



January 10, 2021

Testimony in Support of the Employee Background Fairness Act in HB2685 HFA 3.

Dear Members of the Senate Executive Committee,

We are testifying in support of the **Employee Background Fairness Act**, which creates reasonable standards and practices for the use of criminal records in hiring by limiting when an employer can deny someone because of his or her record.

This legislation is supported by the **Restoring Rights and Opportunities Coalition of Illinois (RROCI)**. Restoring Rights and Opportunities Coalition of Illinois. (RROCI) is a coalition of directly impacted leaders, policy advocates, and organizers from Cabrini Green Legal Aid, Chicago Coalition for the Homeless, and Community Renewal Society.

The Employee Background Fairness Act increases equity and opportunity in employment for people who have a criminal record. As minority men and women are more likely to be incarcerated than their white counterparts, race and ethnicity discrimination could arise when background assessments are conducted without evidence of validity or a basis in job-relatedness. In Illinois, 56% of adults have a criminal record.ⁱ

This bill reinforces transparency and fairness in employment decisions that rely on criminal records. Private employers frequently deny people jobs because of the mere fact they have a criminal record. This happens even when the criminal history record has nothing to do with job duties or whether they will be a good employee. And too often, applicants are not provided the background checks used by employers. An applicant with a record is 50%-63% less likely to get a callback or job offer than an identical applicant without a record.ⁱⁱ

The Employee Background Fairness Act is consistent with the Equal Economic Opportunity Commission' long-standing position that criminal records may be used in hiring decisions only when the conviction is job related and consistent with business necessity.ⁱⁱⁱ

This bill will reinforce the need for employers to use accurate and relevant information in the criminal background check process and ensure that applicants will have a remedy when background check reviews create unfair barriers in accessing employment. Stable employment is a necessary foundation for anyone to live and thrive. This is especially true for individuals who have been caught up in the criminal legal system and it can impact them for decades after their last conviction.

We urge your support of the Employee Background Fairness Act.

Sincerely,

Restoring Right and Opportunities Coalition of Illinois



ⁱ Becki R. Goggins, Dennis. A. DeBacco, Survey of State Criminal History Information Systems, 2016: A Criminal Justice Information Policy Report, Washington, DC: Bureau of Justice Statistics, 2018, <https://www.ncjrs.gov/pdffiles1/bjs/grants/251516.pdf>.

ⁱⁱ Amanda Agan, Sonja Starr, Ban the Box, Criminal Records, and Racial Discrimination: A Field Experiment, *The Quarterly Journal of Economics*, Volume 133, Issue 1, February 2018, Pages 191–235, <https://doi.org/10.1093/qje/qjx028>.

ⁱⁱⁱ 2012 Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964. 42 U.S.C. § 2000e.