

### PUBLIC PROTECTION COMMITTEE

July 28, 2014 1:00 P.M. 651 Pine Street, Room 101, Martinez

### Supervisor Federal D. Glover, Chair Supervisor John Gioia, Vice Chair

Agenda Items may be Items:

Items may be taken out of order based on the business of the day and preference of the Committee

- 1. Introductions
- 2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
- 3. APPROVE Record of Action from the June 23, 2014 meeting.
- 4. CONSIDER accepting report on the implementation of "Ban the Box" in Contra Costa County and provide direction to staff as necessary. (Kathy Ito, Human Resources Department)
- 5. The next meeting is currently scheduled for August 25, 2014 at 1:00 PM.
- 6. Adjourn

The Public Protection Committee will provide reasonable accommodations for persons with disabilities planning to attend Public Protection Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Public Protection Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Timothy Ewell, Committee Staff
Phone (925) 335-1036, Fax (925) 646-1353
timothy.ewell@cao.cccounty.us



### Contra Costa County Board of Supervisors

### Subcommittee Report

### PUBLIC PROTECTION COMMITTEE

3.

**Meeting Date:** 07/28/2014

**Subject:** RECORD OF ACTION - June 23, 2014

**Department:** County Administrator

Referral No.: N/A

**Referral Name:** RECORD OF ACTION

**Presenter:** Timothy Ewell, Committee Staff Contact: Timothy Ewell, (925)335-1036

### **Referral History:**

County Ordinance requires that each County body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

### **Referral Update:**

Attached for the Committee's consideration is the Record of Action for its June 23, 2014 meeting.

### Recommendation(s)/Next Step(s):

APPROVE Record of Action from the June 23, 2014 meeting.

### Fiscal Impact (if any):

No fiscal impart. This item is informational only.

### **Attachments**

June 23, 2014 Record of Action



Agenda Items:

### PUBLIC PROTECTION COMMITTEE

### RECORD OF ACTION

June 23, 2014 1:00 P.M. 651 Pine Street, Room 101, Martinez

### Supervisor Federal D. Glover, Chair Supervisor John Gioia, Vice Chair

Items may be taken out of order based on the business of the day and preference of the Committee

Present: Federal D. Glover, Chair

John Gioia, Vice Chair

Staff Present: Timothy M. Ewell, Senior Deputy County Administrator, Committee Staff

Terrance Cheung, Chief of Staff, District I

Donna Maxwell, Field Representative, District II

Lindy Lavender, Staff, District IV

Philip F. Kader, County Probation Officer

Catherine Kutsuris, Conservation and Development Director

Julie Enea, Senior Deputy County Administrator

Michael V. Casten, Undersheriff Matthew Schuler, Assistant Sheriff Jeff Nelson, Captain, Sheriff's Office

Chrystine Robbins, Administrative Analyst, Sheriff's Office

Vana Tran, Senior Management Analyst Bob Calkins, CDBG Program Manager

Fatima Matal Sol, Alcohol and Other Drug Services, Health Services

Department

### 1. Introductions

### Convene - 1:04 PM

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

### The Committee received public comment.

3. APPROVE Record of Action from the May 6, 2014 meeting.

### Approved as presented with the following clarifications:

1. Committee Staff clarified the the header on the attached Record of Action for May 6, 2014 reads 1:00 PM, but should be corrected to read 3:00 PM to reflect the correct start time for that meeting.

Chair Federal D. Glover, Vice Chair John Gioia

AYES: Chair Federal D. Glover, Vice Chair John Gioia

Passed

4. ACCEPT a report from the Sheriff's Office regarding Inmate Welfare Fund programs, inmate telecommunications and visitation policies and related funding at County Adult Detention Facilities.

Approved as presented with the following direction:

1. The Sheriff's Office will update the Committee at future meetings on the progress of the Inmate Telecommunications RFP, but will not provide a formal report to the Committee until the draft RFP is available for listing on the Committee calendar.

Vice Chair John Gioia, Chair Federal D. Glover

AYES: Chair Federal D. Glover, Vice Chair John Gioia

Passed

5. APPROVE the proposed work plan for reviewing the Alcoholic Beverage Commercial Sales ordinance (commonly referred to as the "Deemed Approved Ordinance") and PROVIDE direction to staff as necessary.

