

Testimony on behalf of the County Executive on Bill 35-20 - Human Rights and Civil Liberties - Fair Criminal Record Screening Standards – Amendments

President Katz, Vice-President Hucker and distinguished members of Council, I am here to speak on behalf of the County Executive in support of Council Bill 35-20. He supports it for the same reasons he sponsored the Ban the Box legislation in 2014, to provide opportunity to those who have paid their debt to society and who we wish to see successful return to the workforce and our communities. The proposed law would expand the scope of the original Ban the Box legislation by changing the definition of employer from employing 15 or more persons to one or more. It would prohibit an employer from inquiring into an applicant's criminal record or performing a background check until a conditional offer has been extended rather than at the conclusion of the first interview and it would prohibit an employer from inquiring into certain criminal records at all. Further, the proposed measure would prohibit an employer from basing a hiring decision or a promotion decision upon any item in an arrest or conviction record outlined in the bill. Lastly, the bill adds to the existing requirement that employees and employers be informed of their rights and requirements to comply with regulations and procedures.

While there are some legal considerations, the Executive believes such concerns can be addressed in Committee work session. This new law will increase the number of employers covered. We believe this law will help provide a workplace free of discrimination by allowing an environment that is productive for employers and the thousands of potential willing and able employees who may have been previously incarcerated or may have had or been accused of minor offenses; or otherwise with criminal records or convictions.

If approved, the Office of Human Rights would address complaints would provide support for technical questions that might arise. This additional responsibility and potential increase in number of complaints will put additional strain on the agency's current staffing levels. Please include consider the potential for additional staff resources being needed to implement and enforce this law.

We are in support of the passage of this law. Thank you for the opportunity to share these comments and observations