do a criminal history check on you. It is just a matter of our process. So, then when we do the criminal history check and it comes back and we do our double check, that is our test of veracity.

HOLSCLAW: That was my next question and, perhaps, to Angela and Councilman Turner too, if you want to weigh in on this. How do you convince the city's lawyers to go along with this? Let's say that the elected officials are behind this and perhaps human resources as well is okay with it. Have there been any challenges to get past the city attorney on doing due diligence, if you will?

RUDOLPH: This is Angela Rudolph in Chicago. You know, actually, as I have mentioned before, I just joined the city in the middle of September, so this process was well underway when I came in, so I have to admit that I too was thinking that the law department was going to be something of an issue going forward, but they have actually been some of the best advocates in doing this work to get an interview of the regulations with our Department of Human Resources. They see that there is really no need to ask the question so early on, and that we were really missing out on a really good pool of people that were initially very hesitant to disclose whether or not they had a background.

HOLSCLAW: I see. Councilman Turner?

TURNER: Mr. Kessler of the Human Resources Department says the same thing and that the lawyers felt that the only legal concern was that the city have a process relating to vulnerable populations that would be legally protected. So, that is why only 1,200 of the 8,000 jobs have the question ever asked.

HOLSCLAW: Well, I want to just say that this has been a wealth of information in a very quick 35 minutes. I appreciate your responses and I am anxious to open it up to questions that I know that the callers on the line are anxious to ask and I want to repeat to you that if you do have a questions, my great colleague at the National Employment Law Center, Maurice Emsellem – and I also want to thank Glenn Martin from the National HIRE Network for both of those organizations in sponsoring this call. They have helped pull this call together. Maurice is taking your questions. If you have questions, please e-mail them to Maurice at emsellem@nelp.org. Include your title, organization, and city and I want to turn to Maurice to throw some questions out to our speakers.

EMSELLEM: Yeah, well we have gotten lots of questions, so we will see if we can organize them some. I think the question that has come in most often so far is along the lines of the question that you asked Dorsey, to the other panelists, how would you recommend that folks get started in their community, whether they are elected officials or community organizations, moving a similar hiring process along?

NUNN: I guess the way that I would do it is first do some initial investigation of what the hiring policies are for the city or the county that you live in. Then, I would approach and figure out who would be sympathetic to your approach. I would also push or and organize a body of people so you would have experts that have actually been discriminated against to step forward to actually help.

TURNER: This is Chuck Turner. I would emphasize, particularly, that last point and that is that it is critically important to have in the organizing and implementing of these policies men and women who have been discriminated against, so that what is being proposed has an authenticity and a relationship based on people's experience.

RUDOLPH: I would add to that, that when you build your case going forward to elected officials, also focus in on what the research says in terms of when people have employment, they are very unlikely to recidivate and go back into the system and it is about saving resources and using resources wisely. Continually, the governor throughout Illinois has also been pushing the issue of re-injury on the state side and Mayor Daley. All which points back to, we need to be smarter about how we use our resources, particularly when we are talking about incarcerating people who are low-level drug offenders, who have substance abuse issues and mental health issues, or other issues that will be better served somewhere else, other than within our high-priced secure facilities. So, that is one of the big things that people have been talking about in terms of "banning the box" in terms of having as many supports as possible to make sure people are successful once they re-enter their local communities.

NUNN: Another argument that I think the city probably should look at is how many of us who have been convicted of crimes simply do not apply, although we could be competent and

qualified for the job with the city, because we run into the question and automatically assume that the question was put on the application to essentially practice discrimination. So, we go to other places of employment and the city and the county could be losing the best candidates for the job.

EMSELLEM: Okay. Another area of questions that is very helpful is kind of getting back to the theme of dealing and promoting more employment with private employers and the city's role in doing that. So the question was asked a couple of different ways. One person asked what types of incentives, if any, are being offered by cities to contractors who agree to hire people with criminal records and another more general question just asked the kinds of the things that the cities are doing in promoting their policy to reach out to the private employers, including contractors, but also those who are not contracting with the city. So, again, that would go to each of you.

TURNER: This is Chuck Turner. At this point, I do not think that there are specific programs that the city has to reach out. The mayor has mentioned the policy at various gatherings, but right now the focus is on implementing the vendor policy agreement.

