

TO: Senator Donne E. Trotter  
Representative Constance A. Howard

FROM: Title VII Working Group

RE: Illinois Legislative Taskforce on Employment of Persons with Past  
Criminal Convictions--Recommendations for Conducting the Taskforce's  
Work

DATE: October 2, 2007

The Title VII Working Group is an informal group of Illinois lawyers and advocates who are trying to lower the employment barriers faced by people with criminal conviction records. (A list of the names and contact information for the Working Group is attached to this memorandum.) Many Working Group members have brought lawsuits under Title VII of the Civil Rights Act and state employment discrimination laws to challenge employment practices that bar hiring or promotion of persons with conviction records or mandate firing of such persons without individualized determinations of the persons suitability for the job. Members also frequently represent individuals in proceedings seeking relief from their convictions thru sealing, expungement, or clemency or through obtaining certificates of relief from disabilities or of good conduct. Our individual and collective experience has convinced us that such remedies are available to only a small minority of people with conviction records. We believe that the time has come for a rational examination of the laws and practices that govern employment of persons with conviction records and for a major overhaul of those laws and practices with the purpose of allowing many more individuals with records to obtain jobs and put their criminal pasts behind them.

Many of us actively supported the resolutions which created this Taskforce (HJR 107 of the 94<sup>th</sup> General Assembly and SJR 6 and HJR 8 of the 95<sup>th</sup> General Assembly). We have looked forward to the convening of the Taskforce and discussed among ourselves ideas for making the Taskforce as effective as possible. We respectfully offer the following outline of suggestions on how we think the Taskforce could structure itself and conduct its business.

I. Background:

A. The charge of the Taskforce is to conduct “a thorough examination of the barriers to employment for people with criminal conviction records and a through study of ways in which such barriers could be lowered or eliminated without exposing employers, individuals, the general public, or property to unreasonable risk.” HJR 107.

B. To fulfill that charge, the Taskforce is to:

1. Conduct public hearings;
2. Examine the barriers faced by persons with past criminal convictions with respect to obtaining employment;

3. Evaluate the recommendations of the Governor's Statewide Community Safety and Reentry Working Group; and
4. Report its findings and recommendations to the Governor and the General Assembly by October 31, 2007 (under HJR 8) or December 31, 2008 (under SJR 6). The report shall include:
  - a. An assessment of those collateral consequences of a criminal conviction which impede employment or persons with past criminal convictions and the experiences of other states in addressing this issue.
  - b. An assessment of the preparation for gainful employment provided to those incarcerated in Illinois correctional facilities, and the experiences of other states in addressing this issue.
  - c. An identification of the barriers which impede those with criminal records from obtaining state employment; and
  - d. Recommendations for legislative changes necessary to facilitate the employment of persons with past criminal convictions which, if implemented, would not expose the employer, an individual, the general public, or property to unreasonable risk.

II. Working Group Suggestions:

A. Letters to state agencies

Consideration should be given to sending letters to the following: the Director of the Illinois Department of Corrections, Director of the Illinois Department of Employment Security, Director of the Illinois Department of Children and Family Services, Secretary of the Illinois Department of Human Services, Secretary of the Illinois Department of Financial and Professional Regulation, Director of the Illinois Department of Commerce and Economic Opportunity, Chairman of the Illinois Human Rights Commission.

Each letter could simply provide notification of the passage of the resolutions and request information as to the person designated to represent the agency. As the Illinois Department of Employment Security is responsible for providing primary support, the letter to that agency could inquire as to the number of persons who will be assigned to the Task Force and the number of hours per week that they will be available to assist the Task Force.

B. Creation of subcommittees

Consideration should be given to the creation of subcommittees. We suggest the following:

1. Preparation of incarcerated individuals to enter the work force upon release,
2. Post discharge support services,
3. Barriers preventing entry into the private employment market, and
4. Barriers preventing entry into government employment.

C. Research support from public interest groups and business organizations  
Consideration should be given to the solicitation of support from public interest groups and business organizations. The support would be in the form of acceptance of research assignments made by the Task Force. What has been the experience of other states? What has social science research shown? Have there been successful programs? Can they be duplicated?

Organizations representing employers should be given the opportunity to submit data to support the concerns they routinely raise in the legislature. Public interest groups should be required to provide evidence that their proposed reforms would make a positive difference and not place businesses and the public at risk.

Many organizations that worked on the Governor's Task Force would probably be interested in providing this assistance.

D. The Title VII Working Group suggests that the Taskforce conduct its work in public hearings and in public meetings.

1. Regarding the public hearings, we suggest that:
  - It use public hearings to gather information from the public in general and from persons with particular knowledge or expertise on relevant matters by invitation from the Taskforce.
  - It hold public hearings at number of locations around the state, so that all interested members of the public who wish to present testimony are able to do so without traveling extremely long distances.
  - It allow people to present either orally or in writing, or both, and that it set a generous time limit for presentation of oral testimony.
  - It question witnesses at the hearing and by follow up written inquiry as helpful to its gaining clear and correct information.
  - It set a policy for itself whether all members of the Taskforce attend all public hearings or some designated subgroup of the Taskforce attend each public hearing.
  - All testimony at the public hearings be recorded and transcribed.
  - Information about the Public Hearings be available on the General Assembly website.
2. Regarding the public meetings, we suggest that:
  - It use public meetings to discuss information presented at the public hearings, to plan future hearings, and hear from invited individuals or panels of individuals on specific topics of interest to the Taskforce.
  - It use public meetings to discuss and adopt recommendations to the General Assembly and the Governor.

- E. The Title VII Working Group suggests that the Taskforce structure its hearing and meetings to gather information from the public and from experts on the following topics:
- Experiences of people with criminal records in hiring, promotion, and firing, including changes in law or policy regarding criminal convictions.
  - The Illinois landscape—Developments/changes in criminal law, sentencing, enforcement policies, and corrections over the past 30 to 40 years, including data on offenses, sentences, and race and gender of offenders, and costs to state and local governments.
    - Current avenues for relief from convictions—Clemency, pardons, expungement, sealing, Certificates of Relief from Disabilities, Certificates of Good Conduct, Diversion Programs.
      - Barriers created by law or regulation.
      - Barriers created by employer policies.
      - Barriers created by insurance underwriting policies.
      - Barriers created by advice of legal counsel.
      - Barriers created by outsourcing or subcontracting.
    - Criminal Records—accuracy and availability issues, including Press access, for profit search firms, the Internet.
      - Drug Conviction Issues
      - Sex Offender Issues
      - Recidivism—data, what it means, what prevents re-offending, predicting dangerousness.
    - Title VII of the Civil Rights Act and disparate impact.
    - Public employment.
    - Briefing by DOC on its programs to prepare people for gainful employment.
    - Briefing by representative of Governor’s Statewide Community Safety and Reentry Working Group.

Thank your for your attention. Please contact Margaret Stapleton at the Shriver Center on Poverty Law, 312.368.3327 or [mstapleton@povertylaw.org](mailto:mstapleton@povertylaw.org) for further assistance from the Working Group. We wish to cooperate as much as possible with the Taskforce and be of whatever assistance we can to it in its conduct of its important work.

Title VII Working Group  
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