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Research Resources: Employment

What are the laws governing employment around individuals with criminal convictions?

States:

- Nevada
- California
- New York
- Florida
- Georgia
- Texas
- Louisiana

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Question #1: WHICH CAREERS WILL ALLOW FORMERLY INCARCERATED INDIVIDUALS TO CARRY A LICENSE.

\*\*As of March 2019, Senator Cory Booker introduced criminal justice legislation titled, The Next Step Act. One part of this act would remove barriers for people with criminal convictions to receive an occupational license for jobs, such as hair dressers and taxi drivers.

<https://www.booker.senate.gov/news/press/booker-watson-coleman-introduce-far-reaching-criminal-justice-legislation-the-next-step-act>

<p><a href="https://niccc.nationalreentryresourcecenter.org/consequences">https://niccc.nationalreentryresourcecenter.org/consequences</a></p>	<p>This resource is a collateral consequences inventory. You can select "General business &amp; occupational license restriction" under "keywords" to search the licensing restrictions throughout the U.S. It lists the state code/law associated with the restrictions and lists keywords within the law. For example, for Virginia, there are three codes that deny, revoke, and suspend occupational and business licenses for specific occupations.</p>
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	<p>This is a state/jurisdiction based resource since laws vary by state for which careers allow formerly incarcerated individuals to carry a license for occupational or business purposes.</p>
<p><a href="https://www.nelp.org/publication/the-consideration-of-criminal-records-in-occupational-licensing/">https://www.nelp.org/publication/the-consideration-of-criminal-records-in-occupational-licensing/</a></p> <p><a href="https://s27147.pcdn.co/wp-content/uploads/TheConsiderationofCriminalRecordsinOccupationalLicensing.pdf">https://s27147.pcdn.co/wp-content/uploads/TheConsiderationofCriminalRecordsinOccupationalLicensing.pdf</a></p>	<p>The Consideration of Criminal Records in Occupational Licensing:</p> <ul style="list-style-type: none"> <li>• Features of existing laws restricting occupational licensing: <ul style="list-style-type: none"> <li>• “Prohibiting the denial of a license based solely on an applicant’s criminal record unless there is a conviction that directly relates to occupation.”</li> <li>• “Prohibiting the consideration of certain criminal record information”</li> <li>• “Requiring a licensing board to consider factors such as whether the offense is relevant to the occupation, the amount of time that has passed since the offense was committed, and evidence of rehabilitation”</li> <li>• “Requiring a licensing agency to supply an applicant with explanation of denial and allow for an appeal process”</li> </ul> </li> </ul>
<p><a href="https://www.nelp.org/publication/unlicensed-untapped-removing-barriers-state-occupational-licenses/">https://www.nelp.org/publication/unlicensed-untapped-removing-barriers-state-occupational-licenses/</a> (^This link is a summary of the link below.)</p> <p><a href="https://s27147.pcdn.co/wp-content/uploads/Unlicensed-Untapped-Removing-Barriers-State-Occupational-Licenses.pdf">https://s27147.pcdn.co/wp-content/uploads/Unlicensed-Untapped-Removing-Barriers-State-Occupational-Licenses.pdf</a></p>	<p>Unlicensed &amp; Untapped: Removing Barriers to State Occupational Licenses for People with Records</p> <ul style="list-style-type: none"> <li>• Occupations <i>requiring</i> a state license: nursing, teaching; many occupations in sales, management, and construction</li> </ul> <p>This second link is from the National Employment Law Project in which there are recommendations for fairer state licensing laws, a model state policy, state report</p>

