

Connecticut Commission on
Women, Children *and* Seniors



**Testimony before the Judiciary Committee of the General Assembly
Submitted by Joan Barere, Senior Policy Analyst for Children and Family
Commission on Women, Children and Seniors
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Re: Raised Bill No. 933, An Act Requiring an Employer to Adhere to Equal Employment Opportunity Commission Guidance Relating to the Use of Arrest, Criminal Charge and Conviction Records When Making Employment Decisions

Raised Bill No. 7216, An Act Concerning Family Impact Statements in the Cases of Defendants with Dependent Children

Senator Doyle, and Senator Kissel, and Representative Tong, and distinguished members of the Judiciary Committee: Thank you for the opportunity to provide testimony on behalf of the Commission on Women, Children and Seniors (CWCS). This written testimony indicates CWCS support for both the bills listed above.

Raised Bill No. 933, An Act Requiring an Employer to Adhere to Equal Employment Opportunity Commission Guidance Relating to the Use of Arrest, Criminal Charge and Conviction Records When Making Employment Decisions

CWCS supports the passage of SB 933, the raised bill which requires that employers in our state be held to the Federal standards of the Equal Employment Opportunity Commission (EEOC) Guidance on the use of arrest and conviction records when making employment decisions.

As you know, the EEOC is charged with enforcing Title VII of the Civil Rights Act, which prohibits all forms of employment discrimination—not just in hiring but in compensation, promotion, benefits, and firing—for reasons of race, gender, color, religion, and national origin.

The EEOC has within the scope of its charge issued written guidance for well over twenty years based upon longstanding case law indicating that an employer's use of an individual's criminal history in making employment decisions may, in some instances, violate Title VII.

That history of written guidance was revised and reissued in 2012.¹ Within that Guidance document, the EEOC notes that “a violation may occur when an employer treats criminal history information differently for different applicants or employees, based on their race or national origin (disparate treatment liability)... An employer's...policy (e.g., excluding

¹ EEOC Enforcement Guidance, April 25, 2012, https://www.eeoc.gov/laws/guidance/arrest_conviction.cfm#

applicants from employment based on certain criminal conduct) may disproportionately impact some individuals protected under Title VII, and may violate the law.”

Further, according to the EEOC, “National data supports a finding that criminal record exclusions have a disparate impact based on race and national origin. The national data provides a basis for the Commission to investigate Title VII disparate impact charges challenging criminal record exclusions.”

Here in Connecticut, there has been a surge of support in recent years for easing the paths of reentering citizens. It is a logical and consistent step to insist that employers be vigilant against any unjust actions which might, deliberately or inadvertently, rob these citizens of their civil rights.

Supporting citizen reentry is a family friendly policy, as currently more than 18,000 children in Connecticut have a parent who is or has been incarcerated. Children need to have their parents with them, and parents need to work to support their children. Any policy that promotes that aim, and protects the integrity of those families, deserves our approval. For that reason, the Commission supports Raised Bill 933.

Raised Bill No. 7216, An Act Concerning Family Impact Statements in the Cases of Defendants with Dependent Children

For similar reasons, CWCS supports Raised Bill 7216. While there is a long-standing practice of the submission of family impact statements in criminal proceedings in our state, there is no requirement that judges take them into consideration in sentencing. The Commission believes that as part of the sentencing process it is the obligation of judges to weigh the protection of society against the harm done to children by the loss, even temporary, of a parent—who might be held accountable in other ways than by incarceration.

Sentences that allow for parents to continue to work and be productive members of society can prevent families from descending into poverty due to a criminal conviction. The majority of families with an incarcerated family member are unable to meet basic needs, so their children are doubly traumatized: by the loss of the parent and by the poverty they endure as a result. These early traumas can negatively affect children’s physical and mental health, and result in a degenerating cycle of poverty. The state cannot afford to sentence our children to that fate if there is any reasonable alternative.

Thank you for the opportunity to offer this testimony.