Approved as presented with the following direction:

1. County staff will return to the Committee with interim updates over the course of the four month work plan.

Chair Federal D. Glover, Vice Chair John Gioia

AYES: Chair Federal D. Glover, Vice Chair John Gioia

Passed

- 6. The next meeting is currently scheduled for July 28, 2014 at 1:00 PM.
- 7. Adjourn

Adjourn - 1:54 PM

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### Contra Costa County Board of Supervisors

### Subcommittee Report

### PUBLIC PROTECTION COMMITTEE

4.

**Meeting Date:** 07/28/2014

**Subject:** REVIEW OF IMPLEMENTATION OF "BAN THE BOX" IN CONTRA

COSTA COUNTY

Submitted For: David Twa, County Administrator

**Department:** County Administrator

**Referral No.:** N/A

Referral Name: REVIEW OF IMPLEMENTATION OF "BAN THE BOX" IN CONTRA

COSTA COUNTY

**Presenter:** Kathy Ito, (925) 335-1754 **Contact:** Kathy Ito, (925) 335-1754

### **Referral History:**

Ban the Box, officially Assembly Bill 218 (California Labor Code Sec. 432.9), was signed by Governor Brown on October 10, 2013 and became operative July 1, 2014. The law prohibits state and local agencies from inquiring about criminal convictions during the employment application process until the agency has determined that the applicant meets the minimum employment qualifications as stated in any notice issued for the position.

Ban the Box is intended to encourage the hiring of qualified ex?offenders by ensuring that employers screen applicants based on their work qualifications, without consideration of their prior criminal history. It also aims to reduce recidivism through the employment of qualified ex-offenders.

The law requires that any inquiry about convictions on an employment application must be removed. Under existing law, California Labor Code Section 432.7, the employer is already prohibited from inquiring into arrests or into convictions that have been dismissed, with some explicit statutory exceptions. In addition, covered employers must delay any inquiry into convictions until after the employer has determined the applicant meets the minimum employment qualifications, as stated in the notice for the position, with some exceptions.

Labor Code Section 432.9 does not apply to a position for which a state or local agency is otherwise required by law to conduct a conviction history background check (e.g., state laws regulate workers caring for children, the elderly and other sensitive populations), to any position within a criminal justice agency, as that term is defined in Section 13101 of the Penal Code, or to any individual working on a temporary or permanent basis for a criminal justice agency on a contract basis or on loan from another governmental entity.

The County took the necessary steps to ensure the criminal conviction question was removed from the County employment application prior to the July 1, 2014 effective date and is working

with departments to administer the hiring process under the new conditions.

### **Referral Update:**

The Human Resources Department implemented changes to its application submission process to comply with Assembly Bill 218 (California Labor Code Sec. 432.9). Previously, Contra Costa County required applicants to disclose, at the time of application, all conviction history detail. Effective July 1, 2014, disclosure of conviction history information is no longer required at the time of application unless it is for a position for which the County is otherwise required by law to conduct a conviction history background check. Information is collected electronically near the end of the recruitment process after the final HR scored examination step (written exam, panel interview, performance test, etc.) and before the eligible list is established. Candidates are to provide the conviction history form within three (3) business days of notification. At the end of three business days, candidates who return the conviction history form are placed on the employment list and the top ranked candidates (depending on the specific rules) become eligible for department selection interviews. For recruitments where Ban the Box does not apply (criminal justice agencies or other positions where the County is required by law to conduct a background check), completion of the conviction history form is required as a part of the job announcement supplemental questionnaire. A conviction history record will not necessarily disqualify an applicant or employee. Conviction records will be reviewed by Human Resources in conjunction with the appointing authority for job-relatedness taking into consideration recency, relevance, and rehabilitation. Conviction history may result in a request for additional information, removal from an employment list, or release from employment if warranted. This revised process will ensure the County's compliance with AB218 while ensuring County liability is kept at a minimum, candidate experience is not compromised, and barriers to employment are removed.

### AB218 (Labor Code Section 432.9) Implementation Recommendations

Confirm use of revised application submission process as this approach is consistent with neighboring counties. The Human Resources Department is preparing a Conviction Information for Applicants FAQs that will be made available to employees and the public on the County's website. In addition, staff is exploring the requirement that all finalists for County positions be fingerprinted with the information being used to verify conviction information provided by the candidates.

### **Recommendation(s)/Next Step(s):**

- 1. ACCEPT report on the implementation of "Ban the Box" in Contra Costa County including the use of revised application submission process as this approach is consistent with neighboring counties, preparation of a Conviction Information for Applicants FAQ document that will be made available to employees and the public on the County's website and potential requirement for all finalists for County positions be fingerprinted with the information being used solely to verify conviction information provided by the candidates.
- 2. PROVIDE direction to staff, as needed, on implementation of "Ban the Box" in Contra Costa County.

