



# City of Denton

City Hall  
215 E. McKinney Street  
Denton, Texas  
[www.cityofdenton.com](http://www.cityofdenton.com)

## AGENDA INFORMATION SHEET

**DEPARTMENT:** City Manager's Office

**CM/DCM/ACM:** Sara Hensley

**DATE:** August 5, 2025

### **SUBJECT**

Receive a report, hold a discussion, and give staff direction regarding the prevention of inquiries of an applicant's criminal history prior to making conditional offers of employment unless a law requires an earlier inquiry.

### **BACKGROUND**

On February 4, 2025, Council Member McGee presented a two-minute pitch to consider a Work Session to discuss the prevention of inquiries of an applicant's criminal history prior to making conditional offers of employment unless a law requires an earlier inquiry. On February 14, an Informal Staff Report was published in the Friday Report. On May 1, the Agenda Committee routed the pitch to a Work Session.

### **DISCUSSION**

Fair chance hiring initiatives generally refer to a policy or practice of not considering an applicant's criminal history in an employment application until later in the hiring process. This information is then typically obtained once a conditional offer has been made. Importantly, these initiatives and their related ordinances, do not limit the authority of an employer to withdraw an employment offer for a lawful reason.

According to National Employment Law Project (NELP), 37 states and 150 cities/counties enacted fair chance laws for themselves as public employers. Of these, 15 states and 22 cities/counties extend these to private employers. Most cities and counties listed with NELP as having enacted fair chance hiring laws have only had those laws apply to their organization as an employer. An even greater number may utilize this practice outside of a formal ordinance, like the City of Denton.

In Texas, the following cities have enacted formal laws relating to fair chance hiring:

Applies Only to Organization	Applies Across Jurisdiction
Dallas County	City of Austin
City of San Antonio	City of DeSoto
Travis County	
Harris County	

There is no federal or state law prohibiting a private employer from inquiring about an applicant's criminal history prior to making a conditional offer; however, some laws require a criminal background check for certain positions, such as, peace officers, criminal justice, insurance, childcare, and energy industries. Title VII of the Civil Rights Act of 1964 prohibits facially neutral employment practices that cause a discriminatory impact. The Equal Employment Opportunity Commission (EEOC) advises that an employer that rejects everyone with a conviction from all employment opportunities is likely engaging in Title VII discrimination. The EEOC's best practice recommendations suggest employers consider asking criminal history questions later in the hiring process.

### **OPTIONS**

1. Move forward with a citywide ordinance
2. Move forward with an internal policy formalizing the City's fair chance hiring efforts.
3. Do not move forward with the pitch

### **EXHIBITS**

1. Agenda Information Sheet
2. Informal Staff Report
3. Presentation

Respectfully submitted:  
Kristi Fogle  
Chief of Staff