



## Equity Advisory Committee ("EAC") Minutes from the November 9, 2011 Meeting

**Committee members present:**

Commissioner Faye Woo Lee, Commissioner Mark Kelleher, Miquel Penn, Rick Hauptman, Monali Sheth, Elena Gil, Azalia Merrell, Jane Henzerling, Mira Browne and Grecia Lima

**Committee members absent:**

Commissioner Michael Pappas, Susana Rivero, Mollie Ring, Ophelia Williams and Dena Wurmen,

**Staff present:**

David Miree  
Zoe Polk

**Guests present:**

**Zoe Polk, Senior Policy Analyst, San Francisco Human Rights Commission**

**Call to order, roll call and approval of minutes:**

Staff member David Miree called the meeting to order at 5:48 pm and called the roll. A quorum of the EAC was present at the meeting. A motion was made and second to approve the minutes from the October 19, 2011 meeting of the EAC. A point of order was made that staff inadvertently omitted calling for the approval of the September 14, 2011 meeting minutes at our prior meeting. A motion was made and second that the September 14th minutes be approved.

**Public comment for items not on the agenda:**

None

**Commissioners' and Staff Report:**

Commissioner Lee noted that the full HRC Commission was in the process of reviewing the guidelines and by-laws governing all the HRC's Advisory Committees. Commissioner Lee offered that the Commission was reviewing membership standards and recruitment as well as policies and procedures for term limits, the number of work groups and projects, addressing absenteeism and goals for 2012. Commissioner Kelleher echoed this notice and stated that discussion on the HRC's ACs would continue on the following day at the Commission Meeting. Commissioner Kelleher expressed that the intent of this review was to ensure that all of the HRC's Advisory Committee had the same guidelines governing membership, policies and procedures.

HRC Staff member David Miree reiterated that as a part of this revision, **all** current AC members (LGBT, LBE and EAC) were asked to complete a new application for membership consideration. However as a result of the on-going review and potential changes in policies the time frame for membership consideration for both new and existing members had been extended until the this review process had been completed. Miree noted that all existing EAC members who wished to remain on the EAC for the 2012 term needed to notify him (Miree) accordingly.



Miree expressed again that the subject of time commitment had been an issue with some of the Equity Advisory Committee members and these new directives are “timely” and should foster greater **uniformity** to ensure that all SF-HRC Advisory Committees are working at the same level of efficiency and effectiveness.

Commissioner Kelleher highlighted some of his work on a “sub-committee” related to budget and funding for the Human Rights Commission. He noted that with this sub-committee some of the projects he had been working on included “re-constituting” and meeting with the “Friends of the HRC.” Commissioner Kelleher gave a brief history noting that “in its heyday, the “Friends” were rather active and conducted rather “large scale” projects that attracted a large number of interested participants. The “Friends” sponsorship of funds often ranged between \$15,000-\$20,000 to be spent on the projects of the Commission. Anticipated projects this year include an award program and establishing an HRC “Seal of Approval”. The “Friends” is a 501c3 organization and historically has helped to “fund” a variety of HRC projects/programs including sponsoring (legal or staff) interns but the main focus of the “Friends” was to fund HRC programs specifically the Non Discrimination Unit. Kelleher noted that with pending fiscal restraints being put on the HRC that the “Friends” as a funding source will become more and more vital to the agency’s ability to advance human rights advocacy.

HRC Staff Miree reminded the Committee of the Special Community Meeting of the HRC that would take place in the Western Addition on Thursday, November 17, 2011 from 6:00-8:00pm (West Bay Center). Miree noted that a large focus of this meeting would be a discussion on the status of the various equity and diversity reports that have been conducted by the City over the last two decades including the “Out Migration” which also ties into some of the projects that the EAC is working on. With this, Miree invited EAC members to attend this community meeting where he noted the possibility of those individuals working on the Out Migration/Youth Vocation project may be asked to address the Commission. The “theme” of this community meeting is to reflect the HRC’s effort toward supporting and recognizing small businesses and entrepreneurial ventures leading to greater self-empowerment of the African-American Community. This effort is in conjunction with the agency’s goal toward addressing **implementation** of some of the recommendations and finding put forth in the various equity reports.

