

LABOR AND WORKFORCE DEVELOPMENT

Resolution LWD-21-36

A RESOLUTION ON FAIR CHANCE HIRING

WHEREAS, fair chance hiring is the implementation of policies to assist those who have a history of criminal arrest and/or conviction obtain employment for which they are qualified by ensuring criminal history information is used fairly and individually;

WHEREAS, over seventy (70) million people, in the United States have a criminal record which causes one in three adults to experience obstacles in securing sustainable employment;

WHEREAS, unemployment for the formerly-incarcerated is disproportionately high at five times the rate for the general public without a criminal record - twenty-seven percent (27%) compared to six percent (6%) respectively, the unemployment rate is the most staggering for Black women with a criminal record (43.6 percent), compared to Black women without a record (6.4 percent), the unemployment rate for formerly incarcerated Black men is 35.2 percent compared to 7.7 percent of Black men without a record;

WHEREAS, according to the National Employment Law Project (NELP), the economic impacts for formerly incarcerated may affect generations because sixty percent (60%) of people who have been incarcerated remain unemployed one year after release, formerly incarcerated men can expect to work nine fewer weeks per year and they earn forty percent (40%) less than those without a record, with nearly half of all children having a parent with a record, this will cause a negative impact for communities;

WHEREAS, the impact of a criminal record has more severe consequences for communities of color, according to NELP, the effect of a criminal record on employment is 40% more damaging for black men than white men, and formerly incarcerated white women were 93% more likely to be contacted by employers for an interview or offered a job than formerly incarcerated Black women, and Hispanic women with a prison record were 61% less likely than White women to receive a favorable response by employers;

WHEREAS, the Fair Chance to Compete for Jobs Act of 2019, passed Congress on December 17, 2019;

WHEREAS, this legislation helps qualified workers with arrest or conviction records compete fairly for employment in federal agencies and with federal contractors by prohibiting employers from asking about arrest and conviction history on job applications and instead delay background checks until a condition job offer has been extended to applicants;

WHEREAS, several studies document that policies such as the Fair Chance to Compete for Jobs Act of 2019 has resulted in increased employment of people with criminal records which in turn has a positive impact on communities as well as helped to meet the demand for qualified employees resulting in a stronger economy;

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WHEREAS, thirty-five (35) states, the District of Columbia, and over 150 cities and counties have adopted fair chance policies; and thirteen (13) states and eighteen (18) cities and counties have extended fair-chance laws to private employment; and

WHEREAS, individuals returning back into society have paid their debt to society for their criminal actions and successful re-entry into the community is often predicated on gainful employment and this success will create stronger families and safer communities.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) affirms our support for the removal of barriers for citizens with a criminal record to obtain gainful employment and the implementation of policies and programs to help in the successful re-integration of formerly incarcerated citizens into society;

BE IT FURTHER RESOLVED, that the NBCSL supports the expunction of criminal records for certain misdemeanors and felonies that are non-violent and not a sex crime, once a person has fully completed their time served, paid restitution, and complied with all the conditions that were established;

BE IT FURTHER RESOLVED, that the NBCSL urges legislators to look at reforms in their own states to reform and improve expunction programs in their states to allow individuals to not be permanently affected by a past mistake, when it will not adversely affect wider community, and could include allowing a person to automatically have their record automatically expunged after they are found not guilty;

BE IT FURTHER RESOLVED that the NBCSL encourages private and public employers, including our corporate partners and supporters, to implement fair chance policies and programs that would specifically aide in the successful re-integration of formerly incarcerated citizens as well as those with criminal records; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials and agencies as appropriate.

SPONSOR(S): Senator Ronald Rice (NJ) and Representative Gilda Cobb-Hunter (SC)

Committee of Jurisdiction: Labor and Workforce Development Policy Committee

Certified by Committee Chair: Senator Ronald L. Rice (NJ)

Ratified in Plenary Session: Ratification Date is December 3, 2020

Ratification is certified by: Representative Gilda Cobb-Hunter (SC), President