

PA10-142

HB5207

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 5
1169 – 1557**

mb/gbr
HOUSE OF REPRESENTATIVES

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April 21, 2010

Mr. Clerk, please call Calendar 191.

THE CLERK:

On page 8, Calendar 191, Substitute for House
Bill Number 5207, AN ACT CONCERNING CRIMINAL
BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES,
favorable reported the Committee on Government
Administration and Elections.

DEPUTY SPEAKER O'ROURKE:

Representative O'Brien.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker:

I move acceptance of the Joint Committee's
favorable report and passage of the bill.

DEPUTY SPEAKER O'ROURKE:

The motion is acceptance of the committee's
favorable report and passage of the bill.

Will you remark?

REP. O'BRIEN (24th):

Yes, Mr. Speaker.

This bill expands job opportunities by allowing
people to show that they will make good employees
overcoming past criminal record and it does it in a
balanced way by allowing state agencies in their
hiring decisions to do criminal background checks but

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only after the primary hiring decisions have been made. The exception from this law would be for statutes that already require that there be criminal background check made for the -- for the job.

Mr. Speaker, in order to make this bill better, there is an amendment. I would like to ask that the Clerk call LCO 3678 and I that I be given leave of the chamber to summarize.

DEPUTY SPEAKER O'ROURKE:

Mr. Clerk, please call LCO 3678 designated House "A."

THE CLERK:

LCO Number 3678, House "A" offered Representatives Ryan, Noujaim, O'Brien and Senator Prague.

DEPUTY SPEAKER O'ROURKE:

The gentleman has been granted leave to summarize. Please proceed.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

This amendment does two things. One, it clarifies the -- the text of the statute by striking out the original text and replacing the -- the amendment with it to make it clear that the law will

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be, as the original purpose of bill is as I described. The second thing that it does is it is a bipartisan compromise in order to -- to make the bill stronger for approval by -- by the assembly and I'd like thank Representative Noujaim. It strikes out the provision of the underlying bill that would require a conditional offer be made prior to the time of a criminal background check.

Mr. Speaker, I believe that this amendment makes a good bill a stronger one that the whole assembly can support and I would move adoption.

DEPUTY SPEAKER O'ROURKE:

Motion is adoption.

Will you remark?

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon to you, again, Mr. Speaker.

Mr. Speaker, first and foremost, I would like to extend gratitude to Representative O'Brien and to the Representative Ryan. We worked together on this bill. Initially, the bill came before the Labor Committee and I opposed it for one simple reason. At the time when the bill was initially drafted, it said that you

will check on the background of an employee after that employee becomes a finalist for the position and he or she be offered the job conditional upon the background being check.

I objected to that at the time not so much for politics or anything. Basically, it was simply for human feelings. I just felt like I would be sitting down myself and someone would say to me, well congratulations, Selim Noujaim, you already got the job but then they will check on my background and they find that there is a problem and then they have to take it away from me. I -- for the human element, human aspect, human feelings, I really did not like that.

So we talked about it and we came to agreement where now the background check is going to be done while the person is a finalist but before he or she is offered the position conditional upon their background check. So this is a compromise. I'm very pleased with it. And although, I had opposed the original bill in the Labor Committee, I support this amendment wholeheartedly because I think it made the bill much, much better and much more human toward the feelings of people and I urge my colleagues to support it as well.

Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative Noujaim.

Will you remark on the amendment before us? Will you remark?

If not, I'll try your minds.

All those in favor of adoption of House "A," signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'ROURKE:

Those opposed? ..

The ayes have it. The amendment is adopted.

Will you remark on the bill as amended? Will you remark?

If not, staff and guests come to the well of the House. Members take you seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER O'ROURKE:

Have all the members voted? Have all the members

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voted? Please check the board and make sure that your vote is properly recorded.

If all members have voted, the machine will be locked. The Clerk will take a tally.

Mr. Clerk, please announce the tally.

THE CLERK:

House Bill 5207 as amended by House "A."

Total Number voting	141
Necessary for passage	71
Those voting Yea	141
Those voting Nay	0
...Those absent and not voting	10

DEPUTY SPEAKER O'ROURKE:

The bill passes.

(Deputy Speaker O'Connor in the Chair.)

DEPUTY SPEAKER O'CONNOR:

Are there any announcements or points of personal privilege?

Representative Hetherington.

REP. HETHERINGTON (125th):

Mr. Speaker, for purposes for an introduction.

Thank you.

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VETO
SESSION**

**JUNE
SPECIAL
SESSION**

**VOL. 53
PART 18
5591-5870**

House Bill 5455.

Total Number voting	138
Necessary for adoption	101
Those voting Yea	138
Those voting Nay	0
Those absent and not voting	13

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Calendar Number
191.

THE CLERK:

On page 3, Calendar 191, Substitute for House
Bill Number 5207, AN ACT CONCERNING CRIMINAL
BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES,
favorable report by the Committee on Government
Administration and Elections.

SPEAKER DONOVAN:

Representative O'Brien.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

I move for reconsideration of the bill.

SPEAKER DONOVAN:

The question before the Chamber is on
reconsideration of House Bill 5207.

For the benefit of the Chamber, I will note that Representative O'Brien was on the prevailing side of this issue when the Chamber passed this measure and is therefore an appropriate member to make the motion for reconsideration.

Is there objection to the motion to reconsider? Is there objection? Without objection, the bill will be reconsidered.

Representative O'Brien.

REP. O'BRIEN (24th): Thank you, Mr. Speaker.

I would move for repassage of the bill.

SPEAKER DONOVAN:

The question before the chamber is on repassage of the bill. Representative O'Brien, you have the floor.

REP. O'BRIEN (24th):

Thank you, Mr. Speaker.

This bill provides that with the exception of positions where our state law already provide that criminal background checks be done for state hiring, that the state hiring authorities not ask about past convictions until those hiring authorities determine that an applicant for position is qualified for the position.

Mr. Speaker, the purpose of this amendment, as I mentioned during the regular session, was to allow for people who are -- who have shown -- who have had past criminal backgrounds and have gotten beyond that to show that they have gotten beyond it.

As they say, you don't get a second chance to make a first impression, and this bill allows for folks to be able to show by their first impression to the people who might hire them who they are today rather than who they have been in the past.

I would note, Mr. Speaker, that the wording of this language is a bipartisan compromise. And I would like to offer my thanks to Representative Noujaim during the regular session for the work that he and I did together to craft this legislation in a way that proved -- was approved unanimously in both chambers.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the bill?

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon, Mr. Speaker.

SPEAKER DONOVAN:

Good afternoon, sir.

REP. NOUJAIM (74th):

Mr. Speaker, if I may, through you, just a brief summary in reference to what's happened in this bill and how it's progressed through the process from the Labor Committee and into the House.

Initially the bill came to the labor Committee for a discussion. And this side of the aisle, including Representative Aman and myself, voted in opposition of the bill. Since then, Representative O'Brien was kind enough to hold a meeting where we sat in Senator Prague's office in bipartisan fashion. And we came to a compromise in support of this bill. We came to a language that all of us were able to appreciate, understand and agree to.

Consequently, the bill came before us, and I did support it and speak in support of it in the Chamber. And right now I intend to support the override as well, and I would ask my colleagues to

do the same.

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Would you care to remark further on the bill? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure you vote has been properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 5207.

Total Number voting 139

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Necessary for adoption	101
Those voting Yea	120
Those voting Nay	19
Those absent and not voting	12

SPEAKER DONOVAN:

The bill is repassed.

Will the Clerk please call Senate Bill 124.

THE CLERK:

Senate Bill 124, AN ACT CONCERNING LONG ISLAND
SOUND AND COASTAL PERMITTING.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for reconsideration of the
bill.

SPEAKER DONOVAN:

The question before the Chamber is on
reconsideration of Senate Bill 124.

For the benefit of the Chamber I will note
that Representative Roy was on the prevailing side
of this issue when the Chamber passed this measure
and is therefore an appropriate member to make the
motion for reconsideration.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR AND
PUBLIC EMPLOYEES
PART 2
353 - 682**

2010

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COMMITTEE

SENATOR WITKOS: What I think you're trying to do is -- it -- they would not -- that money that they would have -- that they're receiving now would not be part of that. It would be basically any overtime or an average of overtime if they would have missed because of their inability to work those extra hours because of the administrative criteria placed upon them.

REP. NOUJAIM: So their current pay is taken into consideration --

SENATOR WITKOS: Yes.

REP. NOUJAIM: -- when the settlement is concluded.

SENATOR WITKOS: That is correct.

REP. NOUJAIM: Okay. Thank you so much. I appreciate it.

SENATOR PRAGUE: Any other comments from committee members?

Well, thank you.

SENATOR WITKOS: Thank you, Senator.

SENATOR PRAGUE: You're welcome.

Our next speaker is Jackie Caron from the Norwich City Council.

And Jackie will be followed by Gretchen Raffa.

JACQUELINE CARON: Good afternoon, Senator Prague, and members of the Labor Committee.

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I am -- excuse me -- the Alderwoman for the City of Norwich, and I'm also the Founder and CEO of the Connecticut Pardon Team, and I'm here to testify in support of Senate Bill 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES.

As you know, for -- and -- and I -- and you heard to say -- you heard me say this before -- how long is long enough? For any man or woman convicted of a crime successfully completing their sentence, along with any assigned parole or probation, is just the beginning. After their release from confinement, they are faced with reintegrating themselves back into their community, often in the same area and with the same influences that provided them opportunity to break the law in the first place.

Their search for employment is often stonewalled by the fact that they now have a conviction on their record. Employers performing a routine search find the negative information, and unless they are part of a progressive federal or state program or willing to give an applicant a second chance, the applicant is put at the bottom of the list of candidates if they remain on the list at all.

The goal of providing their own economic status and fighting the impulse to return to their former ways is complicated further by the fact that even advanced education, like a master's degree, is often not enough to convince their potential employer to give them another chance.

Apartment leases, home mortgages, opening a bank account or a credit card, and many other -- other processes that nonoffenders take for granted are often closed to these individuals. The situation continues for as long as the conviction stays on their record, and with the advent of computers, the information is even easier to find.

How long is long enough for a person convicted of a crime who has successfully completed their parole and probation to continue to pay for that crime?

Today, I'm sitting here urging you to support House Bill 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES. First of all, I want to sit here and -- and acknowledge the fact that back in 1999, November 22, I was hired by state Senator Edith Prague, who knew of my background. I believe that once she saw the work that I did in my community -- and I have to say that when my community found that I invested in myself, then my community invested in me.

I worked with Senator Prague for seven years, and I've been here a total of 11 years, and I have to tell you, as someone who was given an opportunity to become part of my community as a productive tax-paying member, I am now a part of the solution and not the problem. As somebody who was able to get a job, I was able to get off state welfare, I was able to get off Section 8, I was able to buy my first home that as of today I still live in. I am now a landlord to other people, and I'm able to give other people who were in my shoes the same opportunity that was afforded me.

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When you are able to allow someone who has successfully turned their lives around to become a part of their community, it's a win/win situation. It's a win/win situation for the individual who might change their quality of life, not for just them, but if they're married and they have dependents, it changes the quality of life for the whole family, and result of becoming a productive member who can now contribute to their community.

