

MINUTES

METROPOLITAN CIVIL SERVICE COMMISSION

PUBLIC HEARING FOR CONSIDERATION OF BAN THE BOX

OCTOBER 13, 2015

The Metropolitan Civil Service Commission met for a Public Hearing on October 13, 2015 in the Howard Office Building – Sonny West Room, Nashville, Tennessee, at approximately 9:07 a.m.

Commission Members present: Chairman William H. Farmer, Vice-Chairman R. Steve Corbitt, D. Billye Sanders and Jo Ann North

Other Members present: Ms. Veronica T. Frazier, Director of Human Resources – Secretary to the Commission and Ms. Nicki Eke, Metro Legal Department – Attorney to the Commission

Chairman Farmer began the meeting by stating the purpose of this meeting was to hear the Ban the Box proposal. He further stated he felt there was a little disconnect on exactly how a person applies for a job with Metropolitan Government of Nashville and asked for someone to be able to speak on that.

Michael Taylor came before the Commission and stated that all applicants on the Civil Service side would be able to go to Metro's website and apply on line by completing an application under Neo Gov. From there, a series of questions are provided, one in which applies to conviction. Depending on the qualification of the jobs, there are supplemental questions for each applicant who must provide an answer. Once the applicant completes the process, an analyst in HR evaluates their application, education, experience and any other credentials such as certifications that would be needed for the job and rank the candidates. Afterward, the rank of candidates is sent to the hiring department for review. Any questions from the requesting department are directed back to Human Resources where the departments work in unison. A preliminary list is sent to the department. Once the department has the list of eligible candidates (open competitive) the rank would either be outstanding, well qualified or qualified and the department would then determine which individual they would like to contact for an interview. The mandatories are those who are Civil Service employees and veterans in which the department must interview. Then it is up to the department to decide if there are any other candidates that may have scored higher category they would like to interview. This is the process for the entry level / open competitive process.

Chairman Farmer asked if this were true for anyone who would like to work for Metropolitan Government must go on line and fill out a digital application. Mr. Taylor said yes for the Civil Service departments. For those who are non-Civil Service departments announcements are posted but generally those applications go directly to the department. He also said there may be some departments that still use the paper applications. It is the Civil Service application most departments use.

Chairman Farmer said so no matter who you are applying to work , your digital on-line application goes through Human Resources first. Mr. Taylor said yes for all Civil Service departments. Chairman Farmer went on to ask when that happens the box – speaking about the criminal history, is on the on-line application. Mr. Taylor said that is correct. Mr. Farmer asked when the box is checked, what happens at that point. Mr. Taylor said if the applicant who is applying for a job has some convictions, there would be a place on the application where the person would explain whatever the conviction was at that time. The staff in Human Resources does not evaluate this. They only evaluation the application primarily on the education requirements and other qualifications such as experience or certification . Once that is complete, the information is forward to the hiring department, there are the mandatories such as the veterans and Civil Service. But for everyone else, the hiring department can look and see who they would like to interview. Applications are then forward on all of the individuals they want to review. It would be the hiring department to take over the process which would be going through the applications to see if there was anything the hiring department would have concerns.

Chairman Farmer asked if the box is checked then it wouldn't have any impact whatsoever on the rankings that are given to the applicant. Mr. Taylor said that was correct. There would be no impact at all. Chairman Farmer asked if a person (Veteran or Civil Service) checks the box and has a criminal record, will they be interviewed even if they have a criminal history. Mr. Taylor said yes. Mr. Farmer asked if this had always happened. Mr. Taylor said this process has been in place a lot longer than he has been with Metro Government. Mr. Farmer asked if the Human Resources Department check to make sure the veterans and Civil Service employees actually get an interview. Mr. Taylor said yes. Near the final process each applicant that is a veteran or Civil Service employee are identified. For veterans listed in the system and who were honorable discharged, they must submit a copy of a DD214. When we have a completed register, it identifies all of the civil service employees and all vets. The staff from Human Resources insures that each of those particular individuals have received an interview. If they have not, then contact is made with the hiring department to advise they must interview before the list is submitted. So there is a check and balance on mandatory Veterans and Civil Service employees.

