

By Legislators Smith and Delchanty

Intro. No. ____

RESOLUTION NO. ____ OF 2023

AMENDING RESOLUTION 342 OF 2022 AUTHORIZING GRANT CONTRACTS AND APPROPRIATION TRANSFERS PURSUANT AMERICAN RESCUE PLAN ACT (ARPA)

BE IT RESOLVED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Section 1 of Resolution 342 of 2022 is hereby amended to read as follows:

The County Executive, or his designee, is hereby authorized to execute grant contracts, and any amendments thereto, with the agencies listed in Attachment A in a total amount not to exceed ~~\$71,644,551~~ \$77,444,551 for terms to commence on or after January 1, 2023 and terminate on or before December 31, 2026.

Further, Attachment A attached to Resolution 342 of 2022 is hereby replaced with Attachment A attached hereto.

Section 2. An appropriation transfer of \$800,000 is hereby authorized from Diversity, Equity and Inclusion, general fund 9301, funds center 2201010000, Diversity, Equity and Inclusion to the Department of Finance, general fund 9301, funds center 1403930101, ARPA-Economic Development.

Section 3. Funding for the ARPA grants will be included in the 2023 operating budget of the Department of Finance once the appropriation transfers are authorized.

Section 4. This resolution shall take effect in accordance with Section C2-7 of the Monroe County Charter.

Ways and Means Committee; May 23, 2023 - CV: 11-0
File No. 23-0180

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF RESOLUTION: _____

Added language is underlined

Deleted language is ~~stricken~~

Company Name	Project Name	Brief Description	Maximum Award Amount
1 Rochester Energy Efficiency & Weatherization (RENEW)	Rochester Energy Efficiency and Weatherization (RENEW)	Grants for low-income homeowners to receive energy-efficient home improvement.	\$ 850,000.00
2 The Research Foundation for SUNY Brockport	Rochester Educational Opportunity Center (REOC) Mobile Welding Lab	A mobile welding lab that offers training programs to at-risk youth (18-24), inmates and offenders on probation that have significant barriers to employment.	\$ 1,317,950.00
3 YMCA of Greater Rochester	Neighborhood Resource Centers	The creation of Neighborhood Centers at Lewis Street, Thurston Road, and inside the Maplewood Family Branch.	\$ 2,031,544.00
4 Urban League of Rochester, NY, Inc.	Urban League of Rochester Workforce Development Program for Under and Unemployed Individuals	A wraparound program supporting underrepresented communities in distressed zip codes focused on training for skilled trades workers including Mold Abatement Workers, Asbestos Handlers, and Lead Abatement Workers. Also offers certifications in OSHA 10.	\$ 3,139,007.00
5 Monroe Community College	Transforming Lives through Nursing Pathways	Expand and strengthen the LPN, CNA/AD, HHA, and the Clinical Bridge programs to promote a smoother transition for working LPNs to succeed in MCC's RN program.	\$ 5,500,000.00
6 Mariposa Apprenticeship Preparation Program, Inc.	MAPP / PROJECT PHOENIX	A program that focuses on giving underrepresented communities the tools, training and support they need to succeed in the skilled trades.	\$ 1,200,000.00
7 St. Joseph's Neighborhood Center	Healthcare Transformation through Education, Outreach, and Engagement	Eliminating barriers to healthcare for underrepresented communities: infrastructure improvements and comprehensive training for health care professionals. Proposal includes a new van to provide access and services directly to residents in neighborhoods with the most need.	\$ 2,758,595.00