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	<p>cards for licensing laws, and information about occupation licensing. I thought this could be a helpful resource for future work to reform state laws in conjunction with your organization.</p>
<p><a href="https://ij.org/activism/legislation/state-occupational-licensing-reforms-for-people-with-criminal-records/">https://ij.org/activism/legislation/state-occupational-licensing-reforms-for-people-with-criminal-records/</a></p> <p>Louisiana</p> <p><a href="http://www.legis.la.gov/legis/ViewDocument.aspx?d=1051833">http://www.legis.la.gov/legis/ViewDocument.aspx?d=1051833</a></p>	<p>This resource provides links to state laws for occupational licensing that have been reformed in the past 5 years.</p> <ul style="list-style-type: none"> <li>• “Since 2015, 33 states have reformed their occupational licensing laws to make it easier for ex-offenders [formerly incarcerated] to find work in state-licensing fields.”</li> <li>• California             <ul style="list-style-type: none"> <li>• Ban boards from considering arrests that did not result in conviction</li> <li>• Instituted new reporting requirements from boards</li> <li>• Prevent licensing boards from using vague standards like “good moral character” or “moral turpitude” to deny licenses for ex-offenders [formerly incarcerated]</li> </ul> </li> <li>• New York             <ul style="list-style-type: none"> <li>• Prevent licensing boards from using vague standards like “good moral character” or “moral turpitude” to deny licenses for ex-offenders [formerly incarcerated]</li> <li>• Ban boards from considering arrests that did not result in a conviction</li> </ul> </li> <li>• Florida</li> </ul>

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	<ul style="list-style-type: none"><li>• Instituted new reporting requirements</li><li>• Block licensing boards from denying ex-offenders [formerly incarcerated] a license to work, unless the board determines that the applicant's criminal record is 'directly related' to the license sought</li><li>• Georgia<ul style="list-style-type: none"><li>• Block licensing boards from denying ex-offenders [formerly incarcerated] a license to work, unless the board determines that the applicant's criminal record is 'directly related' to the license sought</li></ul></li><li>• Texas<ul style="list-style-type: none"><li>• Ban boards from considering arrests that did not result in a conviction</li></ul></li><li>• Louisiana<ul style="list-style-type: none"><li>• An ex-offender [formerly incarcerated] may apply to any entity issuing licenses to engage in 10 certain fields of work pursuant to state law for a license to engage in the 11 particular field of work for which the entity issues licenses.</li><li>• Exemptions; prohibitions; records: A licensing entity shall not be required to issue a provisional license to any person convicted of any of the following: (1) Any grade of homicide enumerated in R.S. 14:29. (2) A "crime of violence" as enumerated in R.S. 14:2(B); (3) A "sex offense" as defined by R.S. 15:541.</li><li>• A licensing entity shall not be required to issue a license to any person convicted of</li></ul></li></ul>
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	<p>an offense involving fraud if the licensed field of work is one in which the licensee owes a fiduciary duty to a client.</p> <ul style="list-style-type: none"> <li>• A licensing entity shall not be required to issue a license to an applicant whose conviction directly relates to the position of employment sought, or to the specific field for which the license is required, or profession for which the license is sought.</li> <li>• A license holder who supervises children or individuals who lack mental capacity shall not do so without another licensee in the room at all times.</li> </ul>
<p><a href="https://ccresourcecenter.org/2018/11/02/california-enacts-modest-occupational-licensing-reform/">https://ccresourcecenter.org/2018/11/02/california-enacts-modest-occupational-licensing-reform/</a></p>	<p>California’s Occupational Licensing Reform: (Took effect in 2020)--AB 2138</p> <ul style="list-style-type: none"> <li>• Prohibit licensing boards from denying a license based on certain acts not resulting in conviction, or certain less serious convictions after seven years</li> <li>• Requires boards to consider rehabilitation evidence for any conviction (not just misdemeanors), to establish more detailed criteria for evaluating convictions, and to issue annual reports</li> </ul>
<p><a href="https://www.ncsl.org/research/labor-and-employment/occupational-licensing636476435.aspx#:~:text=Occupational%20licensing%20is%20a%20regulatory,drastically%20from%20state%20to%20state.">https://www.ncsl.org/research/labor-and-employment/occupational-licensing636476435.aspx#:~:text=Occupational%20licensing%20is%20a%20regulatory,drastically%20from%20state%20to%20state.</a></p>	<p>Occupational Licensing Legislation Database:</p> <p>**This link features a database that includes the legislation on occupational licensure laws and laws impacting individuals with criminal records. You can filter this to specific states to find their occupational licensing laws, filter it to specific occupations/topics, and filter it by year.</p>

