

HB 5334

Support the EMPLOYEE BACKGROUND FAIRNESS ACT

Harper

Employers are denying people jobs because of a criminal record – even when it has nothing to do with fitness for the job.

There are no meaningful standards for the use of criminal records when hiring, resulting in hiring processes that are inconsistent, based on assumption, bias, and unrelated to whether an applicant could safely and proficiently fulfill the job.

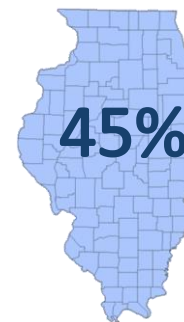
HB 5334 is the Solution

HB 5334 creates reasonable standards and practices for the use of criminal records in hiring. Under HB 5334:

- Employers may only deny someone a job because of his or her criminal record if:
 1. The applicant has been convicted of a crime (an arrest is not enough) AND
 2. There is a direct relationship between the conviction history and the job duties.
- Applicants denied because of a criminal record have the right to an individualized review of their background and to provide evidence of mitigating circumstances and rehabilitation.
- Violations of these rules can be enforced in court.

The Facts

The National Employment Law Project estimates that 45% of Illinois adults have some sort of criminal record.



Almost half the people in Illinois are not provided equal access to opportunity. An applicant with a criminal record is 50% to 63% less likely to get a callback or job offer than an identical applicant without a record [1] – and this hiring “penalty” is twice the size for black applicants as for whites. [2]



Yet employees with criminal records in the private sector have longer average tenures, are less likely to leave voluntarily, and are no more likely than people without records to be terminated involuntarily. [3]

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HB 5334 is supported by the Restoring Rights and Opportunities Coalition of Illinois (RROCI), a coalition bringing together people directly impacted by the criminal system to change unjust laws and policies.

RROCI Organizations include: Community Renewal Society (CRS), Chicago Coalition for the Homeless (CCH), Cabrini Green Legal Aid (CGLA) & Heartland Alliance

Supporting Organizations

- ACLU of Illinois
- AIDS Foundation of Chicago
- Business and Professional People for the Public Interests (BPI)
- Cabrini Green Legal Aid
- Chicago Appleseed Fund for Justice
- Chicago Coalition for the Homeless
- Chicago Council of Lawyers
- Community Renewal Society
- Growing Home, Inc.
- Heartland Alliance
- Safer Foundation
- Sargent Shriver National Center on Poverty Law
- SEIU Healthcare of Illinois & Indiana
- Woodstock Institute

[1] Devah Pager and Bruce Western, "Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men" (Washington: National Criminal Justice Reference Service, 2009), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/228584.pdf>.

[2] Amanda Agan and Sonja Starr, "Ban the Box, Criminal Records, and Statistical Discrimination: A Field Experiment" (New Haven: Yale Law School, 2016), available at https://law.yale.edu/system/files/area/workshop/leo/leo16_starr.pdf.

[3] Dylan Minor, Nicola Persico, and Deborah M. Weiss, "Criminal Background and Job Performance" (Chicago: The Society of Labor Economists, 2017), available at <http://www.sole-jole.org/17537.pdf>.