

## Economic Opportunity Committee Meeting Transcript - 09/14/2015

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>> Troxclair: All right. Welcome to the economic opportunity meeting. It is 2:11 and we're going to get started. First we have the approval of minutes. Is there a motion to approve the minutes from the August 24th meeting? So moved. And seconded. All in favor please raise your hand. All opposed? All right. Minutes are arrived. Our second item on the agenda is citizens communication. Do we have any citizens here to speak? No citizens. Signed up. And number 3 is discussion and possible action on nominating someone to the Cota next land development code advisory group. Our fourth item on the agenda is briefing about a stakeholder group on the ban the box issue. Councilmember Casar, do you want the lead on this? Kay Kay. >> Casar: Our staff worked hard with directly affected folks and businesses throughout the summer. We were supposed to get the staff report back and stakeholder report back. Today the staff are still working with legal to get some policy recommendations down so they will be making their

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report in October and we can get citizen input in October, but the stakeholders or several of the stakeholders were very prepared to come present to us in September and since we have such a thin agenda I think it makes sense for them to prime us with the information they want to present to us so we have something to think about and hopefully are prepared to make a recommendation in our October meeting if we're so ready, but I think since we have the time I thought it would be good for them to come and present what their recommendations are to us and we can ask them questions and think about it for the next month. So I think they are here in the audience. >> I do. Thank you, councilmembers, for the opportunity to speak to you. Can you guys hear me? >> Troxclair: I understand from councilmember Casar arrest presentation is about 10 minutes? >> Correct. Back in may, the resolution to the city was presented to have stakeholders look at fair chance hiring policies that apply to private employers. And so we represent some of the stakeholders from that group to talk about fair chance hiring in Austin. Some of our stakeholders include these lovely reputable nonprofit advocacy organizations and church before you as well as other austinites like myself. I'm formerly incarcerated for something I did when I was 19 and after released I earned my bachelors from U.T. Yet to this day I never received one call-back from an application where I've had to check yes having a criminal background.

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I'm here to talk about why fair chance hiring is good and then Brian and then Lauren is going to talk about some of the must haves that a fair chance hiring policy would have. I just want to say something I forgot, that following this we're going to be darkening your door steps to talk about this a little bit more

in the following days and also to hand present a city ordinance that we have put together, proposed that we work with the national employment law project to put together what would make sense for Austin. Why it's good. First, fairness and equality. People of color are disproportionately affected by mass incarceration, mass arrests and these are things that disproportionately affect people of color. Add this to the bias of having a record. All of this creates the perfect storm that prohibits real diversity in the workplace and that's not the goal. One of the things to think about is fair chance for private employers increases the pool of qualified applicants. We think about how one out of three people have a record that will show up on a check. That's an opportunity to really connect Austinites with meaningful employment and the best way to do that is to unbiased the hiring process. Fair chance hiring also creates economic growth in that it's a boost, it's a boost in sales tax, it's a boost in the local economy that inevitably happens any time we're connecting people with meaningful employment or any time we're connecting people with employment. It also helps create -- one of the top tools for success to somebody reentering is if they can find employment. One of the reasons is, as we all know, jobs and having

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positive social professional network is one of the key indicators of anyone being successful, returning or not. And if we think back about how people of color are disproportionately affected by this, we can think about fair chance hiring as a vital life line that many communities in Austin have been waiting for a long time to get their foot in the door of economic success and economic [inaudible]. So it should be a best practice in Austin. You know, it is currently something that we're doing with city of Austin and for -- they've also made it a best practice for their offices in Austin. For some of these companies. And so one of the things to think about is instead of performing a background check for every applicant, just performing background checks for applicants up for the conditional offer so it takes out some of the unnecessary work and in the end it saves a lot of time and money for everyone involved. With that I'm going to pass it over to Brian. Thank you. >> Thank you again for your time. My name is Brian Gifford with the Texas civil rights object and I'm going to offer a couple of items very briefly as an attorney from the community. One thing is that as was mentioned has been mentioned, this is far from unprecedented policy proposal. Many cities and states around the country both have implemented policies very much like this one. It is not a partisan issue, it's simply a smart issue or smart policy. Including several major employers. Target, Home Depot, Kohl's

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industries. One important thing this does not prohibit an employer from using a background check, it's just a question of timing, whether or not the employer meets a person and begins to weigh them on themselves and their merits as a person or whether they do this at an earlier juncture and based on a set of paperwork. It's really doing it later in the process so the person can really be evaluated on their own merit. Of course, in most employment situations, background checks are not legally required, not at all. In fact, a ban the box policy actually invites employers to more fully or avoid the EEOC, equal economic opportunity -- the EEOC -- [laughter] -- Has already said that a blanket denial the one based on criminal history is going to be violation of title 7 because of the -- and the box is merely inviting employers to shield themselves against unknowingly violating that provision in title 7. It is also a cost saving device because it involves less administrative overhead work. If, it doesn't require any employer to hire anyone that they don't want to hire. It's a question of who you meet, when you meet them and what amount of information you are use to go base your decision on. Employers are still free to select the best of their offering. Thank you and with that I'll hand the clicker over to. >> My name is Lauren