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<p><a href="https://www.ncsl.org/research/labor-and-employment/barriers-to-work-individuals-with-criminal-records.aspx">https://www.ncsl.org/research/labor-and-employment/barriers-to-work-individuals-with-criminal-records.aspx</a></p>	<p>**This is a general resource about occupational licensing, and it discusses the costs associated with licensing, different barriers to licensing for formerly incarcerated people, and potential approaches for states to eliminate these barriers.</p> <ul style="list-style-type: none"> <li>• “At least nine states—<b>Arkansas</b> (Ark. Code § 17-1-103 (2017)), <b>California</b> (Cal. Bus. &amp; Prof. Code § 480 (c) (2017)), <b>Connecticut</b> (Conn. Gen. Stat. sec. § 46a-80 (2018)), <b>Illinois</b> (Ill. Pub. Act 100-286 (eff. 1/1/18)), <b>Indiana</b> (Ind. Code §§ 25-1-1.1-6; 36-1-26 (effective 11/1/18) (see Ind. Pub. Law No. 182-2018)), <b>Michigan</b> (Mich. Comp. Laws § 338.43 (2018)), <b>New Mexico</b> (N.M. Stat. § 28-2-3 (2018)), <b>New York</b> (N.Y. Exec. Law § 296 (16) (2017)) and <b>Pennsylvania</b> (18 Pa. Cons. Stat. § 9124 (2017))—prevent occupational licensing agencies from considering arrests that did not lead to convictions. In states, like New Hampshire, a licensing agency cannot deny a license on the basis of a prior conviction, unless the agency has considered the nature of the crime and whether there is a direct relationship to the occupation, and may consider factors such as the time since the conviction and rehabilitation efforts (N.H. Stat. § 332G:10 (2018)).”</li> </ul>
<p><a href="https://www.washingtonpost.com/graphics/2019/business/jobs-after-prison-rhode-island-recently-occupational-licensing/">https://www.washingtonpost.com/graphics/2019/business/jobs-after-prison-rhode-island-recently-occupational-licensing/</a></p>	<p>**I used this article to find other resources featured in this section. There is a graphic in the article showing the state of occupational licensing in each state in the country.</p>

Question #3: Laws around background checks (at federal and state level)

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<p><a href="https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions">https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions</a></p>	<ul style="list-style-type: none"> <li>• An employer's use of an individual's criminal history in making employment decisions may, in some instances, violate the prohibition against employment discrimination under Title VII of the Civil Rights Act of 1964, as amended.</li> </ul>
<p><a href="https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf">https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf</a></p>	<ul style="list-style-type: none"> <li>• (42) Black and Latino men disproportionately affected by criminal background checks</li> <li>• (43) recommend that employers assess applicants rather than implement blanket policies disqualifying applicants due to criminal records--2012 Guidance from the EEOC</li> </ul>
<p><a href="https://www.eeoc.gov/laws/guidance/what-you-should-know-eeoc-and-arrest-and-conviction-records">https://www.eeoc.gov/laws/guidance/what-you-should-know-eeoc-and-arrest-and-conviction-records</a></p>	<ul style="list-style-type: none"> <li>• EEOC does not prohibit employers from obtaining or using arrest or conviction records. (EEOC ensures info not used in discriminatory way)</li> <li>• Employers can use info in discriminatory ways by: 1. Title VII of Civil Rights ACT of 1964, prohibits employers from treating job applicants/employees with the same criminal records differently because of their race, national origin, or other protected characteristic.</li> </ul> <p>2. Prohibits disparate impact discrimination--criminal record exclusions operate to disproportionately exclude</p>

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	<p>people of a particular race or national origin, employer has to show the exclusions are “job related and consistent with business necessity” under Title VII to avoid liability</p> <ul style="list-style-type: none"> <li>• Employers prove “job related and consistent with business necessity”-- 1. Consider the nature of the crime, the time elapsed since the criminal conduct occurred, and the nature of the specific job in question; 2. Give an applicant who is excluded by the screen the opportunity to show why they should not be excluded</li> <li>• in 2008, the EEOC's E-RACE (Eradicating Racism and Colorism from Employment) Initiative identified criminal record exclusions as one of the employment barriers that are linked to race and color discrimination in the workplace.</li> </ul>
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Question #4: MOST PROMINENT CAREER CHOICES FOR FIP & WHY DO THOSE SEEM TO BE THE BEST FIT.

