



Proposed Citywide Fair Chance Hiring Ordinance

Ryan Adams
Chief of Staff



What is a Fair Chance Hiring Ordinance?

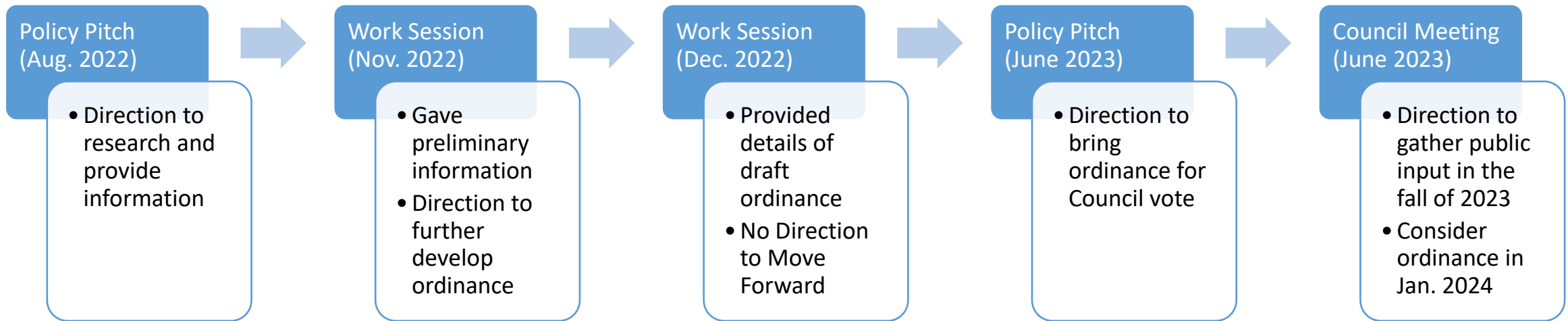
- Delays a criminal history check, or consideration of an applicant's criminal history until later in the process
 - Typically, when the applicant has been given a conditional offer of employment
 - Also known as "Ban the Box" ordinance
- Designed to eliminate to the greatest extent possible discriminatory impact.
 - Equal Employment Opportunity Commission (EEOC) recommends it as a best practice
 - EEOC also recommends that an employer conduct an individualized assessment.
 - Rejecting everyone with an arrest or conviction from all employment opportunities could be discriminatory

Local Regulation of Fair Chance Hiring

- In Texas, the following cities have enacted formal laws relating to Fair Chance Hiring:

Applies Only to Organization	Applies Across Jurisdiction
Dallas County	City of Austin
City of San Antonio	City of DeSoto
Travis County	
Harris County (2022)	

Denton's Proposed Ordinance: Background



What does the proposed ordinance prohibit?

- Prohibits consideration of a job applicant's criminal history if that consideration results in discrimination based on a protected class
- Discrimination in employment is prohibited by:
 - Title VII of the Civil Rights Act of 1964
 - Texas Labor Code
 - Other state and federal employment laws

Protected Classes

- Race*
- Color
- National Origin
- Age
- Religion
- Disability
- Sex
- Sexual Orientation
- Gender Identity

*Including Hairstyle (Crown Act)

Specific Prohibited Actions

- The following are prohibited if they result in discrimination:
 1. Stating or implying that a criminal history is an **automatic disqualifier**
 2. Inquiring about criminal history in the **job application**
 3. Inquiring about criminal history **before a conditional employment** offer
 4. Employer **refusing to consider an applicant** because they did not provide criminal history before a conditional employment offer
 5. Take adverse action based on criminal history **without an individualized assessment**
- Can inform applicants that a criminal history check is part of the process.

What does it not prohibit?

- Any action that does not result in discrimination.
- Inquiries about an applicant's criminal history if there are federal or state laws that require a criminal history check.
 - There are laws that disqualify a person from holding a particular position due to a conviction for a certain offense
 - e.g., child day care facilities, public safety positions, certain financial or insurance positions

Who is covered under the proposed ordinance?

