

March 30, 2016
Testimony in Support of H.261

To: Senate Committee on Economic Development, Housing, and General Affairs
From: Angela Earle Gray, Director of Human Resources at Chroma Technology Corp. in Bellows Falls

Many different laws exist that prevent discrimination in hiring. They limit potential employers from asking questions about things such as race, religion, age, and disabilities. They do this because those items aren't relevant to whether or not one can do a job. Employers can ask questions to confirm that essential duties can be performed. For example, we can ask if you are available to work on Saturday mornings. We can't, however, ask if you are Jewish and then make an assumption on how that limits your availability on the Sabbath.

At this point, however, it is common practice for employers to include the question, "In the last seven years have you been convicted of a crime other than a traffic violation?" on job applications and then make assumptions based on the answers. Often, applications are put in the "no" pile instantly when this box checked is "yes," despite the fact that the Equal Opportunity Commission has said that excluding all applicants with a criminal record could discriminate against certain racial and ethnic groups. The fact remains that often these applications are screened out without thought going into what the crime was or how long ago it was committed, without first learning the circumstances, without making other inquiries into the qualities the person possesses, without considering what they've done to make amends and change their life, and without considering if there is any relevance in relation to the duties of the job.

It's also often the case that many small or mid-sized companies ask for cover letters and resumes. We, for example, prefer them but offer the option of paper applications for those that don't have a resume or don't have computer access. That means that having a question about criminal background on an application but not asking the same of those that submit resumes disproportionately impacts those who are resource or education poor.

As Director of Human Resources at Chroma Technology, I am aware we have multiple employees who would have to answer "yes" to that question; employees who are dedicated and bring a great deal of value to the company. I also believe this barrier impact the lack of opportunities and inability to escape from stigma has had when that isn't the path taken and there

is recidivism. While I agree that there are times that it is very appropriate to take criminal background into consideration (and those jobs are already exempt from this legislation under state or federal law) it doesn't make sense to me why we would allow this question to be asked of most every person applying for most every job in the state.

H.261 does not prevent employers from asking about convictions but it simply gives applicants opportunity to explain their convictions and to first be considered for the job based on ability to fulfil the duties. I am happy that this bill passed the House and that it is being considered in your committee. I hope to see it move forward.

Sincerely,

Angela Earle-Gray

Director of Human Resources for Chroma Technology in Bellows Falls