

## **MINUTES**

### **REGULAR MEETING TASK FORCE ON INVENTORING EMPLOYMENT RESTRICTIONS Wednesday, September 5, 2012 at 1:45 p.m. James R. Thompson Center, Conference Room 2-025, Chicago, Illinois Stratton Building, Room 500 ½ , Springfield, Illinois**

#### **Call to Order and Roll Call**

Jeffrey Shuck, Deputy General Counsel for Personnel at Central Management Services (CMS) and Chairman of the Task Force, welcomed Board Members and guests to the meeting of the Task Force on Inventorying Employment Restrictions. Mark Myrent, Associate Director of Research for the Illinois Criminal Justice Information Authority, acting as staff to the Task Force, called the roll.

Task Force members in attendance were:

Chairman Jeffrey Shuck  
Mr. Jack Cutrone, Executive Director, ICJIA  
Mr. Chimaobi Enyia, designee for Director Weems, CMS  
Mr. Daryl Jones, designee for Director Godinez, IDOC  
Mr. Donald Evans, designee for Superintendent Koch, ISBE  
MSgt. John Garner, designee for Director Grau, ISP  
Ms. Ellen Andres, designee for Director Obrzut, ICCB  
Ms. Karen Helland, designee for Director Reid, IBHE  
Dr. Kisha Hart, designee for Director Rowell, IDES  
Ms. Rukhaya Alikhan, designee for Director Hasbrouck, IDPH  
  
Rep. Jil Tracy  
Ms. Michelle Jackson, designee for Director Calica, DCFS  
Rep. Mary Flowers

#### **Approval of the minutes from the July 20, 2012 meeting**

With a quorum in place, Chairman Jeffery Shuck announced that the first order of business was a vote to approve the July 20, 2012 meeting minutes, and asked for a motion to approve. Mr. Cutrone made a motion to approve the minutes, and Mr. Evans seconded. Chairman Shuck called for a voice vote approving the minutes. Hearing no objections, the motion passed.

#### **Chairman's Remarks**

Chairman Shuck thanked everyone for attending the meeting. He stated that one of the important tasks is to get some perspectives of how the issue of statutory or regulatory

employment restrictions affects both employers and those with prior criminal records seeking employment. Rep. Flowers invited some individuals to share their experiences as to how their prior criminal histories have affected them negatively in their ability to obtain and maintain employment. This perspective is a necessary context to the work of the Task Force.

**Task Force member input on employment restrictions from state agency perspectives.**

Chairman Shuck asked that each Task Force member and designee speak to the issue of how employment restrictions based on criminal history affect their respective agencies as employers. He began the discussion by speaking from the perspective of CMS. That agency does not have any statutory restrictions on employment within the agency itself based on prior criminal history. As administrator of the Personnel Code for state agencies, CMS chooses not to enforce certain restrictions to testing for positions that are enumerated in the Code. However, they do require that applicants disclose any prior criminal convictions on the CMS 100 employment application form. While restrictions on jobs within CMS are not codified in statute, criminal convictions will be reviewed against any sensitive aspects of a job opening within the agency, to see if any area of safety might be compromised by hiring a person with that particular background. For example, there are many positions where CMS employees have access to personal information on state employees and other beneficiaries, and it is incumbent upon the agency to protect access and dissemination of this sensitive information.

Mr. Evans from ISBE continued the discussion from the perspective of his agency. While ISBE does not fall under the Personnel Code administered by CMS, the agency's application for employment within the agency is very similar to the CMS 100 in having a section for disclosure of prior criminal convictions. The required duties of the job are compared to the information disclosed on the application in considering whether the individual is the best candidate for the position. There is no statutory restriction on any position within ISBE.

At this point, Rep. Flowers interjected that she would appreciate if the guest speakers would be allowed to proceed with their testimony on how the accumulation of employment restrictions over the years has negatively impacted their lives and the community, and negatively impacted the state economic status due to their not being able to support themselves. She pointed out that a discussion of state agency hiring practices was not that helpful given that state agencies are not hiring, but that the focus should be on the impact on hiring from the private sector, which also adheres to the various employment restrictions that have been imposed over the years.

Before moving on to the guest speakers, Chairman Shuck asked DCFS to describe the restrictions enforced by DCFS on jobs within the private sector. Ms. Jackson of DCFS replied that there are statutes that preclude individuals with criminal convictions for violent offenses, some drug offenses, and the abuse of children from being employed in agencies affiliated with DCFS.