As someone who has worked with individuals, my program has been up and running since 2006. And I have to tell you, I looked at the numbers today. I had over 32,000 people hit my website looking for information on how they can start the process of clearing their record so they can get -- get a job. All we're asking is for is a -- an even playing field.

The most important thing is that we have the opportunity here in Connecticut -- we're voting members. We vote. And I know when I go next year or this November, I'm going to be looking at people who's going to support my interests as an individual in this community, because if I am voting, then I should be allowed to become a productive member of my community and contribute to my community.

So if this legislation is passed, it will open the door to many qualified individuals who have paid their dues to society and become productive members and -- and a part of -- of the solution to prosper in -- to prosper in Connecticut. And all we're asking is just to have the opportunity to -- to work and to support our families here in Connecticut.

Thank you.

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SENATOR PRAGUE: Anybody have any questions?

Representative Hewett.

REP. HEWETT: Thank you, Madam Chairman.

Jackie, I hope you don't mind me using the term as "poster child," because you are the poster child for anybody that's been where they've been and been able -- in other words, you've been to hell and come back and tell about it. And -- and I really, you know, I hope you don't mind that term.

We -- what I don't understand about the state of Connecticut or any state that does this, wonder why we give ex-felons the right to vote. We give them the right to vote, but we don't give them a right to have a job. I don't understand. Yes, I do understand it. Yes, I do.

JACQUELINE CARON: Let -- let me.

REP. HEWETT: You -- you got your shot. You explain it to us.

JACQUELINE CARON: Just -- just let me -- well, you explain this to me. We have a statute on the books right now that the state of Connecticut, in my opinion, does not follow. Let me read it to you. It is Section 469-79, formerly Section 4-61N -- State Policy -- Reemployment of Criminal Offenders -- and it reads:

"The General Assembly finds that the public is best protected when criminal offenders are rehabilitated and returned to society prepared to take their places as productive citizens and that the ability of returned offenders to

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find meaningful employment is directly related to their normal functioning in the community. It is therefore the policy of the state to encourage all employers to give favorable consideration to providing jobs to qualified individuals, including those who may have a criminal conviction record."

So you explain to me how come this is not being followed, and this -- our statute's at today.

REP. HEWETT: I -- I, myself, have written probably about 20 letters of people in my district that have felonies on their record, and that I know that have done the right thing for the last 20 years. Why are -- they get out of prison and then we continue to imprison them. I don't understand that.

An example of a -- a guy that was in New London in my district -- he's been clean now for like 25 years, started his own business, and -- and is a contributing member of society paying tax. We've got former governors that's been to prison in this state and got out of jail and went and -- and now is -- is overseeing a million dollar budget because -- and I'm not saying -- he did his time, but somebody gave him a chance. And all they need is a chance. Jackie, do you think you're a threat to anybody up here in the Legislature?

JACQUELINE CARON: No, no. (Inaudible). No, I don't think I'm a threat. No.

REP. HEWETT: I mean -- I mean, you're a tough lady, but, I mean -- but --

JACQUELINE CARON: I -- I think that the fact that I have book knowledge and street knowledge,

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you know, makes me suitable to where I'm at because I can look on both sides of the aisle.

REP. HEWETT: Which is what we want you to do.

JACQUELINE CARON: Absolutely.

REP. HEWETT: That's what --

JACQUELINE CARON: All I'm asking is that, you know, look at this legislation and pass it, because we -- you know, we could talk about it. See, I want to be about it.

REP. HEWETT: Right.

JACQUELINE CARON: I -- I want to be able to help those continue to become productive members of society. I mean, I am proud to say that with the help of the Legislature and some -- and some Legislators, that we have really worked and helped people to, you know, go through the process of applying to expunge their record, but that's not enough.

I mean, here we have people are unemployed. It's really sad, because what I have now is I have 45-year olds and 50-year olds who have 20 plus years in their -- in the field of their specialties of employment, and their businesses have either went out of business or a new business has come and taken over, so now they have to do background checks on everybody -- all the new employees, so to speak.

And something that they did when they were 19 and 20 -- and it might have been plus years -- plus 20 years ago -- prevents them from getting a job because it's on their record regardless of how old it is. If it's on your

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record and if it's a criminal offense, it's -- it's really hard for you to get any kind of employment.

REP. HEWETT: And they keep living the same thing over and over.

JACQUELINE CARON: Absolutely --

REP. HEWETT: Thank God.

JACQUELINE CARON: -- only they're losing -- they're losing 25, 30 years of what they build up, like their homes, their cars, their family.

REP. HEWETT: Right.

JACQUELINE CARON: You know, you go into soup kitchens, you see people in three -- three piece suits now, because they don't have anything. They lost it all.

REP. HEWETT: Right. Well, thank God that I didn't get arrested for every crazy thing that I did in my life. And -- and I probably can speak for a lot of people right up here. Yes. Come on, now. Can I -- can I hear? Right. So what it comes down to with me -- I mean, I'm -- I'm about action too. I mean, we can talk the biggest game up here in this Legislature with all these fancy lights and stuff, but what are we going to do about it?

JACQUELINE CARON: I think what we need --

REP. HEWETT: Do we have the backbone to pass a bill in the state of Connecticut where we can remove that box? Do we have the backbone? I think we do. We got a good Labor Committee anyway.

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JACQUELINE CARON: I -- I think so. I think we have the basis. I mean, you have things called -- you have this bill. You also have other things in reference to the expungement and the provision pardon.

Quite frankly, the provisional pardon I have issues with, because if you want to save tax dollars, this eliminates that, because all that is is writing on a piece of paper from the Board of Partisan Parole that says we think you're okay. You have a record. We think you're okay. You can go to work. We won't erase your record, and it's up to an employee to hire you.

Well, you know what? A lot of the people who got a provisional pardon is back in my office looking to get a full expungement, because the provisional pardon does not do anything for them. If you want to put teeth to the provisional pardon, then I suggest you bring up the standards of the provisional pardon, allow people who are at that level to have their record sealed for five years.

So it's a special program between them and the Board of Partisan Parole to allow them to work, and if they get through that process, give them their expungement provisionals so they can go on and move forward with their life. Because unless you do that, you know, we're always going to have problems with, you know, the unemployment and people use -- you know, on this system, because they can't get work..

REP. HEWETT: You --

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JACQUELINE CARON: Right now, it's not an even playing field.

REP. HEWETT: You know what one of the problems is? And I'm going to say this, and I'm going to shut up. Every time somebody gets in trouble, a parole -- probation officer who got a job, a judge that's got a job, the sheriff has got a job, the police -- everybody has got a job, and that's what the problem is.

JACQUELINE CARON: Well, if -- if the parole -- if the parole board wants to eliminate their list, then somebody needs to do something with legislation to allow that person who's come out of prison who has to fulfill what the parole or probation officer wants them to do to get a job so they can go on about their business and come off the list of parole or probation officer, because right now, all it is is a revolving door.

REP. HEWETT: With a bunch of Ph.D.'s running it.

Thank you.

JACQUELINE CARON: Thank you.

SENATOR PRAGUE: Just wait, Jackie.

JACQUELINE CARON: Oops.

SENATOR PRAGUE: Senator Gomes has a question.

JACQUELINE CARON: I'm sorry.

SENATOR GOMES: Well, so I -- I have more than a question, but I'm glad to see you here on this issue, because I'm one of the proponents of banning the box.

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Have you let everybody -- I was out of the room when you started to testify. Have you let people know that you have a -- a group called a pardon team that advocates pardons?

JACQUELINE CARON: They know -- if they don't -- if they don't know who I am by now -- because I -- I come, you know, I'm the Connecticut Pardon Team, but I work in conjunction with other programs like A Better Way Foundation, and anybody who works towards trying to get legislation to give those who have paid their dues -- we -- you know, we -- I've paid my dues.

You know, I -- I'm a former convict. I went to jail. I came out. I paid my dues. I did what I needed to do, and by the grace of God, I'm sitting here before you trying to help other people like me. But I can't do it by myself. People, you're -- you're -- you are in the position to make legislation to allow people to have a second chance who are already on the road, who have already did their time.

Right now, it's -- it's just -- it saddens me because I see a lot of people who have -- who have their master's degrees, they can't get a job, and they paid all that money out of their pocket for their education, because of something they did maybe 15, 20 years ago. And the -- and the sad part is -- is it's probably a misdemeanor.

SENATOR GOMES: I agree with you. I've -- I've had people contact me about pardons. I managed to get a pardon for one person -- applied and -- and they -- they saw fit to pardon him. I also talked to another lady. She's about 35 years old, and something happened to her before she was 18. So that's why we're trying

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to raise the age thing, because people are -- children are trapped between the ages of 16 and 18, building records that will follow them for the rest of their lives.

And some of it is very inconsequential -- a break-in or something like that -- and they done it when they were, you know, kids, when they're 16 years old. They aren't fully matured to know what they're really doing to themselves for the rest of their life.

I've had people who have been in that situation -- people wanted to go into the service -- and because of their record -- I've had one person who went -- applied to go in the service -- they wouldn't take him in the Marines, Army or anything, and they waited until he was 22 and they drafted him. And when he reminded them of his felony, they said we don't care. We're going to waive that. This is how the government works. You claim it works for you. Sometime it works against you.

JACQUELINE CARON: Absolutely.

SENATOR GOMES: Everybody shouldn't have to pay for something they did once for the rest of their lives, and you do pay for the rest of your life.

JACQUELINE CARON: You do.

SENATOR GOMES: You can never work a federal job if you've got a felony. And ban the box is only going to be a measure that's going to give the employer half a measure not to -- not to hire you, but there are some instances where they can exclude that. But the thing that is -- at least give somebody a running chance at

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saying, hey, I did something wrong. I don't want to do that anymore. I'm going to try to do something right.

JACQUELINE CARON: Well, not only, you know, right now, it's -- it's just -- not just having a -- a criminal background. Those who have a background and can't get a job probably have bad credit.

SENATOR GOMES: Well, that's another one.

JACQUELINE CARON: So now if you have a conviction and you have bad credit, you can't even get -- you can't even get a job for that, because now they're holding that against you. So this -- this issue is compounded by -- by many things, and I think that if you see fit to pass this legislation, it would alleviate not all, but some of the problems that we have when we are trying to move forward after we have paid our dues to society. So I -- I urge you to please support this legislation.

SENATOR GOMES: Preach it to the choir.

SENATOR PRAGUE: I just want to remind committee members, God love us, that we have about another 50 people who want to testify.

REP. HEWETT: Mine will only take one second.

SENATOR PRAGUE: It better.

REP. HEWETT: Yes (inaudible).

Didn't -- this is just a question, and it's a yes or no answer.

SENATOR PRAGUE: Next, you'll be bringing a scrapbook.

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REP. HEWETT: Did you know they have prison systems that are on the New York Stock Exchange?

JACQUELINE CARON: Yes, and if you wanted to have something really interesting, why don't you read DOC's website.

REP. HEWETT: Thank you, Madam Speaker.

SENATOR PRAGUE: Jackie, I'm sorry.

JACQUELINE CARON: Thank you.

SENATOR PRAGUE: Okay. The next speaker is Gretchen Raffa, followed by -- I think we have one -- Representative Alberts.

GRETCHEN RAFFA: Good afternoon, Senator Prague, and members of the Labor and Public Employees Committee.

