



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

Central Office ~ 450 Columbus Boulevard, Hartford, CT 06103

Promoting Equality and Justice for all People

COMMITTEE ON LABOR AND PUBLIC EMPLOYEES
February 16, 2017

Testimony in Support of H.B. 6219, AN ACT CONCERNING COMMUNITY REENTRY BY PERSONS WHO WERE INCARCERATED.

The Commission on Human Rights Supports HB 6219, An Act Concerning Community Reentry by Persons Who Were Incarcerated which aims to “improve the rate of successful community reentry for persons released from correctional facilities through the provision of enhanced employment opportunities.”

The mission of the Commission on Human Rights and Opportunities is to eliminate discrimination through civil and human rights law enforcement and to establish equal opportunity and justice for all persons within the state through advocacy and education. Eliminating barriers to equal employment opportunity is one of the Commission’s core issues. Anything that can be done to assist people with criminal histories in obtaining employment should be encouraged. Individuals with criminal records of any kind have an extremely difficult time finding employment after their periods of incarceration. Because of longstanding issues with our criminal justice system¹, individuals of color are statistically more likely than Caucasian individuals to have criminal records and therefore have even more difficulty finding employment and obtaining the required licenses because of those records. Employment enables individuals to care for their families and contribute to society. Individuals with criminal records should not be automatically precluded from consideration for a job that may not be related at all to the crimes that were committed.

CHRO’s federal counterpart, the Equal Employment Opportunities Commission (EEOC) has highlighted issues people with criminal histories face when released from incarceration. The EEOC has issued an Enforcement Guidance titled; “Consideration of Arrest and Conviction Records in Employment Decisions”.² Due to the disparity in criminal records for minorities, the EEOC has found that employers may be liable for a Title VII violation if an employer relies solely on a criminal arrest or conviction record in a hiring or firing decision. These violations can be based on both the disparate treatment theory of discrimination (treating one group with a conviction differently than another group with a conviction) and the disparate impact theory of discrimination (a facially neutral test adversely affects some groups more harshly than other groups). The Enforcement Guidance provides some statistics indicating the rate at which individuals of color are involved with the criminal justice system as compared to white individuals. The numbers are staggering.

¹ <http://www.civilrights.org/publications/reports/cerd-report-falling-further-behind/discrimination-in-the.html>

² http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

Our state has a strong interest in rehabilitating former inmates. Individuals should be considered for employment based on their skills and abilities. A criminal history should not be a barrier unless directly relevant to performing a specific job. For these reasons, the Commission on Human Rights and Opportunities supports H.B. 6219.