Johnson and I'm going to chat with you about the must haves which is absolutely a must have. So one of the biggest components that we must have

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is that issue to include all private employers. The second thing that we think that is imperative for it to have the background check is done after of employment and that is crucial to this being an effective policy. And it's also going to be helpful with this being a policy. It will make it an effective tool if we do it that way instead of some other way. The other must have that I think is very important is education and outreach. The city of Austin, Travis county have already implemented this so it's not like we don't know how to do it, so the knowledge is there. But in the event that we should need some assistance and guidance, I am also part of the reentry planning council which also has an employment presentation put toes and there are a lot of organizations that would be willing to collaborate to assist that wouldn't cost the city any money to do so. Another must have is using dps records and to give an applicant the copy of that record so that they can dispute anything that's wrong or even explain because sometimes a situation isn't what it seems on the outside. Using dps records is vital because a lot of other organizations out there you can spend \$10 and get Joe blow's criminal history and there's a high likelihood there is a lot of erroneous information on that. So we feel like dps records are the only way to go and definitely the applicant should be able to receive a copy of that. The other thing we feel is a must have is that education should be the means of compliance. So rather than being punitive in our efforts, we want to see employers be educated about why this is good for them and why this is good for our community, but also we don't necessarily feel like this is going to be a huge ordeal, right? I feel like Austin is

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Progressive enough that we won't really have too much work to do especially in the area of civil fines for violators. I anticipate that we'll have a lot of people complying with the law, but also that the education component is the best way to address any issues for noncompliance. So as a look back, fair chance hiring policies in Austin would ensure that Austin is seen as the fair and Progressive city that we know it would be, it would build a stronger community and a stronger economy. We'll close and be happy to answer any you might have. >> Troxclair: Members, any questions? >> Casar: Thank you for sharing with us that you have been having trouble getting some call backs. I know it's a personal thing to share, but could you tell us a little more about how many jobs you've applied to and what that process has been like for you in town? >> Sure. Well, it's I graduated Carnegie melon in 2011 and I haven't been unemployed since then but several times had to apply for several jobs and I putty have a master's degree, undergraduate degree, I'm really good at project management and writing interoffice memos or whatever it is that I'm applying for that I'm especially qualified for. The thing that's weighted most heavily on my application is when I was 19 years old I committed a very stupid crime. And 14 years ago and that shouldn't be a thing that's most relate that I -- relevant that I have to live living with

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[inaudible] Kiss case. >> Casar: We've gotten some, I've gotten some concerned folks contacting me and it seems their two primary concerns have been if this is going to create a lot of additional work for employers and create potential for unsafe working environment. I know you've endorsed this policy around the city so could you share your response to both of these at least for the city if it creates a lot of extra work and second if it puts anybody at risk. >> Mark Washington. Our experience here has been

very favorable with the ban the box or our version of fair chance hiring in that we have not had to administratively evaluate the applications or the backgrounds of people upon application but have waited until we've gotten to the offer, job offer and made sure that we had a suitable candidate. But as a public employer, I notice one recommendation utilizing the records from dps, we're able to get that access from dps. I'm not sure the ability of other private employers to do that, but they already have background processes in place and so I think what the ask is is just to wait till the process until the end of the interview and upon job offer. Our experience has been very favorably. >> Casar: Thanks. >> Troxclair: Any other questions? >> Houston: Thank you all. Thank you all for -- thank you. Thank you all for being here this afternoon. I guess my question is where do you see the biggest pushback coming from? Which private providers or private entities do you see a pushback coming from? Because you said target does it, did you say Walmart? >> Walmart. >> Houston: Walmart. >> Casar: I think you said