Chairman Shuck reiterated that the purpose of the Task Force was not simply to draft legislation to remove employment restrictions, but to inventory for the General Assembly what the current restrictions are, and to provide input on which, if any, are not reasonably related to public safety.

Rep. Flowers asked whether the state agencies were supposed to submit information on their restrictions in writing to the Task Force, and which ones have not complied. Ms. Phillips, research analyst at ICJIA, replied that nine agencies have yet to respond. She then asked how long the Task Force on Inventorying Employment Restrictions Act has been in place. Mr. Myrent of ICJIA answered that it was originally introduced in 2009, and that it was most recently signed by the Governor in July 2012.

At this point, Rep. Tracy interjected that, in consideration of the guest speakers, they should be allowed to proceed with their testimony, since information from their perspectives would not be available later. Hearing no objections from the group, the guests proceeded to provide their testimony.

### **Testimony by ex-offenders regarding employment restrictions**

Rep. Flowers introduced the speakers by stating that their invitation to address the Task Force was a result of a similar hearing held by State Rep. LaShawn Ford, to learn how the laws that have been passed over the years have impeded the lives of those who have already served their time for crimes they have committed.

The first speaker was Mr. Victor Gaskins, Program Director at St. Leonard's House in Chicago. He addressed the issue of the existence and wording of criminal history checkboxes on employment applications. There is no standardization on the length of time that the applicant needs to report on – 3 years prior, 7 years prior, or even forever ("Have you ever had a conviction in your past"). In his experience, if you check that box, you are never called for an interview. In most cases, that is reflection of the mindset of the employer/application screener. Some will see it as an automatic disqualifier, while others will give you an opportunity. He personally had an experience where he applied at Cook County Hospital, had all the qualifications and experience for the job opening, including working on several state and federal legislative taskforces, with a college education, and almost perfect GPA, and was about to be offered the job. The person doing the hiring was told by her superior that she could no longer hire formerly incarcerated individuals, because of a law stating that convicted individuals could not have contact with clients. She was to uphold this, even though the position in question did not involve any contact with clients, was also told to fire others with criminal backgrounds that had been recently hired.

Mr. Gaskins continued that the decisions made by the Task Force were definitely related to public safety, but perhaps not in the way they may be thinking. Since we are all flawed human beings, there is no guarantee that the person with no history of committing a crime today might not do so in the future while on their job. Anyone might

succumb to temptation and bad decisions. He was not advocating that there should be no bar to employment for everyone who has been to prison, but that people should be considered on an individual basis. Human beings will always have the primary need for survival. One of the biggest problems he faces as Director of St. Leonard's House, a temporary supportive housing program for the formerly incarcerated, is dealing with those that have given up because too many doors have been slammed in their face. They want to do the right thing and want the opportunity to change their lives, but they will go back to a life of crime to survive if they can't provide for themselves any other way. These crimes of survival will only stop when employers give individuals a chance to show their true positive motivation and capability. The goals should be to hire the best person for the job, and having a criminal background should not negate a person's other job qualifications.

The next speaker was Mr. Marvin Hayes, a resident at St. Leonard's House. He has been home for six months after serving 17 years for murder. Being that young (age 17) when he committed his crime, he did not have a prior work history, and had never even filled out a job application. His goal after going through the program at St. Leonard's House was obtaining employment. The two fundamental needs of those just released from prison are housing and employment. He did everything he could while he was in prison to prepare himself for a productive life in society, including getting a college education and even writing books. That was through his own motivation, not because he was forced to go through some program in prison. He was thankful that he had a place to stay when he got out, because he would be back in prison for a technical violation if he did not have a place to live.

Mr. Hayes continued that employment is the hardest thing to obtain, especially for him, because he was convicted of a violent crime. But because of his perseverance and fortitude, he was able to obtain employment. But many people in his situation don't have that same strength of character, and will resort back to what they know (committing crimes) if the door gets slammed in their face. The stigma of having been convicted of a crime prohibits other people from seeing their individual good qualities. Don't hold people accountable for the mistakes they made for the rest of their life. Believe that people can change, help people change for the better. Lawmakers and employers need to ask why so many people recidivate – it's due to a lack of opportunity to do anything different to survive. Today, kids are going to prison at an even younger age. Their chance of a successful life afterwards is slim to none, because they don't have the education they need. The current prison system will not provide the same educational opportunities to them that he took advantage of. All he asks is that people do not stereotype him, but see that he is ready for the opportunity to take care of himself and his family.