My name is Gretchen Raffa, and I'm Community Organizer of Southern New England, testifying in support of S.B. 63, AN ACT MANDATING EMPLOYERS PROVIDE PAID SICK LEAVE TO EMPLOYEES.

Our agency serves over 70,000 patients yearly for reproductive and sexual health services. As healthcare providers, we understand the importance of women having preventive healthcare exams, such as screenings for cervical and breast cancer, pap smears and other reproductive healthcare needs, including prenatal care. These routine exams often require women to take time off from their job and spend 68 percent more out of pocket on healthcare costs than men do in part because of their reproductive healthcare needs.

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SENATOR PRAGUE: And Jo will be followed by
Elizabeth Deck.

Okay.

RJO WINCH: Thank you, Madam Chair.

I'm Councilwoman rJo Winch, the Majority of the Hartford City Council, but more importantly, I'm a resident of the city of Hartford, and I represent 125,000 members of our city. And it's deploring to me that I left back in 1976 to join the military, and after 24 years, I come back to serve in my community, and we're still treating individuals who have served their time, you know, over 30 years the same way we were treating them back in 1976. They are individuals who go off to prison -- supposedly what they're paying for -- the crime that they committed -- then we commit them to a life sentence in society by not affording them an opportunity to get over what they went through and move on with their lives and get living wage paying job so that they can support their families to not go back into the practice that got them incarcerated in the first place.

So I'm here asking you all to support the House Bill 5207 to ban the box, as we've already done in the city of Hartford and Bridgeport, asking other cities and towns to join us and the state of Connecticut to join us so that we do afford individuals who have made mistakes an opportunity to get a second chance and get a job and not be stopped at the door once they get in and check the box and then their applications are thrown away.

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We already saw many, and you will see many more individuals testifying who have had an opportunity to overcome this. I guess, Jackie is one of our -- you know, you said she could be like the poster child -- but there are thousands of people out in our society just like her who have already done their time, who have turned their lives around, who have went and got additional education and are still being denied employment because of a record that they incurred 20, some 30, some 45 years ago that supposedly our system said that is you serve your time, then that's the debt that you pay to society for the crime that you committed.

So I am here to speak on that and ask you all to support House Bill 5207 so that we don't continue to commit people with their lifetime sentences in society for a debt that they've already paid.

SENATOR PRAGUE: Do committee members have anything concerns or questions?

Representative Lambert.

REP. LAMBERT: Yes. Thank you, Madam Chairman.

I -- I'm glad you brought that to our attention, because you're saying that you actively have this practice now and that it's been successful. Because that makes a big difference to people. It alleviates people's fears. And so it's working? You haven't had any problems?

RJO WINCH: I know that there are two towns -- the city of Hartford we recently left in two years ago. So when individuals come in to apply for a job in the city of Hartford or when we

contract with vendors in the city of Hartford, we asking them to don't ask that question unless, you know, it applies to the job. But you wouldn't want, you know, somebody who possibly was a sex offender to work in a childcare center, so if they don't have the box, then that person would get an opportunity to explain, and sometime a lot of people who have sex offender crimes are because they dated somebody who was younger than them, like a male and a 17 year old, so this would give that person an opportunity to explain what that was, rather than their employer automatically trashing their application and throwing them away without giving an opportunity for an explanation.

REP. LAMBERT: Recruiting in the insurance business many times with my son -- I mean, that was one of the things that it said. If -- they'd even say, do you have a felony or you have a bankruptcy, and then the people would leave. And you never knew the quality of the people whether or not -- and like you say, sometimes it's youthful offenders, and so I think that this is a good bill.

RJO WINCH: I do too, so I hope you support it.

SENATOR PRAGUE: Any other questions from the committee members?

Senator Gomes has a question.

SENATOR GOMES: I thank you for being here, and I -- I fully agree with you on your -- on Hartford doing their bit to ban the box. And some of these people who have these records -- ironically, I explained a little while ago about a person who had a record before they were 18, went into the service -- I mean,

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asked to go in the service, and they rejected them, then they drafted him, and he went off to serve his country in a war and came back and still got that record. He can't work anywhere.

RJO WINCH: Absolutely. And I was one of those people who taught basic training for seven years, and we, even during that time in the military, we lost a lot of good people for the same thing. They called it fraudulent enlistment. What the individual was afraid to say, you know, that they had the record or had been arrested, but then once they go in through the back line of (inaudible) once you try to apply for a certain security level, then they find out, and then some of them had been in the military like two, three years with, you know, exemplary service, but still were released because of that fraudulent enlistment.

SENATOR GOMES: And -- and it's quite -- it's quite odd because the federal government, like I said, has the -- has the right to waive the record and have that person go into the Army and accept them.

RJO WINCH: Absolutely. Absolutely.

SENATOR GOMES: But they will put out who they want and keep who they don't want.

RJO WINCH: That's -- that's unfortunately true, so I hope that you all will support this House Bill 5207. And one other thing that it will do, if I might add, is that we talk about decreasing crime. Well, this is going to decrease crime right here, because when people can't get employed, people have other ways to make -- legal ways, you know, to economically

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feed their families. Then you're going to find a lot less people out on the street doing things that are illegal, because it is really about economics.

SENATOR GOMES: Thank you.

SENATOR PRAGUE: Thank you very much.

So Elizabeth Deck, who will be followed by a councilman from Hartford, Larry Deutsch.

ELIZABETH DECK: Good evening, Senator Prague, and members of the Labor and Public Employees Committee.

Thank you for allowing me to testify before you today in support of S.B. 63.

My name is Elizabeth Deck, and I am currently a grad -- grad -- wow, sorry -- graduate student at UCONN School of Social Work and living in East Haven. As a child of a single parent, my mother was the sole provider for my family. My mother, a strong woman, has taught me to be independent and how to take care of myself. As a single mother, she faced many difficulties, none more important than the financial security of our family. There were babysitter fees, rent, bills and food that are regularly needed to be paid.

Sick days were often not an option, forced to work long hours and often on the weekends to make ends meet. When there were no other options but to take a sick day, it was often to care for me, which was frowned upon by my mother's employer who felt that that wasn't a valid excuse and didn't approve of single parenting. None of these days were ever paid,

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LINDSAY FARRELL: Thank you.

SENATOR GOMES: Thank you.

I'm going to try to read this here. I think it's David Ratigliano? Is that the name or did I murder it? That's what it looks like to me.

A VOICE: He left, so let's move down to Jenn Garrison.

SENATOR GOMES: All right.

Jenn Garrison.

JENNIFER GARRISON: Instead of good afternoon, I'll say good evening. It's been a long day. I was here since all the cameras and all the microphones were here. But I know it's going to be well worth it.

A VOICE: (Inaudible).

JENNIFER GARRISON: Almost. Almost. It's okay. I hope it'll be well worth it.

My name is Jennifer Garrison. I'm a resident of South Windsor. And I would say that I am greatly affected by House Bill 5207 that's been coined the "Ban the Box." This initiative is something very near and dear to my heart. I work for the Chrysalis Center's Employment Support Network, an employment program that helps Department of Corrections clients gain meaningful employment.

Each and every one of the ex-offenders that we serve have a felony on their record, and as an Employment Specialist, I deal with that box every day. In fact, these are individuals

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that are just now getting out of incarceration, are currently on parole, so we are talking about a different population than the population that has a 20-year old offense. This is a population that needs to get back in the workforce now, and I'll talk about that a little bit.

According to renowned criminologist Richard Freeman, 6000,000 ex-offenders were released into civil society in 2001. The study titled "Recidivism of Prisoners Released" completed in 2003 shows that two-thirds of released prisoners are rearrested and one-half are reincarcerated within the first three years. That number grows to 75 to 80 percent within the same decade.

Our clients want to work. They are as diverse as any other part of the population. We have individuals with college degrees and individuals that need to get their GED. We have engineers, roofers, line cooks, medical assistants, receptionists, landscapers, you name it. Our clients are very capable people who want to support themselves and their families. Unfortunately, that awful box on applications is getting in their way. They never get a chance to walk through the door.

That box makes it easy for employers to discriminate against very experienced and qualified individuals. That box screens out my clients before they ever get an opportunity to tell an employer how qualified, experienced they are and what an asset they could be to an organization. Plain and simple, that box discriminates.

In days gone by, applications asked for race. That practice often screened out minority

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applicants as undesirable. That practice is now illegal. Employers are forbidden to discriminate against an individual based on race. That's not to say it doesn't still happen, but why is it still legal to discriminate against a job seeker because they have a past?

Once the race question was removed from applications, we got a more diverse and qualified workforce. It's not to say, like I said, that there is no longer discrimination, but applicants now have an opportunity to present their skills to an employer. That's all we are asking for today. We want job applicants with a felony record to have that same opportunity everyone else has to obtain a job.

America is supposed to be the land of opportunity, but our clients are forbidden to take part in that dream. They are not allowed to realize their full potential, because they are forever punished for making a mistake. They are not in a position to provide for their families. They frequently become a burden to their families and to the system.

Alan McKenzie, co-founder of Street Smart Ventures and Fresh Start Enterprises, decided to build an entrepreneurial work crew that integrates education, vocation and mentoring skills by local entrepreneurs and vocational trainers. Not only are these local individuals, these are local individuals who all have a felony themselves that are training the ex-offenders.

The intent of this program is not only to train the individuals, but to help them successfully integrate into society. Cities

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like Bridgeport and New Haven have already implemented this program among the ex-offender populations, and they recorded a 95 percent -- excuse me -- success rate within these very tough inner-city communities.

Mr. McKenzie empowers ex-offenders and encourages them to become part of Connecticut's workforce. Unfortunately, once these very well trained and experienced individuals hit the outside workforce, they are greeted by the box. They are again judged and shunned and discriminated against by the society in which they live.

As stated earlier, the rate of recidivism of ex-offenders who cannot find gainful employment is staggering. Just this week, I had a client that was remanded to prison. The individual was trying very hard to find a job. He was in our office multiple times a week, on the computer, and on the -- you know, he was trying everything to find a job.

He followed every single lead we gave him. He found many opportunities on his own, and he was a very, very talented chef with many years of experience. He had an amazing resume, but the box often kept him from those opportunities, and he had child support to pay. What was he to do?

I don't want to see another individual return to the streets to feed their family. I don't want to see any more people going back to prison because no one will even give them the opportunity for a job interview. I don't want to see another crying child reach out for mom or dad as they go away from earning money the wrong way, because no one would give the opportunity to earn it the right way. In

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short, I don't want to see that box on any more job applications. Ban the box.

That's my co-workers.

SENATOR GOMES: Thank you.

Do we have any questions? No questions?

Thank you very much.

JENNIFER GARRISON: Thank you.

SENATOR GOMES: We have now Michael Winterfield?

MICHAEL WINTERFIELD: Good evening. My name is Michael Winterfield. I am very pleased to testify in support of Senate Bill 63. I am a member of the Connecticut working families. I worked for a lot of years in corporate America as a life insurance company actuary and as an executive officer. People call me a numbers guy.

As a numbers guy, I am disappointed at the penny wise, pound foolish opposition to Paid Sick Days legislation. Paid sick days are a critically important healthcare benefit. They also make very good business sense.