8 Department of Pediatrics UR Medicine and Rochester Regional Health	Enhanced Access to Behavioral Health and Medical Care for All Rochester City School District Students	Collaborative project with RCSD that would create 8 school-based mental health clinics and establish telehealth infrastructure.	\$ 1,000,000.00
9 Baden Street Settlement of Rochester, Inc.	Baden Street Settlement: Convening to Fill Mental Health Service Gaps for Black and Latinx Community Members	Renovation of facilities at Baden Street to add a Mental Health clinic specializing in BIPOC communities.	\$ 4,000,000.00
10 Healthy Baby Network	Making Meaningful Community Change	Double program to prevent black maternal and infant mortality as well as a 15-week mentoring and educational course for fathers (with a focus on previously incarcerated individuals).	\$ 2,200,000.00
11 Deaf Refugee Advocacy	Deaf Refugee Advocacy Community Connections	Deaf Refugee Advocacy Community Connections will provide ASL and English workshops, soft skills education, financial literacy courses, independent living skills programs, technical competencies coaching and workforce development training.	\$ 2,000,000.00
12 Mary Canola Center Children's Center, Inc.	Carola Workforce Development Program Supporting Careers in the Education and Support of Individuals with Complex Disabilities	A wraparound service and workforce development program to help individuals with disabilities.	\$ 2,022,230.00
13 Reentry Association of WNY, Inc.	Reentry One-Stop	A one-stop-shop for previously incarcerated residents.	\$ 5,117,843.00
14 Willow Domestic Violence Center of Greater Rochester, Inc.	Launching a Multi-Disciplinary Family Justice Center in Monroe County	Creation of a Multi-Disciplinary Justice Center and enhancement of wraparound services for domestic violence survivors. The need for these kinds of services has increased due to the COVID-19 pandemic.	\$ 1,522,097.00
15 Volunteers of America of Western New York, Inc.	VOA's Hydroponic Farm	A hydroponic farm that will provide healthy food to vulnerable communities (homeless, veterans, children etc.) as well as job training and educational opportunities for Monroe County residents.	\$ 1,282,500.00
16 EnCompass: Resources for Learning	Youth Workforce Consortium aka "The Hive"	A collaborative "Hive" program geared toward BIPOC youth that offers year-round workforce programming, wraparound services and career placement pathways.	\$ 5,869,117.00
17 Foodlink, Inc.	Expanding Food Access for Monroe County Families	Using their delivery truck model and relationships with organizations who work with low-income families, Foodlink will enhance their operations and address existing gaps in traditional Federal Nutrition Programs (FNP's) to serve more quality, nutritious meals to multi-generational families throughout Monroe County.	\$ 1,430,745.00
18 Mt. Olivet Baptist Church	Mt. Olivet Baptist Church Active Shooter Preventive Action Plan	Security measures to fortify the church (lighting, security firm for windows, safe rooms etc.) as well as active shooter training.	\$ 417,225.00
19 Trillium Health	Project ACCESS	Wraparound health services for underrepresented and minority communities (LGBTQ+, BIPOC, homeless) including a Mobile Access Clinic, Syringe Exchange Program and a Food Cupboard.	\$ 4,908,546.00
20 Lifespan of Greater Rochester	Improving Older Adults' Health, Safety and Economic Recovery Through Community-based Aging Services and Healthcare Integration	Wraparound services and support for seniors to enhance access to healthcare. LPNs will coordinate transportation and attend medical appointments with older adults, facilitate telehealth, arrange pharmacy delivery and schedule preventative health care screens and vaccinations.	\$ 800,000.00