### **EAC Speakers Series**

#### **Zoe Polk, Esq. Senior Policy Analyst, San Francisco Human Rights Commission**

TOPIC: San Francisco Human Rights Commission’s efforts related to an initiative to increase legal protections for persons with prior arrest and conviction records (PACR).

One in four adults in California (almost 7 million Californians) has a misdemeanor or felony arrest or conviction record. When those adults seek employment or housing, they often face blanket denials. Further, the disproportionate representation of African Americans and Latinos in the criminal justice system has concentrated the social and economic disadvantages of such discrimination in communities of color. The use of criminal background checks can help ensure public safety; however, too often, background checks are used indiscriminately and over broadly.

To illustrate the current discussion around this issue Ms. Polk provided the following overview:

### ***Overview of Proposal*** **Prohibiting Discrimination on Basis of Arrest or Conviction Record** **Reentry Council**

#### **Background**

The lifelong collateral consequences of having a record of arrests and/or convictions include barriers to accessing sustainable and lawful employment, safe and affordable housing, and full participation in civic life. The Reentry Council’s Annual Report contains two recommendations directly related to reducing unnecessary barriers to housing and employment based on arrest or conviction record.

## The Need

- One in four adults in California (almost 7 million Californians) has a misdemeanor or felony arrest or conviction record.
- A recent evaluation of the San Francisco Public Defender’s Office Clean Slate Program found that only 36% of Clean Slate clients were employed, and 38% received public benefits. 49% of Clean Slate clients were parents, and 47% of Clean Slate clients were African American.
- Commercial background checks are inexpensive to conduct, and used broadly by employers and others. 92% of large employers in a recent survey reported using criminal background checks.

## Summary of Proposal

- Would prohibit discrimination on the basis of an arrest or conviction record
  - (1) within San Francisco in employment, housing, business establishments, or public accommodations;
  - (2) in employment by City/County contractor;
  - (3) in provision of services by City/County contractor.
- Decisions about employment or housing may not be based on a conviction, unless the conviction is determined to be substantially related to the employment or housing sought.
- When background check reports are used, individual should be notified, provided grounds for adverse determination and copy of report, to extent permitted under law.

## Next Steps

- The recommendation contained herein shall apply except to the extent permitted by federal, state, or local law. The City Attorney’s Office would provide necessary analysis and advice on this and related issues before finalizing the ordinance or compliance guidelines are finalized.
- Reentry Council staff and members would continue to work with Human Rights Commission staff, and all other affected and interested stakeholders including the Mayor’s Office to refine proposal for further consideration by the Human Rights Commission, Board of Supervisors, and the Mayor.

### Other jurisdictions that have “Banned the Box”

#### Overview of City, County, and State Fair Hiring and Housing Policies for People with Arrest or Conviction Records

#### Reentry Council

CITIES, COUNTIES, and STATES that have adopted “ban the box” policies	EMPLOYMENT			HOUSING	
	Job Application Protections				Selection criteria explicitly adopts job- related test
	Public	Vendors or contractors	Private		
CALIFORNIA	X			Prohibits discrimination against people with arrest or conviction record	

CITIES, COUNTIES, and STATES that have adopted “ban the box” policies	EMPLOYMENT				HOUSING
	Job Application Protections			Selection criteria explicitly adopts job- related test	Prohibits discrimination against people with arrest or conviction record
	Public	Vendors or contractors	Private		
Alameda County	X				
Berkeley	X			X	
Oakland	X				
San Francisco	X			X	
<b>CONNECTICUT</b>	X			X	
Bridgeport	X			X	
Hartford	X	X		X	
New Haven	X	X		X	
Norwich	X				
<b>FLORIDA</b>					
Jacksonville	X			X	
<b>GEORGIA</b>					
Atlanta*	X			X	
Savannah*	X			X	
<b>HAWAII</b>	X	X	X	X	
<b>ILLINOIS</b>					
Champaign					X
Chicago	X			X	
Urbana					X
<b>KENTUCKY</b>					
Edgewood	X				
Lyndon*	X				
<b>MARYLAND</b>					
Baltimore	X				
<b>MASSACHUSETTS</b>	X	X	X		
Boston	X	X		X	
Cambridge	X	X		X	
Worcester	X	X		X	
<b>MICHIGAN</b>					
Battle Creek				X	
Detroit	X				
Kalamazoo	X				
<b>MINNESOTA</b>	X			X	
Minneapolis	X				
St. Paul	X				
<b>NEW MEXICO</b>	X				
<b>NEW YORK</b>	X				
New York City	X	X	X	X	

