

**HOUSING AUTHORITY OF NEW ORLEANS  
BOARD OF COMMISSIONERS  
REGULAR MEETING  
MAY 21, 2013**

**RESOLUTION NO. 2013-22**

**WHEREAS**, the Housing Authority of New Orleans (HANO) is the city's major provider of affordable housing and a steward of safe and healthy communities, and has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members; and

**WHEREAS**, HANO adopted a new Criminal Background Policy Statement on March 26, 2013 that provides all individuals, regardless of their criminal history, access to employment and housing opportunities at HANO; and

**WHEREAS**, in order to implement this new Criminal Background Policy Statement, HANO must amend and revise several of its operating policies and procedures to ensure that they are in compliance with and follow the letter and the spirit of the new policy statement; and

**WHEREAS**, one such document is HANO's Employee Personnel Manual which establishes a broad framework of policies and guidelines to ensure that HANO's human resources function promotes administrative flexibility and efficiency, promotes consistency in the HANO's decision making with respect to personnel management, and provides employees with established standards for conduct; and

**WHEREAS**, in consultation with the Vera Institute of Justice, HANO has proposed amendments and revisions to the Employee Personnel Manual related to HANO's Criminal Background Policy Statement as referenced in Exhibit A; and

**WHEREAS**, these proposed amendments and revisions will ensure that HANO's personnel procedures and practices are in compliance with its new Criminal Background Policy Statement;

**THEREFORE, BE IT RESOLVED**, that the Board of Commissioners of the Housing Authority of New Orleans adopts the amendments and revisions to the Employee Personnel Manual related to HANO's new Criminal Background Policy Statement summarized in Exhibit A, and authorizes the Administrative Receiver to take any and all other action necessary to ensure that the Employee Personnel Manual is implemented in accordance with HANO's Criminal Background Policy Statement.

**Executed this 21<sup>st</sup> day of May, 2013**

**APPROVAL:**



**DAVID GILMORE  
ADMINISTRATIVE RECEIVER  
CHAIRMAN, BOARD OF COMMISSIONERS**

**HOUSING AUTHORITY OF NEW ORLEANS  
Personnel Manual**

Summary of Proposed Changes by the Vera Institute of Justice  
May 14, 2013

The following table includes the: (1) proposed changes, (2) new proposed policy language, and (3) reasoning for each change.

Item No.	Section	Subsection	Proposed Change	New Proposed Policy	Rationale
<b>1.</b>	<b>A1.1: Hiring Procedures</b>	<b>Background Checks</b>	<p>Eliminate the broad statement regarding HANO's use of criminal background and discretionary credit evaluations.</p> <p>Insert a more robust description of practices and procedures with respect to the use of criminal background checks in screening for employment with HANO to bring it into line with HANO's Criminal Background Policy Statement.</p>	<p>There will be no inquiry into an applicant's criminal background at the time of the application or during the review process. HANO will conduct a comprehensive background check, including a criminal background check and a discretionary credit evaluation, only after the applicant has received a conditional offer of employment, which shall be subject to the results of the check. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant. Rather, determinations of suitability based on criminal background checks will be made on an individualized basis and should include a consideration of the following factors:</p> <ul style="list-style-type: none"> <li>• The relevance of the conviction(s) to the position sought;</li> <li>• The nature of the work to be performed;</li> <li>• The time since the conviction(s);</li> <li>• The age of the applicant at the time of the offense(s);</li> <li>• The seriousness and specific circumstances of the offense(s);</li> <li>• The number of convictions;</li> <li>• Evidence that the applicant</li> </ul>	<p>The revised policy sets forth the procedures for the use of criminal background checks and guidelines for evaluating criminal records and convictions. The purpose of this policy is to provide employment opportunities with HANO for qualified applicants with criminal convictions.</p> <p>These practices and procedures are consistent with the Equal Employment Opportunity Commission's Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act of 1964, the Fair Credit Reporting Act (FCRA),</p>

<p>and HANO's Criminal Background Policy Statement, adopted at the March 26, 2013 Board meeting.</p>	<p>performed the same type of work, post-conviction, with no known incidents of criminal conduct; and</p> <ul style="list-style-type: none"> <li>Any relevant evidence submitted by the applicant regarding his or her conduct post-conviction.</li> </ul> <p>Arrests that did not lead to a conviction will not be considered unless the case is still pending.</p> <p>In addition, HR staff will review the criminal record to determine whether Louisiana or federal law specifically prohibits hiring a person with a particular conviction for the kind of work performed in this position.</p> <p>When there is information in an applicant's criminal record that may be of concern, HR staff should consult the Review Panel, which shall consist of HANO senior officials appointed by the Chief Executive Officer. HANO may, at its sole discretion, include external experts on this panel.</p> <p>The Review Panel will perform an individualized assessment of the applicant. If the Review Panel still has concerns after reviewing the applicant's criminal record, it must notify the applicant, provide him or her with a copy of the criminal background report, and offer the applicant an opportunity to dispute its accuracy and provide information on the circumstances surrounding the conviction and efforts towards rehabilitation. Following that meeting, the Review Panel will determine whether to offer the applicant the position.</p>
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The applicant shall be notified of their decision in a timely fashion and shall be given all legally-required notices under the Fair Credit Reporting Act.