	Community Resource Collaborative on Behalf of the Neighborhood		Wraparound services and neighborhood outreach via collaboration between well-known community organizations in the crescent.	\$ 7,160,849.00
21	Collaborative Project	Neighborhood Collaborative Project (NCP)	A mobile boutique and career center that would offer workforce training and career advice for underserved women.	\$ 588,820.00
22	Dress for Success Rochester	Dress for Success Rochester: Road to Success	Creation of a Mentoring Center and enhancement of BBBS program to serve more youth with wraparound services.	\$ 655,898.00
23	Big Brothers Big Sisters of Greater Rochester NY	Youth Mentoring and Family Support in Monroe County	Renovation of transitional housing complex for homeless and low-income male veterans.	\$ 1,974,500.00
24	Veterans Outreach Center, Inc.	Veteran Housing and Services Project (VHSP)	Helps vulnerable Monroe County residents with financial counseling to secure affordable auto loans and find reliable transportation with local lending partners.	\$ 429,491.00
25	Consumer Credit Counseling Service of Rochester	Driven2Success		\$ 2,087,808.00
26	Providence Housing Development Corporation	Door of Hope	Wraparound services for deaf/hard of hearing individuals fleeing domestic violence or human trafficking.	\$ 3,879,996.00
27	FLPPS	Transformational Community Care Coordination (TCC3)	A workforce development program that would pay SNFs and HHCAs for the successful recruitment and training of certified nursing assistants (CNAs), home health aides (HHAs), licensed practical nurses (LPNs), and registered nurses (RNs), which will expand service capacity within the SNFs and HHCAs. Monroe County (MC) SNFs and HHCAs would receive \$11,500 per CNA/HHA employed and trained.	\$ 5,500,000.00
28	Center for Community Alternatives	Promoting A Community Transformation: Nonviolence Project (PACT: Nonviolence Project)	Services for youth (aged 10-20) at risk of gun violence including housing, transition advocacy services and a Justice Peer Program with adult mentors who have experience in the juvenile legal system.	\$ 1,000,000.00
29	Monroe County Department of Planning	Monroe County Land Bank	Partnership with The City of Rochester to expand the City's existing land bank to incorporate the twenty nine suburban towns and villages within Monroe County, creation/enhancement of a website, legal expenses, planning studies and acquisition and/or demolition of property.	\$ 3,502,000.00
30	Monroe County Sheriff	Health and Wellness Program	Health & Wellness Program creates a long-term framework that supports and recognizes the critical linkages between community wellness, mental health, and public safety.	\$ 4,000,000.00
31	Monroe County Public Health	Holistic Maternal and Infant Care	Creation of one stop location for healthy birthing services supporting underserved communities.	\$ 4,200,000.00
32	Monroe County Public Health	Cure Violence	Approaches violence with the understanding that violence is an epidemic process that can be stopped using the same evidence-based, public health strategies employed to fight epidemics such as COVID-19, AIDS and Tuberculosis.	\$ 500,000.00
33	Monroe County Public Safety	Youth and Police Initiative	Bring together neighborhood teens with beat officers who patrol their streets. Over the course of 7 sessions—including a graduation ceremony and one follow-up on line reunion—youth participants and local police officers engage in discussions, games, and role plays to build their public speaking and facilitation skills, get to know each other on a personal level, and learn from each other.	\$ 1,600,000.00
34	Monroe County Public Safety	Project JEDI	Procure a subject matter expert (SME) on recruitment and retraining of a diverse workforce within the Department of Public Safety.	\$ 400,000.00
35	Monroe County Public Safety	Family Reunification Crisis Centers	Family Reunification Centers provide a venue for authorities to provide information to victims, coordinate access to support services, and facilitate the collection of information from families about the victims that can be used for victim identification. A Crisis Assistance Center provides a central location which is designed to ensure effective communication between agencies responsible for the provision of family assistance services; ensure efficient delivery of family assistance services by assessing needs, identifying gaps, avoiding duplication of services; and coordinating/managing requests for services.	\$ 1,400,000.00
36	Monroe County DHS	Child Care Provider Capacity Building Pilot Program	Provide daycare services, increase the number of households who have access to daycare, allowing them to accept jobs. Create new child care businesses in the county and reopen a facility.	\$ 5,800,000.00
37	Monroe County DHS	Transportation Focused Job Skills Program for Monroe County Adults and Families	Program that will provide no cost loans or grants to those at or below 200% of the Federal poverty line no cost loans or grants who need transportation to start or keep employment. Support services such as employment coach/mentor and financial literacy.	\$ 1,400,000.00
38	Monroe County Industrial Development Corporation	Revolving Loan Fund and MWBE Micro Loan Program	Establish and administer a revolving loan fund, primarily microloans up to \$50,000, to provide access to capital and technical assistance not otherwise available to small and start-up businesses. Also increase opportunity for MWBEs to kick start their growth while increasing the strength of entrepreneurship in Monroe County for women and people of color. The program will fund justified equipment, material, or personnel costs to help MWBEs start up or expand their business over a 12-month period. The program proposes to fund 40-60 (10-15 per year) businesses over 4 years.	\$ 5,800,000.00