<p><a href="https://nationalreentryresourcecenter.org/reentry-services-directory">https://nationalreentryresourcecenter.org/reentry-services-directory</a></p>	<p>**This link provides a state map with reentry services available in each state including job centers and local centers that provide employment resources.</p>
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<p><a href="http://www.ficgn.org/job-leads">http://www.ficgn.org/job-leads</a></p> <p>Formerly Incarcerated College Graduates Network</p>	<p>This website provides information and links to job leads that will employ formerly incarcerated college graduates. The information for many of the presented positions includes the hourly pay, weekly hours, or salary. You can also look at specific states on the website.</p>
<p><a href="https://nationalreentryresourcecenter.org/wp-content/uploads/2017/07/6.29.17_Sector-Based-Approach.pdf">https://nationalreentryresourcecenter.org/wp-content/uploads/2017/07/6.29.17_Sector-Based-Approach.pdf</a></p>	<ul style="list-style-type: none"> <li>• Use of sector-based partnerships to engage employers</li> <li>• Sector-based partnership: industry-specific, regional partnership that addresses employers' human resource needs and workers' needs for good jobs, as well as pathways to them</li> <li>• Results of <b>sector-based partnerships</b> for formerly incarcerated people:             <ul style="list-style-type: none"> <li>• Programmatic results and systemic changes attained</li> <li>• Workforce development, economic development, education, human services, etc. connected and aligned</li> <li>• Public resources targets effectively</li> </ul> </li> <li>• Participants experience increased earnings by participating in sector-based partnerships</li> <li>• Provide great return on investment for employers</li> </ul> <p>Characteristics of Sector-Based Partnerships</p>

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	<ul style="list-style-type: none"><li>• Intensive focus on an industry w/i a regional labor market, and mult. Employers in the industry, over a sustained period of time</li><li>• Leadership by a workforce intermediary w/ credibility in the industry</li><li>• Creates new pathways into the industry for low-age workers, and pathways up to good jobs and careers</li><li>• Achievement of systemic changes that are “in-ins” for employers, workers, and the community</li></ul> <p>*The Workforce Innovation and Opportunity Act (WIOA) requires support for sector-based partnerships</p> <p>*Example of sector-based partnerships that include people with criminal records:</p> <ul style="list-style-type: none"><li>• Jail Collaborative (Allegheny County)<ul style="list-style-type: none"><li>• Goal: to reduce recidivism</li><li>• Reentry program: eligible participants participate in services offered by a variety of providers<ul style="list-style-type: none"><li>▪ Education, employment training and pre-apprenticeship, creative writing, family relations and family reunification, drug and alcohol</li></ul></li></ul></li></ul>
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	<p>treatment, batterers intervention (BIP)</p> <ul style="list-style-type: none"><li>▪ Focus on employment and training--ex. Machining program, culinary arts training, masonry training progra, life skills and technical training</li><li>▪ Community support specialists and reentry probation officers up to six months after release offer services (housing location assistance, rent &amp; food assistance)</li></ul> <p><b>**Highlights:</b></p> <p>The Towards Employment program “placed more than 2,500 people with criminal records in full-time employment with strong job retention and less than 5% recidivism of our graduates.”</p> <p>“In 2016, using a sector-based approach, TE placed 320 reentry individuals into full time employment; 107 participated in skills training (Construction, Manufacturing, Culinary); avg. starting wage of \$10.04 and advancement wage of \$12.60/hour.”</p>
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Question #5: THERE ARE SEVERAL CASES THAT CITE THE EEOC TITLE VII DISCRIMINATION ACT AND HAVE BEEN WON ON BEHALF OF FORMERLY INCARCERATED PEOPLE. PLEASE FIND THESE CASES AND CITE THE INFORMATION THAT ASSISTED THEM AS WELL AS THE RULING.

