



State of Connecticut COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES

450 Columbus Boulevard, Suite 2, Hartford, CT 06103

Promoting Equality and Justice for all People

Labor Committee Public Hearing – February 26, 2019

CHRO Testimony Regarding HB 6921, AAC Discrimination Based on a Person's Criminal History, and HB 5271, AA Increasing Sexual Harassment Prevention Training

Good afternoon Senator Kushner, Representative Porter, Senator Miner, Representative Polletta, and members of the Labor and Public Employees Committee. The Commission on Human Rights and Opportunities appreciates the chance to submit testimony today.

The CHRO supports the concept of proposed House Bill No. 6921. The mission of the CHRO 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 opportunity is one of the Commission's core concerns. Individuals with criminal records have an extremely difficult time finding employment, housing, credit and access to services after incarceration. Stable employment and housing, as well as access to necessary services, is essential for preventing recidivism and re-integrating the formerly incarcerated back into society.

The CHRO is particularly interested in the issue of prior convictions because people of color are far more likely to be arrested and convicted as compared to White people. According to statistics published by the Sentencing Project, African Americans are incarcerated in state prisons at 5.1 times the rate of White comparators and Latinos are incarcerated at 1.4 times the rate of White people.¹

CHRO's federal counterparts, the Equal Employment Opportunity Commission (EEOC) and the Department of Housing and Urban Development (HUD) have already issued guidance on this issue.² The guidance documents focus on the disparate impact that a review of criminal convictions have on minorities seeking employment and housing opportunities and suggest that, rather than outrightly excluding people with a prior conviction, employers and prospective landlords should only consider a conviction if necessary to achieve a substantial, legitimate, and nondiscriminatory interest.

Connecticut already has a long-standing model for achieving the goals of this bill. The CHRO recommends patterning this legislation after Conn. Gen. Stat. §46a-80. That statute prohibits the state from making employment decisions and decisions about granting professional licenses, and similar certifications, based solely on the grounds of a prior criminal conviction. It allows for the consideration of the nature of the criminal conviction, proof of rehabilitation and the time that has lapsed since the conviction when making these types of decisions. In essence, the criminal conviction alone cannot act as a bar to obtain the employment or license, rather, the law requires an analysis of the enumerated factors prior to any disqualification. The CHRO believes

¹ <https://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>

² http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm and
https://www.hud.gov/sites/documents/HUD_OGCGUIDAPPFHASTANDCR.PDF

that this statutory analysis works well and should be extended to all employers, housing providers and places of public accommodation. All claims brought under the new statute should have a 180 day filing period pursuant to Conn. Gen. Stat. §46a-83(f) and should have remedies available for a violation of that statute pursuant to Conn. Gen. Stat. §46a-86.

The CHRO also supports the concept behind proposed House Bill 5271. As the agency that enforces sexual harassment laws and conducts sexual harassment trainings throughout the state, the CHRO is supportive of strengthening sexual harassment prevention training.

Thank you again for the opportunity to submit testimony on these bills.