47.4

Name of RFP: American Rescue Plan Act Funding Opportunities Proposed Awardless
Page 3

39 Monroe County DEI	Language Access Program	Upgrade access to language services. The department will work with local educational institutions like RIT and MCC to get over 200 people (community members and employees) certified, trained and developed to deliver language access services in their respective departments or community organizations. This program also proposes to purchase equipment and tools for interpretation services that can be borrowed by MC Departments and approved community organizations.	\$ 200,000.00
40 Monroe County Department of Planning Monroe County Department of Planning	Virtual Co-location Workforce Plan Administration costs for ARPA	Use software developer to create a one stop location for job seekers to identify their aptitude, locate available jobs that fit, and available training to obtain jobs. Funding for 2 full time positions for 4 years	\$ 4,000,000.00 \$ 1,000,000.00

By Legislator LaMar

Intro No. _____

LOCAL LAW NO. _____ OF 2023

ENACT A LOCAL LAW ENTITLED “MONROE COUNTY FAIR CHANCE EMPLOYMENT ACT”

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Title. This local law shall be known as the “Monroe County Fair Chance Employment Act.”

Section 2. Legislative Intent.

- A. The Legislature finds that those with a criminal history regularly face discrimination in many areas of life, including employment.
- B. The Legislature further finds that studies indicate that stable employment is one of the best predictors of post-conviction success.
- C. The Legislature further finds that the ability of individuals with a criminal history to successfully reintegrate into their communities and find employment improves public safety and benefits local taxpayers, as less crime leads to safer communities, strengthens families, and saves taxpayers money on costs associated with law enforcement and incarceration.
- D. The Legislature determines that those who have been incarcerated have paid their debt to society and should be afforded a fair opportunity to reenter the workplace. Individuals with a criminal history should not be discriminated against once they are released from prison and should be evaluated for employment based upon their qualifications to perform a job, rather than their criminal history.
- E. The Legislature determines that individuals with a criminal history represent a workforce with skills to contribute and a desire to add value to their communities.
- F. The Legislature determines that the main goal of a criminal justice system should be rehabilitation and that once individuals reenter society, they should be treated fairly and without discrimination based on a prior conviction.
- G. The Legislature finds that employment discrimination based on criminal history can affect anyone regardless of race, religion, national origin, gender, or sexual orientation. However, African Americans are disproportionately hurt by discrimination based on criminal history due to a long history of policies that have led to African Americans being incarcerated at rates more than five times that of Whites, and more than two and a half times that of Hispanics.
- H. The Legislature determines that due to a criminal justice system in which minorities are incarcerated at much higher rates than Whites, African Americans and Hispanics bear the brunt of employment discrimination based on criminal history.
- I. The Legislature finds that nine municipalities and three counties in the state of New York have implemented policies to protect job applicants against potential discrimination, including New York City, Buffalo, and Rochester.

- J. The Legislature further finds that over twenty states and more than one hundred municipalities and counties throughout the United States across all political lines have implemented policies to protect job applicants from potential discrimination.
- K. The Legislature further finds that New York Correction Law does not prohibit employers from inquiring about criminal history on employment applications. Because the vast majority of applications are discarded during an initial review for a variety of reasons, it makes it extremely difficult for an applicant to prove that he or she was not hired due to his or her criminal history. In addition, many applicants simply will not apply for a position if they are required to disclose their criminal history on an employment application.
- L. Therefore, the purpose of this local law is to ensure that everyone receives a fair chance in seeking employment with Monroe County, regardless of one's arrest record or criminal history.

Section 3. Purpose. The purpose of this section is to ensure that applicants for positions with Monroe County are not unfairly discriminated against because of prior criminal history during the application process.

Section 4. Definitions. As used in this section:

“Adverse Action” means to refuse to hire or promote, to discharge an individual from his or her employment, or revoke an applicant’s conditional offer of employment.

“Applicant” means any person considered or who requests to be considered for employment by the County.

“Application Process” means the period of time beginning when an applicant inquires about employment with the County or submits an employment application to the County, and ends when the applicant is provided a conditional offer of employment or the County chooses not to offer the applicant a conditional offer of employment.

“Arrest” means a record or action by any jurisdiction that does not result in a conviction, or any encounter with a law enforcement agency that does not result in a conviction. This includes information indicating that a person has been questioned, apprehended, taken into custody or detained, or held for an investigation by a law enforcement, police, or prosecutorial agency.

“Conviction” means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation, an unconditional discharge, or a diversion program.

“County” means the County of Monroe, its departments, administrative units, public officers, and employees.

“Criminal History” means an individual’s prior criminal conviction and/or sentencing in New York State or any other jurisdiction.

Section 5. Prohibition Against Unfair Discrimination. The County shall not:

- A. Inquire about an applicant’s criminal history during the application process.
- B. Inquire about an applicant’s arrest record at any point in the application process or during any inquiry relating to criminal history; however the County shall not be prohibited from inquiring about pending criminal charges.
- C. Conduct a criminal history check of an applicant until after a conditional offer of employment is

made, unless otherwise required because of the nature of the position or by law.

Section 6. Regulations Relating to Background Checks.

