April 6, 2010

The Honorable Steven Bradford
California State Assembly
State Capitol, Room 5175
Sacramento, California 95814

RE: Support for AB 2727 (the Re-Entry Employment Opportunity Act)

Dear Assemblyman Bradford:

We write to strongly support AB 2727, which restores basic fairness to the process of criminal background checks for employment and promotes public safety by rewarding work and rehabilitation.

While criminal background checks by employers have expanded significantly in recent years, insufficient attention has been paid to the fairness of the process and to their detrimental impact on the one in five Californians who have a criminal record that shows up on a routine criminal background check. Given these challenging new realities, the National Employment Law Project (NELP) works in California and across the U.S. to promote a more fair and effective process of criminal background checks for employment.

Over 25 years ago, the Equal Employment Opportunity Commission (EEOC) first recognized the devastating impact that criminal background checks for employment have on people of color and set forth employer guidelines under Title VII of the Civil Rights Act to ensure their fairness. Indeed, in California, African Americans represent 6.7% of the population, but they make-up over 21% of all those arrested and convicted statewide. Thus, to help prevent discrimination against people of color, the EEOC requires employers to show that an individual’s criminal record is, in fact, directly related to a given job. As a result, employers are also precluded from adopting blanket policies denying employment to anyone with a criminal record.

AB 2727 incorporates the EEOC’s standards into California law, while also taking into account additional factors, including the age of the individual at the time the offense and evidence of rehabilitation, in evaluating whether the individual can be denied employment due to his or her criminal record. AB 2727’s standards are modeled on New York’s law which, for the last 30 years, has been the nation’s most effective state law regulating criminal backgrounds for employment. Thus, to its credit, the innovative approach adopted by AB 2727 has also been tested in another large state with impressive results. (See Editorial, “Denied a Chance for Honest Work,” New York Times, January 19, 2010). Like New Mexico and Minnesota, which recently enacted promising new reforms regulating the hiring of people with criminal records, AB 2727 also puts California at the forefront of the national reentry movement.
In these trying economic times, it is especially important to eliminate unfair barriers to employment and ensure that all workers are considered for employment on their merits. As studies have shown, employment also reduces recidivism, which is an urgent problem that has plagued California communities. Thus, by adopting more fair and accurate standards for employers to screen for a criminal record, AB 2727 will go a long way to make our communities safer by rewarding rehabilitation and supporting work. In the end, AB 2727 is also good policy for the state’s employers because they will be better positioned to compete for all qualified workers in their communities.

Accordingly, NELP strongly supports the substance and intent of AB 2727, and urges its immediate passage.

Sincerely,

Maurice Emsellem
Policy Co-Director