At this point, Rep. Flowers commented that it was ironic that Mr. Hayes was an expensive burden to taxpayers for the 17 years he was incarcerated, but now they have placed so many barriers to his being able to support himself and become a taxpayer himself after his release, that they may have to continue to support him at great cost in prison again. The public needs to become aware of this false economy.

Mr. Hayes added that there was another dimension to this – he is being prohibited from being a positive example for others. He has been an example to others of how to survive a long prison sentence and come out prepared and mentally strong to become a productive member of society. He also wants the chance to be a voice and a role model of how to accomplish that in the community.

Chairman Shuck asked Mr. Hayes how he was able to gain the employment he holds now, and whether employers inquired about his criminal history. Mr. Hayes replied that his employers did ask, and when he first started his job search, he told the truth about his murder conviction. That alone prevented him from getting a job. It was an experience similar to Mr. Gaskins, where he had actually been offered a job and was filling out the paperwork when the background check revealed his violent conviction and he was told he could no longer be hired. He wouldn't be here today after that set-back if he not sought the help of St. Leonard's House, a program that helps the long-time incarcerated to face society's challenges again. He himself spent literally half his life in prison. Without the help of those who are in the position to assist him in the pursuit of gainful employment, he and the other formerly incarcerated will have no choice but to survive whatever way they can, and society will continue to reap the consequences of high crime rates and expensive incarceration costs. But by providing a way for them to support themselves and their families, things will get better.

As far as the mechanics of how he was able to secure employment, Mr. Hayes explained that he got his first job through a staffing agency where criminal background does not matter. The job he has now was obtained because his employer decided to give him a chance despite his background, so he knows it is up to him to make good on that opportunity.

Rep. Tracy asked about his employment history. Mr. Hayes stated that he has been out of prison for six months now, and worked at a fast food restaurant job obtained through a staffing agency for two months, and is now employed for a catering firm. He did vocational training in prison, including a degree in electronics technology, another degree in small business management, and an Associate's Degree. He did not have training in food services from IDOC, just training on the job. Of course he is still looking for a job in electronics, but he is just starting out in the business world and is taking one step at a time.

Mr. Evans asked what Mr. Hayes would suggest is the greatest need of the formerly incarcerated. He replied that first and foremost, the individual himself needs to be motivated to change his life course. But at a practical level, the most essential needs of a person coming out of prison are housing and employment. If you don't have a place to parole to, you don't leave prison. But once you are back in society, it is time to establish yourself as a responsible person, which comes with employment and the stability that provides. He further suggested that the Task Force needs to find ways to make criminal history irrelevant to the employment decision. Then only the strength of the resume becomes relevant to the hiring process, not the fear and stigma of prior criminal activity.

Mr. Evans stated that it was important for the Task Force to keep in mind that, even though the “box” on an employment application (asking to disclose prior criminal conviction) was put there to protect public safety, it can have a negative effect on the mindset of a potential employer. Mr. Hayes reiterated that such a box does nothing to protect an employer from an employee with a clean record who may decide to commit a crime while employed in the future. Further, it is wrong to think that just because someone was convicted of a crime in the past, that he will hurt someone in the future. You have to believe that people can change for the better.

Rep. Flowers stated that she agreed that a person’s criminal history should not be the defining characteristic of a person, since it was impossible to predict who would commit a crime in the future in most cases. However, there seems to be some types of crimes where a job prohibition would be related to public safety, such as prohibiting convicted child molesters from working in a day care center. Therefore, it seems the best solution is that the ‘box’ should not be on the application where it may unduly influence the job seeking process, but that a background check should still be done on the best candidate, since it is important to know the truth about a person in the context of the job itself.

Rep. Flowers asked Mr. Hayes to explain more about the education he received in IDOC, since she recalled having passed legislation that reduced educational opportunities in prison. Mr. Hayes replied that he went to prison in 1994, when he was not prohibited from taking all the classes he wanted. He started with his GED, and worked his way up. He stated that those classes are still offered, it’s just a very slow process, because there are so many inmates waiting to get their GED, which is a prerequisite for any other classes.