<https://www.eeoc.gov/initiatives/e-race/significant-eeoc-racecolor-casescovering-private-and-federal-sectors> (These cases do not specifically cite the Title VII Discrimination Act as far as I can tell with the information provided, but they do involve the EEOC and discrimination based upon protected classes and criminal history.)

<p>EEOC v. Dolgencorp LLC d/b/a Dollar General, Civil Action No. 13 C 4307 (N.D. Ill. Nov. 18, 2019).</p>	<p>In November 2019, a federal judge approved the settlement of the 2013 EEOC lawsuit challenging the way a discount retailer conducted criminal background checks of job applicants because the process allegedly discriminated against Black workers with criminal histories. In addition to paying \$6 million, the company agreed to hire a criminologist to develop a new background check process that accounts for job applicants' actual risk of recidivism.</p>
<p><b><i>EEOC v. Crothall Servs. Group, Inc.</i></b>, Civil Action No. 2:15-cv-03812-AB (E.D. Pa. Dec. 16, 2016).</p>	<p>In December 2016, Crothall Services Group, Inc., a nationwide provider of janitorial and facilities management services, settled an EEOC lawsuit by adopting significant changes to its record-keeping practices related to the use of criminal background checks. According to the EEOC's complaint, Crothall used criminal background checks to make hiring decisions without making and keeping required records that disclose the impact criminal history assessments have on persons identifiable by race, sex, or ethnic group, a violation of Title VII of the Civil Rights Act of 1965.</p>
<p><b><i>EEOC v. BMW Mfg. Co.</i></b>, No. 7:13-cv-01583 (D.S.C. consent decree filed Sep. 8, 2015).</p>	<p>In September 2015, BMW Manufacturing Co. settled for \$1.6 million and other relief in an EEOC lawsuit alleging that the company's criminal background check policy disproportionately affects black logistics</p>

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	<p>workers at a South Carolina plant. Specifically, the EEOC alleged that after learning the results of the criminal background checks around July 2008, BMW denied plant access to 88 logistics employees, resulting in their termination from the previous logistics provider and denial of hire by the new logistics services provider for work at BMW. Of those 88 employees, 70 were Black. Some of the logistics employees had been employed at BMW for several years, working for the various logistics services providers utilized by BMW since the opening of the plant in 1994. Under the terms of a consent decree signed by Judge Henry M. Herlong of the U.S. District Court for the District of South Carolina, the \$1.6 million will be shared by 56 known claimants and other black applicants the EEOC said were shut out of BMW's Spartanburg, S.C., plant when the company switched to a new logistics contractor. In addition to the monetary relief, the company will provide each claimant who wishes to return to the facility an opportunity to apply for a logistics position. BMW will also notify other applicants who have previously expressed interest in a logistics position at the facility of their right to apply for work, the decree states. BMW has implemented a new criminal background check policy and will continue to operate under that policy throughout the three-year term of the decree. The company is expressly enjoined from "utilizing the criminal background check guidelines" challenged by the EEOC in its lawsuit, the decree states. The agreement also imposes on BMW notice-posting, training, record-keeping, reporting and other requirements.</p>
<p><b><i>Post-Investigation Conciliation</i></b></p>	<p>In January 2012, Pepsi Beverages Company, formerly known as Pepsi Bottling Group, agreed in a post-investigation conciliation to pay \$3.13 million and provide training and job offers to victims of the</p>

