

Chair Holvey and Members of the Committee, My name is Midge Purcell and I'm the Director of Advocacy and Public Policy for the Urban League of Portland.

My job this morning is to explain the purpose behind the provisions in the Bill and why we believe that it will reduce barriers to employment for people who are trying to reenter the workforce, earn a living and make a positive contribution to their families and communities.

HB 3025 merely rearranges the way that employers interview potential employees. Instead of asking questions about previous arrests or conviction in the beginning of the process, it is delayed until later in the hiring process. Asking questions about criminal history at the beginning of the hiring process reduces the pool of qualified applicants and often screens out candidates who may be best qualified for the job . HB 3025 allows applicants to present themselves and their qualifications as a whole package, without being discriminated against from the outset.

- This bill in no way prevents employers from asking for a criminal background check.
- This bill will not override any law that bars employment in certain occupations nor for individuals convicted of specific crimes.
- HB 3025 provides more clarity for both the employer and the applicant. For jobs that require a background check by law, the application form and position announcement must disclose that a background check is required.

For a job that doesn't legally require a background check but the employer has made a "good faith" determination that the background check is necessary, the job application and position announcement will disclose that job-related convictions will be considered. Both the employer and the employee will know the process and requirements before any application is received.

- The law spells out the criteria for a good faith determination of "job-related" by the employer; such as is the conviction related to the job duties and responsibilities and whether the job offers the ability to reoffend.

-Applicants get to apply and present themselves as desirable employees. After employer has narrowed the applicants, and issued conditional offers, they can now run a background check or verbally inquire on the applicant's history.

- If the applicant's background check causes adverse action,(if the offers is withdrawn) the employer shall issue a letter to the applicant citing which elements of the background check were the cause of such action, including a copy of the background check. The copy of the background check allows for the applicant to state whether or not the charge is correct. As companies have started selling this information, too often the crimes listed are not what the

applicant has been arrested for or convicted of. (the current draft says the employer must provide steps of mitigation, amendment takes this out)

- The applicant has four days to respond. In some cases they may be challenging the accuracy of the information or providing evidence of rehabilitation. During this time, the employer must keep the position open to make a final decision until the applicant has had an opportunity to respond.

- After receiving all the information, the employer must inform all applicants not being offered the position, of the final decision (the current draft says they have to list other positions that the applicant may be eligible for, amendment takes this out)

- The Applicant can appeal employment decision to BOLI under ORS 659A.820