

A RESOLUTION

20-509

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

June 24, 2014

To declare the sense of the Council that the Washington Metropolitan Area Transit Authority (“WMATA”) Board of Directors should adopt a revised background screening policy and take additional steps to promote WMATA hiring returning citizens.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Sense of the Council on the Need for the Washington Metropolitan Area Transit Authority to Update its Personnel Policies to Encourage the Employment of Returning Citizens Resolution of 2014”.

Sec. 2. The Council finds that:

(1) Approximately 700,000 citizens are released from state and federal prisons in the United States annually, and more than half of them will be reincarcerated within 3 years.

(2) In the District, about 2,500 citizens are released from prison each year, and as many as 60,000 individuals living in the District (almost 1 in 10 residents) have a criminal record.

(3) Access to education, housing, and employment are significant challenges for returning citizens, and a key factor in recidivism rates.

(4) The Washington Metropolitan Area Transit Authority (“WMATA”) is an entity with more than 12,000 employees and is currently in the midst of a major effort to hire an additional 1,000 individuals.

(5) The positions at WMATA provide good, middle-class jobs, and frequently offer job training and opportunities for promotion so that preexisting skills or experience are not necessarily required.

(6) As an entity that interacts extensively with the public and must ensure the safety and security of its riders, as well as the protection of the public assets it controls, WMATA has instituted a background screening policy to determine the criminal records of all potential job applicants.

(7) WMATA’s screening policy automatically determines an individual’s eligibility to work for WMATA based on the type of position to which the individual applied, the type of crime for which the individual had previously been convicted, and how recently the conviction occurred.

(8) The screening policy was amended in November 2011, resulting in a far more strict and punitive process that can permanently bar individuals from working for WMATA for relatively minor drug and other felony convictions, no matter how long ago they occurred.

(9) Current employees and contractors were recently fired from jobs at WMATA as a result of the revised screening policy, despite having previously disclosed their earlier convictions and having performed their duties in an exemplary fashion without complaint from supervisors.

(10) As a result, several recently discharged WMATA employees, with the assistance of the NAACP Legal Defense Fund, have filed complaints at the Equal Employment Opportunity Commission, alleging that WMATA's revised screening policy is not uniformly enforced and contravenes Federal Transit Administration regulations and Title VII of the Civil Rights Act.

Sec. 3. It is the sense of the Council that WMATA's Board of Directors should adopt a revised background screening policy that addresses these concerns by allowing officials in charge of hiring decisions flexibility to consider criminal records as one of several factors in a holistic review of job applicants. If done properly, revisions to WMATA's background screening policy would in no way endanger the safety and security of its riders and employees as well as the good stewardship of WMATA's public assets.

Sec. 4. It is the further sense of the Council that WMATA should take additional steps to actively recruit and hire more returning citizens given the challenges they face in finding employment, and these steps should be comparable WMATA's efforts to hire military veterans, minorities, and other disadvantaged groups. At a minimum, WMATA should track the number of returning citizens that apply for jobs, how many are hired, and what if any disparity there is between the performance of employees with and without criminal records.

Sec. 5. The Chairman shall transmit a copy of this resolution upon its adoption to the WMATA Board of Directors and its General Manager and Chief Executive Officer, Mr. Richard Sarles.

Sec. 6. This resolution shall take effect immediately upon the first date of publication in the District of Columbia Register.