



State of Connecticut  
**COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES**

Central Office ~ 25 Sigourney Street, Hartford, CT 06106

*Promoting Equality and Justice for all People*

**To:**  
**From:** Tanya A. Hughes, Executive Director  
**Date:** March 5, 2015  
**Re:** HB 6875, AN ACT CONCERNING CRIMINAL RECORDS AND EMPLOYMENT APPLICATIONS

The Commission on Human Rights and Opportunities **SUPPORTS** HB 6875, An Act Concerning Criminal Records and Employment Applications.

Individuals with criminal records have an extremely difficult time finding employment. Individuals of color are statistically more likely both to have criminal records and to have difficulty finding employment because of these records.

HB 6875 would permit an employer to look at a candidate's criminal record to determine whether the criminal record was a disqualifying event only after an employer determines an individual is qualified for the position. This allows individuals to compete on an equal footing and obtain employment based on merit, rather than to be disqualified at the outset. Individuals should be considered for employment based on their skills and abilities. A non-violent misdemeanor more than five (5) years old should not prevent an otherwise qualified individual from obtaining a job to support a family.

An article discussing a Kansas Department of Corrections program notes that "Recent research has demonstrated that obtaining consistent and quality employment is directly related to reducing the risk of recidivism for all ex-offenders, while the ex-offenders who fail to gain such employment increase their risk of recidivism, regardless of their education/training."

The use of a criminal history to disqualify job applicants can violate state and federal antidiscrimination laws. The U.S. Equal Employment Opportunity Commission has issued an Enforcement Guidance to make employers aware of the potential for a violation of federal law, if an employer relies solely on a criminal arrest or conviction in making a hiring or firing decision. These violations can be based both on the disparate treatment theory of discrimination (treating one group with a conviction differently than another group with a conviction) or the disparate impact theory of discrimination (a facially neutral test adversely affects some groups more harshly than others).

The Enforcement Guidance provides statistics indicating the rate at which minorities are affected by the criminal justice system as compared to whites. The numbers are staggering.

Eliminating barriers to equal employment opportunity is one of the CHRO's core agency missions. The Commission supports HB 6875, because it increases the chance that job applicants will be judged on their skills and abilities and not their color or ethnicity.