You have heard many of the reasons why proponents of this measure support it. You have also heard opponents say it would be costly to businesses. I would like to hone in on that point. When I take a close, hard look at the actual numbers, this is what I have found.

First, for each \$1 of current operating costs, we are talking about a cost increase of less

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A VOICE: He left.

SENATOR GOMES: He left.

Ryan Anderson is not here, is he?

A VOICE: No.

SENATOR GOMES: I thought I didn't see him.

Pat Hayden. Gees. Oh.

William Moore. Boy, we're scoring.

Rick Tanzy or Tanezi? T-A --

Emily Filbert. Amelia Filbert. That's it.

Duane Seeright.

A VOICE: Not here.

SENATOR GOMES: Oh, gosh.

Bev Franklin. I don't see her either.

David Schultz. Oh, there we go. You had to
spoil everything. Hey, we -- we just scored.

DAVID SCHULTZ: My name is David Schultz. I reside
at 37 Roxbury Street in Hartford. I'm a
member of the Clean Slate Committee. We're
resident led, a nonfunded group, and we work
around issues around reintegration in the
community -- people coming out of jail --
making sure people have opportunities to help
them reintegrate while they are still in
prison.

I'm here to speak today in support of House
Bill 5207, AN ACT CONCERNING CRIMINAL

**BACKGROUND CHECKS FOR PROSPECTIVE STATE
EMPLOYEES.**

In Connecticut, approximately 6,000 people are released from prison each year. That's from the Office of Legislative Reports. Each of these 6,000 people each year will have enormous struggles as they try to reintegrate into society. And unfortunately, their efforts will be confounded by the high rate of discrimination that they face as they attempt to gain employment.

Clearly, it's in everyone's best interest to make sure that those who are convicted of felonies are not being denied jobs simply because they committed a crime in the past. We must do everything we can to assure that these people do not end back -- end up back in prison. And it's not simply my opinion. This is exactly what the Department of Corrections recognizes.

The Department of Corrections' mission is to provide -- quote "provide inmates with opportunities that support successful community reintegration." Of course, this common sense approach is necessary, since most of those incarcerated will eventually be released.

Clearly, prison is one of the most expensive examples of handling public safety. So the attempt to avoid recidivism is no -- not simply a humane approach, but it is a cost effective method. And unfortunately, Connecticut's own hiring policies fly in the face of that effort.

Background checks and prior to conditional job offers and questions on applications about

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prior convictions only serve to increase discrimination against people with felonies. And being successfully employed is one of the best indicators that previously incarcerated people will not go back to prison.

Just in the last couple years, Norwich passed ban the box. New Haven passed ban the box. Hartford passed ban the box. And Bridgeport passed ban the box. Hartford passed ban the box unanimously. There was no opposition. One in six par -- kids in Hartford has a parent in jail.

So if I were a parent of a Hartford child, my son goes to school, chances are four kids in his class has a parent in jail now, and more parents in his class are coming out trying to reintegrate, and they're facing the box. They're facing -- they have to check off the box. We've met -- and we've met a number of times.

We want this bill passed, but we want to make sure that it includes, and we're not seeing it in the language of ban the box. We're asking you that you -- if you push this bill through, you include that if you ban the box on the bill, you actually take the box off because that's not written in the language itself. So we like you to admit -- amend that.

We want to make sure as addition to know that -- we would like to see it widen the scope, because so many people are still not included, even in this bill. And we want to have -- we want -- we would like to see it's oversight and want to know what that would look like -- the oversight and the enforcement of this law, because we don't want a bill passed and then there's no way of knowing who

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to go to if we have a problem -- if somebody has been discriminated against. So we want that more clearly indicated.

SENATOR GOMES: Any questions? No?

Thank you very much.

DAVID SCHULTZ: Thank you.

SENATOR GOMES: Tracy Gale.

That's the lady that indicated she's been here all day.

TRACY GALE: Yes. I would -- I would like that noted. No one is paying me.

Thank you.

My name is Tracy Gale, and I am a school nurse in the city of Hartford. And I'm -- I'm also a resident there. And Larry Deutsch is our city council, and he's not quasi or pseudo, he really is a city council person.

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I want to testify in favor of paid sick days for working parents in Connecticut. In schools, we see how lack of paid sick days can affect the health of our students. Parents who work need to be able to take time off from work to tend to a sick child.

But without paid sick days, many times I can testify this does not happen. Children are sent to school sick. This not only threatens their own health, but also -- also threatens the health and well-being of the other students. A sick child needs to be home resting in bed. And parents should have the option -- should have -- should not have to

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And I -- and I would like to say that I've actually had to call a workplace, a fast food place, for one of my parents who I -- you know, I called them, I said I had a sick child, and they said, "I can't leave." And I said, "Put your manager on. You're child is sick. You need to go home." And he -- not even that -- that -- the guy wasn't going to pay her, he wasn't even going to let her leave.

So, I mean, it's common, it's human decency, and it is something that affects women more than I think it does the majority of fathers.

But thank you.

SENATOR GOMES: Do you have any questions?

REP. LAMBERT: Thank you for coming --

SENATOR GOMES: Thank you.

REP. LAMBERT: -- and I think the word "human decency" really does apply to this bill.

Thank you.

SENATOR GOMES: Thank you very much.

I don't know if I got this name right -- Sara Farah?

SARA FARAH: Yes.

Thank you, Senator Gomes. Thank you everybody.

A friend of mine is in the hospital tonight, and, you know, I didn't have a good night's

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sleep, so I apologize for not having written testimony, and maybe it'll seem like I rolled out of bed.

I'm here to ask you to support H.B. 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PERSPECTIVE STATE EMPLOYEES.

My name is Sara Farah. I'm from the Clean Slate Committee Hartford. I work in trauma healing, prevention, and something else related to trauma that's escaping me at the moment. I'm here today inspired by many of the -- the wonderful criminals both in fiction and history -- Martin Luther King's letter from his Birmingham jail, Jesus' words from the cross, Huck Finn -- the inner turmoil that he struggled with, if you read that book, helping the slave. We still have slaves today.

I know, I have some friends who if you have a felony conviction and you're trying to look for work and you don't find it, sometimes your probation officer will make you go work up on the highway for free. And my friends tell me that they're worried about getting hit by traffic -- people driving at I don't know what the speed limit is -- they're scared for their life. They don't have a job. And talk about paid sick days or -- or you -- health insurance. They don't even have a -- have a -- I don't know, they don't even have a job.

Ghandi was incarcerated, Cynthia McKinney, the Green Party presidential candidate, has been incarcerated in Israel. Between the years of 18 and 25 in my life, I skipped school. With a bunch of friends, I broke into some rich person's house -- much richer than me, at least. We stole a bunch of stuff. When we

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left, I was driving my car with some of my friends. We ran some red lights. We were being chased by some cops. Someone call them. When we stopped, it was the first time I ever had a gun pulled on my head. They came up to the front of the car, opened the door, put a gun to my head, told me not to move.

When I was in college, I was turning around on marijuana, opium. I made about \$1,000 a week, which was a lot for someone in college whose mom is paying for them to -- their room and their board -- so I got to use all that money to party. And I am not a criminal, because, although I was caught sometimes, I never got convicted or held accountable.

If someone has a felony conviction record tells me more about the color that their skin will probably be if I meet them -- more about the class that they came from and their backgrounds probably than it does about the character of what's inside of them.

And the reasons that I am not a criminal, even though I did things that are against the law, is because theses people who have these felony convictions are really victims of racism, victims of classism, victims of a system that is completely unjust.

The CT Pardons Team -- the CT -- the CT Innocence Project, I think, has demonstrated this in the last few years to point to some specific evid -- data. I make the following suggestions in sort of contemplating this law.

First of all, instead of background checks, which don't -- which basically let me off the hook, let other people who might -- might be innocent or for whatever reason have that

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record, though, background checks are just totally inaccurate. We should provide more accurate information by doing psychological and personality evaluations for jobs that this stuff matters for.

Someone with a nonviolent felony right now conviction -- I repeat -- nonviolent, they can't work with children, or at least they -- they're not -- they're -- the law says that they can be prohibited from working with children, but I can work with children. That's not right.

We need to strengthen this bill in order to carry out the intent of this bill to protect people with felony records. This bill is not strong enough. I have some suggestions. My coalition has some suggestions. I intend to get them to -- to the Legislature when I get a good night's sleep or something.

Finally, relying on background checks creates a false sense of security, which I think some of what I said explains that, and this actually reduces public safety, and that harms everyone.

Thank you.

SENATOR GOMES: Do you have any questions? You have one? I have one. I don't know if I caught it right or wrong, but you said something about somebody's probation officer making them go to work for free?

SARA FARAH: Yes. You don't get paid when you're up on the highway -- those people collecting stuff.

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SENATOR GOMES: How did your probation officer get you to work for -- anywhere?

SARA FARAH: They -- they -- their -- they say that if you don't have a job, then you have to go for two, maybe three or four days a week, work on the highway, or else you're in violation of your probation, meaning that you might get locked up again or whatever violation of your probation would entail.

SENATOR GOMES: I've got to check that out. That's unbelievable.

SARA FARAH: Yes.

SENATOR GOMES: I've got to check that out, because I thought I got it wrong when you said it the first time. How the hell does a probation officer make you work anywhere? He's supposed to check whether you're working or what are you doing and so on and so forth.

SARA FARAH: Yes.

SENATOR GOMES: I've got to check that out.

SARA FARAH: Yes.

SENATOR GOMES: Some of the things that you spoke of, you said the bill is not strong enough. Well, sometimes we take bills and we try to craft them as near to what we can get. And sometimes we listen to people to you to try to make them a little stronger. And I thank you. All right?

SARA FARAH: Uh-huh.

SENATOR GOMES: You want to say something?

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SARA FARAH: Yes. Thank you.

I hope that the support that -- of the several people who've come out here tonight to talk in favor of this bill and the lack of people who've come out to speak against this bill would encourage you to know that making this bill stronger has the support of the people and -- and I hope that we can move in that direction.

Thank you, Senator Gomes.

SENATOR GOMES: I was for it before people came out and testified for it.

SARA FARAH: All right. Cool.

Thank you.

SENATOR GOMES: Thank you.

Now we have Liz Sullivan. Is Liz Sullivan here? All right. We have Alice Lebamitz, Lebamitz, Le -- L -- Lebamitz? Am I pronouncing it right? L-I-E-B-O-N-M-I-T-Z?

ALICE LEIBEWITZ: (Inaudible).

SENATOR GOMES: What did I do wrong, dear?

ALICE LEIBEWITZ: I thought I saw it said Diamond's name on the list before me, but maybe she can go after.

SENATOR GOMES: Oh, that's you? Who are you, Sarah Diamond?

ALICE LEIBEWITZ: I'm Alice Leibewitz.

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because we have had input from YMCA's and different things, and, you know, you also brought a value.

You had made decisions -- someone can go home and someone can't -- and that's a personal, human decision, and that's tough, and, I mean, the fact of it is, people aren't being treated equally, and -- and that's a perfect example. As kind as you were, you -- you couldn't treat them equally.

SENATOR GOMES: Thank you very much.

Have a Jill Brooks?

Poor girl. Who was it? What -- what was that lady's name?

A VOICE: (Inaudible).

SENATOR GOMES: Oh, I thought I called your name wrong.

All right. Jill Brooks isn't here, though, right?