CITIES, COUNTIES, and STATES that have adopted “ban the box” policies	EMPLOYMENT			HOUSING	
	Job Application Protections			Selection criteria explicitly adopts job-related test	Prohibits discrimination against people with arrest or conviction record
	Public	Vendors or contractors	Private		
<b>OHIO</b>					
Centennial				X	
Cincinnati	X				
Dublin*	X				
<b>OREGON</b>					
Multnomah County	X			X	
Portland	X			X	
<b>PENNSYLVANIA</b>				X	
<b>RHODE ISLAND</b>					
Providence	X				
<b>TENNESSEE</b>					
Memphis	X				
Nashville*	X				
<b>TEXAS</b>					
Austin	X				
Lubbock				X	
Travis County	X				
<b>WASHINGTON</b>					
Seattle	X				
<b>WISCONSIN</b>				X	
Appleton					X
Dane County				X	X
Madison				X	X

\* Employment application not online but city’s response to the National League of Cities survey indicates that the city does not request criminal history information on its initial job application.

Sources: National League of Cities & NELP, *Cities Pave the Way: Promising Reentry Policies that Promote Local Hiring of People with Criminal Records*, (July 2010) at Appendix; NELP, *New State Initiatives Adopt Model Hiring Policies Reducing Barriers to Employment of People with Criminal Record* (Sept. 2010); NELP, *Ban the Box: Major U.S. Cities and Counties Adopt Fair Hiring Policies to Remove Unfair Barriers to Employment of People with Criminal Records*, (Sept. 2010) at 23; and additional online research of relevant ordinances and job applications.

For more information, contact Michelle Natividad Rodriguez, Staff Attorney, NELP, at [mrodriguez@nelp.org](mailto:mrodriguez@nelp.org)

A question was directed to Ms. Polk regarding whether “Liability” on the part of the renting agent or employer was a major issue and one that may be stalling this effort from being endorsed or embrace?

Ms. Polk noted that in hindsight one of the talking points that should have been made clearer from the onset of this effort was “if one does not use background checks as a part of the renting or hiring process that this policy did not apply in such an instance.” But the main goal of this effort was to afford “guidelines” to

those entities who did utilize background checks in their hiring or employment decision process. These proposed guidelines would have the affected entities look at such factors as (a) **relatedness** (b) **recency** of the offense and (c) evidence of **rehabilitation** when making a decision involving a person with a prior arrest on conviction. So Yes liability is a factor but only in the instance where entities use the information obtained in a background report as a factor for not providing a rental unit or offering employment.

In response to an inquiry by David Miree regarding “push back” related to the 3 R test, Ms. Polk noted that people were looking for a “bright line” definition as to which offenses would be covered by this policy. Polk noted that the level of fear associated with any number of offenses is very subjective but for one of the most heinous offense like murder-the recidivism rate is perhaps the lowest.

Commissioner Kelleher asked if this effort could take a more “multi-layered” approach by addressing which offenses this policy would cover and those that it would not? Ms. Polk responded that the HRC has been looking at a similar model such as the one used in the State of Wisconsin but her fear is that trying to generate such a definitive list would possibly have a negative effect on public safety which is the crux of the policy.

\*\*\*Commissioner Kelleher suggested that a potential “selling point” to having this effort endorsed would be to reflect a showing in the data or provide some range of how this “protection” could positively effect potential outcomes (i.e. impact on lowering recidivism) Kelleher notes that it comes down to **marketing** to get more people on board with the effort.