### Fiscal Impact (if any):

No fiscal impact. This report is informational only.

### **Attachments**

Attachment A - Ban the Box Presentation to the Board of Supervisors (June 3, 2014)

Attachment B - Ban the Box FAQ

Attachment C - Revised Contra Costa County Employment Application

Attachment D - DRAFT Criminal Conviction History Form

### "BAN THE BOX"

Implementation

## What is "Ban the Box"?

"Ban the Box", officially Assembly Bill 218 (California Labor Code Section 432.9), employment application process until the inquiring about criminal convictions during the agency has determined that the applicant meets the minimum employment qualifications prohibits state and local agencies from as stated in any notice issued for the position.

### What is the intended purpose of "Ban the Box"?

screen applicants based on their work "Ban the Box" is intended to encourage the individuals by ensuring that employers qualifications, without consideration of their hiring of qualified formerly incarcerated prior criminal history. It also aims to reduce recidivism through the employment of qualified ex-offenders.

# What does "Ban the Box" Require?

reporting questions about conviction history "Ban the Box" requires the removal of selffrom employment applications. This expands current law which precludes local and state agencies from inquiring into arrests or convictions that have been dismissed, with some statutory exceptions.

# What does "Ban the Box" Require?

convictions until after the employer has determined that the applicants meet the employer must delay any inquiry into minimum employment qualifications, as In addition, "Ban the Box" requires that an stated in the notice for the position, with some exceptions.

### Which employers are subject to "Ban the Box"?

fire cities, counties, chartered cities and "Ban the Box" applies to state agencies, counties and special districts (e.g., protection districts, water districts).

## Exemptions from "Ban the Box"

The law does not apply to:

- a position for which a state or local agency is otherwise required by law to conduct a conviction history background check (e.g., state laws regulate workers caring for children, the elderly and other sensitive populations);
- any position within a criminal justice agency (defined by Section 13101 of the Penal Code); or
- any individual working on a temporary or permanent basis for a criminal justice agency, on a contract basis or on loan from another governmental agency.

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## When is "Ban the Box" effective?

Brown October 10, 2013, became law "Ban the Box" was signed by Governor January 1, 2014, and is operative July 1, 2014.

### What steps has the County taken to implement "Ban the Box"?

- Revised employment application to remove the check "box" and associated question regarding criminal convictions.
- New application will "go live" Monday, June
- Created FAQ which explains law to job applicants and County departments.
- assistance to County department personnel. Providing training and implementation

### **BAN THE BOX FAQ**

### What is Ban the Box?

Ban the Box, officially Assembly Bill 218 (California Labor Code Sec. 432.9), was signed by Governor Brown on October 10, 2013 and is operative July 1, 2014. The law prohibits state and local agencies from inquiring about criminal convictions during the employment application process for most positions until the agency has determined that the applicant meets the minimum employment qualifications as stated in any notice issued for the position.

### What does Ban the Box (California Labor Code Section 432.9) require?

- Any inquiry about convictions on an employment application must be removed. Under existing law, California Labor Code Section 432.7, the employer is already prohibited from inquiring into arrests or into convictions that have been dismissed, with some explicit statutory exceptions.
- The employer must delay any inquiry into convictions until after the employer has determined the applicant meets the minimum employment qualifications, as stated in the notice for the position, with some exceptions.

### What is the intended purpose of Ban the Box?

Ban the Box is intended to encourage the hiring of qualified ex-offenders by ensuring that employers screen applicants based on their work qualifications, without consideration of their prior criminal history. It also aims to reduce recidivism through the employment of qualified ex-offenders.

### Which employers are subject to Ban the Box?

State agencies, cities, counties, chartered cities and counties and special districts (e.g., fire protection districts, water districts).

### When does Ban the Box go into effect?

AB 218 (California Labor Code Section 432.9) will be operative July 1, 2014.

### Are there any other exemptions from the law?

This section shall not apply to a position for which a state or local agency is otherwise required by law to conduct a conviction history background check (e.g., state laws regulate workers caring for children, the elderly and other sensitive populations), to any position within a criminal justice agency, as that term is defined in Section 13101 of the Penal Code, or to any individual working on a temporary or permanent basis for a criminal justice agency on a contract basis or on loan from another governmental entity.