- A. All County job announcements shall contain the following disclosure: "This position is subject to a background check for criminal convictions. Convictions will be considered but will not automatically disqualify the candidate. No criminal background check will occur until after a conditional offer of employment has been made, unless required prior to a conditional offer because of the nature of the position or otherwise required by law."
- B. The County shall not use the following criminal records in relation to a criminal background check: records of arrest not followed by a valid conviction, or records which reflect dismissed or expunged convictions, violations, and infractions; however the County shall not be prohibited from considering pending criminal charges.

Section 7. Guidelines for Consideration of Criminal History and Revocation of Offer of Employment.

- A. Unless a background check is required before a conditional offer of employment because of the nature of the position or otherwise required by law, the County shall send the applicant the following documents prior to conducting a background check or inquiring about an applicant's criminal history: (1) a conditional offer of employment, and (2) notice that a criminal history check will be conducted prior to the start of employment.
- B. The County shall not take adverse action against an individual due to the individual's criminal history unless such action is in conformance with Article 23-A of New York Correction Law, New York Human Rights Law, and the New York Family Court Act.
- C. Nothing in this local law shall be construed to prevent the County from taking adverse action against any applicant or denying employment for reasons other than such applicant's criminal history.

Section 8. Exceptions.

- A. The prohibitions in this local law shall not apply to the Monroe County Sheriff's Office, the Monroe County Department of Public Safety, the Monroe County Department of Aviation, the Monroe County District Attorney's Office, the Monroe County Children's Detention Center, and positions for which it is otherwise required by law to access criminal history information before a conditional offer is made.
- B. The prohibitions of this local law shall not apply if the inquiries or adverse actions prohibited herein are specifically authorized by any other applicable law. Additionally, nothing in this local law shall diminish the County's rights or responsibilities under Article 23-A of New York Correction Law.

Section 9. Enforcement.

- A. The Monroe County Department of Diversity, Equity, and Inclusion is authorized to enforce this local law, to promulgate additional rules and regulations, and take any and all other reasonable actions necessary to implement and enforce this local law. Any rules and regulations set forth in this local law and/or promulgated by the Monroe County Department of Diversity, Equity, and Inclusion shall be made available online in a manner approved by the Department of Diversity, Equity, and Inclusion.
- B. The Monroe County Department of Diversity, Equity and Inclusion shall be responsible for

conducting proper outreach about this local law.

Section 10. Reverse Preemption. This local law shall be null and void on the day that federal or statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Monroe. The County Legislature may determine via resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 11. Severability. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of this local law which shall remain in full force and effect except as limited by such order or judgment.

Section 12. Effective Date and Applicability. This local law shall be effective immediately upon filing in the Office of the Secretary of State.

File No. 23.0181.LL
Matter of Urgency

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____



Monroe County Legislature

Office of the President

SABRINA LAMAR
PRESIDENT

OFFICIAL FILE COPY	
No.	230181
Not to be removed from the Office of the Legislature Of Monroe County	
Committee Assignment	
URGENT	-L

June 12, 2023

To The Honorable
Monroe County Legislature
407 County Office Building
Rochester, New York 14614

Subject: Enact a Local Law Entitled "Monroe County Fair Chance Employment Act"

Honorable Legislators:

Over ninety percent of human resource professionals conduct some sort of criminal background check during the hiring process. Applicants who indicate their criminal record on the initial job application are less likely to receive a callback interview. Researchers have found that among white applicants, 34% of applicants without a criminal record and 17% of those with criminal records were later contacted about a callback interview.

Among African Americans applicants, 14% of applicants without a criminal record and only 4% of those with criminal records were later contacted about a callback interview. The fact that a higher percentage of white applicants with a criminal record were contacted about a callback interview than black applicants without criminal records illustrates the extreme structural disadvantages that black applicants with criminal records face in the employment market.

There are an estimated 65 million adults in the United States with a criminal history. It has been well-documented that African Americans and Latinos are disproportionately represented at every stage of the criminal justice system. Application questions about criminal records guarantee that these Americans will have difficulty finding employment, especially members of minority communities.

The inability to find employment has a marked effect on these community members and their families. One study found that in the year after an incarcerated father is released, the total family income drops by approximately 15% from what it was before incarceration. Because of the stunted upward mobility of people with criminal records, they must often rely on family members and communities for support. Research has shown that 83% of the families of formerly incarcerated men had recently provided financial support to their family member, with half of those families reporting that this support was a financial challenge and 30% of these families reporting that this support was a "financial hardship." In sum, these studies and statistics illustrate the structural barriers faced by people with criminal records – a need that birthed the Ban the Box Movement.

