

# Fair-Chance Implementation Case Studies For Government Agencies

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*Below are three case studies of fair-chance hiring laws from Seattle, [San Francisco](#), and the [District of Columbia](#). The lessons learned and best practices have been synthesized [here](#).<sup>2</sup>*

## Seattle: A Strategy for Extensive Employer and Community Outreach

As the largest city in the Pacific Northwest and one of the fastest-growing major cities in the country, Seattle was well positioned to adopt fair-chance hiring. Around 409,000 people in King County, which includes Seattle, have conviction records.<sup>3</sup> And in the state, people of color are disproportionately represented in the criminal justice system. African Americans are 3.6 percent of the state population but account for nearly 19 percent of the state's prison population.<sup>4</sup> Native Americans make up 1.5 percent of the state population but are 4.3 percent of the prison population.<sup>5</sup>

These facts set the stage for three years of stakeholder engagement and community dialogue, which led to the legislation. With the goal of increasing public safety and addressing racial inequities caused by the criminal justice system, the Seattle City Council passed the [Job Assistance Ordinance](#) in June 2013. The Seattle Office of Civil Rights (SOCR) was named the agency responsible for implementation and enforcement. As detailed in its [Implementation Report](#), SOCR engaged in significant outreach about the new law.<sup>6</sup>

### Components of Seattle Job Assistance Ordinance, Effective November 2013

- Applies to employers with one or more employees.
- Prohibits job ads that exclude applicants with conviction and arrest records.
- Prohibits questions about conviction and arrest records on applications (i.e., employer must delay inquiries until after determining the applicant meets minimum job qualifications); and prohibits employers from denying a job based solely on an arrest.
- Prior to a denial, an employer must hold the job open for two days, identify the disqualifying information, and provide applicant opportunity to explain or correct.
- Prohibits denial based on the record unless the employer has a legitimate business reason and eight specified factors were considered in good faith.
- Three-tiered graduated system of penalties that are awarded to the charging party.

## Laying the Groundwork

The Seattle Human Rights Commission played a critical role in elevating the community's concerns about employment barriers faced by people with conviction records with policymakers, which eventually led to legislation.

**Convening Stakeholders.** The proposal for the legislation originated with community members who were facing housing and employment barriers because of conviction records. People with records at the Sojourner Place Transitional Housing raised these issues with the Seattle Human Rights Commission. With a human rights framework, the Commission worked with community groups to bring the matter to the City Council. Councilmember Bruce Harrell was a leader in developing a city-wide solution. He convened small businesses, large businesses, legal advocates, and members of the Human Rights Commission to engage in dialogue. The dialogue proved to be critical to the process. In order to ensure that stakeholder dialogue continued, the ordinance formalized the convening of stakeholders to help develop guidelines and regulations for the law.

## Be Prepared Before the Law Goes Into Effect

Taking advantage of the six-month window between the law's passage and its effective date, SOCR convened a structured process for community engagement in its rulemaking and coordinated extensive outreach to employers and jobseekers.

**Stakeholder Panel to Advise on Rulemaking.** Under the new law, SOCR is directed to convene a panel of stakeholders with a "balance of perspectives." Specific representation named in the law include an "employer, social service, legal community and the Seattle Human Rights Commission." Apart from helping to develop the guidelines and regulations to implement the law, the stakeholder panel is charged with overseeing and providing feedback to the director on implementation for at least the first six months after the law is in effect.

In the six months after the ordinance was passed, SOCR organized and facilitated the 12-member stakeholder panel, which met three times prior to the law's effective date. Most representatives had been involved in the development of the law and included business associations and legal services, faith-based, and community groups.

**Convene Public Meetings for Community Input.** SOCR also sought the broader community's input. Before the November 1<sup>st</sup> effective date, SOCR convened two public meetings—one at City Hall and one at a community center. To diversify attendance, SOCR consulted with community-based organizations to determine the best time and location for the events. To address the barriers to attendance for working families, childcare was provided. Taking into account the restaurant owners' schedules, the City Hall meeting was held in the afternoon.

The agency sought to maximize attendance with employers by sending out the notice of the first public meeting to individuals with registered business licenses and by posting a notice in a business publication. With more than 150 people attending the first public meeting, the event was a success. SOCR presented about the law, held a Q&A session, and allowed for input on the development of the rules.

