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# Increasing Barriers to Employment - Criminal Records, Credit Histories, and Unemployment

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EEOC Conference for Fair Employment Practice Agencies

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# Overview

- New and Growing Barriers to Employment – Discrimination against the unemployed, and those who have bad credit histories or criminal records
- Recent federal laws regulating criminal background checks for employment
- Problem bills for workers pending in the 111<sup>th</sup> and 112<sup>th</sup> Congress
- Key priorities in the current Congress

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# Credit Checks

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# *When ‘bad’ credit stands in the way of a good job*

(USA Today, Feb. 12, 2009)

- “TSA won’t hire airport screeners or contractors who have \$5,000 in overdue debt, any federal or state tax lien or any delinquent child-support payments. This ensures that employees are ‘less susceptible to financial pressures that would make them more vulnerable to bribes,’ TSA spokesman Christopher White said.”
- “But the TSA itself may add to screeners problems. In a 2007 report by the Homeland Security Department Inspector General, several TSA officials said that ‘the low pay (screeners) earn might be a reason why credit problems develop after hiring.’”

## Bank Teller Position:

- Positions starts at \$13.50/hour (DOE). Parttime hours Only.
- Candidates must meet the following minimum requirements:

## Qualifications:

- You MUST be Polished & Professional with EXCELLENT customer service skills
- Bank Teller experience OR Minimum of One (1 )year cash handling experience preferred.
- High School Diploma or GED (if foreign, must be translated)
- Must have a resume (Hard Copy and Electronically)
- Must be able to pass verifiable background check, including criminal, employment, education, credit (Must have Good Credit or No Credit History acceptable) and personal references

# Sales job from San Antonio, Texas Craigslist.org

## Alamo Fireworks Operator (San Antonio area)

Date: 2011-05-05, 2:56PM CDT

Reply to: see below [\[Errors when replying to ads?\]](#)

[prohibited](#)

[spam/overpost](#)

[best of craigs list](#)

Description Alamo Fireworks, Inc. seeks stand operators. After a brief interview process, credit check, and training, you receive your fireworks on a consignment basis. This means that you are responsible for the fireworks until you return them to us. Provided you run your stand in a responsible and professional manner, first time operators can have a commission of \$2k-\$5k over 14 days. More information is available at:  
[www.alamofireworks.com/make-money-with-alamo-fireworks](http://www.alamofireworks.com/make-money-with-alamo-fireworks)">  
<http://www.alamofireworks.com/make-money-with-alamo-fireworks>

**You must have good credit to be accepted as an operator.**

- Location: San Antonio area
- Compensation: % of sales
- Principals only. Recruiters, please don't contact this job poster.
- Phone calls about this job are ok.
- Please do not contact job poster about other services, products or commercial interests.

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# Criminal Background Checks

