

STAFF MEASURE SUMMARY

CARRIER: Sen. Dembrow

Senate Committee On Workforce

**Fiscal:** Fiscal impact issued

**Revenue:** No Revenue Impact

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**Action Date:** 06/03/15

**Action:** Do Pass With Amendments To The A-Eng Bill. (Printed B-Eng.)

**Meeting Dates:** 05/20, 06/03

**Vote:**

Yeas: 3 - Dembrow, Gelser, Rosenbaum

Nays: 2 - Knopp, Thatcher

**Prepared By:** Matthew Germer, Committee Administrator

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**WHAT THE MEASURE DOES:**

Establishes unlawful employment practice for employer to exclude an applicant from initial interview solely because of a past criminal conviction if employer requires disclosure of convictions on employment application or prior to initial interview or, when not interview is conducted, prior to conditional offer of employment. Creates exceptions for employers subject to federal, state or local law requiring consideration of applicant's criminal history; law enforcement agencies; employers in criminal justice system; and employers seeking nonemployee volunteers. Grants enforcement authority to the Bureau of Labor and Industries.

**ISSUES DISCUSSED:**

- Purpose of criminal punishments
- Attempts to reduce recidivism
- Effectiveness of "ban the box" legislation in other states
- Difficulty convicted felons face in finding employment
- Transition process for convicted felons returning to civil society
- Prohibitions against employing convicted felons for certain industries, such as law enforcement
- Private right of action compared to administrative remedies
- Certificates of rehabilitation
- Negligent hiring liability

**EFFECT OF COMMITTEE AMENDMENT:**

Replaces the measure.

**BACKGROUND:**

After release, ex-offenders are expected to reintegrate into society by obtaining suitable housing, complying with court-ordered payment of debts such as restitution and/or child support in arrears, and supporting themselves, all of which being predicated on their ability to secure gainful employment. Studies have also found that employment can reduce recidivism. According to the National Conference of State Legislatures (NCSL), at least 27 states limit or prohibit the use of criminal records for public or private employment and/or licensing eligibility. NCSL also reports that 13 states, plus the District of Columbia, have enacted "Ban the Box" legislation restricting or prohibiting employers from using applicant's criminal history in employment consideration, with few exceptions. Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination on the basis of race, color, religion, sex and national origin, does not prohibit discrimination on the basis of criminal history.

House Bill 3025-B establishes an unlawful employment practice for an employer to exclude an applicant from an initial interview based only on the applicant's past criminal conviction. The measure grants enforcement authority to the Bureau of Labor and Industries under ORS chapter 659A-820 to 659A.865. The measure does not provide a private right of action.