

Memo

To: Labor and Public Employees Committee
From: Robert J. Brothers, Jr., Executive Director
Date: February 25, 2010
Re: **HB 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES**

The Commission supports, with reservations, HB 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES.

This is a difficult bill for CHRO since we support the conceptual intention of HB 5207, which strengthens the State's legitimate interest of employing rehabilitated persons with criminal records, while protecting the privacy interest of the majority of State job applicants who may never receive a job offer.

We must also be realistic in the face of the ongoing state budget crisis. The Commission has absorbed huge budget and personnel cuts, particularly in the past two years. In light of these cuts the Commission fears additional responsibilities without additional staff.

There can be significant costs associated with recruitment and screening of applicants for agencies where the lack of a criminal record is a bona fide qualification. These agencies include the Departments of Correction, Public Safety and Children and Families. Waiting until an offer is made only to find out that the applicant is disqualified because of a criminal record is cruel to the person this bill seeks to protect. It unfairly raises expectations and cuts into time that could be spent finding another job. It is also unfair to State agencies which are barely scrimping by amid budget cuts, retirements and personnel rescissions. Perhaps a very limited exception can be created for the few agencies that rely on costly screening procedures.

We would also note that there is a different definition for the word employer in HB 5207, which references CONN. GEN. STAT. § 5-270, than there is for the other sections in CONN. GEN. STAT. § 46a-80, which find their definition in CONN. GEN. STAT. § 46a-51(10). The CHRO urges you to apply a consistent definition throughout.

The concept is worthy and well intended, but the Commission cannot fully support the bill.