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the Koch brothers. >> I anticipate the most pushback by people who aren't educated what this is about. A lot of people misconceive this as us trying to tell them who they can or cannot hire or whether or not they can give a background check and this is really just about giving people a chance to be judged on the merits and job qualifications and not necessarily their history. If you see that I've checked that I have a criminal history, whether it's conscience or not you are probably going to put my application to the side. If you see based on my qualifications and merits that you would like to interview me and you have a chance to talk to me face to face, then my chances of being hired for that position are a little higher with each step of the process. And that also gives me a face-to-face opportunity to explain that maybe I did something when I was young and stupid just like many people did, maybe they didn't get caught for it, doesn't mean we should have a lifetime of consequence for it. I anticipate the biggest pushback being from people that don't really understand what we're trying to do here. There might also be some pushback from some of the private employers but I think it's a matter of education and showing them that this is not taking their authority or their hiring process away from them. >> Houston: So with the education piece, do you anticipate the education piece starting first and then enacting the ordinance that says this is what the city of Austin expects and then educate? >> I think it's a package deal. I think we roll it out kind of informing people where we are framing the narrative and not letting the media -- things in a far off land. And then, you know, as we roll it out we give people the tools that they need. We give them access to people that have answers to the questions and also, again, the reentry plan, council has an employment presentation, we're

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happy to come and answer questions, we're happy to collaborate with the city any way that we can to help this be a successful initiative. >> Houston: Of course, I support this. It's almost in my community like if your name is Jane your application goes through, but W -- jowana it doesn't. Even a name or check on a box will put a discard and some won't get through to the next level. But it's just something to think about as to how it's rolled out and -- because we will have people that say this is all right as an employer. >> It certainly is. >> Houston: We need to be aware of how that needs to be handled. >> And so -- >> Also I did mention we've been talking with the national employment law project and the senior attorney has been -- has helped many other groups implement this in 100 other cities in the U.S. And so she's happy to help us as well, but we have thought about, you know, having the education piece and a bit of a buffer, you know, so it's not the next day we're hitting them with some sort of penalty, but a bit of a buffer to talk to folks about this. >> Houston: And do you have on your committee those representatives of target and Walmart who are willing to also talk to private employers? >> So I'm not

sure we have exact representatives from target or Walmart but we definitely have private employers who are happy to talk about how they are already doing this or how they support this. >> Houston: Because it's one thing to have the city or the state or the county do it, it's a whole different ball game when you talk about private industry, so it's always helpful to have someone that speaks their language to be able to deliver that message to them. >> Absolutely. And we do have people to say

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we are already doing this, it's not something to be afraid of. >> Troxclair: Councilmember pool. >> Pool: So it sounds to me like it's really a sequence change and shift that you are asking for rather than having the box there on the job application, you move in having that call you out. You have that background check, criminal background check done at the point where something is being considered for hire so it would save money for employers because it would be fewer people they would have to run the background check on. It seems like -- almost like I'm so glad that councilmember Casar brought this up and I fully support him and I think I was one of the sponsors on it and I worked for the employment commission, it's now called the workforce commission, what I saw there happening was even though people who have been prosecuted and served their time in jail or in prison, it's like a scarlet letter a, it follows them even though the whole idea about going to prison is that you are paying your -- it's penalty and you are paying -- that penalty is -- you served your time and you are supposed to be made whole, but it does seem like that cloud follows you throughout. And so I'm really glad that we're working on this initiative. I wish you all the best. I think it's a really good one. I'll continue to support it and try to help you all however you would need that and I think it's one of the clearest cut ways that we can show people who have paid their debt to society we have support them in becoming product and hopefully one day being able to vote again because I think that also is taken away from people who are sent to prison. Has that changed? Does anybody -- [inaudible] But if you are are still under parole or probation supervision you have to wait until that is finished.

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>> Pool: Thanks for that. >> Thank you. >> Houston: And when I'm doing voter registration before I became a city council person, I would always say are you on paper and they knew exactly what that meant and they would say no, I'm not yet. As soon as you are off paper, then you can register so please don't get defeated by that. One other thing is I know you've completed your public process, but there's a Latrice cook who I would like for her to be included in the loop as you all begin to kind of roll this out. >> Troxclair: Councilmember Casar. >> Casar: I think there may have been something from one of the meetings and I think our initial one, but we'll make sure that she's looped in because I think this is one part of the process, but another part is after passing this kind of policy there's a guarantee we get folks the jobs and we need to get people trained and prepared and recruited into the employment so I think that she plays a vital role in that just like a lot of other folks. >> Troxclair: Thank you all for that presentation and for being here today and I guess we'll have a followup on this issue on our next committee meeting in October. So thank you so much. I think we may set the record here for shortest committee meeting ever. Of course because of the budget we had to move our last committee meeting so it hasn't been very long since we were here last and won't be very long until we're here again. A couple of things on the radar for the next meeting besides the ban the box followup, we're going to have an update from staff and tele communications [inaudible] Given quite enough notice so they will be on the agenda for next time. I'm also going to ask our music division to come and

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give some short presentation about music hub idea that they have about -- that will help us to leverage resources to support the music industry and y'all just please let me know if you have any other things you want to see on the agenda. With that I think the -- we will conclude this meeting at 12:36 and see you next time. >> 12:36? >> Troxclair: Really set a record. 2:36.