\*\*\*\*EAC member Monali Sheth suggested that another “selling point” might be found in reflecting the social benefits that this “protection” would allow (i.e. could have a positive impact related to the improvement of the quality of life for the affected individuals and their families.) Ex Homeboy Products (LA) and Delaney Street Programs.

Next steps include following up meetings with the Supervisors, Labor Unions and Victim Rights groups.

### **EAC Membership Presentation- Monali Sheth**

EAC member Monali Sheth is a Staff Attorney for Equal Rights Advocates which is a non profit organization that advocates on behalf of women and girls who are seeking equality in education and employment. The Equal Rights Advocates envisions a world in which women and girls from all walks of life have educational access and economic opportunities; workplace and employment equity; equal representation in leadership and management positions in the nonprofit, public and private sectors; and works environments that help them achieve balance in their work and personal lives.

The Agency advocates via impact litigation and direct litigation but it also does direct services. This vital organization offers “know your rights” education programs in the community and they also offer legislation and policy advocacy. The work of the ERA is campaign based and there are three main campaigns including (1) Marginalized Women Workers, (2) Working Family and (3) Education Equity.

1. Marginalized Women Workers-addresses equity disparities for women working in male-dominated sectors or address discrimination due to immigrant status or issues related to earning capacity or language.
2. Working Families assist working women in all fields who face discrimination in the workplace. The ERA promotes family-oriented policies and lead efforts against caregiver discrimination.
3. Education Equity- enforces the civil rights of students as well as works to end gender-based harassment in school and to ensure athletic equity for girls.

Other issues or advocacy addressed by Equal Rights Advocates include:  
Anti-bullying, Peer harassment or harassment based on gender identity.

√**Monali notes that she is mostly involved with the Marginalized Women Workers and the Working Families Campaigns.**

√**Monali is proud of the role and advocacy ERA played toward pregnant women having their health benefits continued while on maternity leave.**

√**In response to an inquiry about the agency's funding source, Ms. Sheth noted that the funding for ERA comes mostly via private donations and foundations.**

### **Brief Update and Status re Out Migration Implementation Strategy and Minority Youth Civic and Economic Empowerment Internship and Mentorship Program**

EAC member Azalia Merrell noted that the "charter" for this effort is near completion. All EAC members are welcome to attend the working group meeting the following Wednesday- location TBA but members would be receiving more information via e-mail.

An inquiry was made regarding the agenda or task list for items that needed to be done and Merrell noted that a "registry" outlining the "to do list" was forthcoming via e-mail. Merrell asked if a member could get information regarding the census breakdown based on race. Staff member Miree noted that he could provide this information because it was a part of a comparative analysis (CHART) he had drafted in preparation for the HRC special community meeting in the Western Addition. Miree noted that he would make the document available to interested parties upon final approval.

EAC member Miquel Penn noted that Becky Lai re-affirmed MYEEP's interest in working with the EAC toward implementing this youth vocational program.

### **"HRC Hero Awards" Recognizing Students and Community Organizations for their outstanding contributions to Human Rights Advocacy in San Francisco Nomination and Selection.**

Staff Member David Miree provided a press release and other related documents that outlined past efforts as they relate to this awards program. These materials exemplified the contributions of past honorees and categories and may be used as a template toward creating a similar event scheduled for May 2012.

EAC member Jane Henzerling graciously volunteered to spear head a working group for this item/event to assist in creating a more effective and efficient selection and nomination process.

EAC member Grecia Lima suggested that the honorees' pictures be place a MUNI bus and Commissioner Kelleher suggested that this was a good area for the "Friends of the HRC" to get involved perhaps to fund honoree's medals or trophies.

### **EAC Membership Assessment and Committee Objectives Moving Forward-Retention and New Membership Recruitment schedule and process.**

This item was discussed during the Staff Report.

### **December Meeting?**

Due to the on set of the holiday season, HRC Staff Miree asked the EAC membership their thoughts regarding whether or not the Committee should meet in the month of December? EAC member Merrell recommended that the Committee have a very brief business meeting followed by a holiday potluck. This recommendation was embraced by the rest of the members in attendance

### **Announcements**

None

**Adjournment**

The meeting was adjourned at 7:00 pm