The next guest to speak was Mr. Paul McKinley, from the organization called V.O.T.E. (Voice of the Ex-Offender). His first point was that IDOC and the legislators have put in effect a public safety problem. Chicago has an unemployment rate in African-American communities of 48 percent. That means that there are more people going in and out of jail and being arrested and pulled over in our communities than any other community in the city. The murder rate shows that this is exactly what is happening. That the chances of being killed in an African-American community is so much higher than in a white community shows that the laws that have been passed barring ex-offenders from employment are specifically targeted toward African-American ex-offenders.

Mr. McKinley went on to show the Task Force a piece of legislation that was being passed in the City of Chicago, which had an amendment dealing with citizenship and immigration. If the person has broken the law by being in the country illegally, there is no ‘box’ on an application where they need to disclose that crime. Just the opposite, they are trying to pass a law that prohibits illegal immigration status from being a bar to employment.

He went on to say that he took issue with a point made earlier regarding the State Board of Education not considering background checks in their hiring process. He knew of an instance where a person employed for a charter school was dismissed when his criminal background became known. It became a public safety issue because that employee had been keeping the gang violence at bay while he was working there. Mr. Evans of ISBE replied that charter schools are not under the jurisdiction of ISBE, that they are under local control, not state control. Mr. McKinley acknowledged that correction and reiterated that the reason for his testimony was to inform the Task Force that the reasons for the high level of violence in African-American communities are because they are being locked out of jobs, contracts, and other economic opportunities. There is also the problem of innocent people who have been arrested and acquitted of serious crimes that can't get those events off their record, and consequently can't get jobs.

Mr. McKinley continued his testimony by addressing the high percentage of African-Americans who are released from prison each year and return in high concentrations to certain Chicago communities, such as Englewood, Lawndale, Austin, South Shore, where the rules prohibiting employment of ex-offenders are enforced to a much greater degree than in other areas of the city, which becomes discriminatory against African-Americans. This discrimination extends to the inability to obtain contracts for program funding to assist ex-offenders. There are organizations where ex-offenders are trying to obtain grant funds for programs aimed at preventing 'next' offenders, but their criminal backgrounds are a bar to being eligible for funding. That results in the situation where the programs being funded are those with boards of directors that have no experience with ex-offenders. That includes Safer Foundation, which receives grant money to put people to work, but are not getting that done, resulting in the current high level of violence.

He continued to speak about other collateral consequences of a criminal conviction related to CHA housing. He had been part of the group that lobbied the federal government to change the rule that women with a criminal history could not be barred from living in CHA housing. For women in particular, they have difficulty finding a place to live so that they can be reunited with their children. This is another factor that is creating anarchy in Chicago and a higher level of violence than actual war zones in Iraq or Afghanistan. It is unusual for an African-American community to have a 48 percent unemployment rate. That's more than in the Depression era, and creating even higher levels of despair. Mr. McKinley reiterated that he wanted the Task Force to do it's "due diligence" in considering this issue, that he did not expect members to acquiesce to removing employment restrictions simply because ex-offenders were providing testimony.

Mr. McKinley stated that there did need to be a different consideration in regard to sex offenders. He himself served 14 years and 9 months in prison, and actually knows some sex offenders. They did not get 'cured' when they went to jail, and some were not trying to get rehabilitated. Some were killed when they were released from prison because they did not stop committing sex offenses, and many are mentally ill. They should not

be allowed to be near potential victims, especially children. It was his belief that they should not have been sent to prison in the first place, but be dealt with as a mental health issue. Those types of crimes stemming from mental illness are an exception to his testimony. He is focused on crimes of poverty that could be avoided by that person having a job. Further, the Illinois Constitution states that people who get out of jail must be brought back to useful citizenship, and this provides a framework to change the system.

Rep. Flowers thanked him for his testimony and stated agreed that the issue of employment restrictions was affecting African-Americans to a greater degree than other communities, and that life in her community was likewise affected. Illinois should be spending as much money on people to keep them out of prison as it ends up spending keeping them in prison.

Rep. Flowers asked an additional question of whether people who are stopped and their names put into the system, might have that come up in a background check, and keep them from getting a job, even though they have not been convicted of a crime.

Mr. Enyia of CMS commented that the Task Force should take a broad view of its mandate - to eradicate discrimination in the whole hiring process. That is what the Chairman is looking to do, and to look into those areas where the laws are outdated and can be changed where possible.

