

CRIMINAL HISTORIES AND BACKGROUND CHECK ORDINANCE

WHEREAS, the ability of people with records to successfully reintegrate into their communities reduces recidivism, strengthens families, and leads to safer communities; and

WHEREAS, people with records represent a workforce that have skills to contribute and a desire to add value to their community; and

WHEREAS, the County seeks to assist the rehabilitation of people with records and ensure healthier, safer communities; and

WHEREAS, studies indicate that stable employment is one of the best predictors of post-conviction success; and

WHEREAS, “Ban the Box” is a national movement with a goal of increasing employment opportunities for people with past criminal convictions by removing questions from the initial employment applications regarding past criminal history and otherwise delaying and standardizing consideration of applicants’ criminal histories, and

WHEREAS, many other cities and counties throughout the United States have adopted new employment application practices in support of the “Ban the Box” initiative, and

WHEREAS, qualified individuals for job positions may be eliminated from employment consideration based on their criminal history disclosures on Wake County’s initial employment application, and

WHEREAS, Wake County gathers the most relevant and best information available during the hiring process, but does not require a criminal background check on all positions , and

WHEREAS, Wake County will conduct background checks on applicants for positions as required by law, positions deemed safety sensitive, positions that the County has determined a business necessity, and positions of such sensitivity that a background check is warranted, and

WHEREAS, Wake County seeks to develop and high qualified and highly motivated work force, **NOW THEREFORE**

BE IT ORDAINED by the Board of Commissioners of Wake County, North Carolina that Section 3, Chapter 31 of the Personnel Policy Ordinance is hereby amended to establish a Criminal History Inquiries and Background Check Policy.

Section 31.14: **CRIMINAL HISTORY INQUIRIES AND BACKGROUND CHECK POLICY.**

- A. It is the policy of the County of Wake that the initial application form used to gather information from job applicants shall not require any applicant to disclose prior criminal convictions, but shall contain a prominent notice informing all job applicants that “Position may require a background

check. Unless required by state law, a record of conviction will not automatically exclude you from consideration for employment.”

- B. Unless otherwise required by state law, Wake County will conduct a background check on an applicant once an applicant’s credentials have been reviewed, it has been determined that the applicant is otherwise qualified for a position, and the applicant has been recommended for hire by the department where the vacancy exists. .
- C. The results of a background check cannot be used as a basis for denying employment unless the denial of employment is determined to be due to job-related issues or business necessity. To meet the job-related or business necessity, the following factors will be considered for those applicants with a history of criminal convictions in determining whether to hire the applicant: the nature and gravity of the offense and its relationship to the position, the time that has passed since the conviction and/or completion of sentence, the number (if more than one) of convictions, the individual’s age at the time of the offense, and whether hiring the applicant would pose a risk to the business and other evidence regarding fitness for the position such as character references.
- D. The County Manager may institute human resources policies and procedures to ensure consistent and fair application of the policy.

ADOPTED this 18th day of April, 2016 to be effective May 1, 2016