

ORDINANCE NO. \_\_\_\_\_, SERIES 2024

**AN ORDINANCE AMENDING SECTION 112.30 OF THE LOUISVILLE METRO CODE OF ORDINANCES (“LMCO”) PROHIBITING THE CITY OR ITS VENDORS FROM ENGAGING IN CERTAIN HIRING POLICIES AND PRACTICES REGARDING HOUSING STATUS.**

**SPONSORED BY: COUNCIL MEMBER ARTHUR**

**WHEREAS**, the U.S. Department of Housing and Urban Development (“HUD”) shows that a high-level barrier to housing is not having a source of income;

**WHEREAS**, Louisville Metro Government has hosted career fairs to fill vacant positions;

**WHEREAS**, studies have highlighted cost-savings associated with helping homeless individuals obtain employment;

**WHEREAS**, HUD is the primary funder of homeless services and has a strong housing focus, and funding for employment and volunteerism is very limited;

**WHEREAS**, the Office for Resilience and Community Services reported 65% of chronically homeless people had no income in 2020; and

**WHEREAS**, Metro Council wants to encourage the employment of persons experiencing homelessness.

**NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT (“THE COUNCIL”) AS FOLLOWS:**

**SECTION I:** LMCO § 112.30 is hereby amended as follows:

§ 112.30 PROHIBITING THE CITY OR ITS VENDORS FROM ENGAGING IN CERTAIN HIRING POLICIES AND PRACTICES ~~AGAINST PERSONS PREVIOUSLY CONVICTED OF CRIMES.~~

(A) Definitions. For purposes of this section, the following definitions shall apply:

**APPLICANT.** Any person considered for, or who requests to be considered for employment by the City or by one of its vendors.

**APPOINTING AUTHORITY.** The Office of the Executive, an elected official, a Metro officer or Metro agency, having the authorized authority to appoint persons to employment positions within Metro Government.

**AWARDING AUTHORITY.** Any department, agency, or office of the City that authorizes a vendor to perform requested goods and/or services.

**CITY.** The Louisville Metro Government or any department, agency or office thereof unless specifically excluded by this section.

**CONVICTION.** Any sentence arising from a plea or verdict of guilty that was entered in a court of law, which may include a sentence of incarceration, a suspended sentence, a sentence of probation or a sentence of unconditional discharge.

**EMPLOYMENT.** Any occupation, vocation, job, or work for pay, including temporary or seasonal work, contracted work, contingent work, internship; or any form of vocational or educational training with or without pay. Employment shall not, for purposes of this section, include any appointed or sworn positions within the City.

**HOMELESS or HOMELESS INDIVIDUAL.** An individual who lacks a fixed, regular, and adequate nighttime residence; and an individual who has a primary nighttime residence that is:

(1) A supervised publicly or privately operated homeless shelter designed to provide temporary living accommodations (including welfare hotels, congregate shelters, and transitional housing for the mentally ill); or

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings.

**FEDERAL, STATE AND COOPERATIVE CONTRACTS.** Contracts in which Louisville Metro Government can use for volume savings on products, vehicles and required accessories and supplies.

**OTHERWISE QUALIFIED.** Any applicant who meets all other criteria for a position of employment.

**RELATIONSHIP TO THE JOB.** The nature of criminal conduct for which the person was convicted has a direct and/or specific negative bearing on a person's fitness or ability

to perform one or more of the duties or responsibilities necessarily related to the employment sought.

**SOLE SOURCE CONTRACT.** The only capable supplier of a commodity or service within a reasonable geographic area of Metro Louisville.

**VENDOR.** Any person entity, contractor, or supplier of goods and/or services valued at \$2,500 or more to Louisville Metro Government.

(B) General provisions.

(1) Except as otherwise provided by state and federal law, or as provided by the exemptions listed in subsections (C) and (D) of this section, the City shall not inquire about an applicant's conviction history or homeless status until after it has been determined that the applicant is otherwise qualified for the position.

(a) City job applications shall not contain a "box" or inquiry regarding an applicant's prior convictions and applicants shall not be required to check or otherwise fill in a "box" or inquiry regarding an applicant's prior criminal conviction(s).

(b) City job applications may contain an inquiry regarding an applicant's home address, but the application shall not require address fields to be completed.

(2) If an applicant reaches the final stages of consideration for hire:

(a) The City shall notify the applicant that a criminal background check may be conducted, at which time the applicant will be given an opportunity to inform Louisville Metro of any criminal background history that the applicant may have; and

(b) The City may inquire about the home address of the applicant at this stage, but may not reject an applicant based solely on the individual's homeless status. Applicants who are homeless are permitted to provide the address of a shelter or homelessness services program, and the Department of Human Resources may confirm that address via the Coalition for the Homeless or a like organization.