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	<p>former criminal background check policy to resolve an EEOC charge alleging race discrimination in hiring. "The EEOC's investigation revealed that more than 300 African Americans were adversely affected when Pepsi applied a criminal background check policy that disproportionately excluded Black applicants from permanent employment. Under Pepsi's former policy, job applicants who had been arrested pending prosecution were not hired for a permanent job even if they had never been convicted of any offense." Additionally, "Pepsi's former policy also denied employment to applicants from employment who had been arrested or convicted of certain minor offenses. The use of arrest and conviction records to deny employment can be illegal under Title VII of the Civil Rights Act of 1964, when it is not relevant for the job, because it can limit the employment opportunities of applicants or workers based on their race or ethnicity."</p>
<p><b><i>Conciliation agreement</i></b></p>	<p>In June 2013, the EEOC and J.B. Hunt Transport Inc. settled a race discrimination charge alleging the nationwide transportation company engaged in unlawful race discrimination by rejecting a Black truck driver applicant because of a prior criminal conviction unrelated to his prospective job duties. The settlement follows conciliation of an EEOC charge under Title VII of the 1964 Civil Rights Act over claims that an African-American job candidate was denied a truck driver position at a J.B. Hunt facility in San Bernardino, Calif., in 2009 based on a criminal conviction record, which the EEOC contends was unrelated to the duties of the job. The federal agency also reviewed the company's broader policy with respect to the hiring of job applicants with conviction records. Blanket prohibitions are not in accordance with the agency's policy guidance on the subject, which was reissued on April 25, 2010. The EEOC's</p>

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	<p>guidance recommends evaluating: the nature and gravity of the offense or conduct; the time that has passed since the conviction and/or completion of the sentence; and the nature of the job sought prior to disqualifying a candidate with such a record. J.B. Hunt also reached a private settlement with the alleged discrimination victim, who filed an EEOC charge after being denied a job at J.B. Hunt's San Bernardino, Calif., facility in 2009. As part of a five-year conciliation agreement, J.B. Hunt agreed to review and, if necessary, revise its hiring and selection policies to comply with EEOC's April 2012 enforcement guidance regarding employers' use of arrest and conviction records. The EEOC will monitor compliance with the conciliation agreement. The EEOC entered into a pre-suit conciliation agreement.</p>
<p><b><i>State Sovereignty and the EEOC</i></b> <a href="https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf">https://www.usccr.gov/pubs/2019/06-13-Collateral-Consequences.pdf</a></p>	<p>Some critics of the 2012 Guidance on hiring people with criminal records later characterized it as overreach by the federal government. For instance, Texas sued the EEOC over the guidance, alleging that Texas had “the sovereign right to impose categorical bans on the hiring of criminals,” and that neither EEOC nor the Attorney General “has authority to say otherwise.”<sup>281F</sup></p> <p>Texas went to court to prevent the federal government from enforcing the guidance in the state. In February 2018, a federal district court in Texas ruled that the 2012 Guidance qualified as a “substantive rule” requiring public notice and the opportunity to comment under the Administrative Procedures Act (APA). The court found that because the EEOC had not complied with the APA’s notice-and-comment requirements, the federal government could not enforce the guidance against the</p>

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	<p>state of Texas as an employer. Under this ruling, the EEOC could remedy the error the court identified by submitting its proposal for new substantive rules as new federal regulations subject to the APA’s public notice-and-comment procedures, rather than a mere guidance. Still, the court rejected Texas’s request for a declaratory judgment—which would have authorized the state</p> <p>to broadly prohibit anyone with any felony conviction from working for the Texas government.</p>
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Article citing Title VII:

<http://hrlr.law.columbia.edu/files/2018/01/AmandaJohnsonChallengingC.pdf>

Meeting 10/27: Notes

- WOTC (tax credit)--see if renewed (laws)
- Laws making background checks illegal
- Careers--companies (Bryn)
- Licensing firms

**WOTC (Work Opportunity Tax Credit):** \*It appears that reauthorization depends on the result of the 2020 Presidential Election and the 2020 Congressional elections. President Trump reauthorized the WOTC in December of 2019.

