



March 12, 2018

The Honorable Malia Cohen
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Suite 244
San Francisco, CA 94102

RE: Fair Hire Ordinance Amendments, File No. 171170

Dear Supervisor Cohen,

Thank you for taking the time to meet with me and other employer representatives to discuss your pending amendments to Police Code Article 49, the Fair Hire Ordinance. Your 2014 legislation provides a reasonable option for applicants and employees seeking to enforce ban the box and criminal history inquiries during the job application process. While we understand the need to conform some aspects of our landmark local ordinance to the newly enacted state law, we would like to minimize the changes.

Regarding the various amendments we discussed on Wednesday, we support conforming the city's ordinance to the state's five employee threshold. We also support adding a prohibition on questions regarding convictions for conduct that has been decriminalized. And, we understand that you will include an amendment to conform our local ordinance with state law as to when criminal history inquiries can be made, deleting the reference to "first live interview."

We do not support the addition of subsections 4909 (a) (6) and (7) that would unbundle violations alleged to have arisen from a single action. We also believe that the increase in potential penalties is far in excess of those contained in other local employment ordinances. While we would prefer that a private right of action not be included in this ordinance, if you continue to believe that such language is necessary, we urge you to replace subsection 4909 (b) with the private right of action contained in the city's Parental Leave Ordinance, which we worked on with then Supervisor Wiener in 2016.

Lastly, we ask that the operative date be extended to January 1, 2019 so that employers have sufficient time to amend personnel and hiring documents, make necessary computer changes and educate staff on the amended ordinance.

Again, thank you for meeting to discuss the various amendments to this very important legislation.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jim Lazarus', with a long horizontal flourish extending to the right.

Jim Lazarus
Senior Vice President, Public Policy

cc. Supervisor Safai, Supervisor Yee and Supervisor Stefani