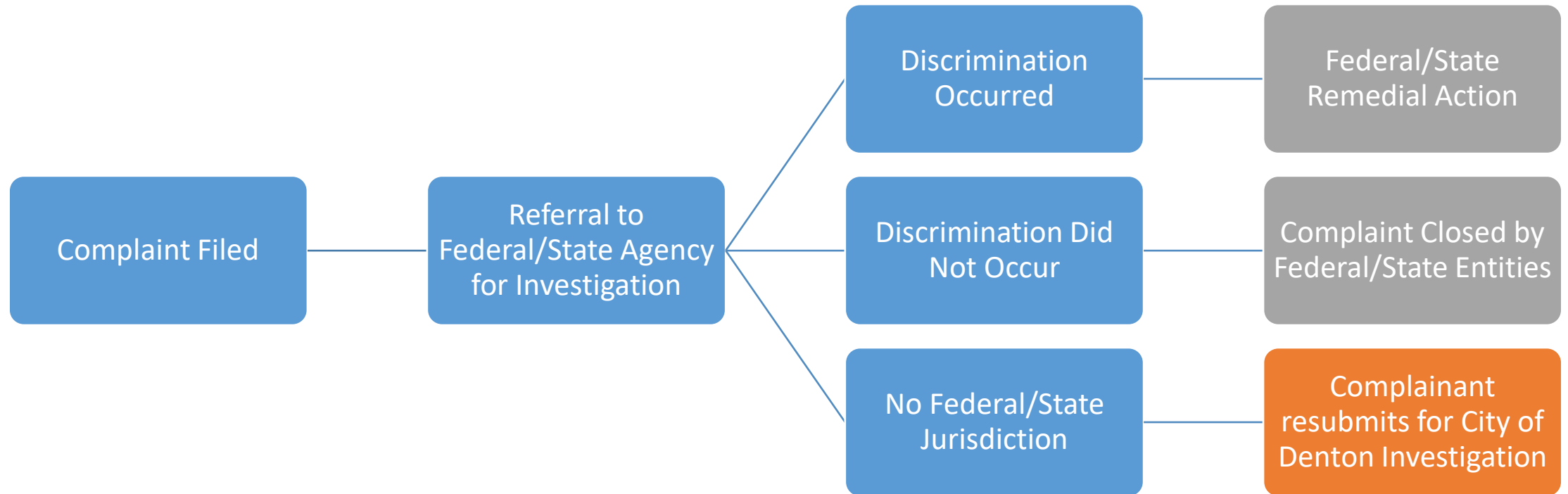
Covered

- All private employers with 15+ employees

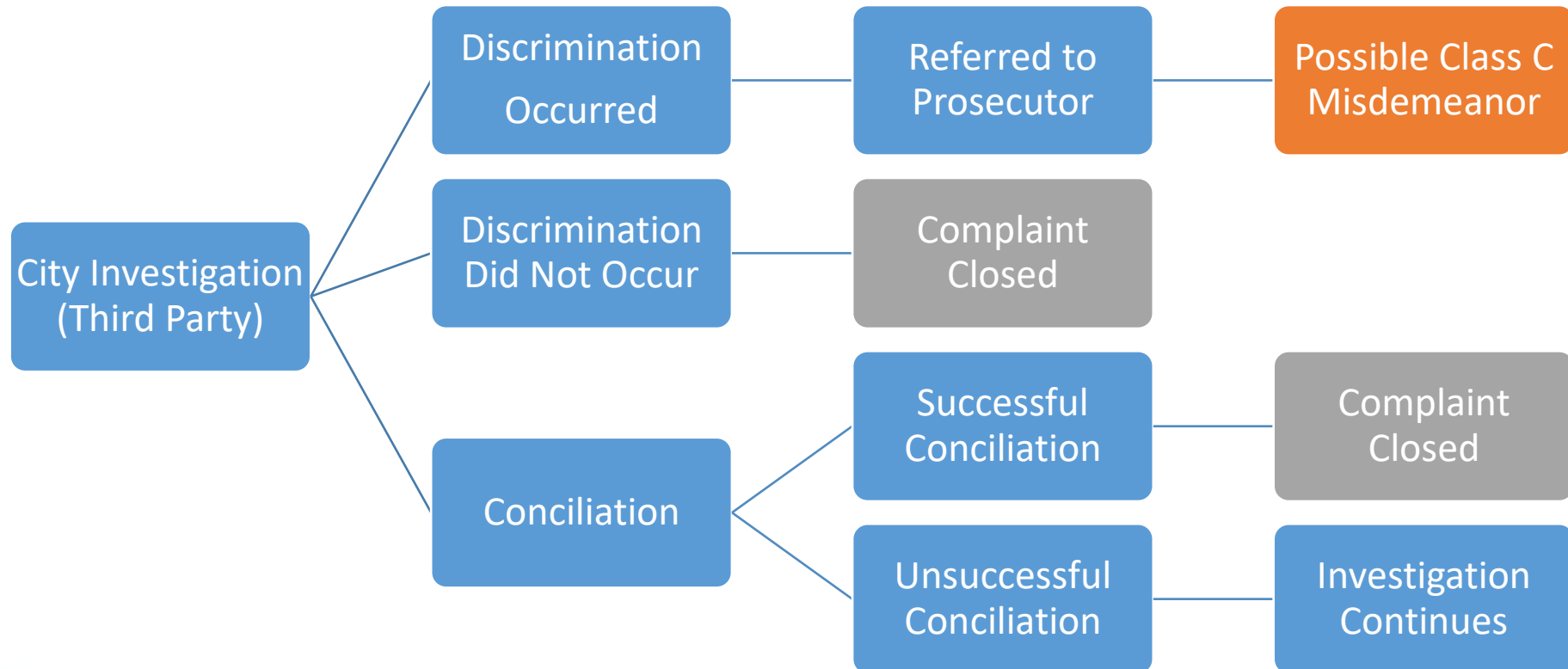
Not Covered

- Religious organizations
- US Government
- State of Texas (including political subdivisions)

How are complaints handled?



City Investigation



Additional Questions

- Q: What if employer is not headquartered in Denton?
 - A: Employers who operate a business in the City of Denton would be subject to the proposed ordinance
- Q: What is the best practice for a prospective employer?
