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February 16, 2017

Testimony of New Haven Legal Assistance Association:
Yale Law School Reentry Clinic
In Support of H.B. No. 6219, An Act Concerning Community Reentry
By Persons Who Were Incarcerated

Dear Senator Gomes, Senator Miner, Representative Porter and other distinguished members of the Labor and Public Employees Committee:

The lawyers, legal workers, and law student interns at New Haven Legal Assistance address you today to express our support for H.B. No. 6219, and to offer suggestions regarding specific measures that the Connecticut legislature can take in order to provide persons recently released from correctional facilities with enhanced employment opportunities.

New Haven Legal Assistance Association supports Governor Malloy's and the Connecticut General Assembly's position that Connecticut should strive to become a Second Chance Society. Persons who are reentering from incarceration deserve—and often require—assistance with reintegrating into society. H.B. No. 6219 is particularly encouraging in that it paves the way for additional legislative measures that will benefit the reentry community. With this testimony, NHLAA would like to take the opportunity to suggest objectives for framing this and future proposals.

Reentering Citizens Struggle to Obtain Jobs

Our clients who have criminal records often struggle to provide for their families – though not for lack of trying. We routinely hear from clients that employers turn them away after conducting criminal background checks – in many cases, the employer has already offered our client a position, but rescinds the offer after viewing the background check results. For this reason, it is necessary to incentivize employers to hire and retain persons returning from correctional facilities.

H.B. No. 6219 would aptly provide tax incentives to employers who provide jobs to persons recently released from correctional facilities. Numerous studies show that community ties, including employment, reduce recidivism. In this way, H.B. No. 6219 will improve both public safety and the lives of our clients with criminal records. Connecticut should join the federal government and numerous other states, including

California¹ and Illinois², in providing tax incentives to employers who hire persons with criminal records.

Providing persons recently released from correctional facilities with *enhanced* employment opportunities is a laudable goal. Though many of our clients who have criminal records are unemployed, many others work minimum-wage jobs, which are almost always at-will and/or temporary positions. Though our clients may succeed in getting hired for a particular position, their tenure in that position is often limited, and the compensation is often very low.

Extending Benefits to Other Members of the Reentry Community

The Connecticut General Assembly should consider applying the opportunities and tax incentives that flow from H.B. No. 6219 to persons with criminal records who have been incarcerated but have not been “recently” released. The legislature should not limit these benefits to people who are newly reentering the community. Many persons with criminal records continue to have significant issues and needs regarding employment opportunities long after they have been released.

Limiting Criminal History Look Back Periods

The General Assembly must consider the plight of those whose incarceration or criminal conviction is not ‘recent.’ The General Assembly can take meaningful steps toward providing these individuals with enhanced job opportunities by limiting the scope of employers’ background checks—in other words, limiting look back periods.

The term ‘look back period’ is used to describe the scope of an employer’s criminal background check on a prospective employee. For example, an employer with a five-year look back period will examine an applicant’s criminal record over the five years prior to the application date. At present, Connecticut employers are permitted to view even the oldest convictions on an applicant’s record, and are free to deny the applicant based on them. In this way, very old convictions continue to haunt even the most rehabilitated members of the reentry community.

If Connecticut is to be a true Second Chance Society, it must do more to limit the role that a person’s criminal history can play in hiring decisions. Imposing short look back periods will open up many more employment opportunities to persons who have criminal records.

Adopt EEOC Guidance for all Employers

The Connecticut General Assembly should consider requiring all Connecticut employers to adhere to the U.S. Equal Employment Opportunity Commission’s (EEOC) guidance regarding the consideration of arrest and conviction records.³ Connecticut law governing

¹ California Revenue and Taxation Code § 23626 (2016).

² Illinois Income Tax Act § 216 (2016).

³ EEOC Enforcement Guidance No. 915.002, April 25, 2012.

hiring practices for the state and its agencies currently embraces this EEOC guidance.⁴ Expanding this law to apply to all Connecticut employers would result in a more nuanced evaluation of applicants' criminal records, and would subsequently create a more fair and meaningful process for applicants who have criminal records.

Require Rationale for Denial of Employment

The Connecticut General Assembly should consider requiring employers to provide a specific rationale to an applicant upon rejecting their application. An applicant deserves to know whether an employer is rejecting them on the basis of their criminal record, employment experience, personal capabilities, or something else. Such knowledge is instrumental to an applicant's self-improvement and future job search success. Requiring employers to provide a specific rationale for denying applications works to prevent discrimination, and allows applicants and their advocates to assess whether discrimination is afoot.

Conclusion

New Haven Legal Assistance Association urges the Labor and Public Employees Committee to support H.B. No. 6219, An Act Concerning Community Reentry by Persons Who Were Incarcerated.

We also urge the committee, and the legislature as a whole, to consider the suggestions above regarding future legislation to improve employment opportunities for all individuals who have criminal records. Thank you for your consideration.

Respectfully submitted,

Maya Menlo, New Haven Legal Assistance Reentry Clinic, on behalf of New Haven Legal Assistance Association.

⁴ Connecticut General Statute § 46a-80 (2016).