### EMPLOYMENT APPLICATION AN EQUAL OPPORTUNITY EMPLOYER

Contra Costa County Human Resources 651 Pine Street – 2<sup>nd</sup> Floor Martinez, California 94553-1292 www.cccounty.us/hr

DATE RECEIVED	For Human Resources Use Only			☐ Administrative Intern
	Accepted	Rejected		☐ Bid/Transfer
	Analyst	Date		☐ Deep Class Reassignment
	Reason:  Educ.	License/Cert.		☐ Flexibly Staffed Promotion
	☐ Exp.	☐ Incomplete		☐ Student Worker
	☐ Other			☐ Temporary
		<u> </u>		☐ Temporary Upgrade

POSITION APPLYING FOR:

POSITIC	PRINT EXACT JOB CLASSIFICATION TITLE	
PL	.EASE TYPE OR PRINT IN INK	
1	Social Security Number – for Applicant/Employee Record Control (Voluntary)	
2.	Name:  Last Name First Name Middle Nam	ne
3.	Address:	
<u> </u>		ate/Zip Code
4.	Phones: ( ) ( )	
	Home/CRS/TTY Work Cell Phone	
5.	E-mail Address: Driver's License: State Number	Expiration Date
	State Nulliber	Expiration Date
6.	After employment, can you submit verification of your legal right to work in the U.S.? Yes No	
7.	Have you ever been rejected during a probationary period, forced to resign in lieu of termination, dismissed, fired, terminated, or had an employment contract terminated from any position for performance or for	
	disciplinary reasons within the last ten (10) years?	
8.	Are you fluent in any language other than English? If so, please specify:	
9.	Veterans' Points – In open examinations, Contra Costa County will add five percent (5%) to your earned examination score if you pass the examination AND meet one of the following qualifications:	
	(1) You have served continuously on active duty for more than 180 days and received an honorable discharge by the final filing deadline for the examination; or	
	(2) You are a disabled veteran.	
	To apply for points you MUST submit a copy of Form DD214 that indicates an honorable discharge or a general discharge under honorable conditions before the final filing deadline. Written verification of disability from the Veteran's Administ is required for disabled veterans. Veterans' points do not apply to promotional examinations.	
	Please mark (X) in the box if you are applying for Veterans' Credit and have attached the proper documentation.	Verify (v)
		OFFICE USE ONLY
10.	Are you currently a Contra Costa County employee? Yes \( \) No \( \) If yes, enter Employee Numbe	r
AK 4 (0):	Merit System Title	
AK-1 (6/	14)	

### EQUAL EMPLOYMENT OPPORTUNITY

To assist Contra Costa County in its commitment to Equal Employment Opportunity, applicants are asked to voluntarily provide the following information. To demonstrate that we meet equal employment opportunity requirements, periodically we must report statistical information about applicants and employees to the State and Federal Governments. When reported, data will not identify a specific individual. This questionnaire will be detached from the application prior to the examination, will be kept separate and confidential and will not be used in employment decisions.

Please answer all questions by placing an "X" in the appropriate box. (see reverse for definitions)
<a href="RACE/ETHNICITY">RACE/ETHNICITY</a>: Only one box may be marked. Person of mixed races should classify according to the ethnic group with which they identify.

1 🔲	American Indian or Alaska Native (Not Hispanic or Latino)	NAME		
2 🔲	Asian (Not Hispanic or Latino)			
3 🔲	Black or African American (Not Hispanic or Latino)	POSITION APPL	YING FOR	
4 🔲	Filipino (Not Hispanic or Latino)			PRINT EXACT JOB CLASSIFICATION TITLE
5 🔲	Hispanic or Latino	AGE:	☐ UNDER 40	☐ 40 OR OVER
6 🔲	Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino)			
7 🔲	White (Not Hispanic or Latino)	GENDER:	☐ MALE	☐ FEMALE
8 🔲	Two or More Races (Not Hispanic or Latino)			