A VOICE: So am I next?

SENATOR GOMES: That guy Paul Filson leave here? Did he leave?

PAUL FILSON: No.

SENATOR GOMES: Very good.

It's your turn. I'm just messing with Paul.

SARAH DIAMOND: Okay. Thank you. I know it's gotten late and we've already heard quite a number of people here tonight in support of

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H.B. 5207, but I'd like to emphasize again some of the main points. I'm also a member of the Clean Slate Committee, but I also have a background in public health research. I'm an anthropologist. I've done a lot of work interviewing people -- mostly youth but also young adults in the Greater Hartford area, many of whom have tried and used drugs -- some of whom had dealt drugs in their life, and many of whom were trying to turn their lives around, some of them after having been incarcerated.

So -- and over the years, also, talking to individuals who've come to Clean Slate looking for support and services, and it's been hard for us to tell them that we don't provide services, what we work on is policy change and, you know, to -- for people to understand the importance of the policies and how they affect them.

So here -- I'm here on support of H.B. 5207. As you know, there are approximately 200,000 felons in Connecticut, and, as others have mentioned, 6,000 are released each year. Although when we think of felons, we often have this image in our minds that the media really reinforces of someone who is this dangerous, brutal killer who's out there to get us and get our families.

But in reality, felony charges have a broad scope, and many of our very highly regarded and esteemed citizens, or at least some of them still hold them in high regard such as Martha Stewart and our former Governor Book Roland are also felons. So we really have to keep that in mind and kind of shift our thinking about what we're talking about here.

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And also when Martha Stewart and Governor Roland both got out of jail, it didn't take them long to regain their employment. Governor Roland landing a job back in Waterbury, as I understand it. Was it Waterbury? Am I getting the city right? Yes. Okay. Where he's earning six figures, I assume -- I'm presuming -- at a development job when he was charged with corruption. So the laws don't seem to apply to certain individuals in this state whereas they do to others who are usually in much more dire economic circumstances.

So I want to speak on behalf of those felons also often who don't have a voice really, because many of them are very much afraid of speaking up in public for fear of the stigma that is associated with that term and how it might follow them around even further than it already has when they put a public face and associate their face with that term.

So we did have a number of people testify who were very brave at our press conference earlier today, and we applaud them. So anyway the point of this bill really is to, as people have mentioned, end the discrimination against people who are seeking to reintegrate into our society and who really deserve a chance to -- they really have -- have to have the opportunity to become employed and to get into that job interview and prove that they're qualified for the job.

And we also want the bill strengthened with the removal of the box on the applications, and furthermore, if someone has been convicted of a crime and it does relate to the job they're applying for, after a certain amount of years have passed and they haven't

cip/gbr LABOR AND PUBLIC EMPLOYEES
COMMITTEE

2:00 P.M.

committed that crime, again, say seven years, ten years, we're not sure of the exact number -- that can be debated -- but they should still have the opportunity to work, and why -- why bar them for life from -- from ever working again in -- in that -- in an area where they may be qualified.

That may be a little more controversial, but I think it's important that people have a chance to -- to really be recognized for having rehabilitated and for having learned from their past mistakes and that there should be a time limit. And then I think the oversight issue was already raised also. That's very important to us.

So I guess that's all I want to say for this evening. Thank you for -- for listening.

SENATOR GOMES: I want to thank you very much for waiting to testify.

SARAH DIAMOND: Yes.

SENATOR GOMES: All right.

SARAH DIAMOND: Thank you.

SENATOR GOMES: Anybody else want to say something?

Right about this time, this is the last person, the lights are supposed to shine and bells go off and you get a prize, but you don't, Paul.

PAUL FILSON: Batting clean-up for the Boston Red Sox.

SB 123
HBS 202

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2:00 P.M.

provided. And so those two bills would be excellent bills for passage at the General Assembly.

I know it's late. Thank you very much for waiting around so long to hear from so many people, and I urge you to pass House Bill 5202 as well as Senate Bill 63.

Thank you.

SENATOR GOMES: Any questions of Paul?

Paul, you're a lucky guy. Nobody wants to talk to you.

PAUL FILSON: And, you know, actually we were going to have several members come and -- and testify today. One of them is out sick. She has sick days. But she could be actually working from home telecommuting. She works in the IT department for the state and is a big advocate of telecommuting. She could have been productive and gotten some work done at home, because the job that she does can be done at home too. The state could save some money.

SENATOR GOMES: Tell her your whole (inaudible).

PAUL FILSON: Definitely help -- every -- every little bit, so we're -- we've got sick days; we've got telecommuting.

Thanks. Thanks a lot.

SENATOR GOMES: Is there anybody here that isn't on our list that would like to tell -- testify?

What are those two doing over there? They must work here.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**LABOR AND
PUBLIC EMPLOYEES
PART 3
683 – 1027**

2010

WESLEYAN UNIVERSITY TESTIMONY ON BILL 5207

February 25, 2010

To the Labor & Public Employees Committee:

Good afternoon, I am in favor and fully support Raised Bill 5207: An Act Concerning Criminal Background Checks For Prospective State Employees.

We, the members of RISE, Resisting Imprisonment for a Safer Existence, of Wesleyan University, wish to share our full support for Ban the Box. We feel that requesting applicants to divulge history of a felony conviction during the first stage of applying to a job fosters discrimination. It severely limits these peoples' ability to make a living through legal means. In order to end the cycle of imprisonment and recidivism, people leaving prison must have increased access to good jobs, and "banning the box" is a crucial first step in that process.

Thanks so much for all your work on this,

Emily Sheehan &RISE

Contact Emily at emsheehan@wesleyan.edu

TESTIMONY ON BILL 5207

February 25, 2010

To the Labor & Public Employees Committee:

Good afternoon, I am in favor and fully support Raised Bill 5207: An Act Concerning Criminal Background Checks For Prospective State Employees.

I am strongly in favor of letting released prisoners have a fair chance to build a new life without crime. The first necessity is finding a job. Even in these difficult days, mean and unnecessary barriers must not dash hope. A released person is no longer "a criminal", and they have finished their sentence. Please vote to give them a real chance. Thank-you.

-Rev. Anne H. Higgins
(Retired UCC minister.)

**Commission on Human Rights
and Opportunities****Memo**

To: Labor and Public Employees Committee
From: Robert J. Brothers, Jr., Executive Director
Date: February 25, 2010
Re: HB 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES

The Commission supports, with reservations, HB 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES.

This is a difficult bill for CHRO since we support the conceptual intention of HB 5207, which strengthens the State's legitimate interest of employing rehabilitated persons with criminal records, while protecting the privacy interest of the majority of State job applicants who may never receive a job offer.

We must also be realistic in the face of the ongoing state budget crisis. The Commission has absorbed huge budget and personnel cuts, particularly in the past two years. In light of these cuts the Commission fears additional responsibilities without additional staff.

There can be significant costs associated with recruitment and screening of applicants for agencies where the lack of a criminal record is a bona fide qualification. These agencies include the Departments of Correction, Public Safety and Children and Families. Waiting until an offer is made only to find out that the applicant is disqualified because of a criminal record is cruel to the person this bill seeks to protect. It unfairly raises expectations and cuts into time that could be spent finding another job. It is also unfair to State agencies which are barely scrimping by amid budget cuts, retirements and personnel rescissions. Perhaps a very limited exception can be created for the few agencies that rely on costly screening procedures.

We would also note that there is a different definition for the word employer in HB 5207, which references CONN. GEN. STAT. § 5-270, than there is for the other sections in CONN. GEN. STAT. § 46a-80, which find their definition in CONN. GEN. STAT. § 46a-51(10). The CHRO urges you to apply a consistent definition throughout.

The concept is worthy and well intended, but the Commission cannot fully support the bill.

To the Honorable lawmakers of the State of Connecticut

I am writing you today to support **House Bill 5207 An Act Concerning Criminal Background Checks For Prospective State Employees.**

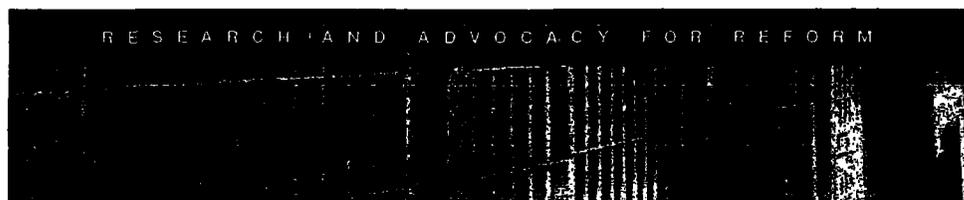
As a black male 54 years of age born in New Haven, Connecticut. Have completed high school and a Vietnam Era Veteran. I have worked for the most reknowned companies in the State of Connecticut as a skilled machinist for over 30 years. To name a few:

- Sikorsky Aircraft
- Pratt & Whitney Aircraft
- Sargent's
- US Repeating Arms formally known as Winchesters
- Amphenol ITD Spectra Strip

For the first time in my life I began a sentence back in July of 2001 and was released to the Cheney halfway house here in Hartford, Connecticut March of 2004 it is now February 2010. Since my release while in the halfway house I started my employment with Capewell components serving 3 years from 2004-2007 with perfect attendance. When I got laid off from Capewell I began facing being turned down for jobs even when I was honest about my class "D" felony when I was asked to present my resume online never mind filling out an application. With my skills and resume they are interested until I am honest about the felony. Finally I landed a job with CBS Manufacturing in East Granby, Connecticut and served them from 2007-2008 as a perfect attendance employee. Then a layoff again and faced the same thing over again. Finally I landed employment with Magnatech Orbital Welding Systems in East Granby, Connecticut from January 2009-present. With my knowledge, background, and experience there is so much more that I could do for myself like getting a higher paying job and furthering my education as I would like to. But your laws will not allow me to do better for myself because of your discrimination practices in this State of Connecticut. My company currently has us on furlough 1 week on 1 week off and the economy is not getting any better. I am paying arrearages for child support and 10 years of penalty fees and fines back to the State Department of Labor not getting any unemployment until the debt is paid and I am not the only one. When a sentence is done it should be done!

While I support this bill it is most certainly not enough. I am not asking you I am telling you, You must change the law in favor of the people being able to support themselves. You Can not have it both ways feeding a criminal factory intentionally and discriminating. Telling the people that they must do probation and or parole, if they don't get a job they are going back.

Sincerely,
James D Butler III
Hartford, CT



**Testimony of Marc Mauer
Executive Director
The Sentencing Project**

**Testimony on Bill No. 5207:
Concerning Criminal Background
Checks for Prospective State
Employees**

February 25, 2010

Thank you for the opportunity to submit a statement on behalf of The Sentencing Project regarding Raised Bill No. 5207, which would prohibit public employers from inquiring about a job applicant's criminal history until after the prospective employee has been deemed qualified for the position and a conditional offer of employment has been extended. The Sentencing Project is a national non-profit organization engaged in research and advocacy on criminal justice policy issues. In regard to the issue of employability for persons with felony convictions, The Sentencing Project has produced a series of publications related to reentry issues and regarding the collateral sanctions that individuals with previous criminal history may experience. This statement will present a brief overview of the national scale of this problem and recent developments at the state and local level. The Sentencing Project believes this legislation would establish a more fair and effective policy for Connecticut.