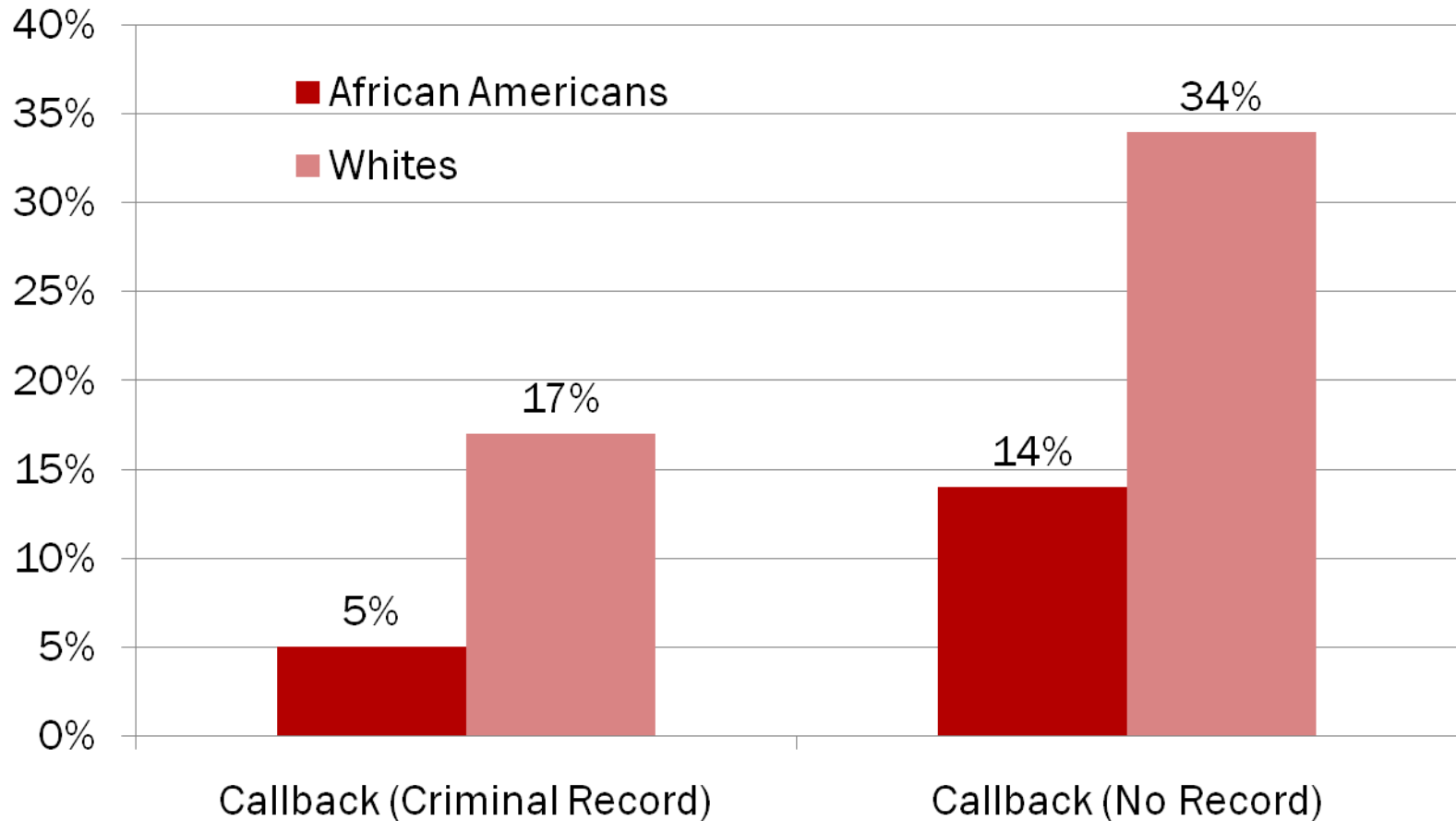
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# The New Realities of Criminal Background Checks for Employment

- Nearly one in three (72 million) U.S. adults has a criminal record that will show up on a routine criminal background check.
- Proliferation of criminal background checks by private employers and new occupational screening laws adopted post-9/11.
- Serious limits on reliability of private background checks and federal and state rap sheets.
- Too few federal and state protections for workers subjected to criminal background checks for employment by private and public employers.



## Employment Testing Survey Documents Impact of a Criminal Record on Interview Callbacks, by Race (Devah Pager, "The Mark of a Criminal Record," American Journal of Sociology (March 2003))



# Staffing agency banking jobs in SF Bay Area



**Are you looking for a fun job in Hayward, CA?  
Manpower offer's a great seasonal opportunity @  
Bank of America LocBox Project!**

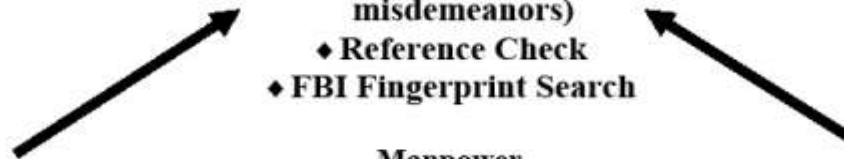
**Over 600 people are needed to fill:**

- ◆ Data Entry Operator positions
- ◆ Proof Operators
- ◆ General Clerical

**All of our associates must be screened and hired  
immediately, so don't delay!**

**Qualified candidates must be able to pass:**

- ◆ Background Check (no felonies or misdemeanors)
- ◆ Reference Check
- ◆ FBI Fingerprint Search



**Manpower**  
500 12<sup>th</sup> street suite 123  
Oakland, CA 94607  
510-835-2424  
[oakland.ca-downtown@na.manpower.com](mailto:oakland.ca-downtown@na.manpower.com)

# Electrician job from Atlanta, Georgia Craigslist.org

## **Electrical Contractor with reliable truck and tools (Atlanta, GA)**

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

Date: 2010-09-29, 11:35AM EDT

Reply to: [job-m8fuh-1979727998@craigslist.org](mailto:job-m8fuh-1979727998@craigslist.org) [\[Errors when replying to ads?\]](#)

Omni Energy LLC is seeking experienced electrician with reliable truck and tools for contract work.

