



Testimony of Christopher Miller, Social Mission Manager, Ben & Jerry's Homemade,
Inc to the
House Committee on General, Housing and Military Affairs

in support of

H.261, An act relating to criminal record inquiries by an employer

February 25, 2016

On behalf of all of us at Ben & Jerry's, I want to thank the Committee for this opportunity to provide written testimony in support H.261, an act relating to criminal record inquiries by an employer. We're pleased to see the Committee considering legislation that would have Vermont join the agencies of the federal government, more than 100 municipalities, and 18 states that have banned the box in either government or private sector hiring.

As you know Ben & Jerry's is the leading super premium ice cream company whose products are distributed in 35 countries in supermarkets, grocery stores, convenience stores, and franchise Ben & Jerry's Scoop Shops. We're proud to call Vermont our home and, as you know, we employ more than 500 people across our two manufacturing facilities and corporate headquarters in South Burlington.

At Ben & Jerry's, we ended the practice of criminal record inquiries as part of the initial application process last year. The truth is, we should've done it sooner. There are two primary reasons that we made this change to our recruitment and hiring policy. First, we did it because it became clear to us that the practice reinforced systemic racial and economic inequities across the economy. Secondly, we realized that requiring disclosure of a criminal record in the first phase of the application is a barrier to our aspiration to build a diverse, inclusive, and high performing culture which is critical to the continuing growth and success of our company.

The United States has the highest rate of incarceration in the world. With just 4% percent of the world's population, we account for 22% of all the world's prisoners at annual cost to taxpayers of more than \$70 billion a year. There are more than 70 million Americans with criminal records and about 9%, or 20 million people, who have been convicted of felonies. By including a criminal record inquiry as part of the initial application process, we disadvantage the 1 in 10 candidates who have a felony conviction, but who would in many cases be qualified candidates.

The push to ban the box is also important because criminal record inquiries as part of initial application process only exacerbates existing racial and economic inequities in our society. We know our criminal justice system does not always treat all Americans equally. As you know, our nation disproportionately incarcerates African Americans, at a rate 5 times higher than that of white Americans. Fully 25% of all adult male African Americans have felony convictions which means that criminal record inquiries have a larger impact on black applicants than white. Studies have shown African American men with a criminal record receive about 60% fewer callbacks and job offers than candidates without a criminal record. So, not only does a criminal record inquiry likely exclude well qualified candidates from the hiring process, it reinforces racial and economic inequities in our society. Support for banning the box is about more than just good hiring practices and staffing, it really is an issue of social justice.

And finally, let me highlight an organization that we've had an almost thirty-year relationship with and that makes this issue personal for us, the Greyston Bakery in Yonkers, NY. The folks at Greyston Bakery do more than just bake the world's best brownies for our flavors like Chocolate Fudge Brownie, they operate their business on the principle of open hiring. The bakery offers employment opportunities regardless of educational attainment, work history, or past social barriers, such as incarceration, homelessness or drug use. Anyone that comes to the front door of the bakery is given the chance to work, no questions asked. Greyston knows that employment is the first step in an individual's path toward success. And the proof, is in the pudding, or in this case the ice cream, our Chocolate Fudge Brownie flavor has been a top ten seller since it was introduced in 1990. And since the introduction of the flavor more than 2,000 people have been employed by the bakery that may not have otherwise have been given a job, and those 2,000 people have put \$15 million back into the struggling economy of southwest Yonkers since the flavor was launched.

We believe that people should be judged by their experience, skills, and qualifications, not past mistakes. We'd encourage you to pass H.261 and join the growing number of cities and states that have banned the box. We believe this common sense legislation is a step towards a more just and equitable society.

I'd like to thank you again for this opportunity to submit testimony in support of H.261. Please don't hesitate to be in touch with any questions that you may have.