RUDOLPH: I actually want to commend Boston for expanding the policy, not only to their applications but to their contractors as well. So it is something that we are actually thinking about and looking at here in Chicago. We are having conversations with lots of different people who are in the business community, trying to figure out what is the best tactic and so far, we have found that the best way to bring the private sector on board is to put them in touch with other businesses that have already implemented similar practices, because they feel more comfortable knowing that their colleagues are doing it as well. So, those are the directions that we are moving in, as we try to figure out how we can expand the horizons in the hiring practices.

NUNN: This is Dorsey. One of the things that we are beginning to look at, again at All of Us or None, is community agreement contracts because we think that people are coming into the city to take on major enterprises and to build stuff. Like in San Francisco, they are talking about building a stadium and developing a whole section in Hunter's Point. If that is the case, then we think that the city, that those people that are going to be doing the development, are going to asking for some incentive from the city and the county of San Francisco. What we want to do is get in on the early part of that and start saying, "How do you write us into the contracts that you are negotiating with major players that are doing development around cities and counties?"

EMSELLEM: Okay. Another set of questions, and I think these were addressed, but if Angie wanted to take a shot at this again, I think several people are still real interested in kind of the risk management challenges of implementing these kinds of policies and the concerns that come up, and maybe this is more in terms of how you have addressed the question when it has come up either before the city council or the mayor, those kinds of liability issues.

NALEZNY: Sure. You know, it is funny, when we first put this policy out last month, one of the reporters called me and this did not go in the paper, but he said, how do you know that your secretary has not committed a major crime and I said, "I don't know that now." Part of that is because I think there is this general perception out there that cities do a criminal background

check on every single hire and I can say for most people in Minnesota, we don't. I guess I maybe cannot talk for the whole nation that way.

And so for us, when I was starting to get these questions, I said that we don't do criminal history checks on those positions that we don't think need it now. So, in many ways, nothing has changed. That is kind of a shocker to a lot of people. Part of it, like I said before, our state law says that your policy has to be very narrow and specific and I think that is a great state law and we have been working under it for so long that for us it is just second nature. There is nothing that can preclude any employee from doing something wrong, whether it is pre-employment or post-employment.

Clearly, for our public safety positions, we are still doing the full criminal history checks, for those positions that are going to be working with children in the recreation centers or with the elderly population, or dealing directly with money, handling cash on a daily basis. We are still going to be doing criminal history checks on those positions and that is our risk management, because that is where if your past crime is directly related to the position that you are applying for, we absolutely have to take that into account. The recency, the severity, and the rehabilitation, and even if a person has committed a crime and has proven themselves to be rehabilitated, then we really want them in employment. So, we take all those things, case by case, when we do our hiring.

NUNN: Hey Maurice, this is Dorsey. Being that we are struggling in multiple cities, this question often comes up and some of the stuff that we ask people is look at your history of hiring. Who is costing the city money as a result of being hired? If they ever do that investigation and that research, they will probably come to the conclusion that they are not being sued a hell of a lot because they hired a formerly incarcerated person. But they always throw it out, so we are in a position where we think it is a red herring, because we are not costing the city any money for hiring us. But for the most part, it is generally the first question and they call it "risk" as opposed to calling it, "this is my fear," because we do not think that there is really actual risk based on how many times they have been sued or had to pay out. We are not the people that are costing the city money.

EMSELLEM: Okay, Councilman Turner, there are several questions that came in for you, I guess, to clarify a bit more Boston's policy. Folks are asking, (1) to clarify that there are background checks for certain categories of positions, if you could clarify that, but (2) what does happen to the folks, where there is a background check and how does that process work for them? Folks are interest in appeals procedures and that sort of thing.

TURNER: Okay.

EMSELLEM: I know that is a lot, but if you could answer that quickly, that would be helpful, because we have a lot of questions about that.

TURNER: Okay, well, again, the policy has been to remove the background check question. 6,800 of those jobs don't ever have the question raised. It is the 1,200 positions where it is asked if a person is being offered one of the positions relating to the issue of vulnerable populations. That is that these are positions where the person could possibly be in an unsupervised situation with a youth, with an elder, or with someone who is disabled. In those categories of positions,

the question is asked at the point that a decision has been made to offer the job. At that point, the question is asked if there is a criminal history. The person would be asked to provide their information, the information from the state on the criminal history. If the hiring department felt that there were concerns that the history raised regarding this particular position, the person would be asked to sit down to explain the circumstances of the situation and if the person was rejected based on the history, the person would be informed specifically of what the reason for the non-hire is. There is no formal appeal process that we have, although the city's affirmative action officer and fair housing person, who has been involved in the discussion of the implementation of the policy, would be available, but there is no formal appeal procedure at the moment.