 - A: The EEOC recommends that questions regarding a job applicant's criminal history not be asked until after a conditional offer of employment has been given.

The EEOC also recommends that a prospective employer conduct an individualized assessment of each applicant's criminal history.



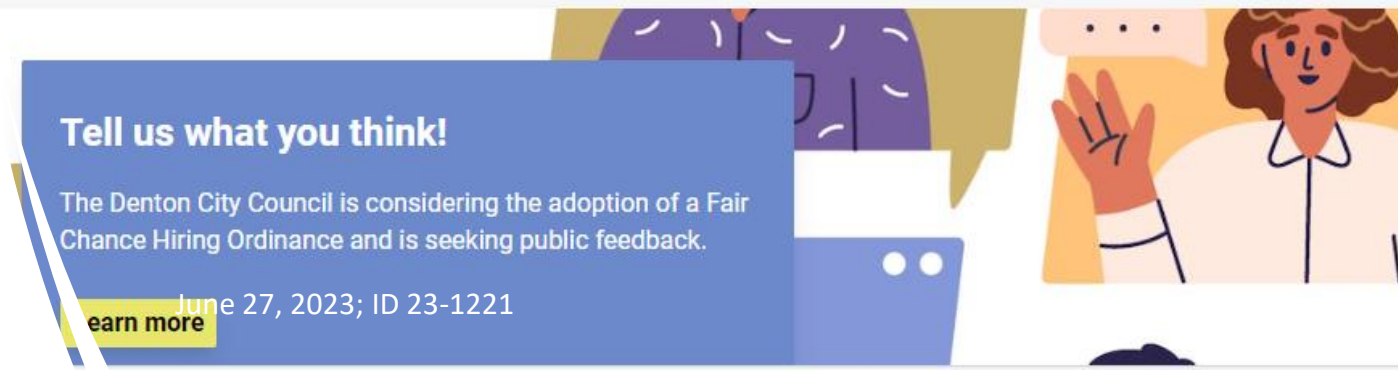
Give Feedback

- Get info:
 - Review the Ordinance
 - Read FAQs
 - Contact Staff
- Engage:
 - Ask a Question
 - Leave Comment
 - State your Opposition/Support

www.discussdenton.com/fairchancehiring



Public Input for Fair Chance Hiring



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