



**MEMORANDUM**

TO: Human Rights Commission  
FROM: Carol J. Mitten, City Administrator *Carol J. Mitten*  
DATE: December 8, 2020  
RE: Human Rights Ordinance Interpretations

I am writing to clarify the position of the City of Urbana on a few important matters.

**Jurisdiction** Notwithstanding the outcome of the recent informal hearing of the HRC on November 10, the City continues to maintain that the HRC does not have jurisdiction over the City or its agents. It would be impossible for the City to both prosecute a complaint (i.e., the HRC members as agents for the City) and defend against the same complaint (i.e., the Civil Service Commission members and City staff, also as agents for the City).

Each previous occasion when this issue of jurisdiction has been before the Commission, this incongruity has been understood. We intend to draft language for Council consideration to finally clarify the jurisdictional issue and would welcome your collaboration.

**Use of Criminal Background Checks** We have always used criminal background check information appropriately under the law, and will continue to do so. In the spirit of clarity, we will begin using expanded verbiage to better articulate to job applicants *how* we use criminal background checks appropriately under the law. The following language, or similar, will be added to job ads that require a background check, and will be added to job descriptions.

*The City of Urbana is committed to ensuring equal opportunities to qualified applicants. Criminal background checks are conducted only after a provisional offer of employment has been accepted. In compliance with Title VII of the Civil Rights Act, conviction records obtained in background checks are considered in the context of the nature of the job, the nature of the offense, and the time that has passed since the offense. A criminal conviction does not automatically exclude an applicant from consideration.*

There may be variations of this language – some jobs that involve access to highly sensitive information may actually consider arrest information or other conduct that did not result in a conviction.<sup>1</sup>

**Outcome of Informal Hearing** A written order was required to be served on the parties to the informal hearing within seven days. It has now been almost a month without an order being issued. We consider this matter closed.

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<sup>1</sup> Reference EEOC document on Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964 <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>.