



October 7, 2015

President Barack Obama
The White House
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear Mr. President:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 200 national civil rights organizations, we urge the administration to take executive action to ensure that both federal agencies and federal contractors are advancing fair chance hiring initiatives. An Executive Order would provide access to employment opportunities for qualified job-seekers who have a prior arrest or conviction on their record and assist in successful reentry back into society.

Currently, an estimated 70 million adults have arrests or convictions that will show up on routine background checks.ⁱ Although the Equal Employment Opportunity Commission has prohibited employment practices that bar applicants based solely on their criminal records, many employers continue to utilize blanket prohibitions to exclude persons with prior records from employment. Indeed, 9 out of 10 employers now conduct background checks as a prerequisite to employment, resulting in millions of workers finding it increasingly difficult to secure jobs.ⁱⁱ

The Leadership Conference believes these practices often have a discriminatory impact against individuals from low-income communities of color. This is due in part to racial profiling and discriminatory sentencing schemes that persist at all stages of the justice system. Indeed, African-American men with a conviction are 40 percent less likely than whites with a conviction to receive a job callback.ⁱⁱⁱ As such, these policies have the unintended consequence of barring huge numbers of people - a disproportionate number of whom are minorities - from successfully securing well-paying employment opportunities.

In addition to having a discriminatory impact, these background checks and other procedures are often plagued by errors in reporting data, and may result in eliminating job opportunities for many people who pose minimal or no risk. Specifically, records are routinely out of date and often inappropriately include information about sealed or expunged offenses (like juvenile offenses) or arrests that did not result in any conviction.^{iv} As a result, many workers are excluded from pursuing opportunities that require updated and accurate FBI checks, including many well-paying federal agency and federal contractor positions.

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In response to this national problem, many states and employers have begun to embrace fair chance hiring initiatives. More than 100 jurisdictions, including 13 states, the District of Columbia, and 96 cities and counties, have adopted “ban the box” and other fair chance hiring reforms. Large conglomerates, like Bed Bath & Beyond, Home Depot, Target Corporation, and Walmart have also joined the movement by instituting fair hiring policies. At the federal level, the “My Brother’s Keeper” taskforce report has publicly endorsed and embraced these types of reforms as a response to the nation’s economic and societal challenges facing young men of color.^v

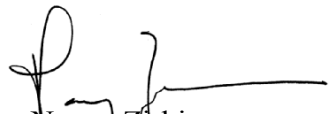
Consequently, we urge you to issue an Executive Order and a Presidential Memorandum to ensure that both federal agencies and federal contractors are doing their part to eliminate unnecessary barriers to employment for people with criminal records, including removing the criminal history question from job applications, postponing background checks until a conditional offer of employment is made, considering only “job related” convictions and countervailing evidence of rehabilitation, and providing written notice of appeal rights for workers to challenge unfavorable determinations. While challenging, these initiatives will promote stronger families and communities by ensuring that applicants are evaluated not solely on their criminal records, but also on the merits of their qualifications.

Thank you for your consideration. If you have any questions, please contact Sakira Cook, Counsel, at 202-263-2894.

Sincerely,



Wade Henderson
President & CEO



Nancy Zirkin
Executive Vice President

ⁱ Maurice Emsellem & Michelle Natividad Rodriguez, *Advancing a Federal Fair Chance Hiring Agenda*, NATIONAL EMPLOYMENT LAW PROJECT, Jan. 2015. Available at <http://www.nelp.org/page/content/Federal-Fair-Chance-Hiring-Agenda/>.

ⁱⁱ *Id.*

ⁱⁱⁱ *Id.*

^{iv} *Id.*

^v *Id.*