NATIONAL OVERVIEW

There were more than 2.3 million individuals in prison or jail in 2008, more than 820,000 on parole from prison, and more than 4.2 million persons on probation, for a total population of 7.3 million under supervision of the criminal justice system. Approximately 725,000 individuals returned to their communities from Federal, State and local prisons and jails in 2007, a figure that has more than doubled in the last twenty years.

Criminal convictions can expose persons to various legal penalties and disabilities long after they have completed their court imposed sentence. The collateral consequences of conviction vary widely from state to state and have been adopted in a variety of forms that range from restricting employment opportunities to limiting voting rights.

Employment opportunities are typically limited for persons with criminal records and are perhaps one of the most troublesome collateral consequences of a

conviction. The inability to obtain or maintain employment has been identified as a major factor in recidivism. According to a study by the Urban Institute, employment rates and earnings of formerly incarcerated persons are low by *almost any standard—though in most cases they were fairly low even before these individuals were placed under criminal justice supervision. Low employment rates are related to the very high recidivism rates observed among those with criminal convictions.*

COLLATERAL CONSEQUENCES IN CONNETICUT

The proposed legislation, Raised Bill No. 5207, would prohibit public employers from inquiring about a job applicant's criminal history until after the prospective employee has been deemed qualified for the position and a conditional offer of employment has been extended. Additionally, if a criminal conviction is the basis for applicant's rejection, then Raised Bill No. 5207 would require public employers to document the reasons for rejection in writing and provide the document to the job applicant.

In Connecticut more than 6,400 persons were released from state prisons in 2008, while nearly 80,000 are either in prison, jail or on probation or parole and are under some form of criminal justice supervision. Connecticut has already adopted policies that recognize the capacity for personal growth among individuals with criminal records.

Currently, public employers and licensing authorities may not automatically disqualify persons with criminal convictions. Rather, prospective employers and licensing officials must consider the nature of the crime in relation to the job, the time elapsed since conviction, and information pertaining to rehabilitation. Additionally, prospective employers are prohibited from requiring job applicants to disclose the existence of any arrest, criminal charge or conviction that has been expunged.

RECENT LEGISLATIVE REFORM

In recent years there has been legislative activity around the nation in regard to strengthening employment opportunities for individuals with criminal convictions. This has come about as the public and policymakers have become aware of the broad impact of these practices. In 2009 the state of Minnesota began to require all public employers to wait until someone has been selected for an interview before inquiring into his or her criminal history. As a result of this legislation, questions regarding previous criminal convictions will no longer appear on public employment job applications of non-exempted employers (approximately 200,000 positions statewide). The goal of this legislation is to provide individuals who have criminal records with more opportunities to be evaluated based upon all of their skills and qualifications, not just their criminal record. It also would provide employers with a more diverse applicant pool. Public employers would continue to have the authority to consider a prospective employee's criminal history. However, a prior conviction would no longer automatically eliminate job applicants from consideration.

The policy changes in Minnesota reflect an acknowledgement that strengthening employment opportunities would reduce recidivism and improve public safety. Other measures to enhance employment opportunities for persons with criminal convictions have been adopted in Hawaii, Illinois, and Kansas. Additionally, city and county governments adopted policies that strengthen opportunities for employment among persons with criminal convictions. Recently, cities like Boston, Chicago, and San Francisco implemented hiring policies for public employers that facilitate the hiring of individuals with criminal records while maintaining public safety and protecting the integrity of their jurisdiction's hiring processes.

CONCLUSION

Many of the thousands of individuals under criminal justice supervision in Connecticut make a reasonable effort to be productive members of society. Effective public policy encourages persons with criminal records to turn their lives around and engage in rehabilitative efforts that result in personal growth that will strengthen public safety. Barriers to employment can hinder those efforts.

If the rehabilitation of persons with criminal convictions is a goal of the Connecticut Legislature then supporting measures that strengthen employment opportunities would be significant. The Sentencing Project encourages all members of the Committee on Labor and Public Employees to support Raised Bill No. 5207, concerning criminal background checks for prospective state employees.

Good morning distinguished members of the General Assembly:

Thank you for the opportunity to submit written testimony in support of House Bill 5207. With its passage some of the 200,000 people in this state who have lost the opportunity to secure meaningful employment due to a felony conviction will have hope. When a person is convicted in court and given a disposition of paying a fine, completing community service, being incarcerated or entering a program that should be the only debt that they should have to pay. A felony should not hold a lifetime consequence. According to the Universal Human Rights doctrine denying individuals a right to work is a crime against humanity.

A felony conviction equates to "Jim Crow on life support". It is a systematic mode of discriminating against a certain segment of our society; an excuse not to hire. Studies have shown that not everyone with a felony is not treated alike. A perfect example is our former governor who led a corrupt administration in government, was convicted, and incarcerated yet upon release almost immediately was able to obtain employ at another government agency. A just law should work for all of us.

When one has paid their debt to society he/she should be allowed to restore their lives and employment is one of the basic needs for doing so. When policies are implemented that deny people with felonies legal employment then policymakers must take some responsibility for forcing that individual into crime.

I have no illusion that this bill alone will deter employers from discriminating. One important lesson that I have learned from American history is that while one entity struggles to bring about positive change there is a segment of our society operating in "backrooms and boardrooms" working to minimize or deter change from occurring. I recognize the importance of a shift not only in the legislative process but also in the mindset. Changing current policy requires just and compassionate policymakers. With that said I remain inspired to support the bill and hopeful that its passage will be a step in the right direction.

The late Dr Martin Luther King Jr once made a statement that "An individual has not started living until he/she can rise above the narrow confines of individualistic concerns to the broader concerns of all humanity". It is something that I live by which is why this piece of legislation is so important for me to support. Far too many people cycle in and out of prison because upon release they return to the ways that brought them into the system in the first place, and not always by choice. Many times it comes out of a desperate need to provide for themselves and their families.

As I write this I am reminded that this is Black History month and that it took 50 years (1926-1976) of work launched by Harvard graduate Dr Carter G Woodson to bring the celebration into existence. I pray it will not take 50 years to end a practice that has devastated the lives of millions in this country.

Pass House Bill 5207 in this session and give hope to those who have been harmed by a discriminatory policy that has crippled the livelihood of millions for at least three decades. More importantly I pray that you will not compromise the language until it has become a meaningless piece of legislation.

Ms Barbara Fair PO Box 3302, New Haven, Connecticut 06515 justicepeace75@hotmail.com

TESTIMONY ON BILL 5207

February 25, 2010

To the Labor & Public Employees Committee:

Good afternoon. I am in favor and fully support Raised Bill 5207. Your consideration and a YES vote will be greatly appreciated.

My son's life is seriously impacted by the scrutiny of background checks. August 2004, at age 18, my son Joseph was arrested and charged for possession of narcotics. He was not alone. Though there were no drugs found in his possession, the judge and prosecutors believed the false report of the arresting officers. (The people who actually had the drugs were assigned to programs.) My son was given one year prison sentence, which was served in full, and four years probation, which was completed October 2009.

Since his release Joseph has applied to many businesses, including Kohl's, Walmart, Sam's Club, etc. He was denied employment over and over, and was always told that because of his felony record, they cannot hire him. He recently took training for a forklift driver, and is now certified. Several weeks ago he applied to three companies where there was an opening, and was denied by all. Though he would plead to employers for a chance to prove himself, it was to no avail.

My son is very manageable, respectful, and eager to learn and work. He used to be pleasant, but I now see a drastic change in him; he's becoming angry and negative and has increased his use of alcohol. In addition, with no job, my son is ordered to pay \$76 per week child support.

If banning the box would be passed, he could apply for a state job, and be judged on his abilities and work experience.

Respectfully,

Audrey Richards
16 Cassius Street
New Haven CT 06519
203-782-9193
member of People Against Injustice



**STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT**

TESTIMONY OF LINDA J. YELMINI

DIRECTOR OF LABOR RELATIONS

**Raised H.B. Bill No. 5207 – AN ACT CONCERNING CRIMINAL
BACKGROUND CHECKS FROM PROSPECTIVE STATE
EMPLOYEES**

Good afternoon Senator Praque, Representative Ryan and members of the Labor and Public Employees Committee. This bill provides that no executive branch agency, judicial branch, State Board of Education or Higher Education or the quasi public agency can perform a criminal background check on any prospective employee. It would require that an offer of employment be made without regard to this information. The result of this bill would be disastrous. The types of offers of employment could be made:

1. Department of Children and Families - a convicted child molester.
2. Department of Revenue Services - a convicted forger or someone convicted of tax evasion.
3. The Department of Public Safety – any sort of convicted felon
4. Department of Correction – A convicted drug dealer

Presumably, an agency would then have to justify why they did not hire the individual. This would cost the agency and, therefore, the taxpayers a considerable amount of money.

There is already a statute which prohibits the State from discriminating against a prospective employee based upon their criminal record.

Based upon the foregoing, this Bill should not be passed.

PSIC, Lm 19

**Testimony before the Labor & Public Employees Committee
In Favor of HB5207
February 25, 2010**

Good afternoon Senator Prague, Representative Ryan, and members of the Labor and Public Employees Committee. My name is Jennifer Garrison, a resident of South Windsor who is greatly affected by the Ban the Box initiative.

The ban the box initiative is something near and dear to my heart. I work for the Chrysalis Center's Employment Support Network; an employment program that helps Department of Corrections clients gain permanent and meaningful employment. Each and every one of the ex-offenders that we service have a felony on their record. As an Employment Specialist I deal with "the box" every day.

According to renowned criminologist Richard Freeman, 600,000 ex-offenders were released into civil society in 2001. The study titled "Recidivism of Prisoners Released" completed in 2003, shows that two-thirds of released prisoners are re-arrested and one-half are re-incarcerated within three years of release from prison. These figures grow even higher when looking at the same population over a decade – 75-80% will be re-arrested with no employment.

Our clients want to work, and they are as diverse as any other part of the population. We have individuals with college degrees and others who are in need of getting their GED. We have engineers, roofers, line cooks, medical assistants, and landscapers. Our clients are very capable people who want to support themselves and their families. Unfortunately that awful box on applications is getting in the way of many of our clients gaining employment.

The box makes it very easy for employers to discriminate against very experienced and qualified individuals. That box screens out my clients before they ever get an opportunity to tell an employer how they are qualified, and what an asset they could be to the organization. Plain and simple that box discriminates.

In days gone by applications asked for race. That practice often screened out minority applicants as "undesirable." That practice is now illegal. Employers are forbidden to discriminate against an individual based on race. The same can be said for sex, disability and a number of other traits. Why is it still legal to discriminate against a job seeker who has a past?

Once the race question was removed from applications, we got a more diverse workforce. That is not to say that there is no longer any discrimination based on race, unfortunately discrimination is still a problem. But, applicants now have an opportunity to present their skills and experience to an employer. That is all we are asking for today. We want job applicants with a felony record to have the same opportunity as everyone else to obtain a job.

America is the "land of opportunity," but our clients are often forbidden to take part in that dream. They are not allowed to realize their full potential because they are forever punished for making a mistake. They are not in a position to provide for their families. They frequently become a burden to their families and the system.