The input collected from the stakeholder panel and the community event shaped the first draft of the [rules](#), which were posted online on August 30<sup>th</sup>. Fifty participants attended the second public meeting on September 17<sup>th</sup>, which was held in the evening to capture community members with daytime work schedules. For those unable to attend in person, SOCR recorded the public meetings for televised airing and web streaming. After this series of community and stakeholder input, SOCR issued administrative rules and an [FAQ document](#).

***Create a Multi-Pronged Outreach Strategy.*** SOCR developed a communications strategy to increase compliance and ensure enforcement by raising awareness about the new law, deepening relationships with the community, and providing technical assistance. The strategy combined broad outreach with targeted communication. Outreach directed to the public included paid media such as radio [public service announcements](#) (dubbed in multiple languages), bus ads, and the posting of the administrative rules in a business publication. The agency leveraged earned media, which required fewer resources, by issuing press releases and participating in news stories. A four-minute video about the ordinance is online.

Maintaining strong relationships and providing effective technical assistance requires staff resources. To ensure the agency is meeting these goals, it has designated one of its policy analysts as a business liaison. The business liaison provided technical assistance to more than 125 employers, met with more than 30 organizations, and led 13 presentations on the Job Assistance Ordinance. One of its most successful employer trainings resulted from a partnership with the City's Office of Economic Development, which had nearly 200 business participants. Part of the agency's targeted outreach was directed at the extensive immigrant-owned business community. The agency partnered with GreenShoots Inc. to develop tailored fact sheets, ads, and public service announcements for this diverse immigrant community.

## **The Early Stages of When the Law Goes Into Effect**

After the Job Assistance Ordinance went into effect in November 2013, SOCR continued its robust outreach strategy by targeting groups in the community that regularly engage with workers and people with records.

***Maximize Outreach to Jobseekers.*** In addition to its robust employer outreach strategy, SOCR focused on outreach to job applicants and employees. During the first year of implementation, the agency provided 18 trainings to reentry groups, social service providers (including job placement programs), legal aid, and community advocates. Besides providing trainings on all of the laws that SOCR enforces, the agency offers tailored presentations for organizations.

***Document Complaints and Publicly Report Information.*** Under the law, SOCR must maintain data on the number of complaints filed, demographic information on the complainants, the number of investigations conducted, and the dispositions. This information must be reported to the City Council every six months for the first two years. Employees who report violations of the law have the following options: an advisory letter for those who wish to remain anonymous, an individual charge, and a Director's Charge.

During the first year of enforcement, the agency received 56 inquiries from potential complainants, resulting in 36 enforcement actions (23 charges resulted). Of this total, 34 involved pre-employment issues with the majority (22) being either job-posting or job-application violations. Only two charges occurred in the context of employment. SOCR also collected the industry type of the businesses that received advisory letters or charges. By documenting this information and reporting it publicly, the agency and concerned advocates are able to monitor the number of complaints and improve enforcement.

## **Ensuring Strong Compliance**

The City of Seattle has created the Office of Labor Standards, billed as a one-stop shop for employees and businesses dedicated to labor standards laws. In addition to the Job Assistance Ordinance, the new office within SOCR enforces Paid Sick and Safe Time, the Minimum Wage Ordinance, and Administrative Wage Theft Ordinance. Staff for the Office of Labor Standards includes a labor standards director, a full-time business outreach liaison, a full-time community outreach liaison, and four investigators.

***After Education and Outreach, Engage in Agency-Directed Investigations.*** Community groups have informed SOCR that employees fear retaliation from the business community and are reluctant to file complaints. This is one reason that directed investigations by the enforcement agency can result in a higher probability of compliance than what is typically achieved through complaint-based investigations alone. Investigations instigated by the agency provide an additional level of anonymity as well. When strategically implemented, directed investigations can have a positive ripple effect and improve employment practices in a sector.<sup>7</sup>

After one year of outreach, SOCR began exploring Director's Charges. A Director's Charge instigates a company-wide investigation when there is reason to believe a violation has occurred. One low-resource investigation tool is to scan Craigslist job postings or applications for a categorical exclusion such as "No criminal background." In October 2014, SOCR filed 11 Director's Charges for Craigslist job postings that excluded applicants with criminal history. The new Office of Labor Standards will also explore filing directed investigations after it develops criteria for these types of investigations.