All criminal record history information will be kept confidential and access to the information will be limited on a "need to know" basis.

*Summary of Hiring Procedure:*

1. Initial Application Phase (no information on criminal conviction record is solicited);
2. Screening and Interview (no information on criminal conviction record is solicited);
3. Selection of Qualified Applicant;
4. Conditional Offer made to selected Applicant and Applicant requested to complete authorization for criminal background check and/or credit history check;
5. If background check does not disclose any conviction records, skip to Step 8.
6. If background check discloses conviction record/s, Human Resources, in consultation with the Review Panel, evaluates whether hiring the Applicant raises legitimate concerns;
7. Provide the applicant with a copy of the record and offer him or her an opportunity to explain or dispute the information in the criminal record before making a hiring decision. Provide the applicant with all legally-required notices under the Fair Credit Reporting Act.
8. Convey final employment decision (Yes or No) to Applicant.

2.	F.1.0 Misconduct	F.1.0.1 Procedures Regarding the Arrest or Conviction of Current Employees	Insert a description of HANO's procedures for handling the arrest or conviction of a current employee.	<p>9. If denied employment and the applicant seeks an explanation, the hiring manager and/or Human Resources consults with the Legal Department on how to respond to the candidate.</p> <p><b>F.1.0.1 PROCEDURES REGARDING THE ARREST OR CONVICTION OF CURRENT EMPLOYEES</b></p> <p>When HANO learns that a current employee has been arrested, HANO will take steps to verify the information. The employee, a family member, or friend should notify HANO <u>immediately</u>, so that the employee will be placed on unpaid leave. If HANO does not receive this call within three working days, the employee will be considered to have abandoned his or her position. If the employee is released and charges were not pressed, the employee should bring evidence confirming this fact to the attention of the Human Resources Office, and may return to his or her position. Where charges are pressed against the employee, the Human Resources Office will consult with the Legal Department to evaluate the seriousness of the charges and the nature of the position to determine whether to allow the employee to remain in his or her position or to place the employee on unpaid leave pending the resolution of the charges. If the unpaid leave results in a disruption of HANO's business operations, HANO may, at its discretion, choose to terminate the employee.</p> <p>When a HANO employee has been</p>	To implement HANO's Criminal Background and Policy Statement and provide notice to current employees, we have described HANO's procedures for handling the arrest or conviction of a current employee.
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**May 21, 2013**

**MEMORANDUM**

**To: David Gilmore  
Administrative Receiver  
Chairman, Board of Commissioners**

**From: Maggie Merrill  
Senior Advisor to the Administrative Receiver**

**Re: Amendments to HANO's Employee Personnel Manual related to HANO's  
New Criminal Background Policy**

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As the city's major provider of affordable housing and a steward of safe and healthy communities, the Housing Authority of New Orleans (HANO) has a responsibility to give men and women with criminal histories the opportunity to rejoin their families and communities as productive members. To that end, HANO adopted a new Criminal Background Policy Statement on March 26, 2013 that provides all individuals, regardless of their criminal history, access to employment and housing opportunities at HANO. Since that time, HANO has been working with the Vera Institute of Justice ("Vera") to implement the new policy statement.

In order to implement this new Criminal Background Policy Statement, HANO must amend and revise several of its operating policies and procedures to ensure that they are in compliance with the letter and the spirit of the new policy statement. One such document is HANO's Employee Personnel Manual which establishes a broad framework of policies and guidelines to ensure that HANO's human resources function promotes administrative flexibility and efficiency, promotes consistency in the Authority's decision making with respect to personnel management, and provides employees with established standards for conduct. In consultation with Vera, HANO has proposed changes to the Employee Personnel Manual related to the new Criminal Background Policy Statement. All proposed amendments and revisions to the Employee Personnel Manual have been summarized and are attached hereto as Exhibit A.

The Board of Commissioners is hereby requested to adopt the amendments and revisions to the Employee Personnel Manual related to HANO's new Criminal Background Policy Statement summarized in Exhibit A, and to authorize the Administrative Receiver to take any and all other action necessary to ensure that the Employee Personnel Manual is implemented in accordance with HANO's Criminal Background Policy Statement.