Mr. Cutrone of ICJIA commented that he appreciated the testimony of the individuals who presented at the meeting, and was sure that no one on the Task Force underestimated the difficulties that ex-offenders faced in gaining employment. It is quite valuable to have the opportunity to put a human face to what would otherwise be a general, de-humanized principle. However, the purview of this particular Task Force was not to hold a wide-ranging inquiry into the causes and effects of lack of jobs for certain populations, but to focus its efforts on employment restrictions within state agency hiring practices, licensing of professions and occupations by state agencies. He suggested that the state agencies come together as a body to discuss the restrictions that apply to them and to begin a dialogue about which of those restrictions no longer make sense because they are preventing qualified people from getting jobs. The Task Force needs to recognize that its work should be viewed as a 'first step', which can serve as springboard for future broader legislation.

Ms. Riley of DCFS commented that she agreed the scope of the Task Force was clearly limited to the impact of employment restrictions at the state agency level. However, she thought it was important to put those restrictions in the perspective of those having to live with those restrictions. Any final work product from the Task Force should put its findings and recommendations in context, including such facts as: the number of persons incarcerated annually by race and gender; what kind of services, training and education they are receiving while in IDOC. These are factors that have an obvious impact on ex-offenders being qualified for employment.



At this point, Chairman Shuck wanted to raise a point from Mr. McKinley's testimony, that there are instances where the mere fact that a person has been arrested is negatively impacting their ability to get a job. Considerations of criminal justice events that did not result conviction within the hiring process is a violation of that person's civil rights under the Human Rights Act (except in the case of a few employers who are statutorily authorized to view the entire criminal history, such as when considering someone for a law enforcement position). Individuals who believe they have had that happen to them should report the violation to the Department of Human Rights immediately.

A comment was made that such disclosure of a person's entire criminal history happens during the expungement process of items on a person's criminal history record, since the laws prohibit expunging records if there are any subsequent arrests.

Mr. Myrent of ICJIA asked where employers might be getting this non-conviction information, since the State Police are prohibited from disclosing events that did not result in conviction. Ms. Westley from ICJIA added that employers may be obtaining criminal records from private companies on the Internet. In that case, all bets are off in terms of any dissemination restrictions by these private sources, and also the accuracy of this information gleaned by these companies. An audience member added that he personally had experienced instances where employers had brought up arrests in his past that did not result in conviction, which negatively impacted his ability to get a job.

Ms. Riley added that such remedies as expungements, sealing of charges, certificates of good conduct are available, although not readily, and are very time consuming to obtain. The average person is not in the position to use those options effectively to diminish the impact of their prior criminal history. In her agency, open arrests frequently show up in background checks along with convictions.

Rep. Flowers commented that it is evident from the testimony that people's rights are being violated. There is a federal law that states if you get a contract with the federal government, you need to hire certain categories of individuals, including ex-offenders. To remedy some of these abuses, it is clear that it will be important to adequately fund the Illinois Department of Human Rights, CMS may need an Office of Civil Rights established within its office to monitor compliance, and to see if each state agency is complying with the state law that requires the hiring of a certain number of minorities. It is also her recommendation that the function of handling expungements and sealing be put into a state agency, and to monitor that local police department expunge or seal their own records in compliance with the order granted by the court.

The next person to provide testimony was Ms. Geraldine Mabry Smith, the first woman to get the death sentence in Illinois (since that penalty was reinstated in 1977), and the first to be released from death row (back to the general population), after the State Supreme Court vacated her death sentence. She was incarcerated for 19 years, during which time she mentored many of the other women in prison with her, to keep their minds positively focused. She was able to get out of prison on a Friday, and start work

on a Monday, because she prepared herself for a life out in society during her incarceration. She is now Executive Director of three major radio stations, and she started her own 501-3c organization. She goes into the women's prison facilities and conducts workshops with women, and also runs CHIP Network (Children of Incarcerated Parents). She often goes to various neighborhoods at night to work with the women on the street.

Ms. Smith continued that, despite all these needed activities, she does not receive funding for her organization, because grants tend to be awarded to the larger organizations. She spends money her own money to bring needed supplies into IDOC when she conducts her workshops, which is never reimbursed by any source other than small donations to her organization. Yet IDOC spent over \$20,000 on her every year for the seven years she was on death row, which was, in her opinion, a waste of state resources. She is the same person, whether a condemned prisoner or a free woman who chooses give back to those still incarcerated, and refuses to succumb to the labeling that stems from being a convicted felon. She agreed that to make it in society after prison is a matter of a strong personal desire to succeed. She would ask the Task Force to stop judging people by what is written on their rap sheet, but to see the good work they are doing instead. She stated that the whole process of incarceration is hardest on women (without negating anything that the men suffer), and that it is the mothers that can reach the kids experiencing the violence. However, since they are just the 'little' people, they are overlooked for state funding, even though they can have direct impact on the problems facing communities.