<p><a href="https://www.irs.gov/businesses/small-businesses-self-employed/work-opportunity-tax-credit">https://www.irs.gov/businesses/small-businesses-self-employed/work-opportunity-tax-credit</a></p>	<p>PATH Act retroactively allows employers to claim the WOTC for qualified veterans who begin work for the employer after December 31, 2014 and before January 1, 2021</p>
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<p><a href="https://www.barrons.com/articles/companies-that-hire-ex-offenders-can-get-a-tax-credit-but-very-few-actually-claim-it-51556019056">https://www.barrons.com/articles/companies-that-hire-ex-offenders-can-get-a-tax-credit-but-very-few-actually-claim-it-51556019056</a></p>	<ul style="list-style-type: none"> <li>• Only applies to felons hired within one year of the date of conviction or release from prison--limits eligibility to first-time users of the program</li> <li>• Cannot be certified twice if need another job after the first year</li> <li>• WOTC underutilized--in 2018, only 85,796 people with criminal records were certified as eligible employees (out of ~626,000 people)</li> <li>• Works against by the Ban-the-box statutes-- need to revise to inform employers of the benefit of hiring a targeted group applicant while hiding criminal record</li> </ul>
<p><a href="https://www.dol.gov/agencies/eta/wotc">https://www.dol.gov/agencies/eta/wotc</a> <a href="https://www.cmswotc.com/president-trump-signs-spending-bill-wotc-renewed-through-december-31st-2020/#:~:text=President%20Trump%20Signs%20Spending%20Bill%2C%20WOTC%20Renewed%20through%20December%2031st%2C%202020,-Posted%20on%20December&amp;text=As%20a%20Leading%20provider%20of,Tax%20Credit%20all%20year%20long.">https://www.cmswotc.com/president-trump-signs-spending-bill-wotc-renewed-through-december-31st-2020/#:~:text=President%20Trump%20Signs%20Spending%20Bill%2C%20WOTC%20Renewed%20through%20December%2031st%2C%202020,-Posted%20on%20December&amp;text=As%20a%20Leading%20provider%20of,Tax%20Credit%20all%20year%20long.</a></p>	<ul style="list-style-type: none"> <li>• WOTC authorized until December 31, 2020</li> <li>• President Trump signed H.R. 1856, Further Consolidated Appropriations Act, 2020-- which included a one-year extension for the WOTC</li> </ul> <p>**minimum tax credit for hiring an ex-offender [formerly incarcerated] or ex-felon is \$2,400</p>

**Laws making background checks illegal:** \*\*I could not find any current federal laws making background checks illegal if they simply discrimination on the basis of criminal history. The background check is illegal because of an intersection with a protected class.

If You Want to Change  
Your Image  
You Must First  
Change Your Mind



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<p><a href="https://www.eeoc.gov/laws/guidance/background-checks-what-employers-need-know#:~:text=It's%20illegal%20to%20check%20the,age%20(40%20or%20older).">https://www.eeoc.gov/laws/guidance/background-checks-what-employers-need-know#:~:text=It's%20illegal%20to%20check%20the,age%20(40%20or%20older).</a></p>	<ul style="list-style-type: none"><li>• “It's illegal to check the background of applicants and employees when that decision is based on a person's race, national origin, color, sex, religion, disability, genetic information (including family medical history), or age (40 or older). For example, asking only people of a certain race about their financial histories or criminal records is evidence of discrimination.”</li></ul>
<p><a href="https://wdr.doleta.gov/directives/attach/TEGL/TEGL_31_11_att5.pdf">https://wdr.doleta.gov/directives/attach/TEGL/TEGL_31_11_att5.pdf</a></p>	<ul style="list-style-type: none"><li>• “Employers should not treat job applicants or employees with the same criminal records differently because of their race, national origin, or another protected characteristic (disparate treatment discrimination). Second, Title VII prohibits disparate impact discrimination. Employers should not use a policy or practice that excludes people with certain criminal records if the policy or practice significantly disadvantages individuals of a particular race, national origin, or another protected characteristic, and does not accurately predict who will be a responsible, reliable, or safe employee. In legal terms, it is not ‘job related and consistent with business necessity.’”</li></ul>