

Introduced by McDavid
 First Reading 10-20-14 Second Reading 11-3-14
 Third Reading 12-1-14
 Ordinance No. 022286 Council Bill No. B 328-14

AN ORDINANCE

amending Chapter 12 of the City Code to add a new Article V
 pertaining to employment opportunities for qualified applicants;
 and fixing the time when this ordinance shall become effective.

WHEREAS, people 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; and

WHEREAS, the City of Columbia, Missouri seeks to assist with the successful reintegration of formerly incarcerated people into the community after their release; and

WHEREAS, lack of employment opportunities for people with criminal records is a principal factor for recidivism, with people who are employed proving significantly less likely to be re-arrested; and

WHEREAS, removal of obstacles to employment for people with criminal records increases public health and safety by providing economic and social opportunities for numerous groups of citizens.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. A new Article V of Chapter 12 of the Code of Ordinances of the City of Columbia, Missouri, is hereby enacted as follows:

ARTICLE V. EMPLOYMENT OPPORTUNITIES FOR QUALIFIED APPLICANTS

Section 12-90. Criminal records in employment.

- (a) Except as provided in subsection (b), it shall be unlawful:
 - (1) For an employer to inquire, question or otherwise seek information on an employment application as to whether an individual has ever been arrested for, charged with, or convicted of any crime.

- (2) For an employer to inquire, question or otherwise seek information as to whether an applicant has ever been arrested for, charged with, or convicted of any crime until after the applicant has received a conditional offer of employment.

(b) The requirements set forth in subsection (a) of this section do not apply for positions where:

- (1) Employers are required to exclude applicants with certain criminal convictions from employment due to local, state or federal law or regulation;
- (2) A standard fidelity bond or an equivalent bond is required and an applicant's conviction of one or more specified criminal offenses would disqualify the applicant from obtaining such a bond; in which case, an employer may include a question or otherwise inquire whether the applicant has ever been convicted of any of those offenses; or
- (3) Employers employ individuals licensed under the Emergency Medical Services (EMS) Systems Act.

(c) This section does not prohibit an employer from notifying applicants in writing of the specific offenses that will disqualify an applicant from employment in a particular position.

(d) Employers are encouraged to not automatically ban jobseekers with a criminal history. Employers may make final employment-related decisions based on all of the information available to them, including consideration of the frequency, recentness and severity of a criminal record as well as rehabilitation efforts against the duties and responsibilities of the position.

Section 12-91. Complaints.

(a) Any individual who claims to be aggrieved by a violation of this article may file with the commission a complaint in writing stating the name and address of the person alleged to have committed such practice, the particulars thereof, and such other information as may be required by the commission. If the alleged violation is that an employer is seeking criminal history information on an employment application, then any individual may file a complaint and that individual need not necessarily be aggrieved before filing a complaint.

(b) All such complaints shall be filed within one hundred eight (180) days of the date of the alleged violation.

Section 12-92. Investigation, resolution.

(a) The investigator shall promptly investigate the allegations of the complaint. After completing the investigation, the investigator shall report to the commission the results of the investigation and the investigator's opinion on whether there is probable cause to credit the allegations of the complaint.

(b) After receiving the investigator's report, the commission may direct further investigation. When the commission is satisfied that the complaint has been properly investigated, it shall determine whether there is probable cause to credit the allegations of the complaint. If the commission determines that there is no probable cause, it shall dismiss the complaint. If the commission determines that there is probable cause, the commission may forward the matter to the city prosecutor.

(c) At any stage in the process, the commission may close the case for good administrative reasons. Such reasons shall include but not be limited to the following:

- (1) The complainant has failed to cooperate with the commission.
- (2) The commission is unable to locate the complainant or respondent.
- (3) The complainant wishes to withdraw the complaint.

Section 12-93. Prosecutions; time limitations.

(a) No prosecution for a violation of any provision of this article shall be commenced unless a complaint shall have first been filed with the commission.

(b) The period of limitation for any violation of this article shall not run during any time while a complaint involving the alleged violation is pending before the commission.


Section 12-94. Penalty for violation of article.

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00), or imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this 18th day of December, 2014.

ATTEST:



City Clerk



Mayor and Presiding Officer

APPROVED AS TO FORM:



^ City Counselor
Deputy