- Experience preferred
- Reliable transportation required

Please do not apply if you do not meet the below requirements.

### Background Requirements

- \* No arrests or convictions of any kind for the past seven years
- \* No Felony arrests or convictions of any kind for life
- \* Traffic Violations will be looked at and will not exclude the candidate provided they are standard ( No DUI, Evading, or felony traffic violation)
- \* No Federal or State back taxes owed
- \* Current on all personal finances ( no current defaults or collections)

# Warehouse and driver jobs on SF Bay Area Craigslist.org

## Job Fair - 6 Immediate Openings Drivers and Warehouse (hayward / castro valley)

[prohibited](#)  
[spam/overpost](#)  
[best of craigslist](#)

Date: 2010-09-02, 8:15PM PDT

Reply to: [job-4gduk-1933950101@craigslist.org](mailto:job-4gduk-1933950101@craigslist.org) [\[Errors when replying to ads?\]](#)

CORT Furniture Rental - a Berkshire Hathaway Company - is expanding its operations. We are looking for new associates that are looking to deliver HAPPINESS to our customers as delivery drivers or by helping our warehouse take great care of the furniture while it is not out on rent. AM and PM shifts available.

If you care deeply about doing a great job for your customers and want to be on a winning team this may be the job for you. We are looking for people with at least three years of relevant experience and **spotless background/criminal history.**

Great pay and benefits! Our average tenure is 8 years!!!

Check us out on the web at [www.cort.com](http://www.cort.com)

Staffing agency forklift jobs from Atlanta, Georgia Craiglist.org

## Forklift & Machine Operators, General Warehouse Positions (Gwinnett & Barrow Counties)

[prohibited](#)

[spam/overpost](#)

[best of craigslist](#)

Date: 2010-02-18, 6:09PM EST

Reply to: [warehousejobs@perimeterstaffing.com](mailto:warehousejobs@perimeterstaffing.com) [\[Errors when replying to ads?\]](#)

Perimeter Staffing has Clients with Forklift Jobs, Machine Operators Jobs, and General Warehouse and Manufacturing Jobs.

The following Minimum requirements Apply:

**\*Minimum requirements for Employment Consideration, No Exceptions!:**

1. No Misdemeanors and/or Felonies of any type ever in background
2. Must be Drug Free, we will do a Drug Test at time of application
3. Must have had continuous work experience over the past 24 months
4. Must be legally authorized to work in the USA
5. Must be able to read and speak English
6. Must have reliable transportation
7. Some jobs require specific types of work boots

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# Unemployed Workers

# Staffing agency pharmaceutical sales job in San Francisco, California

## Job Description

**Job Title** Pharmaceutical Sales Rep (specialty)

**Requisition ID** 148820

**Begin Date** 12/13/10

**Duration**

**Location** San Francisco, CA 94105

**Other Location**

## Description

### **REQUIREMENTS**

Must have a Bachelor's Degree

--- AND ---

18 months or more of pharmaceutical sales experience.

--- AND ---

Must be currently employed as a pharmaceutical sales representative

--- AND ---

MUST be able to document successful sales performance via numbers, mgmt reviews, etc.

Will be selling specialty products to specialty physicians, hospitals, pharmacies and long term care.

**IF YOU ARE SUBMITTING YOUR INFORMATION VIA EMAIL:**

Please include the Job Code # in the subject line of your email submission. Failure to do so will DELAY the review of your application.



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# Sales position from Careerbuilder.com in Toledo, Ohio

An innovative and progressive **Medical Device/Capital Equipment** company is seeking an energetic, self-motivated, assertive "sales superstar" to sell medical devices/capital equipment in and around the Toledo, Ohio. **Total Compensation = \$200-300K 1st year. Top Reps Earning upwards of \$400K(+)**plus. They provide car allowance, all expenses covered, and full benefits. Numerous opportunities for growth! Please submit resume in a WORD.DOC format for immediate consideration!