***Leverage Community Partnerships.*** Recognizing the need to increase outreach to marginalized and vulnerable jobseekers, the Office of Labor Standards will partner with community-based organizations and provide funding through a comprehensive Request for Proposal process. The agency had a successful RFP process for its structural racism grants and will use this process as a template.

## San Francisco: Providing a Fair Chance in Employment and Housing

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The San Francisco Board of Supervisors unanimously passed the Fair Chance Ordinance in February 2014, and Mayor Ed Lee held a signing ceremony for the new law on March 4, 2014. The lead co-sponsors on the Board were Supervisors Jane Kim and Malia Cohen. Led by All of Us or None, Community Housing Partnership, Lawyers Committee for Civil Rights of the San Francisco Bay Area, Legal Services for Prisoners with Children, and the National Employment Law Project, there was a broad coalition of support. Indeed, the San Francisco Chamber of Commerce publicly endorsed the ordinance.

San Francisco's ordinance is one of the only fair-chance laws that incorporates housing in addition to employment. Given the coverage of both employment and housing, the enforcement mechanisms required a creative approach. The Office of Labor Standards Enforcement handles complaints from jobseekers and employees, while the San Francisco Human Rights Commission (SFHRC) enforces the housing provisions.

### Components of Fair Chance Ordinance, Effective August 2014

- Applies to private employers, contractors, and affordable housing providers.
- Delay arrest and conviction inquiry until after live interview for employers and after all other qualifications considered for affordable housing providers.
- Off-limits information: arrests not leading to conviction, diversions, dismissed convictions, juvenile adjudications, convictions older than 7 years, and infractions.
- Provide notice of rights and conduct individual assessment; prior to denial, provide notice, allow specified time to correct or explain, and allow evidence submission.
- Employers and housing providers required to maintain records.
- Three-tiered graduated penalties, with agency allowed to bring action.

### Laying the Groundwork

Prior to the new law, SFHRC leveraged the national dialogue about mass incarceration's impact on communities of color to raise awareness about overbroad background screening.

**Create Training Curriculum to Address Bias.** As the city agency tasked with eliminating discrimination, SFHRC conducts anti-discrimination trainings for employers, including nonprofit organizations, tech companies, and other government agencies. Even before the Fair Chance Ordinance was passed, SFHRC included in its training curriculum the bias experienced by people with records. Participants learn about avoiding dehumanizing language such as "ex-offender," "ex-con," "felon," and "criminal." The trainings also engage participants on the disproportionate impact that overbroad background check screening has on communities of color. Advancing the city's cultural competency goals, SFHRC has also conducted these trainings with city agencies that directly interact with the public.

**Meet with Stakeholders and Conduct Anti-Bias Training.** Leading up to the passage of the Fair Chance Ordinance, SFHRC convened more than 50 stakeholder meetings, aimed at

obtaining input. Participants were invited to share their experiences and make recommendations on the proposed legislation. SFHRC also created a roundtable environment for attendees to learn about each other's employment and rental practices. Many stakeholders began to realize that background screening processes were subjective and vulnerable to unconscious biases. These discussions helped crystallize the benefits of a city-wide, objective background screening policy. SFHRC was also able to educate attendees about culturally competent language and to provide accurate information.

### Shifting the Narrative About People with Conviction Records

"Whenever I give presentations on fair-chance policies, I research and incorporate local history. For example, at a recent presentation in Contra Costa County, I engaged the audience about the history of Port Chicago, a nearby National Memorial. We discussed the 50 African American sailors, who in 1944, were wrongfully convicted of mutiny. Despite eventually being released, their convictions were never overturned. Many people in the audience knew the story and family members of the survivors. I led the audience in a discussion on why individual assessments for these men's convictions were important. I asked them to think about how easy it can be to label someone a 'felon' and discard their application and personhood. As I continued with the presentation, I invoked the Port Chicago 50 and asked the audience to think about how they could have and should have benefited from fair-chance protections."

- Zoë Melissa Polk, Director of Policy and Social Justice,  
San Francisco Human Rights Commission

***Establish Discrimination Against People with Records as a Human Rights Issue.*** In 2011, the San Francisco Reentry Council, made up of law enforcement leaders, provided a [unanimous endorsement](#) for a fair-chance law. SFHRC approved the issuance of its own [letter](#) to the mayor and Board of Supervisors, which advocated for legislation by contextualizing the effort within a human rights framework and the city's civil rights history.