HR Director Veronica Frazier said a copy of the digital application was distributed to the Commission and explained essentially what would happen on question seven (7) ...have you ever been convicted for a violation and eight (8) ... if yes to the previous question, please explain. Those questions would be omitted. However, at the end of the application there is a digital signature that is required when submitted the application. Part of the digital signature, the application on question four (4) says...I authorize Metropolitan Nashville Government or its representative is to investigate and verify any and all information contained in the employment application and to conduct a criminal background investigation. You cannot be hired in Metro Government without going through a criminal background. So, the application is made aware of that a background check will be made. It would simply be omitting questions seven (7) and eight (8) in the initial phase of the application process with the exception of Public Safety positions (Police, Fire, Sheriff, ECC and a few other positions in other departments where that would occur).

Chairman Farmer said for another point of clarification is the Sheriff's Office, Ecc, Police and Fire are going to know before the interview on whether or not a person has a criminal background. Mr. Taylor said this is correct. Chairman farmer said that everybody before they can actually get a job in Metro will undergo a criminal background check. Mr. Taylor said correct. He further stated that is a Policy of this board for background checks that every employee receives a thorough background check prior to starting employment with Metro Government. Chairman Farmer asked if there were any other questions about the hiring process as it exists or proposed by the department.

Commissioner Sanders said she understood how it exists but do all employees even non-Civil Service have criminal background checks? Mr. Taylor could not speak for every department that is not within Civil Service, but believes it is strongly supported by other non-Civil Service departments. Human Resources receive information requests because that is another process that comes through HR. He said Human Resources receive other background reports from non-Civil Service departments. Mr. Taylor said he could not tell what departments do this. HR Director Veronica Frazier said a majority of the departments conduct background checks on the employees they hire and facilitate that process for them.

Chairman Farmer said there was a survey to the department heads about their position on this issue there were several that did not respond at all. The only one that responded negatively was the Water Service Department. He asked if there any discussion with Director Potter about the proposal. HR Director Frazier said she spoke with him and understood there would be a representative at the Public Hearing. Water Services Assistant Director Sonny Lyons was present before the Commission to explain the Water Departments position is not for Ban the Box. Chairman Farmer asked if there was a rational why the department wanted to keep this. Mr. Lyons said there were concerns about positions that pertains to water treatment and the public safety not manual labor or other regular position at Water. Some convicted applicants have been hired by Water in the past. The concern was only for Homeland security – Water treatment. Chairman Farmer then asked if there were others who wished to speak on the proposal.

Vice-Chairman Corbitt said across the country Homeland Security is encouraging people to be more cognizant about what is happening with Technology, hacks and other things that the public could be harmed by. If there is a particular department that chooses to ignore the information or how they evaluate an employee or an applicant when the department is ready to hire, at least the department will have the information available for them to view.

Chairman Farmer asked Mr. Taylor if there was a record of known employees who have a criminal background. Mr. Taylor wasn't sure if there was a Data Base on this. He did say having previously with Public Works, there were a number of individuals who were hired with blemishes on their record who were hard working and dedicated employees.

Commissioner North if that included DUI's. Mr. Taylor said it is on any conviction other than minor traffic offenses.

Chairman Farmer asked who at the hearing would want to speak on Ban the Box. The following people came before the Commission to speak before the Commission for Ban the Box.

- Jackie Sims – Democracy Nashville
- Steven Handy
- Damien Durn
- Betty Kirkland – Project Return
- Daniel Horiwitz – Attorney
- Pat Halpeipn
- Ms. Wiley
- Andrea Flores – Democracy Nashville
- Andrew Krinks – Democracy Nashville

The Commission discussed amongst themselves all of the information that had been provided during the Public Hearing for and against Ban the Box. In closing, Chairman Farmer noted that he had been an Assistant United States Attorney for four years in Nashville and a Federal Defender for seven years. The first eleven years were spent in Criminal Justice on both sides. He said he was keenly aware of what a conviction does to a person's future and how it is destroyed. He further stated he was keenly aware of the war on drugs, sentencing guidelines that resulted in this country having the most people incarcerated than any country in the world. He said he believed even though there is no statically way to figure it out that a person who has the opportunity to get a job with a conviction will never be an outstanding employee. He noted the two sides of Nashville growth of the city yet on the other side there are people who hurting and need help. Chairman Farmer further said during the Mayoral election the candidates listened to the public on this proposal. Also those who ran for Councilman at Large listened as well.

Inasmuch as the Commission has listened and discussed this matter, it cannot be voted on today but will be brought back to the next Civil Service meeting in November.

With no additional questions raised by the Commission or comments from the public, the meeting adjourned at 10:00 a.m.

ATTEST:

APPROVED:

***Ms. Veronica T. Frazier, Director
Human Resources Department
Secretary to Civil Service Commission***

***William H. Farmer, Chairman
Civil Service Commission***