



October 7, 2015

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**Vote Yes on the Manager's Amendment to S. 2021 the "Fair Chance Act of 2015"  
Vote No on all other Amendments**

Dear Senator:

On behalf of The Leadership Conference on Civil and Human Rights and the 34 undersigned organizations, we urge you to vote yes in support of the manager's amendment to S. 2021, the "Fair Chance to Compete for Jobs Act of 2015" (or "Fair Chance Act of 2015") and no on all other amendments. S. 2021 is bipartisan legislation that would require the federal government and federal contractors to postpone a request for criminal history information from job applicants until the applicant has received a conditional offer of employment. Companion legislation, H.R. 3470, has been introduced in the House with bipartisan support.

Currently, an estimated 70 million adults have arrests or convictions that will show up on routine background checks.<sup>i</sup> Although considerable strides have been taken to ensure that civil rights laws are being upheld and to provide guidance to employers on the appropriate use of background check information, many employers continue to utilize blanket prohibitions and questions regarding criminal history to exclude persons with prior records from employment before even considering those individuals' actual job qualifications. A study conducted in New York City demonstrated that a disclosure of a criminal record by an otherwise qualified applicant can reduce the likelihood of a callback or job offer by nearly 50 percent.<sup>ii</sup> Such hiring practices often have an even more acute impact on individuals from low-income communities of color, due to the racial profiling and discriminatory practices that persist at all stages of the justice system.

Without a job, it is virtually impossible for a formerly incarcerated person to rebuild his or her life. Laws and policies that prevent people with records from a fair shot at employment only exacerbate the challenges of reentry. Reducing barriers to employment for formerly incarcerated people also helps the economy and improves public safety. Economists have estimated that U.S. GDP was reduced by as much as \$65 billion in 2008 alone due to the poor job prospects of formerly incarcerated individuals.<sup>iii</sup> A 2011 study found that employment is the single most important influence in decreasing recidivism.<sup>iv</sup>

Many states and private employers have already embraced fair chance hiring initiatives. More than 100 jurisdictions, including 19 states, the District of Columbia, and more than 100 cities and counties, have adopted "ban the box" and other fair chance hiring reforms. Major U.S. corporations, such as Home Depot, Target Corporation, Starbucks, Walmart, and Koch Industries, have also joined the movement by instituting fair hiring policies.



S. 2021 would apply the same fair chance principles to hiring by the federal government and federal contractors. The legislation does not prevent federal agencies or federal contractors from considering criminal history; it only delays consideration of criminal history so that all applicants are afforded a fair chance at consideration for employment. S. 2021 includes exceptions for positions related to law enforcement and national security duties, positions requiring access to classified information, and positions for which access to criminal history before the conditional stage is required by law.

Your support for the Fair Chance Act of 2015 is critical. We urge you to support this common sense legislation, which will provide millions of Americans with equal access to federal employment opportunities, and set an example for states and private employers to adopt fair chance policies that relieve workplace reentry barriers. We urge you to vote yes in support of the manager's amendment to S. 2021 and no on all other amendments.

Thank you for your consideration. If you have any questions, please contact Sakira Cook, Counsel, at [cook@civilrights.org](mailto:cook@civilrights.org) or (202) 263-2894.

Sincerely,

**National Organizations**

9to5, National Association of Working Women  
American Civil Liberties Union  
American Federation of Government Employees, AFL-CIO (AFGE)  
Call to do Justice  
CURE  
The Daniel Initiative  
Equal Rights Advocates  
Families for Justice as Healing  
Forward Together  
Heartland Alliance for Human Needs & Human Rights  
Lawyers' Committee for Civil Rights Under Law  
The Leadership Conference on Civil and Human Rights  
NAACP  
NAACP Legal Defense and Educational Fund, Inc  
National Advocacy Center of the Sisters of the Good Shepherd  
National Association of Criminal Defense Lawyers (NACDL)  
National Association of Social Workers (NASW)  
National Black Justice Coalition (NBJC)  
National Council of La Raza (NCLR)  
National Disability Rights Network  
National Employment Law Project  
National Employment Lawyers Association  
National LGBTQ Task Force Action Fund  
Safer Foundation  
The Sentencing Project

Southern Poverty Law Center  
SparkAction  
Treatment Communities of America  
YWCA

**State and Local Organizations**

9to5 California  
9to5 Colorado  
9to5 Georgia  
9to5 Wisconsin  
OneAmerica (Washington State)  
The Prison Ministry Task Force, Episcopal diocese of Maryland

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<sup>i</sup> MAURICE Emsellem & Michelle Natividad Rodriguez, NATIONAL EMPLOYMENT LAW PROJECT, ADVANCING A FEDERAL FAIR CHANCE HIRING AGENDA (Jan. 2015), available at <http://www.nelp.org/page/content/Federal-Fair-Chance-Hiring-Agenda/>.

<sup>ii</sup> Devah Pager, Bruce Western & Naomi Sugie, *Sequencing Disadvantage: Barriers to Employment Facing Young Black and White Men with Criminal Records*, 623(1) Ann Am Acad Pol Soc Sci. 195, 198 (2013) (Author Manuscript), available at <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3583356/pdf/nihms-439026.pdf>.

<sup>iii</sup> JOHN SCHMITT & KRIS WARNER, CTR. FOR ECON. AND POLICY RESEARCH, EX-OFFENDERS AND THE LABOR MARKET I (Nov. 2010), available at <http://www.cepr.net/documents/publications/ex-offenders-2010-11.pdf>.

<sup>iv</sup> Mark T. Berg & Beth M. Huebner, *Reentry and the Ties that Bind: An Examination of Social Ties, Employment, and Recidivism*, 28 Just. Q. 382 (2010), available at <http://www.tandfonline.com/doi/full/10.1080/07418825.2010.498383>.