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May 19, 2015

Senate Committee on Workforce

Chair Michael Dembrow
Senator Sara Gelser
Senator Tim Knopp
Senate Majority Leader Diane Rosenbaum
Senator Kim Thatcher

RE: HB 3025

Dear Chair Dembrow, Majority Leader Rosenbaum, Committee Members:

Dave's Killer Bread believes that everyone is capable of greatness. We are America's No. 1 organic bread company with full retail availability in all 50 states and Canada in 2015. Our company employs more than 300 incredible employee partners and 1 in 3 of us has a criminal background. We believe in the power of second chances to create positive lasting change, and we want other employers to believe in it too.

Almost 32,000 Oregonians are currently under post-prison community supervision and thousands more have a criminal background of some kind. At Dave's Killer Bread we firmly believe that for this population, the opportunity to work and to earn a living wage is one of the most important tools available to help them stay out of jail or prison, and to live in our communities safely and successfully.

We were pleased to see that the amended language of HB 3025 includes the option for employers to inquire about a criminal background during an interview, because we believe that a candid and thoughtful conversation about this topic is the cornerstone to successfully employing individuals with a criminal background. At Dave's Killer Bread, these conversations are a key component of our interview process, and we believe they allow us to vet and hire the right candidate for each position. To restrict an employer's right to engage a candidate in this invaluable dialog is tantamount to failure for the true intent of HB 3025.

We are concerned that the right for an allegedly aggrieved applicant to file a civil action remains in the bill. The level of enforcement that Section 2 (1) provides could be interpreted as government's overreaching into an organization's hiring practices. Surely employment liability, regulatory compliance, and negligence are all pressing concerns for anyone in a hiring role, but this additional threat of needless litigation will serve to further constrict businesses' daily operations and further compound the perception of fear surrounding hiring individuals with a criminal background.

Dave's Killer Bread strongly supports the intent and goals of HB 3025, because we believe that the mere presence of a criminal background should not automatically disqualify someone from employment. Our goal is for Oregon businesses to consider the potential benefits of hiring, supporting, and promoting people who need second chances. Hiring people with criminal

backgrounds requires careful and intentional planning, as it does for any candidate, and the outcome may not be successful every time. However, Dave's Killer Bread's approach to this process works. Our story is deeply rooted in the power of second chances and we have watched our employee-partners with criminal backgrounds defy the odds again and again, thanks to the stability and dignity that they find through their work at our Breadquarters.

This type of legislation requires a corresponding education campaign to guide employers through the potential needed modifications to their interviewing and background check policies. Sharing best practices with employers already engaged in this work helps ensure businesses successfully navigate the nuances of hiring someone with a background and serves to prevent employers from developing a workaround to eliminate a pool of extremely talented and viable job applicants. We see a tremendous opportunity to partner with state and local agencies to provide this technical assistance and education, and would welcome the opportunity to collaborate on such an effort if a workgroup or committee is formed.

We hope that the authors and supporters of HB 3025 have engaged business interests around the state, in order to gain insight how the bill will affect their recruiting and hiring practices. The testimony submitted to the Committee on Business and Labor includes a very small number of business interests represented, and we want to ensure that these perspectives are heard and given adequate consideration.

In summary, we support the intent of this bill, because we believe wholeheartedly in the power of second chance employment. But we also understand the risk of unintended consequences. We maintain that outreach, education, and collaboration are key to improving employment opportunities for people with backgrounds.

Respectfully submitted,



John Tucker

CEO, Dave's Killer Bread

cc: Senate President Peter Courtney
House Speaker Tina Kotek
Senator Chip Shields
Representative Andy Olson