The letter also included compelling statistics about people with records, such as the ubiquity of debilitating job barriers. By issuing a formal letter, SFHRC established a mandate to educate the public about discrimination against people with records. Its public information campaign included a convening entitled, "[Human Rights Impact of the War on Drugs](#)," which documented the local devastation of the War on Drugs. On the 50<sup>th</sup> anniversary of the 1963 March on Washington for Jobs and Freedom, SFHRC called for nominations for local "heroes" who advanced civil rights and economic justice, such as reentry leaders.

***Engage Law Enforcement.*** Leading up to the passage of the law, SFHRC worked with law enforcement leaders. The city's district attorney, chief adult probation officer, and public defender offered a compelling public-safety argument in favor of fair-chance legislation and accurate information on the impact of housing and employment on re-offending. Their participation in the discourse helped allay fears and provided a credible source of information on crime prevention, which complemented SFHRC's human rights perspective.

**Provide “Human Rights Impact” Materials.** Under local law, the SFHRC is vested with the authority to prepare and disseminate educational material related to discrimination and make written recommendations toward giving effect to civil rights.<sup>8</sup> Before legislation was introduced, SFHRC provided briefing material to the city’s Board of Supervisors, including information from stakeholder meetings and from jurisdictions with related fair-chance legislation. The materials were framed as providing the human rights impact of the overbroad use of criminal records, including the negative consequences on communities of color. SFHRC positioned itself as a resource to the city throughout the legislative process.

**Letters of Concern.** Prior to the Fair Chance Ordinance, SFHRC received several inquiries from people with records regarding housing and employment denials. When the agency lacks jurisdiction for a complaint, SFHRC issues “letters of concern.” Aimed at educating the employers or housing providers, the letter documents the agency’s activities related to reducing bias against people with records, and provides information on the EEOC’s guidance on the use of arrest and conviction records in employment decisions and state law. To encourage dialogue, the agency also may request a meeting.

#### Even Before the Law, SFHRC Helped Clarify a Background Screening Practice

Prior to the law’s passage, “Ms. Smith” contacted SFHRC. After working for 5 years at a company that contracted with the city, she was fired because of a conviction record. Named employee of the month, Ms. Smith had an exemplary work record.

Ms. Smith was confused by her termination, because the company had received her background information prior to her employment. She was also in the process of having her conviction record dismissed under a “clean slate” state law. SFHRC sent a letter of concern to the company; it responded that it was adhering to the city’s guidelines. Next, SFHRC contacted the appropriate city agency in charge of contracts.

The city clarified that the company had terminated Ms. Smith based on an inaccurate interpretation of the city’s guidelines, and regardless, Ms. Smith should have been retained in light of her work record. Ms. Smith was subsequently offered her job back. Even prior to the Fair Chance Ordinance, SFHRC was able to educate the city and its contractors, ultimately making a tangible difference in the lives of residents.

## Be Prepared Before the Law Goes Into Effect

The Fair Chance Ordinance went through a period of finalization, which spanned several months. After it was signed into law, the enforcement agencies had 180 days before it became effective. This time period offered an opportunity for enforcement preparation.

**Convene Working Group.** While the Board of Supervisors drafted, debated, and finalized the law, SFHRC continued to meet with stakeholders. During these meetings, SFHRC provided updates on its public awareness campaign and obtained recommendations for increasing outreach. The findings from these meetings were reported to the Board. After the law passed but before its effective date, SFHRC drafted enforcement rules. It convened working groups

with stakeholders, which included direct-service-provider organizations, employers, and housing providers, to provide feedback on the rules.

## **Ensuring Strong Compliance**

As of June 2015, the Office of Labor Standards Enforcement has had 22 formal complaints and numerous consultations with workers regarding their rights under the law. SFHRC has had 10 complaints and brought more than 30 housing providers into compliance through tailored trainings and consultations. While most employers and affordable housing providers have been cooperative in revising their hiring practices and rental policies to conform with the law, the agencies report that the limited financial penalties under the law inhibits their ability to provide remedies for applicants. Given the limited resources and the low penalties for violations, the agencies have been creative and strategic with enforcement.

***Offer No-Cost Trainings.*** In order to ensure employers and housing providers receive accurate information about the new law, SFHRC offers monthly workshops during the workday lunch hour, which are scheduled six months in advance. Attendees receive 30 minutes of training and 30 minutes for questions. SFHRC also uses these trainings as opportunities to collect information about participants' background screening policies.