Hiring people with criminal records facilitates public safety by reducing recidivism rates. Studies show that gainful employment is the most successful intervention in decreasing recidivism. One study showed that two years after release, employed people were more than twice as likely to have not committed any additional crimes when compared to formerly incarcerated people who were unable to secure employment.

Statistical and anecdotal evidence illustrate that Ban the Box policies help dismantle the structural discrimination faced by people with records in the employment market. Formerly incarcerated people who were consistently employed throughout the year had a 16% recidivism rate compared to a 52.3% recidivism rate for all other Department of Correction releases. Fair hiring policies also benefit our communities in the form of increased tax revenue and public safety.

More than 150 cities and counties as well as 25 states have adopted Ban the Box policies to help the estimated 70 million people in the United States with a prior arrest or conviction record have a fair chance at employment. Albany County, Dutchess County, Suffolk County and New York City have all passed "ban-the-box" legislation. Locally, the City of Rochester and the City of Buffalo have enacted similar legislation.

The RASE Commission report, in its section on job creation, recommended that Monroe County join the City of Rochester and Ban the Box. The report states: **"Having stable employment is essential to reintegrating those who have been involved with the justice system back into society. However, these individuals often report believing that they are automatically excluded from most jobs (including Civil Service), or that employers will not even consider them, based on a past criminal record. While this is often untrue, requirements and rules are typically vague around issues like a criminal record."**

The proposed local law will help Monroe County fill an estimated 800 vacant positions while ensuring that prospective applicants are not stigmatized and are not discouraged from applying for County positions simply because of a question on the front page of the application. It should also help in diversifying the County's workforce.

Removing the question from the application does not mean that a background check will not be conducted or that an employer cannot exercise appropriate due diligence, but just that it is delayed until later in the process. The legislation also provides exceptions for the Monroe County Sheriff's Department, the Monroe County Department of Public Safety, and positions for which it is already required by law to access criminal history information before the conditional offer stage.

This reform to the County's hiring policy is long overdue.

The specific legislative actions required are:

1. Schedule and hold a public hearing.
2. Adopt the local law as attached.

This action is a Type II Action Pursuant to 6 NYCRR §617.5(c)(26) (“routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment”) and is not subject to further review under the State Environmental Quality Review Act.

Enactment of this Local Law will have no impact on the revenues or expenditures of the current Monroe County budget.

Respectfully submitted,



Sabrina LaMar
President, Monroe County Legislature
Legislator, District 27

By Legislator LaMar

Intro No. _____
LOCAL LAW NO. _____ of 2023

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- B. The Legislature further finds that studies indicate that stable employment is one of the best predictors of post-conviction success.
- C. The Legislature further finds that the ability of individuals with a criminal history to successfully reintegrate into their communities and find employment improves public safety and benefits local taxpayers, as less crime leads to safer communities, strengthens families, and saves taxpayers money on costs associated with law enforcement and incarceration.
- D. The Legislature determines that those who have been incarcerated have paid their debt to society and should be afforded a fair opportunity to reenter the workplace. Individuals with a criminal history should not be discriminated against once they are released from prison and should be evaluated for employment based upon their qualifications to perform a job, rather than their criminal history.
- E. The Legislature determines that individuals with a criminal history represent a workforce with skills to contribute and a desire to add value to their communities.
- F. The Legislature determines that the main goal of a criminal justice system should be rehabilitation and that once individuals reenter society, they should be treated fairly and without discrimination based on a prior conviction.
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incarcerated at much higher rates than Whites, African Americans and Hispanics bear the brunt of employment discrimination based on criminal history.

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- J. The Legislature further finds that over twenty states and more than one hundred municipalities and counties throughout the United States across all political lines have implemented policies to protect job applicants from potential discrimination.
- K. The Legislature further finds that New York Correction Law does not prohibit employers from inquiring about criminal history on employment applications. Because the vast majority of applications are discarded during an initial review for a variety of reasons, it makes it extremely difficult for an applicant to prove that he or she was not hired due to his or her criminal history. In addition, many applicants simply will not apply for a position if they are required to disclose their criminal history on an employment application.
- L. Therefore, the purpose of this local law is to ensure that everyone receives a fair chance in seeking employment with Monroe County, regardless of one's arrest record or criminal history.

