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TESTIMONY OF  
NATIONAL FEDERATION OF INDEPENDENT BUSINESS (NFIB)  
REGARDING  
HB-6921, AAC DISCRIMINATION BASED UPON A PERSON'S CRIMINAL HISTORY  
BEFORE THE  
LABOR & PUBLIC EMPLOYEES COMMITTEE  
FEBRUARY 26, 2019

*NFIB is the leading small business association in the nation with thousands of members in Connecticut representing a cross-section of the state's economy. For more than 75 years, NFIB has been advocating on behalf of America's small and independent business owners, both in Washington, D.C., and in all 50 state capitals. NFIB is nonprofit, nonpartisan, and member-driven. Since our founding in 1943, NFIB has been exclusively dedicated to small and independent businesses and remains so today. On behalf of those small- and independent- job-providers in Connecticut, NFIB offers the following comments:*

Regarding HB-6921, it is difficult to comment on as the current proposal lacks statutory specificity; however, in general, NFIB does not condone discrimination in any form, but specifically in employment settings. With regard to criminal histories, the business community generally supports efforts to give people second chances. Small businesses, in particular, tend to have an especially good track record in this regard. But small business owners are much better positioned than the government to determine who to hire, how to hire, and they make those decisions based on many factors and their best judgment based on the totality of the applicant and the circumstances. NFIB would also like to draw the Committee's attention to significant legislation passed in 2016, Public Act 16-83, which not only enacted a version of "Ban the Box" for Connecticut by removing questions about an employee's prior criminal history on employment applications, but also established a "Fair Chance Employment Task Force" to further examine and report to the legislature on issues concerning employment opportunities available to individuals with criminal history. It is NFIB's understanding that unfortunately, this task force has never convened. Finally, it is also important to note that existing state (and federal) laws and regulations already prohibit discriminatory application and usage of selection procedures. Title VII, the federal EEOC and state CHRO all govern and enforce various antidiscrimination laws and procedures when it comes to issues of employment. NFIB believes that federal and state rules, along with the somewhat recently revised EEOC Criminal Check guidance for employers, can adequately protect individuals from discriminatory selection procedures.

Thank you for the opportunity to comment and for your consideration of NFIB's perspectives on behalf of small business. NFIB looks forward to once again working with the Committee should this legislation progress. For any questions or additional information, please contact Andy Markowski, NFIB's State Director in Connecticut, at 860-248-NFIB.