Names of colleges / universities	attended	Course of Study / Major	r	Degree Awarded Units C				Degree Type	Date Degre Awarded	
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				Yes 🔲	No 🔲					
				Yes 🔲	No 🔲					
Other schools / training com	pleted:	Course Studied Title		Hours Completed				Certificate Awarded		
				Issue Date			Expiration Date		Number	
Licenses, certificates or registration	required for this job		_							
12. THE FOLLOWING SECTION announcement. Begin with you will be accepted if job related.	ur most recent experie	nce. List each promotion se	eparatel	y. Use a	dditional	sheets if ne	cessary. V	oluntary non-pa	aid experience	
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Volunteer										
13. How did you hear of this position?	D 000::::			. –			Other			
	CCC Website	☐ Walk-In ☐ Adve	ertisemen	nt	CCC Jo	D Hotline	Other			
I authorize the employers and edu to Contra Costa County					any inform resent em			iing my employn No 🔲	nent or educati	
15. I certify that the information I have	entered on this applicat	tion is true and complete to the	e best of	my know	rledge. I fu	urther unders	tand that ar	ny false, incompl	ete, or incorred	
statements, regardless of when the	ey are discovered, may	,								
	ey are discovered, may	, ,								
							DATE			

### DEFINITIONS:

- 1. American Indian or Alaska Native (Not Hispanic or Latino) A person having origins in any of the original peoples of North and South America (including Central America), and who maintain tribal affiliation or community attachment.
- 2. **Asian (Not Hispanic or Latino)** A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian Subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, Thailand, and Vietnam.
- 3. Black or African American (Not Hispanic or Latino) A person having origins in any of the black racial groups of Africa.
- 4. Filipino (Not Hispanic or Latino) A person having origins in any of the original peoples of the Philippine Islands.
- 5. Hispanic or Latino A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin regardless of race.
- 6. Native Hawaiian or Other Pacific Islander (Not Hispanic or Latino) A person having origins in any of the peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- 7. White (Not Hispanic or Latino) A person having origins in any of the original peoples of Europe, the Middle East, or North Africa.
- 8. Two or More Races (Not Hispanic or Latino) All persons who identify with more than one of the above five races.



Contra Costa County Conviction History Form

(Return to Human Resources within 3 Business Days)

Complete and return this form to: Human Resources Department, 651 Pine Street, 2<sup>nd</sup> Floor, Martinez, CA 94553 Position Applying for (Exact Title): Last Name First Name Middle Initial Other Name(s) Used Street Address Apt. Primary Telephone No. Number Citv State Zip Code Alternate Telephone Number **Email Address** Social Security Number: Drivers License Number: Important Reminder: You will be asked to submit a copy of this form each time you are being considered for a position. Please keep a copy for your records. **CONVICTIONS** Have you ever been convicted of any crime by any court, including a military court, except as provided below? □YES □NO A conviction includes a plea, verdict or other finding of guilt. This question includes any conviction for which you have received a pardon. However, unless you are applying for a position as a Peace Officer or with a Criminal Justice Agency, you do not need to disclose any conviction that falls within one of the categories identified below. If you have more than one conviction, and they all fall within one of the categories identified below, you should check "no" to this question. i) any record regarding a referral to or participation in any pretrial or post trial diversion program; ii) any conviction where you have successfully completed a deferred entry of judgment program. If you are currently participating in a deferred entry of judgment program, you must disclose that conviction: iii) a conviction where the Court has ordered the record sealed, expunged or statutorily eradicated; iv) a conviction for a traffic offense where the fine was less than \$400; v) a misdemeanor conviction for which probation was successfully completed or otherwise discharged and the case has been judicially dismissed under Penal Code Section 1203.4; vi) a conviction that is more than two years old and is for one of the following violations: (i) Health & Safety Code Section 11357(b) or (c), or any statutory predecessor to that section; (ii) Health & Safety Code Section 11360(c), or any statutory predecessor to that section; or (iii) Health & Safety Code Sections 11364, 11365, and 11550 as they relate to marijuana prior to January 1, 1976, or any statutory predecessors to those sections; or vii) any conviction while a juvenile (under 18 years old), unless the job announcement identifies particular convictions that must be disclosed for that particular classification or position, regardless of age when convicted. If you answered "YES," please provide the following information for each arrest or conviction. You may voluntarily provide any explanation that you wish to have considered as part of your application, including any evidence of rehabilitation. If you need more space, please use an additional piece of paper and attach to this form. Violation: Court: Date and place of conviction: Penalty (fine, sentence, dates of probation): Name under which convicted Explanation (optional): CERTIFICATION OF APPLICANT (please read carefully): I hereby certify that all statements made in this Conviction History Form are true and complete to the best of my knowledge. I understand that any false, incomplete or incorrect statement, regardless of when discovered, may result in my disqualification or dismissal from employment with Contra Costa County. Date: Signature of Applicant: