

April 6, 2017

Chairman Ron Johnson
Committee on Homeland Security and Government Affairs
United States Senate

Ranking Member Claire McCaskill
Committee on Homeland Security and Government Affairs
United States Senate

Chairman Jason Chaffetz
Committee on Oversight and Government Reform
United States House of Representatives

Ranking Member Elijah Cummings
Committee on Oversight and Government Reform
United States House of Representatives

Dear Senator Johnson, Senator McCaskill, Representative Chaffetz and Representative Cummings:

We are writing to express our appreciation for your bi-partisan leadership in helping to clear the path to employment for people with arrest and conviction records and to convey our strong support for the Fair Chance to Compete for Jobs Act of 2017, which you are lead sponsoring.

Our organization, the National Employment Law Project (NELP), advocates on issues affecting low-wage and unemployed workers and seeks to reduce unfair and unnecessary barriers to employment of people with records. The Fair Chance to Compete for Jobs Act of 2017 responds to a growing crisis of opportunity that plagues the record numbers of people in the United States who are stigmatized in their job search because of an arrest or conviction record. The bill seizes the momentum across the nation in support of "ban the box" reforms by delaying the criminal history inquiry until the end of the hiring process for workers seeking employment with federal contractors and the federal government.

Almost one in three adults in the United States has a record that can show up on a routine criminal background check for employment. This undermines access to employment for millions of qualified workers, especially people of color hardest hit by decades of over-criminalization. In response to this national crisis, elected officials from across the political spectrum have embraced ban the box and other fair chance hiring reforms. These hiring reforms help restore hope and opportunity to qualified job seekers with an arrest or conviction record who struggle against significant odds to find work and contribute to their communities.

Originating more than a decade ago with the passage of the first local ordinance championed by All of Us or None, 25 states and more than 150 local jurisdictions have now adopted ban the box and other fair chance hiring reforms. Nine states and over a dozen major cities also extend their policies to both public and private sector employers, which cover roughly half the U.S. population. In addition, nearly 300 employers have signed the Fair Chance Business Pledge, including Koch Industries, Starbucks, Walmart, Gap and Target and other major employers.

The Fair Chance to Compete for Jobs Act of 2017, which limits the inquiry into an individual's conviction history until the conditional offer stage of the hiring process, leverages the federal government's resources to ensure that people with records are judged on the merits of the qualifications, not just on their conviction history. The bill builds on the key civil rights protections set forth in the Equal Employment Opportunity Commission's (EEOC) 2012 guidance, which provides that all employers must take into account the age and nature of an individual's offense, the relationship of the offense to the specific job, and evidence of rehabilitation. Combined, these simple yet effective measures can make all the difference in the lives of thousands of workers who are often unfairly locked out of the labor market.

Indeed, according to a recent study by noted criminologist Professor Christopher Uggen, the EEOC and ban the box protections give "jobseekers the chance to make contact with prospective employers – contact which this study suggests is crucial to the hiring process."¹ Local studies, including a multi-year analysis evaluating Durham, North Carolina's ban the box policy, have also documented significant employment gains resulting from these common-sense hiring reforms.²

Accordingly, we strongly support passage of the Fair Chance to Compete for Jobs Act of 2017, and applaud your exceptional bipartisan leadership in support of this timely issue.

Sincerely,

Christine Owens
Executive Director

¹ http://users.soc.umn.edu/~uggen/Uggen_Vuolo_Lageson_Whitham_Ruhland_Crim_14.pdf

² https://www.southerncoalition.org/wp-content/uploads/2014/10/BantheBox_WhitePaper-2.pdf