***Provide Rules of Enforcement.*** When discrimination complaints are filed with SFHRC, intake counselors offer mediation services to both parties before commencing an investigation. Parties are advised that mediation is voluntary, confidential, and conducted by a neutral fact finder. Mediation helps identify misunderstandings and has led to an over-80-percent rate of settlement. All parties in the mediation have the opportunity to identify biased attitudes and behaviors that can be corrected. Mediation has been included in the [rules of enforcement](#) for the law.

***Cultivate Transparency and Reciprocity with the Community.*** In San Francisco, a coalition of community-based organizations was integral to the passage of the Fair Chance Ordinance. SFHRC leveraged this network to increase outreach to people with records. Building on these relationships, SFHRC hosts quarterly meetings between enforcement agency staff and community-based organizations to provide enforcement updates. Organizations also provide staff with input on the concerns of the community.

***Leverage Opportunities Within the City.*** With the goal of increasing awareness and enforcement of the law, SFHRC is training compliance officers and customer service staff in city departments to identify and report possible violations of the Fair Chance Ordinance.

***Support Community-Based Outreach.*** Many people with convictions lack stable housing, reliable internet, and are reluctant to engage with government. Recognizing that outreach to formerly incarcerated people offers multiple challenges, SFHRC has pursued funding from the Board of Supervisors for community-based strategies. After a competitive bidding process, a grant recipient would be selected to develop a training program on the new law. As envisioned, the grantee would have formerly incarcerated people conducting the outreach to marginalized, hard-to-reach communities. Findings from the grantee, including documentation of violations, would be reported to the Board. SFHRC has secured this funding and continues to explore creative strategies to increase access to the law.

## District of Columbia: Innovative Outreach and Effective Enforcement

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In December 2010, the nation's capital joined the fair-chance movement by passing the Returning Citizens Public Employment Inclusion Act of 2010. It established criminal background screening procedures for jobseekers with the District. The policy change resulted in 76 percent of applicants with a record being found suitable for employment.<sup>9</sup> As commented in a District Council committee report, without the policy, these applicants would likely have been disqualified by the District.<sup>10</sup>

With this law as a starting point, advocates moved to the next step by organizing behind legislation that would require private employers within the District to adopt ban-the-box and other fair-hiring provisions. After unanimously passing the Council in July and after a 30-day review period by the U.S. Congress, the [Fair Criminal Records Screening Act of 2014](#) became one of the most robust laws of its kind. Effective on December 17, 2014, the potential for impact is tremendous. There are an estimated 60,000 people with a record in the District, which is about 10 percent of the population.<sup>11</sup>

The District of Columbia Office of Human Rights (OHR), charged with enforcement, is committed to the new law, as demonstrated by Director Mónica Palacio's statement: "The spirit of this law encourages employers to focus on the individual and their qualifications, not solely past mistakes, and the Office of Human Rights is committed to doing our part in educating employers and when necessary, holding employers accountable."<sup>12</sup>

This law would not have been possible without a strong community-based coalition with leadership from returning citizens. The coalition included DC Jobs Council, the Employment Justice Center, Bread for the City, DC Jobs with Justice, and others. Ultimately, the coalition was successful in working with the local Chamber of Commerce as well.

### Components of Fair Criminal Records Screening Act, Effective December 2014

- Applies to employers with 11 or more employees.
- Delay background inquiry until after a conditional offer.
- Conditional offer can only be withdrawn for reasonable business purpose, which must consider job-relatedness of the offense, time passed, and rehabilitation.
- After an adverse action, employer must provide notice of how to file complaint.
- Triaged complaint process, that fast-tracks application-form complaints.
- Three-tiered penalties based on employer size (up to \$5,000), with half awarded to the complainants.

## Be Prepared Before the Law Goes Into Effect

With a window of time between passage in July and the effective date in December 2014, OHR took steps to ensure that they were ready to process complaints from day one.

***Building Trust in the Community.*** One of the unique features of OHR, which makes it a model in the nation, is its three-person team dedicated to policy, outreach, and communications. Elliot Imse, director of policy and communications, leads the team with the philosophy that “trust is the foundation for all the work that we do.” With this framework, OHR’s outreach staff has invested in the relationships with returning citizens and with employers. For example, OHR has engaged in conversations with members of the business community to help inform the new resources and prepare the outreach and investigation teams.

