

W 11/23

ENTERTAINMENT AND FACILITIES COMMITTEE REPORT and ORDINANCE FIRST CONSIDERATION relative to amending the Los Angeles Municipal Code (LAMC) and Los Angeles Administrative Code (LAAC) in regard to employers' and City contractors' use of criminal history for the consideration of employment applications.

Recommendations for Council action, SUBJECT TO THE APPROVAL OF THE MAYOR:

1. PRESENT and ADOPT the accompanying ORDINANCE, dated September 23, 2016, adding Article 22 to Chapter I of Division 10 of the LAAC to limit City contractors' consideration of the criminal history of applicants for employment.
2. REQUEST the City Attorney to prepare and present amendments to the Ordinance, dated September 23, 2016, adding Article 9 to Chapter XVIII of the LAMC to limit employers' consideration of the criminal history of applicants for employment, as follows:
  - a. Issue warnings from the effective date of the Ordinance through June 30, 2017 to allow for educational/outreach efforts. Enforcement should resume effective July 1, 2017.
  - b. State that Private Right of Action is contingent on exhaustion of administrative remedies.
3. INSTRUCT the Chief Legislative Analyst (CLA) to report in 60 days with a review of the two studies from the University of Michigan and Princeton University, and any other studies, that were published after similar Ordinances were passed. The CLA should review and report on the effectiveness of Ban the Box policies as described in these studies, and report on the reasons for any adverse results.
4. INSTRUCT the CLA to report in 60 days with a review of similar Ordinances which have been in effect for more than six months in other cities, with information on how the Ordinances are working in these cities, especially effects on employees, employers, crime reduction and the economic impact.
5. INSTRUCT the Los Angeles Economic and Workforce Development Department (EWDD) and the Bureau of Contract Administration (BCA) to report in 60 days on the required resources for an outreach program and to develop the necessary outreach materials including forms, pamphlets, posters and any other necessary material for outreach purposes.
6. INSTRUCT the EWDD and BCA to report in 60 days with input from employers with regard to the implementation of the Ban the Box Ordinance with recommendations on assisting businesses to effectuate the Ordinance.
7. INSTRUCT the CLA, with the assistance of EWDD and BCA, to report in 60 days on the Workforce Reentry Program and the feasibility of expanding the program in alignment with the Ban the Box Ordinance.

Fiscal Impact Statement: None submitted by the City Attorney. Neither the City Administrative Officer nor the Chief Legislative Analyst has completed a financial analysis of this report.

Community Impact Statement: None submitted.

### SUMMARY

At a regular meeting held on November 8, 2016, your Entertainment and Facilities Committee considered a City Attorney report and Ordinances relative to limiting employers' and city contractors' use of criminal history in the consideration of employment applications.

According to the City Attorney, on July 1, 2016, the Council moved to request that the City Attorney prepare and present the necessary Ordinances in regard to employers' and City contractors' use of criminal history the consideration of employment applications. In response, the City Attorney has prepared two Ordinances. One Ordinance amends the LAMC Code to prohibit private employers of ten or more employees in the City from inquiring into an employment applicant's criminal history until the employer has made a conditional offer of employment to the applicant. The Ordinance provides that an employer may not fail to hire the applicant to whom a conditional offer of employment has been made based on the applicant's criminal history unless the employer determines that there is a link between that criminal history and the duties and responsibilities of the employment position. Employees who violate provisions of this article will be subject to fines and penalties. The Ordinance provides certain exceptions from its coverage as required under State and federal laws.

The other Ordinance amends the LAAC to impose the similar prohibitions and requirements regarding the use of employment applicants' criminal histories by City contractors and their subcontractors. In addition to the penalties and fines for violations, the Ordinance authorizes, among other things, the termination of the City contract for a contractor's violation of the Ordinance.

Staff from the Office of the City Attorney, BCA, and CLA presented an overview of the matter. During the discussion of the matter the Chair proposed changes to the Ordinance relating to private employers, as detailed above. The Chair also requested multiple report backs on matters relating to Ban the Box matters. After consideration and having provided an opportunity for public comment, the Committee moved to recommend approval of the Ordinance related to City Contractors, request that the City Attorney amend the Ordinance related to private employers and to request report backs on Ban the Box issues, as detailed above. This matter is now forwarded to the Council for its consideration.

Respectfully Submitted,

ENTERTAINMENT AND FACILITIES COMMITTEE

A handwritten signature in blue ink, appearing to read "M. D. Darr", is written over the printed name of the committee member.

MEMBER    VOTE

O'FARRELL: YES  
KREKORIAN: YES  
BUSCAINO: YES

ME

**-NOT OFFICIAL UNTIL COUNCIL ACTS-**