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## Resolution to Support an Ordinance Setting Standards for Consideration of Background Checks by Employers and Housing Providers in order to Expand Access to Housing and Employment for People with Arrest or Conviction Records

Whereas, over 7 million people in the United States are currently in prison, jail, or under criminal justice supervision – a rate of over 1 in 100 adults in prison or jail, and 1 in 31 adults on supervision; and

Whereas, the rates of arrest, conviction, and imprisonment show serious racial disproportionality – 1 in 9 adult African-Americans and 1 in 27 Latinos will be imprisoned compared to 1 in 45 white adults; and

Whereas, the disproportionate arrest, conviction, and incarceration rate of African -Americans and Latinos has concentrated the social and economic disadvantages of mass incarceration in communities of color; and

Whereas, California incarcerates and releases more people than any other state, resulting in large numbers of people whose backgrounds include past convictions and/or imprisonment; and

Whereas, one in four adults in California (almost 7 million Californians) has a misdemeanor or felony arrest or conviction record; and

Whereas, the lifelong collateral consequences of having a record of arrests and/or convictions include barriers to sustainable and lawful employment, safe and affordable housing, and full participation in community life; and

Whereas, the California Little Hoover Commission reports that 70 to 80% of all formerly-incarcerated people are unemployed, at least 50% are homeless upon their release, and 26% of homeless people in San Francisco had been incarcerated within the 12 months; and

Whereas, individuals with felony records are twice as likely to be denied employment as people without past convictions; and

Whereas, in 2010 over 6,270 adults were under probation supervision and over 2000 people were on parole in the City/County of San Francisco; and

Whereas, a recent evaluation of the San Francisco Public Defender's Clean Slate program found that only 36% of Clean Slate clients were employed, that 38% received public benefits, and 49% were parents; and

Whereas, surveys have shown that as many as 90% of employers and 80% of private housing providers conduct background checks, and two-thirds of employers would not knowingly hire someone with a record; and

Whereas, the manner in which employers and housing providers consider past convictions during the application process is currently unregulated, leading to confusion on the part of applicants, and unfair and illegal discrimination by employers and housing providers; and

Whereas, it is the policy of the City and County of San Francisco to prohibit discrimination on the basis of race, religion, creed, ethnicity, national origin, color, ancestry, age, sex, sexual orientation, gender identity, domestic partner status, marital status, disability, AIDS/HIV, or weight and height; and

Whereas, a past criminal record may be used as a pretext to allow discrimination against people that would otherwise be protected based on a person's membership in one of San Francisco's protected classes; and

Whereas, the City and County of San Francisco has already adopted fair hiring policies for public employment, with conviction histories examined only after finalist candidates have been selected, and only job-related convictions considered; and

Whereas, the City and County of San Francisco has a long and proud tradition of advancing the civil and human rights of people who are not otherwise protected by state or federal law,

Therefore Be It Resolved that the San Francisco Labor Council urges the San Francisco Board of Supervisors to pass an ordinance that will expand access to housing and employment for people with arrest or conviction records, by setting standards for consideration of these records by all employers, housing providers, and vendors with the City/County of San Francisco; and

Therefore Be It Finally Resolved that the San Francisco Labor Council forward this resolution to area Labor Councils, California Labor Federation, AFL-CIO and Change to Win for concurrence and action: specifically, that these labor bodies urge any legislative bodies within their respective jurisdictions to adopt similar legislation that sets standards for consideration of background checks by employers and housing providers, to expand access to housing and employment for people with arrest or conviction records.

Submitted by David Welsh, NALC 214; Alan Benjamin, OPEIU 3; Allan Fisher, AFT 2121; Rodger Scott, AFT 2121; and Ann Robertson, CFA and adopted by the San Francisco Labor Council on March 11, 2013.

Respectfully,



Tim Paulson  
Executive Director

OPEIU3 AFL-CIO 11