Section 3. Purpose. The purpose of this section is to ensure that applicants for positions with Monroe County are not unfairly discriminated against because of prior criminal history during the application process.

Section 4. Definitions. As used in this section:

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“Application Process” means the period of time beginning when an applicant inquires about employment with the County or submits an employment application to the County, and ends when the applicant is provided a conditional offer of employment or the County chooses not to offer the applicant a conditional offer of employment.

“Arrest” means a record or action by any jurisdiction that does not result in a conviction, or any encounter with a law enforcement agency that does not result in a conviction. This includes information indicating that a person has been questioned, apprehended, taken into custody or detained, or held for an investigation by a law enforcement, police, or prosecutorial agency.

“Conviction” means any sentence arising from a plea or verdict of guilty, including a sentence of incarceration, a suspended sentence, a sentence of probation, an unconditional discharge, or a diversion program.

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- C. Conduct a criminal history check of an applicant until after a conditional offer of employment is made, unless otherwise required because of the nature of the position or by law.

Section 6. Regulations Relating to Background Checks.

- A. All County job announcements shall contain the following disclosure: “This position is subject to a background check for criminal convictions. Convictions will be considered but will not automatically disqualify the candidate. No criminal background check will occur until after a conditional offer of employment has been made, unless required prior to a conditional offer because of the nature of the position or otherwise required by law.”
- B. The County shall not use the following criminal records in relation to a criminal background check: records of arrest not followed by a valid conviction, or records which reflect dismissed or expunged convictions, violations, and infractions; however the County shall not be prohibited from considering pending criminal charges.

Section 7. Guidelines for Consideration of Criminal History and Revocation of Offer of Employment.

- A. Unless a background check is required before a conditional offer of employment because of the nature of the position or otherwise required by law, the County shall send the applicant the following documents prior to conducting a background check or inquiring about an applicant’s criminal history: (1) a conditional offer of employment, and (2) notice that a criminal history check will be conducted prior to the start of employment.
- B. The County shall not take adverse action against an individual due to the individual’s criminal history unless such action is in conformance with Article 23-A of New York Correction Law, New York Human Rights Law, and the New York Family Court Act.
- C. Nothing in this local law shall be construed to prevent the County from taking adverse action against any applicant or denying employment for reasons other than such applicant’s criminal history.

Section 8. Exceptions.

- A. The prohibitions in this local law shall not apply to the Monroe County Sheriff's Office, the Monroe County Department of Public Safety, the Monroe County Department of Aviation, the Monroe County District Attorney's Office, the Monroe County Children's Detention Center, and positions for which it is otherwise required by law to access criminal history information before a conditional offer is made.
- B. The prohibitions of this local law shall not apply if the inquiries or adverse actions prohibited herein are specifically authorized by any other applicable law. Additionally, nothing in this local law shall diminish the County's rights or responsibilities under Article 23-A of New York Correction Law.

Section 9. Enforcement.

- A. The Monroe County Department of Diversity, Equity, and Inclusion is authorized to enforce this local law, to promulgate additional rules and regulations, and take any and all other reasonable actions necessary to implement and enforce this local law. Any rules and regulations set forth in this local law and/or promulgated by the Monroe County Department of Diversity, Equity, and Inclusion shall be made available online in a manner approved by the Department of Diversity, Equity, and Inclusion.
- B. The Monroe County Department of Diversity, Equity and Inclusion shall be responsible for conducting proper outreach about this local law.

Section 10. Reverse Preemption. This local law shall be null and void on the day that federal or statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Monroe. The County Legislature may determine via resolution whether or not identical or substantially similar federal or statewide legislation, or pertinent preempting state or federal regulations have been enacted for the purposes of triggering the provisions of this section.

Section 11. Severability. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be inconsistent with any federal or state statute, law, regulation or rule then the federal or state statute, law, regulation, or rule shall prevail. If any clause, sentence, paragraph, section, subdivision, or other part of this local law or its application shall be adjudged by a court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder of this local law which shall remain in full force and effect except as limited by such order or judgment.

Section 12. Effective Date and Applicability. This local law shall be effective immediately upon filing in the Office of the Secretary of State.

_____ Committee; _____ – CV: _____
File No. 23-____.LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____