The outreach staff also understood that many returning citizens may be intimidated by approaching a government agency or distrustful of its ability to benefit their lives. Prior to the effective date of the legislation, OHR set out to dispel misgivings. To do so, it held or participated in nearly a dozen events or meetings with legal services providers, advocates, and the returning citizen community. OHR has also understood that at the foundation of this law is an assertion of human dignity. OHR has avoided alienating language in its materials such as “ex-felon” or “ex-offender,” which define people by their past records. Instead, OHR has used the term “returning citizens,” which welcomes the person to the community.

***Accessible Materials Provide Guidance and Ease of Compliance.*** OHR has developed extensive, multilingual [resources](#) for job applicants. They include a fact sheet; a template for requesting records from employers; an “I am a Returning Citizen” video; a “How the Law Works” video; and complaint forms. One of the obstacles that jobseekers face in filing a complaint is a complex, cumbersome form. OHR sought to ensure accessibility by considering the questionnaire’s reading level and requiring only basic information on a one-page form. The forms may be filed online, in-person, or by mail.

Equally important to ensure enforcement, there are specific [resources](#) online for employers, including a fact sheet, model notice, and a “What Employers Should Know” video. As of June 2015, the resource website had been visited more than 2,500 times by almost 2,000 unique viewers. As a snapshot of their extensive outreach, OHR reports that it has distributed approximately 1,500 FAQ sheets.

#### **Think Differently. Act Differently. Ditch the Labels.**

In OHR’s 90-second “What Employers Should Know” [video](#), staff concisely lay out the major obligations for employers under the law. The video reminds employers that “a person’s criminal background is rarely as relevant as an individual’s qualifications.” Produced in-house and at no-cost, the video is both educational and compelling. Avoiding overly legalistic language, instead it appeals to values: “We’re asking you to think differently and act differently when considering candidates. Ditch the labels. Ban the box. And help us in giving people a second chance.”

## **The Early Stages of When the Law Goes Into Effect**

Since December 2014, OHR has made significant efforts to focus on education, outreach, and laying the groundwork and mechanisms for strong enforcement.

**Removing Obstacles to Filing Complaints.** OHR’s focus on cultivating community trust led it to develop an accessible, transparent complaint process that was thorough yet responsive. OHR was well aware of the multiple obstacles that prevent marginalized communities from filing complaints and sought to overcome these. One consideration was that jobseekers are often submitting applications to multiple employers and are unable to devote the time required for a protracted complaint process. In response, OHR decided to fast-track all complaints under the fair-hiring law.

OHR uses a triaged system to investigate complaints for a more efficient process. They developed two tracks, which shorten the overall time on mediation and investigations. An Application “Type A” complaint cites a violation such as including a criminal record inquiry on the job application. Because its investigation is relatively straightforward, a “Type A” complaint is accelerated to 90 days. An Interview Process “Type B” complaint, such as whether the employer improperly considered the conviction of an applicant prior to a conditional offer, requires more in-depth investigation. The standard timeframe for OHR investigations is six months, but even a “Type B” complaint is fast-tracked to 120 days.

### OHR’s Standard Complaint Process

OHR’s complaint process is cost-free and does not require an attorney to represent the complainant. The steps for the complaint process are posted on OHR’s website:

1. **Written Complaint:** Submit an intake questionnaire within one year of an alleged discriminatory act occurring.
2. **Intake Appointment:** Scheduled within two to four weeks if OHR has jurisdiction over the case.
3. **Mediation & Initial Investigation:** Scheduled within two to four weeks of intake interview.
4. **Full Investigation:** If mediation fails, a full investigation occurs and takes up to five months or more.
5. **Review & Determination:** Legal team reviews file and drafts a proposed Determination. The Director of OHR approves and issues a final Letter of Determination.
6. **Request for Appeal:** A reconsideration of the decision can be submitted to OHR within 15 days of the Determination.

## Ensuring Strong Compliance

In its first year of implementation, the Fair Criminal Records Screening Act of 2014 has returned some of the highest numbers of complaints filed in the country. As of June 1, 2015, not even six months after its effective date, there were 212 complaints filed, 148 complaints docketed, and 35 resolved. The significant numbers of filed complaints compared to other jurisdictions is not an indication of unparalleled violations in the District. Rather, the impressive turnout is likely due to the exceptional outreach of OHR and the fine structure.