NUNN: In San Francisco, what we did with our resolution that we pushed into a policy was we put into place an appeal policy, that a person would have to be notified in the event that they are denied the position as a result of the conviction, and then they would have an opportunity to appeal first to the human rights director of the human resource department and then to the civil service commission. That way, there is something in place that says that you have the ability to question and challenge whether or not a fair decision was reached in regards to you being denied employment.

EMSELLEM: Okay, another set of questions, more generally, I guess I would ask Councilman Turner and Angela this one. What public relation challenges have the cities encountered when they want to "ban the box." How did they overcome them? Folks are real interested in any opposition that came in from law enforcement and other groups. How have you dealt with those issues?

TURNER: I am not aware of the city encountering organized opposition or opposition around removing the box. Initially, there wasn't a lot of public discussion around it and so that might account for the fact that there was very little, if any, opposition to the city moving ahead on the ordinance. The newspapers have had a very strange relationship in that they covered our initial work around the proposal, but neither of the major dailies covered the implementation of the passage of the ordinance or the hearing that we had on its implementation. However, that has not been a problem in terms of our moving ahead with the program, or with the ordinance, or with the vendors doing business with the City of Boston.

RUDOLPH: We have actually been, I guess you could say in the midst of the eye, of what I would like to think of as the perfect storm. There is a great deal of activity within the state of Illinois in regards to reforming the criminal justice system, both on the adult and the juvenile side and so there have been lots of conversations in newspapers across the state in the City of Chicago about the need to figure out about how the state's recidivism rate and figuring out how do you make people successful when they come back to the local communities, and so when this policy was announced last year, we received a great deal of positive press from many of the local papers. We also have some very strong advocacy pools of organizations out there, particularly organizations which are headed by people who have criminal backgrounds themselves, who have been pushing for this, they have seen this policy as a response to a very loud cry that change needed to take place.

NUNN: Maurice, All of Us or None implements a process that we call Peace and Justice Summits in the city where we are pushing for the policy change, where we actually prepare the community to accept the notion that there needs to be a policy change. So, in Oakland, we pushed out and we did a Peace and Justice Summit. In San Francisco, we did a Peace and Justice Summit. In East Palo Alto, we did a Peace and Justice Summit where we invited the citizens from the communities that are the most impacted to actually look at the discrimination that a large number of their neighbors are facing and we did it in Los Angeles as well as San Bernardino. So, we do preparatory work before we pass public policy.

TURNER: This is Chuck Turner, again. Let me share one thing and that is the irony of the situation is that the attempt by the statewide coalition to change state laws has encountered a lot of opposition. They also have been able to build a very large base of people supportive of change in the state laws, bringing some 1,000 people to hearings around the issues at the State House, and the D.A.'s organizations and other law enforcement groups have responded, but while this struggle with the State House has been going on with a lot of publicity, the City of Boston has been able to move forward and the council joined with the mayor in moving forward in implementing a policy without the kind of furor that we see at the state level.

EMSELLEM: Okay, there are two more general types of questions that have come up. I guess I will ask the harder one first and then ask the next one. The first set of questions that a lot of folks have asked is what about folks who have records for especially serious crimes, violent crimes, or crimes involving serious sex offenses? It sounds like each of the cities does things very differently. Are there any special procedures to deal with those situations?

RUDOLPH: In the policy that the City of Chicago put in place, there are no differences in terms of how any charges will be looked at. They are all looked at the same. Basically, they will be evaluated based on the nature of the offense and the nature of the sentencing, numbers of convictions, and relationships between the criminal act and the position that the person is applying for, the age and the time of the conviction, and all kinds of supporting questions that would help to get a full picture of what happened and when, and what has happened since that time.

NALEZNY: I would echo that. In Minnesota, I have talked about our state law and that is exactly what our state law says, what Angela just said. You have to look at the nature and the seriousness of the crime, how it relates to the job applied for and for some jobs that kind of criminal history would not apply. And then also the rehabilitation and time lapse.

