

AB 218 (Dickinson)

Fairness in Government Hiring Practices

SUMMARY

This bill would provide that state and local agencies may not inquire into an applicant's conviction history or include such an inquiry in the application for employment, until the agency has determined the applicant meets the minimum employment qualifications.

PROBLEM

An estimated one in four adult Californians has an arrest or conviction record on file with the state, creating major, unnecessary employment barriers. The Department of Justice generates over 1.7 million criminal background checks every year for employment and licensing purposes.

Because criminal background checks disproportionately deny employment to large numbers of people of color, the U.S. Equal Employment Opportunity Commission (EEOC) requires employers to establish a strong nexus between an individual's criminal history and the specific responsibilities of the job.

"Realignment" (AB 109) of California's criminal justice system seeks to produce budgetary savings by reducing recidivism and promoting rehabilitation. Employment of eligible people with a conviction history is key to the success of realignment at the local level, as studies have shown that stable employment significantly lowers recidivism and promotes public safety.

Otherwise qualified individuals are often discouraged from applying for work in the public and private sectors because of a conviction history inquiry on the application.

THIS BILL

AB 218 will remove any inquiry into a conviction history on an employment application and delay any background check until the employer has determined that the applicant meets the minimum employment qualifications.

Consistent with "realignment" of the state's criminal justice system, AB 218 strives to reduce unnecessary barriers to employment for the nearly seven million adult Californians with a conviction history struggling to find work. Not only will this increase public safety, but also help fuel a strong economic recovery.

AB 218 will also make government hiring practices more consistent with the EEOC's guidelines on hiring people with arrest and conviction records. The provisions of the bill do not apply to positions for which the agency is required by law to conduct a criminal background check, such as positions in law enforcement, positions working with children, the elderly or disabled, and other sensitive positions. Also, the provisions would not apply to any position within a criminal justice agency.

Nine states and 50 U.S. cities and counties responded to this growing societal challenge by removing the conviction history inquiry from initial job applications in public employment. Under Governor Schwarzenegger, the State Personnel Board removed the question from job applications for state positions in 2010 and added a criminal history supplemental questionnaire for exempted positions.

With this bill, California state and local government will take an important step toward becoming model employers, leading the way for the private sector to allow people with a conviction history to compete fairly for employment without compromising safety and security on the job.

SUPPORT

National Employment Law Project (co-sponsor)
Legal Services for Prisoners With Children (co-sponsor)
PICO California (co-sponsor)
All of Us or None (co-sponsor)
National Council of La Raza
PolicyLink
California Labor Federation
Amalgamated Transit Union, California
AFSCME
California Conference of Machinists

California Teamsters Public Affairs Council
Engineers and Scientists of California
Professional and Technical Engineers, Local 21
SEIU Local 1000
UNITE HERE
United Food and Commercial Workers Union,
Western States
Utility Workers Union of America, Local 132
Alameda County
City of Berkeley
City of Carson Mayor Jim Dear
City of Richmond
City of Richmond Councilmember Jovanka
Beckles
City of Richmond Mayor Gayle McLaughlin
Richmond Chief of Police Chris Magnus
San Francisco Board of Supervisors
San Francisco District Attorney George Gascón
San Francisco Public Defender Jeff Adachi
San Francisco Chief Adult Probation Officer
Wendy Still
A New Way of Life Reentry Project
ACLU of California
All of Us or None, Los Angeles/Long Beach
Asian and Pacific Islanders California Action
Network (APIs CAN)
Bayview Baptist Church
California Attorneys for Criminal Justice
California Coalition for Women Prisoners
California Communities United Institute
California Drug Counseling, Inc.
California Employment Lawyers Association
California Partnership
California Prison Focus
California Public Defenders Association
Californians for Safety and Justice
Californians United for a Responsible Budget
(CURB)
Chrysalis
Contra Costa Interfaith Supporting Community
Organization
The Coalition on Homelessness
Center on Juvenile and Criminal Justice
Crossroad Bible Institute
The Drug Policy Alliance
The East Bay Alliance for a Sustainable Economy
East Bay Community Law Center
Equal Justice Society
Equal Rights Advocates
The Friends Committee on Legislation of
California
Greenlining Institute
Homies Unidos
Justice First, LLP
Justice Not Jails Coalition
Justice Now

Lawyers' Committee for Civil Rights of the San
Francisco Bay Area
Legal Aid Society-Employment Law Center
Los Angeles Alliance for a New Economy
(LAANE)
The Los Angeles Regional Reentry Partnership
(LARRP)
Mexican American Legal Defense and
Educational Fund (MALDEF)
Much More Bounce Inc./Ministries
National Association of Social Workers –
Women's Council of the California Chapter
The National H.I.R.E. Network
NMT/The Ripple Effects
Oakland Rising
Pacific Institute
Public Counsel
Saffron Strand, Inc.
Sanmina Corporation
The Sentencing Project
Shields for Families
Starting Over Inc.
The Training Center
Western Center on Law & Poverty
The Youth Justice Coalition
Youth Policy Institute

FOR MORE INFORMATION

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