Many enforcement agencies struggle with the unwillingness of complainants to come forward. With limited time and resources, low-income communities and marginalized

people are especially disadvantaged by the process. During the hearing of the Act, testimony was received from Community Legal Services of Philadelphia that identified the lack of monetary incentive for complainants as having a “direct impact on the number of complaints being filed” for their ban-the-box law, “which in turn has hurt [Philadelphia’s] ability to enforce the law.”<sup>13</sup> Recognizing that complainants—who are often struggling financially—must be compensated for their time and effort, the law directs half of the fines to them.

***Ramping Up Public Awareness Efforts.*** OHR has sought to expand its proactive role in discrimination prevention and is developing innovative methods to make the office more accessible to constituents.<sup>14</sup> With dedicated policy and communications staff, OHR is able to be creative with its prevention and education efforts, which help advance its mission. Director Mónica Palacio of OHR commented that the “unprecedented number of campaigns educating the public about their civil rights” helped to make 2014 “one of the most productive in the history of the office.”<sup>15</sup>

With the essential components of both the commitment to proactive prevention strategies and the appropriate staff numbers to accomplish these goals, OHR’s strategies serve as national models. One of its innovations is the “Human Rights Liaison Program.” The program invites direct service providers to an all-day training covering all of OHR’s laws. By the end, participants can identify potential discrimination and have a clearer understanding of OHR’s complaint procedure. Armed with the information about the law, these individuals serve as a trusted source of counsel for jobseekers. As of June 2015, the Program had trained 66 Human Rights Liaisons from 40 organizations across four training sessions.

### Being Creative and Trying New Ideas

OHR awareness campaigns advance its mission to prevent discrimination. Besides using standard press releases and earned media, in 2014 OHR engaged in ad campaigns, used social media as a tool for reporting complaints, and engaged in a business-directed campaign. OHR develops its ads in-house and maximizes their dissemination through social media. In the future, OHR could potentially use any of these strategies below with the fair-hiring law.

- **#DC19.** Its 2014 Metro system campaign, #DC19, used ads in 15 metro stations over two months to convey that DC’s anti-discrimination law covered 19 traits.
- **#SafeBathroomsDC.** This campaign asked the public to submit reports of bathrooms that were not gender-neutral and resulted in 210 reports via Twitter. Over 87 businesses changed their bathrooms. The aim of this pioneering social media effort is not solely to hold businesses accountable, but also to engage the public in compliance and increase public awareness.
- **Accessible DC.** OHR also released its Accessible DC guidebook, providing tips to restaurant owners about how to be more accessible. Staff engaged restaurants to “Take the Pledge” to become more accessible. ■

## Endnotes

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<sup>3</sup> Press Release of Seattle City Council, "Seattle City Council Passes Job Assistance Bill; Legislation to increase public safety and improve access to jobs" (June 10, 2013) ([http://www.seattle.gov/news/newsdetail\\_council.asp?ID=13721](http://www.seattle.gov/news/newsdetail_council.asp?ID=13721)).

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

<sup>6</sup> This publication relied on the "JAO Implementation: June 2013-November 2014" (2014) report as a source of information ([http://clerk.seattle.gov/~public/meetingrecords/2014/pscrt20141203\\_2a.pdf](http://clerk.seattle.gov/~public/meetingrecords/2014/pscrt20141203_2a.pdf)).

<sup>7</sup> *Ibid.* at 4.

<sup>8</sup> San Francisco, CA., Administrative Code Ch.12A §12.A.5 (b) and (e)(2000).

<sup>9</sup> Report on Bill 20-642, the "Fair Criminal Records Screening Amendment Act of 2014." Council of The District of Columbia, Committee on the Judiciary and Public Safety Committee Report (May 28, 2014) at 7, (<http://lims.dccouncil.us/Download/30954/B20-0642-CommitteeReport1.pdf>).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* at 3.

<sup>12</sup> Press Release of Office of Human Rights, "OHR Begins Enforcing 'Ban the Box' Law for Returning Citizens" (Dec. 18, 2014).

<sup>13</sup> See Committee Report, *supra* note 12, at 10 citing Letter from Brendan Lynch, Community Legal Services of Philadelphia (March 10, 2014).

<sup>14</sup> District of Columbia Office of Human Rights, "Highlights of Fiscal Year 2014" (<http://ohr.dc.gov/page/annualreports/2014>).

<sup>15</sup> Quoted on OHR website (<http://ohr.dc.gov/page/annualreports/2014>).