

# EMPLOYEE BACKGROUND FAIRNESS ACT

## SB3194

SEN. AQUINO

### PROBLEM

Employers are denying people jobs because of a criminal record - even when it has nothing to do with fitness for the job. An applicant with a record is 50%-63% less likely to get a call back or job offer than an identical applicant without a record.

There are no meaningful standards for the use of criminal records when hiring, resulting in hiring processes that are inconsistent, based on assumption, bias, and unrelated to whether an applicant could safely and proficiently fulfill the job. This hiring "penalty" is twice the size for black applicants as for whites.

THE  
NATIONAL  
EMPLOYMENT LAW  
PROJECT ESTIMATES  
THAT 45% OF ADULTS  
IN ILLINOIS HAVE  
SOME TYPE OF  
CRIMINAL  
RECORD.

### SOLUTION

**THE EMPLOYEE BACKGROUND FAIRNESS ACT** creates reasonable standards and practices for the use of criminal records in hiring by limiting when an employer can deny someone because of his or her record.

- ▶ States what is impermissible for employers to consider, including:
  - > Arrests
  - > Expunged and sealed records
  - > Juvenile records
- ▶ Establishes standards for what employers must do with the background check to increase transparency and fairness.
- ▶ Provides applicants with the right to an individualized review of their background, which includes giving evidence of mitigating circumstances and rehabilitation.



## FOR MORE INFORMATION

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This legislation is supported by the  
**RESTORING RIGHTS AND OPPORTUNITIES COALITION OF ILLINOIS (RROCI)**,  
a coalition of directly impacted community leaders, organizers, and policy advocates from:



**Other Supporting Organizations:** ACLU of Illinois • Brighton Park Neighborhood Council  
Chicago Alliance Against Sexual Exploitation Chicago Area Fair Housing Alliance  
Chicago Community Bond Fund • Chicago Metropolitan Battered Women's Network • Chicago Urban League  
Coalition to Reduce Recidivism Growing Home, Inc. • Illinois Justice Project • Jane Adams Resource Corp  
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