



# City of Holyoke

## IN CITY COUNCIL

Introduced by Councilor Nelson R. Roman, Peter R. Tallman

Ordered, Whereas, this order seeks to assist the successful reintegration of formerly incarcerated people into the community by removing barriers to gainful employment after their release from prison. More than 650,000 people are released from state and federal prisons each year and hundreds and thousands more leave local jails. Formerly incarcerated people represent a group of job seekers ready to contribute and add to the work force. Lack of employment is a significant cause of recidivism; people who are employed are significantly less likely to be re-arrested. Obstacles to employment for people with criminal records and other barriers to re-entry are creating permanent members of an underclass that threatens the health of the community and undermines public safety.

That the City of Holyoke Personnel Department and its contractors review and make revisions to their current civil service processes and eliminate any barriers, during an interview and application process, that may preclude applicants with criminal records from gaining employment with the City of Holyoke and/or its contractors. Giving exception to any employment having to deal with the elderly, and the youth. In City Council, January 16, 2018. Received and referred to the Ordinance Committee.

In City Council, on November 20, 2018, the report of Committee received and the Ordinance passed its first reading.

The Ordinance passed its second reading.

The Ordinance was passed to be enrolled.

The Committee has considered the same and find that it is truly and properly enrolled.

Report of Enrollment received.

The Ordinance was passed to be Ordained and Adopted on a call of the roll of the yeas and nays --Yeas 10--Nays 0--Absent 3 (Anderson-Burgos, Bresnahan, Leahy).

Brenna m. McTee  
Clerk

Presented to the Mayor	Mayor's Office
For Approval <u>NOV 26</u> , 20 <u>18</u>	Holyoke, Mass. <u>11-26-18</u> , 20
<u>Brenna m. McTee</u> City Clerk	Approved <u>alshouse</u> Mayor

# IN THE YEAR TWO THOUSAND AND EIGHTEEN

ONE HUNDRED SIXTY-FIRST AMENDMENT TO CHAPTER 2 OF THE REVISED CODE OF ORDINANCES OF THE CITY OF HOLYOKE, MASSACHUSETTS 1997

## AN ORDINANCE

Be it ordained by the City Council of the City of Holyoke as follows:

**SECTION 1.** Division 3 entitled "Purchasing Department" of Article III entitled "Departments" of Chapter 2 entitled "Administration" of the Revised Code of Ordinances of the City of Holyoke, Massachusetts, 1997, as amended, is hereby further amended by the following:

### ADDING:

#### **Sec. 2-348 – Fair CORI Practices**

- (a) *Purpose.* This section is intended to ensure that the persons and businesses supplying goods and/or services to the City of Holyoke deploy fair policies relating to the screening and identification of persons with criminal backgrounds through the CORI system.
- (b) *Definitions.* Unless specifically indicated otherwise in this chapter or M.G.L. c. 30B, these definitions shall apply and control:
- (1) *Applicant* - any current or prospective employee, licensee, or volunteer and includes all persons included in 803 CMR 2.03.
  - (2) *Chief Procurement Officer* – the purchasing agent for the City of Holyoke appointed under M.G.L. c. 41 s. 103.
  - (3) *Contractor* - any vendor, contractor, or supplier of goods and/or services to the City of Holyoke.
  - (4) *CHSB* - the Criminal History Systems Board defined in M.G.L. c. 6 and 803 CMR 2.00.
  - (5) *Otherwise qualified* - any applicant that meets all other criteria for a position or consideration for a position.
- (c) *Application of CORI-Related Standards.*
- (1) The city will do business only with contractors that have adopted and employ CORI-related policies, practices, and standards that are consistent with ~~city~~ standards. *S. Fote/aw*

- (2) The city employs CORI-related policies and practices that are fair to all persons involved and seeks to do business with contractors that have substantially similar policies and practices.
  - (3) The chief procurement officer shall review all contractors' CORI policies for consistency with city standards.
  - (4) The chief procurement officer shall consider all contractors' CORI standards as part of the criteria to be evaluated in the awarding of a contract and will consider a contractor's execution of the CORI standards to be evaluated among the performance criteria of a contract.
  - (5) The chief procurement officer may consider any contractor's deviation from the CORI standards as grounds for rejection, rescission, revocation, or any other termination of the contract.
- (d) *CORI-Related Standards.* The CORI-related policies and practices of the city shall include, but are not limited to:
- (1) The city has a policy of affording a rehabilitated individual with a criminal record a fair opportunity to be employed and reintegrate successfully into the workforce, while protecting vulnerable populations and the public safety. Consistent with this policy, a criminal record will not automatically disqualify an applicant from employment, unless explicitly mandated by law.
  - (2) The city will not conduct a CORI check on an applicant unless a CORI check is required by law or the city has made a good faith determination that the relevant position is of such sensitivity that a CORI report is warranted.
  - (3) The city reviews the qualifications of an applicant and determines that an applicant is otherwise qualified for the relevant position before the city conducts a CORI check. The city does not conduct a CORI check for an applicant that is not otherwise qualified for a relevant position.
  - (4) If the city has been authorized by the CHSB to receive CORI reports consisting solely of conviction and case-pending information and the CORI report received by the city contains other unauthorized information (e.g. cases disposed favorably for the applicant such as not guilty or dismissal) then the city informs the applicant and provides the applicant with a copy of the CHSB's information for the applicant to pursue correction with the CHSB.
  - (5) When the city receives a proper CORI report of an applicant that contains only the CORI information that the city is authorized to receive and the city

is inclined to refuse, rescind, or revoke the offer of a position to an applicant then the city fully complies with 803 CMR 6.11, including, but not limited to, notifying the applicant of the potential adverse employment action, providing the applicant with a photocopy of the CORI report received by the city, informing the applicant of the specific parts of the CORI report that concern the city, providing an opportunity for the applicant to discuss the CORI report with the city including an opportunity for the applicant to present information rebutting the accuracy and/or relevance of the CORI report, reviewing any information and documentation received from the applicant, and documenting all steps taken to comply with 803 CMR 6.11.

- (6) The City makes final employment-related decisions based on all of the information available to the city, including the seriousness of the crime(s), the relevance of the crime(s), the number of crime(s), the age of the crime(s), and the occurrences in the life of the applicant since the crime(s). If the final decision of the city is adverse to the applicant and results in the refusal, rescission, or revocation of a position with the city then the city promptly notifies the applicant of the decision and the specific reason(s) thereof.
- (e) *Waiver.* Under exigent circumstances, the chief procurement officer may grant a waiver of this section on a contract-by-contract basis and shall submit a written record of the waiver to the city council. The written record shall include, but not be limited to, (a) a summary of the terms of the contract, (b) the details of the contractor's failure or refusal to conform with the city's CORI-related standards, and (c) a brief analysis of the exigency causing the grant of waiver. No waiver may be considered perfected unless the chief procurement officer fully complies with the provisions of the sub-section.
- (f) *Applicability.* If any provision of these sections shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**SECTION 2.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 3.** This ordinance shall take effect on the date of passage.

APPROVED AS TO FORM:

  
Crystal Barnes  
Assistant City Solicitor