NUNN: In California, one of the things that comes up is that some of these jobs have statutory barriers for people being hired that have that kind of history. So, if you put that type of information on the job announcement, you will screen out most of the people that have that type of history and most of the time, you are going to do the background check anyway.

TURNER: In Boston, as I said, the concern has focused on positions that deal with elders, youth, and disabled in taking into consideration sexual offenses, etc.

EMSELLEM: Okay.

HOLSCLAW: Maurice, I think we have time for one more question.

EMSELLEM: Okay. Last question then. Folks are really interested in any kind of ... it sounds like you are early on in the process, but any kind of tracking that your cities are doing or planning to do to measure the impact in terms of how many more people are coming to apply for city jobs and the impact on the future recidivism rates and that sort of thing. Also, I guess the issue that people have been asking about, of enforcement of your policies. You know, what are the next steps around enforcement?

RUDOLPH: This is Angela in Chicago. We actually are now currently tracking the criminal history analysis. So, that basically means that we have two people hired and they basically report out the number of people who come through, who get fingerprinted and we run background checks on them, and are also trying to track, of the people who come back with a conviction, how many of those folks are actually recommended for hiring by our Department of Human Resources and who is not hired and what are those reasons why the recommendation to not hire went through. The reasoning behind that is the question of if people are watching then you know that someone is paying attention and the system will not be abused.

EMSELLEM: Of the folks in Boston, does that come up?

TURNER: In Boston, we are tracking the information regarding contracts that are being led and whether any waivers have been applied for, but at this point, there have not been any requests for waivers and for city Human Resources, there is not any specific tracking that is going on now. However, Mr. Kessler, assistant director of HR said that he would be glad to answer any questions that those in the listening audience might have. His number is 617-635-2788. That is Bill Kessler of HR and Bill Hannum, our purchasing director said that he would also be glad to talk about the ordinance applying to vendors. His number is 617-635-3936.

HOLSCLAW: That is very generous, Councilman Turner. We appreciate that. Well, Maurice, thank you for leading us through those questions. This is Abby, again, from the National League of Cities' Institute for Youth, Education, and Families and I hope that the information that has been shared by the speakers today has been interesting to you all and perhaps inspiring, that you all will look for ways and strategies to support the reentry of individuals with criminal records in your own communities. There are a lot of different approaches as you can see, but all focused on embracing a population within your community that has a lot to add back and certainly missing an opportunity sometimes to contribute to your individual city's growth. We look forward to the work that perhaps you all are inspired to do.

I am interested to share with you that for more information about what you have heard on city hiring policies, be sure to look at the National Employment Law Project's fact sheet (http://www.nelp.org/nwp/second_chance_labor_project/citypolicies.cfm) that was sent around that has all the resources you need to get going on this issue in your community. It also lists contact information for our co-sponsors, both Maurice and Glenn at the HIRE Network and the National Employment Law Project and they are great to help you to develop new hiring policies in your community, so I encourage you to contact them if in fact you are interested in pursuing this in your community. I also want to remind you that if you have enjoyed this call, please join

us on February 15th for “Healthy Kids, Healthy Communities: City Strategies for Combatting Childhood Obesity.” It will be at 12:30 Eastern Time and will be a very similar, a one-hour, free audioconference call. So again, February 15th, “Healthy Kids, Healthy Communities” on combating childhood obesity.

I also want to encourage you that if you are interested about strengthening families at the local level, in general, and on a variety of topics, we encourage you to log onto our web site at www.nlc.org/iyef and look for forthcoming information about our 2007 Summit on Your City’s Families. It will be hosted in San Antonio, Texas, from September 30th through October 3rd. It is the largest convening of elected officials, city staff, and community-based groups coming together talk about ways to strengthen families at the local level and it will prove to have a variety of topics, not only on transitional employment, but also on family economic success, childhood obesity, education, youth, disadvantaged youth, and youth policy. I encourage you to log on and look for more information.

And with that, I want to reiterate the National League of Cities thanks to our speakers. We appreciate their time and their willingness to share their stories and I also want to extend to you that you should feel welcome to log onto our web site and look for a transcript of this call. It should be posted within the coming month if you are interested about following up or reminding yourself about some of the information that has been shared here today. So, thank you and I will turn the call back over to the operator.

OPERATOR: Thank you for participating in the National League of Cities audioconference. Listeners may register for further audioconferences on the YEF Institute web site at www.nlc.org/iyef. You may now disconnect.