## Requirements

**The Ideal Candidate should meet the following requirements:**

- A four (4) year degree.
- **Must be currently employed.**
- 5+ years successful hospital medical sales experience.
- Capital equipment experience is **REQUIRED!**
- A clinical background selling into Critical Care, ICU and/or Neurology a **HUGE PLUS!**
- Must possess a proven, documented track record of success, including Top 10% Rankings within the sales force, Multiple Over Quota Percentages, etc. distinguishing yourself from others.
- The desire and determination to be the **BEST** with income expectations of **\$250K+!**
- Leadership skills with the ability to communicate effectively and efficiently. Major Hospital relationships a **PLUS!**



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# Latest Federal Laws Regulating Employment Background Checks

## Long-Term Care Workers

(Patient Protection and Affordable Care Act of 2010, P.L. 111-148, Section 6201)

- Creates \$160 million in HHS, Centers of Medicare and Medicaid Services (CMS) funding for states to conduct state, FBI, and registry background checks of prospective long-term care workers.
- States must have procedures in place for a workers to “dispute the accuracy of the information” and to consider the “passage of time, extenuating circumstances, demonstration of rehabilitation, and relevancy of the particular disqualifying information with respect to the current employment of the individual.”
- As of February 2011, 10 states (AK, CA, CT, DE, DC, FL, IL, MO, NM, RI) were awarded \$22.4 million to set up criminal background checks procedures.
- In response to IG’s report (“Nursing Facilities’ Employment of Individuals with Criminal Convictions,” March 2011), CMS is developing a list of disqualifying convictions and timeframes for disqualifying offenses.

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# Recent Federal Laws (cont.)

## Mortgage Brokers

(Secure and Fair Enforcement for Mortgage Licensing Act of 2008, P.L. 110-289, Section 1511)

- Authorizes FBI background checks of mortgage brokers where provided by state laws.
- The Conference of State Bank Supervisors is the “channeling agent” for the States.

## School Employees

(Adam Walsh Child Protection and Safety Act of 2006, P.L. 109-248, Section 153(b)(2))

- Authorizes both public and private schools to access FBI records on current and prospective employees, including volunteer and contractors.
- No state legislation is required, but the authority must come from the state’s Governor.
- The FBI rap sheet can be reported directly to the school, not through a government agency.
- To date, 16 states plus DC have taken up the authority. (AR, CT, GA, HI, IL, KS, ME, MA, MI, MO, MN, PA, SD, UT, VT, WI).

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# Worker Background Check Bills: 111<sup>th</sup> and 112<sup>th</sup> Congress

## **Child Care Workers**

(112<sup>th</sup> Congress – Child Care Criminal Background Check Act of 2011, S. 581)

- Requires state and FBI criminal background checks for child care providers licensed by the state or receiving funds under Child Care and Development Block Grant of 1990.

## **Employees & Volunteers Working with Children**

(111<sup>th</sup> Congress – The Child Protection and Improvements Act of 2009, S. 1598 / H.R. 1469)

- Makes permanent the current pilot program that authorizes FBI checks of volunteers working with children, and extends it to all prospective and current employees.

## **Head Start & School Workers**

(111<sup>th</sup> Congress – Amend the National School Lunch Act, H.R. 6469)

- Requires institutions receiving federal school lunch funds to conduct state and FBI background checks on all child care staff employees.

## **Chemical Workers**

(111<sup>th</sup> Congress – Chemical Facility Antiterrorism Act of 2009, H.R. 2868)

- Requires background checks for chemical workers, including waiver and appeal procedures but not authorizing FBI records.

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# Key Priority for the 112<sup>th</sup> Congress

## **FBI Employment Background Checks**

(112<sup>th</sup> Congress – Fairness and Accuracy in Employment Background Checks, H.R. 5300)

- Require FBI to locate and correct missing disposition information within 10 days before releasing rap sheet for employment (modeled on Brady gun checks).
- Arrests older than one year with no disposition no reported unless FBI can verify that the case is being actively prosecuted.
- Codify FBI regulations – do not report “non-serious” juvenile & adult offenses.
- Key consumer protections found in the Fair Credit Reporting Act (copy of record, able to contest inaccurate or incorrect information).

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# Additional Priorities for the 112<sup>th</sup> Congress

## **Second Chance Act Reauthorization**

(P.L. 100-199)

- FY10 Funding - \$100 million
- FY11 Funding – Continuing Resolution at \$100 million
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## **National Criminal Justice Commission**

(112<sup>th</sup> Congress – National Criminal Justice Commission Act of 2011, S. 306)

- Establish a commission to review the criminal justice system and make reform recommendations at the federal, state and local levels.
- Make recommendations to “prevent, deter and reduce crime and violence, reduce recidivism, improve cost effectiveness, and ensure the interests of justice at every step of the criminal justice system.”