Alan McKenzie, co-founder of Street Smart Ventures and Fresh Start Enterprises, decided to build an entrepreneurial work crew program that integrates education, vocation and mentoring skills by utilizing local entrepreneurs and vocational trainers within the community. The intent of this program is not only to train and get jobs for ex-offenders, but to help them successfully integrate into regular society. Cities like Bridgeport and New Haven have already implemented this program among the ex-offender populations and recorded a 95% success rate within these tough inner-city communities. Mr. McKenzie empowers ex-offenders and encourages them to become a part from Connecticut's workforce. Unfortunately once these very well trained and experienced individuals hit the outside workforce, they are again greeted by "the box." They are once again judged and shunned and discriminated against by our society.

As stated earlier the rate of recidivism of ex-offenders who can not find gainful employment is staggering. Just this week I had a client that was remanded to prison. This individual was trying so hard to find a job. He was in our office multiple times each and every week looking for employment. He followed every lead we gave him, and found several more opportunities on his own. This man is a very talented chef with many years of experience. He had an amazing resume, but the box often kept him from getting the opportunity to present himself to employers.

I don't want to see another individual return to the streets to feed their family. I don't want to see any more people going back to prison because no one will even give them the opportunity to interview for a job that they are qualified for. I don't want to see another crying child reach out for mom or dad as they go away for earning money the wrong way, because no one would let them do it the right way. In short, I don't want to see that box on any more applications.

BAN THE BOX!!!

Thank you for your time. I would be happy to answer any questions you might have.

Jennifer Garrison
78 Steep Road
South Windsor, CT 06074
(860) 818-4085


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A PRIVATE NONPROFIT CORPORATION
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 FAX (203) 333-4976
 E-MAIL BRIDGEPORT@CONNLEGALSERVICES.ORG

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**Written Testimony for the Committee
 on Labor and Public Employees
 Supporting HB 5207:
 An Act Concerning Criminal Background Checks
 for Prospective State Employees.
 Submitted February 25, 2010**

Dear Senator Prague, Representative Ryan and Members of the Committee:

My name is Nadine Nevins and I am the managing attorney of Connecticut Legal Services' (CLS) Bridgeport office and a member of the Bridgeport Reentry Collaborative (Collaborative). I submit this testimony on behalf of CLS and the Collaborative. HB 5207 would prohibit the state from requesting a consumer report and looking into a prospective employee's criminal history until a conditional offer of employment is made. This bill is an important first step towards rectifying the often insurmountable discrimination ex-offenders face in obtaining employment.

At Connecticut Legal Services we represent low-income people for free in civil matters. Some of our clients are ex-offenders, many of the spouses and fathers of our clients are ex-offenders. We work with many community and government organizations that assist low income people in their quest to re-enter the job market as do the members of the Collaborative. It has been through these associations that we have confronted the prevalent problem of people being rejected from jobs due to prior criminal records.

Clients and caseworkers share personal accounts of employers who refuse to give further consideration to a job applicant once he or she has honestly responded to an inquiry about the individual's prior criminal convictions. The rejections occur no matter how long ago the conviction and even in cases in which an arrest did not lead to a conviction.

The Urban Institute in a study entitled, *Employment After Prison: A Longitudinal Study of Releases in Three States*, released in October 2008, found that:

Having to provide criminal history information before the interview process eliminates many job opportunities for

former prisoners. Giving employers the opportunity to meet and speak with job applicants before discovering their criminal history has the potential to improve job outcomes for former prisoners.

It is a reality that more and more employers are doing background checks using consumer reports. The reports are cheap and easy to obtain. It used to be that you could get a job, and prove yourself before a record check came back or no record check was done at all. That opportunity no longer exists.

Thousands of people are released from state and federal prisons to Connecticut cities and towns each year. They are released in inordinate numbers to our big cities creating an underclass of people who are unable to support their families or contribute to the tax base because they cannot get jobs.

Bridgeport, New Haven, Hartford and Norwich have already recognized the economic and social benefits of helping this population and have passed their own versions of this bill.

The Bridgeport Reentry Collaborative is a large and diverse group in Bridgeport that formed in an effort to help ex-offenders in all aspects of their reentry into the community. Its members include local employers, DOC, DSS, DOL, ex-offenders, Career Resources, Family ReEntry, business people, the Center for Women and Family, federal court employees and many, many more. The Collaborative understands that employed people are less likely to recidivate so as a matter of public safety we should level the playing field for ex-offenders. Bill No. 5207 will help do that. It will not give ex-offenders an advantage over anyone else in seeking employment. It will just give them an opportunity to show that they are qualified for the job by virtue of their education, experience and skills and not knock them out of the running because of one aspect of their lives.

Connecticut Legal Services and the Bridgeport Reentry Collaborative supports extending the protections of Bill No. 5207 to private employers so that there are even more opportunities for ex-offenders to obtain gainful, permanent employment.

Thank you for your consideration.

Respectfully submitted,
Nadine Nevins, Regional Director



Greater Hartford Legal Aid

**Written Testimony of Attorney Alexis N. Highsmith, Greater Hartford Legal Aid, Inc.
In Support of H. B. No. 5207, An Act Concerning Criminal Background Checks for
Prospective State Employees.**

February 25, 2010

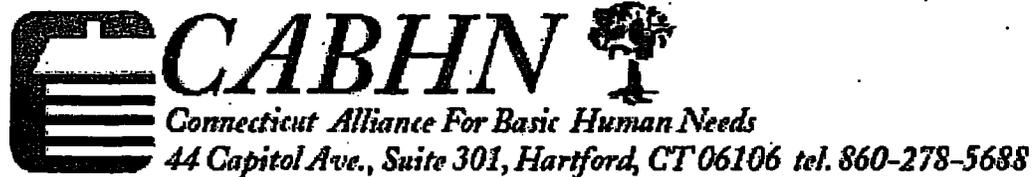
I am an attorney at Greater Hartford Legal Aid, a legal services program providing free legal services to low-income residents in and around Hartford County. Connecticut's Legal Services Programs support H.B. 5207, which would prohibit inquiries regarding a prospective state employee's past convictions until a conditional offer of employment has been made to the prospective employee.

Legal Services represents formerly incarcerated persons in a variety of civil matters, from benefits to housing to employment. One of my core responsibilities is to represent ex-offenders attempting to navigate the difficult process of applying for a pardon of their criminal record. These are people who have stayed out of trouble and made positive contributions to their families and communities for many years. Many individuals do not qualify for a pardon, primarily because of the recent date of their conviction. While these individuals work towards rehabilitation, they often need other resources to assist with their employment search.

Throughout the country, municipalities and counties have implemented various forms of legislation known as "ban the box," removing unnecessary hurdles to employment facing ex-offenders seeking work. Connecticut has also become part of this movement, as Norwich, New Haven, Hartford, and Bridgeport have all passed individual versions of this legislation. H.B. 5207 further advances this goal on a statewide level. Hawaii and Minnesota have enacted this legislation statewide. Connecticut has the opportunity to join this elite group and secure employment rights for all of its citizens.

By eliminating the question asking whether an applicant has been convicted of a crime, a prospective employer can be initially evaluated on their merits alone, and questions regarding previous criminal history can be left to a later phase of the hiring process.

Society, as a whole, reaps tremendous benefits when ex-offenders re-enter mainstream society successfully. Employment serves as a key component to this success. Without employment, formerly incarcerated persons and persons with criminal records are unable to provide for themselves and their families.



**Testimony of Ellen Small, MSW
CABHN Coordinator, Legal Assistance Resource Center of Connecticut**

**Before the Labor and Public Employees Committee
In support of HB 5207 An Act Concerning Criminal Background Checks for
Prospective State Employees**

February 25, 2010

Good afternoon Senator Prague, Representative Ryan, and members of the Committee. My name is Ellen Small, and I am the Coordinator of CABHN, the Connecticut Alliance for Basic Human Needs. Thank you for the opportunity to testify today.

I am here today in support of HB 5207 An Act Concerning Criminal Background Checks for Prospective State Employees.

CABHN is a network of organizations—individuals, providers, advocates, and grassroots community organizations—collectively devoted to helping individuals and families meet their basic needs.

One of the issues of greatest concern to our members is community reentry for people who have been incarcerated. How can we help people coming out of prison secure housing? How can we meet their treatment needs? How can we help reunite them with their families? And, perhaps most importantly, **how can we help people who have criminal records—the majority of which are for non-violent offenses—secure employment?**

To be quite candid, these are some of the most challenging and heartbreaking stories I have ever heard. Mothers who made a poor choice out of desperation to provide for their children, now faced with the impossibility of finding a job due to their criminal background. Fathers who made a mistake when they were young who now have the opportunity to be a part of their child's life, but struggle to be their family's provider because their criminal background blocks them from even getting a foot in the door at most jobs. People who have made mistakes, who have accepted the consequences for those mistakes, and who now seek to live a positive, hard-working life and care for their families.

Each of these people I have met in my work has something very important to offer any employer who will give them a chance – *to judge them for who they are now, not who they were in the past*. They don't want our judgment, nor our sympathy. **All they want is a chance.** A chance to prove themselves just as capable as the next guy. A chance to work hard and earn a decent living. **This bill is an important step toward giving them that chance.**

HB 5207 is critical to the stability of one of our state's most vulnerable populations because it:

- 1.) **Gives individuals with criminal backgrounds a chance to be evaluated for a position based on their skills and qualifications, rather than the mistakes of their past.** By delaying the criminal record check until a later stage in the hiring process, we increase the likelihood that an individual will be offered a position as they have already been deemed otherwise qualified for the position. Often, people who have to check "yes" to the question "Have you ever been convicted of a felony?" on the initial application never even get considered for the position. This bill will help them to have a fair chance of getting their foot in the door.
- 2.) **Increases the opportunity for an individual with a criminal history to obtain gainful, stable employment giving them purpose and consistent income.** When people return from prison and are able to meet their needs and the needs of their family, they are more likely to maintain their work ethic and less likely to recidivate. Without employment people face economic desperation as they are unable to meet even their most basic needs. This bill offers them greater access to jobs.
- 3.) **Reduces the stigma associated with having a criminal history.** As the State of Connecticut commits to evaluating individuals based on their merits rather than their mistakes, it sends a message to private employers throughout the state that people with criminal backgrounds can actually prove to be extremely valuable and productive employees, increasing the likelihood they will reform their own hiring practices.

Connecticut faces an important opportunity to join with several other states, including Hawaii and Minnesota, and many municipalities nationwide, who have recognized the valuable contributions people who have been incarcerated have to offer to our state's workforce in adopting a "Ban the Box" hiring reform policy.

I urge you to adopt HB 5207 and delay the criminal background check for individuals applying for state jobs until the later stages of the hiring process.

Thank you for your time and attention to this important bill.

Ps 18, Law 2

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Honorable Members of the Labor Committee,

I am here today to support **House Bill 5207 An Act Concerning Criminal Background Checks for Prospective State Employees.**

In Connecticut, approximately 6000 people are released from prison each year (according to the Office of Legislative Reports). Each of these 6000 people will have enormous struggles as they try to reintegrate into society. And unfortunately, their efforts will be confounded by the high rate of discrimination that they face as they attempt to gain employment. Clearly it is in everyone's best interest to make sure that those convicted of felonies are not being denied jobs simply because they committed a crime in the past. We must do all that we can to assure that these people do not end up back in prison. This is not simply my personal opinion, but it is exactly what the state Department of Corrections (DOC) recognizes.