(3) In making a determination concerning a previous criminal conviction, the City shall consider the following factors:

(a) The nature of the crime and its relationship to the job for which the person has applied;

(b) The information pertaining to the degree of rehabilitation of the convicted person;

(c) The time elapsed since the conviction or release;

(d) Any information produced by the person, or produced on their behalf, in regard to their rehabilitation and good conduct;

(e) The age of the person at the time of occurrence of the criminal offense or offenses;

(f) The gravity of the offense(s);

(g) The probation or parole status of the applicant; and

(h) The public policy of the City, as expressed in this section, to encourage the employment of persons previously convicted of one or more criminal offenses.

(4) In making a determination concerning an applicant's homeless status, the City shall consider that the public policy of the City, as expressed in this section, is to encourage the employment of individuals experiencing homelessness.

(C) Exceptions for conviction history inquiries.

~~(1) The requirements under this section are not applicable to the following employment categories and~~ the City may inquire about an applicant's conviction history before a conditional offer of employment for the following employment categories:

(a) Employment that involves the transfer and handling of cash amounts in excess of \$500 or that involve major fiduciary responsibilities (e.g. employees charged with investing City funds, accounting, auditing, etc.).

(b) Employment that involves access to confidential information, including but not limited to, social security numbers, bank account information, credit card information, or other combination of information that could be used for identity theft or related criminal activity.

(c) Employment that involves or may involve unsupervised access to children or minors under the age of 16, developmentally disabled persons or vulnerable adults.

(d) Positions with unsupervised access to homes of residents, in which they work alone without direct supervision or they do not work in pairs or in teams of employees.

(e) Senior leadership positions (e.g. the Office of the Executive, appointing authority or senior managers reporting to the appointing authority).

(f) Civil service or merit employees, as defined under Kentucky law, or any other similar type employment as prohibited by state and federal law.

(g) Louisville Metro Police Department, sworn and civilian.

- (h) Louisville Fire Department, sworn and civilian.
- (i) Louisville Metro Department of Corrections, sworn and civilian.
- (j) Emergency Management Agency/ Metrosafe.
- (k) Emergency Medical Services.
- (l) Youth Detention Services.
- (m) Criminal Justice Commission.
- (n) Employment positions or categories as may be required by law.

(D) Vendors.

(1) (a) Vendors who apply for business with the City must follow the practice that initial vendor employment applications not contain a "box" or a question of inquiry on the initial application regarding an applicant's prior criminal history and applicants shall not be required to check or otherwise fill in a "box" or respond to an inquiry regarding an applicant's prior criminal history on the vendor's initial employment application, unless as otherwise provided by or required by state and federal law.

~~(2)~~ (b) The standards established in this chapter and the criminal history policies shall be a part of the evaluation criteria when awarding City contracts. The City shall retain at all times the authority to deny, rescind, revoke, terminate or not renew a contract with a vendor for failing to comply with the standards established in this section.

~~(3)~~ (2) Exceptions for conviction history inquiries. The requirements under this section are not applicable to the following employment categories and vendors shall may inquire about an applicant's conviction history before a conditional offer of employment for the following employment categories:

(a) Employment that involves the transfer and handling of cash amounts in excess of \$500 or that involve major fiduciary responsibilities (e.g. employees charged with investing funds, accounting, auditing, etc.).

(b) Employment that involves access to confidential information, including but not limited to, social security numbers, bank account information, credit card information, or other combination of information that could be used for identity theft or related criminal activity.

(c) Employment that involves or may involve unsupervised access to children or minors under the age of 16, developmentally disabled persons or vulnerable adults.

(d) Positions with unsupervised access to homes of residents, in which they work alone without direct supervision or they do not work in pairs or in teams of employees.

(e) Any company or procurement that is prohibited by federal, state and/or local law from hiring an individual with a felony, which requires an applicant's conviction history.

(f) Sole source contracts.

(g) Sundry items and required advertising as determined by Kentucky Revised Statute as not being practical or feasible to bid.

(h) Federal and state funded projects for bid through which federal or state government procurement processes stipulate that initial application criminal background inquiries are required.

(i) Any pass through federal and/or state government grants and/or federal and/or state, local program payments or mandates.

(j) Federal, state and cooperative contracts.

(k) Employment positions or categories as may be required by law.

(3) Vendors who apply for business with the City must follow the practice that initial employment applications may inquire about an applicant's home address, but the application shall not require address fields to be completed.

(E) Any applicant for a position of employment with the City or with a vendor of the City who is subject to this law may file a complaint with the Human Relations Commission within 30 days after receiving an application which ~~ask~~asks the applicant to check a box or poses a question of inquiry regarding the applicant's past criminal history; in violation of this section.

(F) Reporting. The Director of Human Resources shall prepare an annual report to Metro Council demonstrating the department's compliance with this section and describing any enforcement efforts.

~~(F)~~(G) Severability. If any provision of these sections shall be held to be invalid by action of law, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

**SECTION II:** This Ordinance shall take effect upon its passage and approval or otherwise becoming law.

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Sonya Harward  
Metro Council Clerk

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Markus Winkler  
President of the Council

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Craig Greenberg  
Mayor

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Approval Date

**APPROVED AS TO FORM AND LEGALITY:**

Michael J. O'Connell  
Jefferson County Attorney

BY: \_\_\_\_\_

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