The Connecticut DOC's mission is to "provide... (inmates) with opportunities that support successful community reintegration." Of course this common sense approach is necessary, since most of those incarcerated will eventually be released.

Clearly prison is one of the most expensive examples in handling public safety. So the attempt to avoid recidivism is not simply a humane approach, but it is a cost effective method. But, unfortunately, Connecticut's own hiring policies fly in the face of that effort. Background checks prior to conditional job offers, and questions on applications about prior convictions only serve to increase discrimination against people with felonies. Being successfully employed is one of the best indicators that previously incarcerated people will not go back to prison.

People in Connecticut are looking for change. Four cities have already stepped up to oppose discrimination against people convicted of felonies. In Norwich, New Haven, Hartford and Bridgeport, city-wide ordinances have been passed which remove the box from employment applications that ask if the applicant has been previously convicted. In those cities, a conditional job offer must be made before a background check is conducted. And only in those cases where the job is directly related to the crime that was committed, will it be taken into account during hiring.

In Connecticut over 200,000 residents have a felony conviction (according to the Office of Legislative Reports' of 2005-2007). The enormity of this issue requires urgent action. As a resident and taxpayer in your district I urge you to support **HB 5207.**

In addition, for this bill to become an effective law we need much more. We need

1. To ban the box: to explicitly remove the box and the question from the applications.
2. To widen the scope for all jobs.
3. To have more specific details including A. years since released B. rehabilitation C. what "related" would mean.
4. To explain the oversight/enforcement of this law.

Sincerely,


David Schultz
37 Roxbury St.
Hartford CT 06114

Support HB 5207
February 25, 2010

Ps 11, Lme 11

**Councilwoman rJo Winch
Majority Leader/President Pro Tem
City of Hartford**

I support HB 5207 because it is only fare that our State provides the opportunity for those who have made a mistake to turn their lives around after serving their time.

It is unfair to have people serve a length of time in our justice system and then serve a life sentence in society because no matter how qualified they are for a position to only be turned down for prior incarceration.

If we are going to continue the practice of not educating our children and graduating them without the skills to get employment or go to college, they we should be honest with them and say,

1. We are not going to ensure you get an education but we will mandate your parents send you to our schools for 180 days a year
2. We will ensure we can keep our prisons in business by ensuring they are filled to capacity
3. We will continue our practice of funding organizations that do not have a history of positive outcomes
4. And, most importantly we will campaign on your issues and then do nothing about them once we are elected.

We, the community are asking that you pass HB5207 or tell us the truth, that you do not want our State to be a better place for us to live, work, and play. Stop thinking that you are fooling us, we see through you plans and we are saying today that we will no longer sit idle while our criminal justice system continues to support life sentences for those who have already paid their dues to society.

Please pass this bill so many who have made a mistake and paid their dues can get on with their lives.

Thank You

P 9, Lm 19

Testimony of
Jacqueline Caron
Founder/ Ceo

Connecticut Pardon Team, Inc

Senate Bill 5207

***AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR
PROSPECTIVE STATE EMPLOYEES***

For any man or woman convicted of a crime, successfully completing their sentence, along with any assigned parole or probation, is just the beginning. After their release from confinement, they are faced with re-integrating themselves back into their community - often in the same area and with the same influences that provided them opportunity to break the law in the first place.

Their search for employment is often stonewalled by the fact that they now have a conviction on their record. Employers performing a routine search find the negative information, and unless they are part of a progressive federal or state program, or willing to give the applicant a second chance, the applicant is put at the bottom of the list of candidates - if they remain on the list at all.

The goal of improving their own economic status and fighting the impulse to return to their former ways is complicated further by the fact that even advanced education - like a master's degree - is often not enough to convince a potential employer to give them another chance.

Apartment leases, home mortgages, opening a bank account or a credit card, and many other processes that non-offenders take for granted are often closed to these individuals. This situation continues for as long as the conviction stays on their record, and with the advent of computers, the information is even easier to find.

How long is long enough for a person convicted of a crime, who has successfully completed their parole and / or probation, to continue to pat for that crime?

I urge you to support Senate Bill 5207 ***AN ACT CONCERNING CRIMINAL
BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES***.

If passed this legislation will open the door to many qualified individuals who have paid their dues to society and have become a productive member of society to be part of the

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solution and prosper in CT. We are voting residents in CT and I know I will be looking to support those to have my best interest which to have the opportunity to work and support our families in CT.

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SENATOR LOONEY:

We'll pass over that one, Mr. President?

Continuing calendar page 9, this is calendar --

Calendar 444, House Bill 5500.

THE CHAIR:

We already have that on the consent, sir.

SENATOR LOONEY:

Okay. Move then to calendar page 10, Mr. President,
Calendar 461, House Bill 5207, move to place the item on
the consent calendar.

THE CHAIR:

Seeing no objection, so ordered.

SENATOR LOONEY:

Thank you, Mr. President.

Continuing calendar page 10, Calendar 482, House
Bill 5244, move to place the item on the consent
calendar.

THE CHAIR:

Senator Looney, there's no 482 on page 10, sir.

SENATOR LOONEY:

483, Mr. President.

THE CHAIR:

Very good, sir.

483, House Bill 5244 on 10?

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Calendar page 10, Calendar 461, House Bill 5207;
Calendar 483, House Bill 5244.

Calendar 484, on page 11, House Bill 5383; Calendar
487, House Bill 5220; Calendar 488, House Bill 5297;
Calendar 490, 5425 -- House; Calendar 496, House Bill
5497; Calendar 509, House Bill 5126.

Calendar page 14, Calendar 511, House Bill 5527;
Calendar 514, House Bill 5426; Calendar 516, House Bill
5393.

Calendar page 15, Calendar 520, House Bill 5336;
Calendar 521, House Bill 5424; Calendar 523, House Bill
5223; Calendar 525, House Bill 5255.

Calendar page 16, Calendar 531, House Bill 5004.

Calendar page 17, Calendar 533, House Bill 5436;
Calendar 540, House Bill 5494; Calendar 543, House Bill
5399.

Calendar page 18, Calendar 544, House Bill 5434;
Calendar 547, House Bill 5196; Calendar 548, House Bill
5533; Calendar 549, House Bill 5387; Calendar 550, House
Bill 5471; Calendar 551, House Bill 5413; Calendar 552,
House Bill 5163; Calendar 553, House Bill 5159.

Calendar page 19, Calendar 554, House Bill 5164.

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Calendar page 20, Calendar 556, House Bill 5498;
Calendar 557, House Bill 5270; 559, House Bill 5407; 562,
House Bill 5253; and House Bill -- Calendar 563, House
Bill 5340; Calendar 567, House Bill 5371; and Calendar
573, House Bill 5371.

Mr. President, I believe that completes the items

THE CHAIR:

Mr. Clerk, could you please give me on Calendar 567,
do you have 5516, sir?

THE CLERK:

What -- what calendar?

THE CHAIR:

567 on page 22.

THE CLERK:

It's 5516.

THE CHAIR:

Yes, sir. Okay.

Machine's open.

THE CLERK:

An immediate roll call vote has been ordered in the
Senate on the consent calendar. Will all Senators please
return to the chamber. Immediate roll call has been ordered in the Senate on the
consent calendar. Will all Senators please return to the chamber.

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THE CHAIR:

Have all Senators voted? Please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent
Calendar Number 2.

Total number voting	35
Necessary for Adoption	18
Those voting Yea	35
Those voting Nay	0
Those absent and not voting	1

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President.

Mr. President -- Mr. President, before moving to adjourn, I would like to ensure the entire chamber will wish Laura Stefon, Senator McDonald's aide, my former intern, a happy birthday.

And with that -- and with that, Mr. President, I would move the Senate stand adjourn

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business from the House, we have four items:
Governor's veto, was overridden by the House. It's
our intention to take up those items.

The first of those, Mr. President, is substitute
for House Bill Number 5207.

THE CHAIR:

Thank you, sir.

Just as a reminder, the override is a two-part
step to override the Governor's veto. Obviously, the
first motion is to consider the vetoed bill from the
individual, an individual who's on the prevailing side
and then the motion that is brought before the body
for a majority vote. And then assuming that motion to
reconsider passes, then the motion must be made to
repass the bill. We've done one earlier, but I just
thought it would be important to remind everyone.

SENATOR LOONEY:

Yes, Mr. President, thank you.

Mr. President, in accordance with that -- that
instruction, Mr. President, I was on the prevailing
side when the Senate considered Substitute House Bill
5207 and was subsequently vetoed by the Governor.

And having been on the prevailing side, I would
move for the reconsideration of that bill.

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THE CHAIR:

Okay. Mr. Clerk, do you want to call that bill and -- don't get up on the board. There we go. We're up on the board. Okay. We're good.

There's a motion on the floor by Senator Looney to reconsider House Bill 5207. Is there discussion?

Senator Looney.

SENATOR LOONEY:

Yes. Mr. President, I would move, having been on the prevailing side, I would move for reconsideration of that item.

THE CHAIR:

Thank you. Will you remark further on reconsideration of House Bill 5207?

If not, we'll try your minds. All those in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. House Bill 5207 is before us for reconsideration.

Senator Looney.

SENATOR LOONEY:

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Yes, thank you, Mr. President.

Now that the bill is before us for reconsideration and it was a bill of the Labor and Public Employees Committee, I would yield to Senator Prague for purposes of a motion to repass the bill.

THE CHAIR:

Senator Prague, do you accept the yield?

SENATOR PRAGUE:

Yes, Mr. President. Thank you. I do accept the yield. And I make a motion --

THE CHAIR:

Senator, yeah. Okay. I'm sorry. Let's call the bill first, Senator Prague, and then we'll --

THE CLERK:

Calling from Senate Agenda Number 5, which is Public Act 10-142, Substitute for House Bill 5207, AN ACT CONCERNING CRIMINAL BACKGROUND CHECKS FOR PROSPECTIVE STATE EMPLOYEES, as amended by House Amendment Schedule "A." The bill was vetoed by the Governor on June 8, 2010.

THE CHAIR:

Senator Prague.

SENATOR PRAGUE:

Thank you, Mr. President. Mr. President, I move

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to repass this legislation.

THE CHAIR:

Thank you, ma'am.

There's a motion on the floor to repass House
Bill 5207.

Would you like to remark further, ma'am?

SENATOR PRAGUE:

I would, Mr. President. Thank you.

This bill came out of the Labor Committee.
Today, as things stand, people don't even get a chance
for an interview. This bill gives folks a chance to
get an interview for a job. And if they qualify for
the job, they answer all the questions, everything
is -- shows that they truly would make a good state
employee, they're well-qualified, it's at that point
in time when they can ask for a criminal background
check.

As it stands now, people don't even get the
chance to get in for an interview. It's a very good
bill, and I hope this Chamber will see fit to override
the veto. Thank you.

THE CHAIR:

Thank you, ma'am.

Would you remark? Would you remark further on

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repassage of House Bill 5207? Will you remark further?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. An immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted; please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on passage of House Bill 5207.

Total Number Voting 36

Necessary for Adoption 19

Those voting Yea 31

Those voting Nay 5

Those absent and not voting 0

THE CHAIR:

House Bill 5207 passes.

Senator Looney.