The next person to present testimony was Ms. Evelyn Johnson, known in various African-American communities as the modern-day Harriet Tubman. She does not seek any state or city funding for the work that she does in those communities, because she does not trust government organizations. This lack of trust stems from the many barriers she perceives that the governments erect to keep people from succeeding. There should be as much mentoring of ex-offenders happening within agencies as get accomplished by individuals such as herself outside of the government system. She believes that if government agencies truly wanted to see change happen, then they would do things differently. The situation does not improve because the same things keep being done.

Ms. Johnson continued that she has personally accomplished over 1,000 family reunifications without any state or local grant assistance. She started the "Block Grannies" program in Englewood, where grandparents take control over blocks and settle disputes. The efforts she makes at the street level needs to be done, because from her perspective, the things that the city and state put in place cause more detriment to families than it ever helps. I have folders full of 'I can't get a job' certificates, because DCFS mandates that people go through these trainings but do not have any job opportunities for them at the end of that process. There are so many simple, practical solutions to the unemployment problem, if there was a will to implement real change. Why not get those trained in sewing in prison to make school uniforms, so that the parents don't have to pay \$50 for them? They could pay far less

and a job has been created in the process. In terms people with criminal backgrounds, why are you demanding something different from them than you are demanding from yourself. All human beings should have their needs met, and not be forced to resort to things that are against the 'law'. What recourse do the poor have if the government that is supposed to support and protect them does not do its job? And the government is not doing its job because it is not in touch with the people and problems out there in the street. And without the government doing its job effectively and with positive outcomes for individuals, then society will continue to suffer.

The final person to provide testimony was Mr. Edward Christian, age 24. He stated that he feels the media often portrays his age group unfairly, that they are all part of violent mobs. He feels he can be a good role instead. When he was 18, he was a good kid, attending school with good grades, and learned how to build websites. But when he graduated, he couldn't get a job, so his parent threw him out. He didn't have any place to stay, so he turned to criminal activities to survive. His recommendation for change is to give felons the legal means to have their records expunged, so that they can be like everyone else looking for a job.

Rep. Flowers commented that when she met Mr. Christian, he brought to her attention that he was not eligible for a college scholarship because of his felony conviction. She commented that, it was ironic that Mr. Hayes, who was incarcerated for years, was able to get vocational training and a college education while in prison, at a great expense to taxpayers. The law that prohibits convicted (drug) felons from being eligible for federal loans and scholarships is an impediment to getting a job down the road, since it creates a barrier for young people with criminal backgrounds to get the education they need. In fact, this barrier results in a situation where young people continue to pay for their crimes for the rest of their lives. Society today is stopping young people from becoming productive citizens; the only place it is not stopping them from is going to prison, where they must be supported at great expense. That needs to change.

Rep. Flowers then asked if there was anyone from Safer Foundation that was willing to testify about what that agency can contribute to the Task Force, and the impediments to ex-offenders in obtaining employment from that agency's perspective. Mr. Anthony Lowrey, Director of Policy and Advocacy, stepped forward to testify. In terms of what Safer does as an organization, they saw at least 10,000 people last year, and provided an initial period of employment for over 4,000 people. They fund other programs that provide skills training, and secondary degree opportunities for people with criminal records. The biggest problem he encounters is lack of knowledge in the community of the services that are available to ex-offenders. Safer was one of the original advocates who came up with the concept for the Task Force in 2009. He thanked ICJIA for finally getting the Task Force up and running.

Mr. Lowrey continued that he himself is a person with a felony conviction from 20 years ago. At the same time, his resume includes being a manager at the Chicago Housing Authority, being on a Presidential Task Force regarding universal healthcare in Illinois, being awarded national awards. But the first thing a person would see is his criminal

record, which ended 20 years ago. He stated that there must be something wrong with our state laws and employment rules if he is has clearance from Department of Corrections to provide workshops inside facilities, but his background would prohibit him from getting a state job.

Rep. Flowers asked what was it that would impede him from applying for the job of Director of IDOC. Mr. Lowery replied that there are unwritten policies and guidelines within state agencies that prohibit people with criminal backgrounds from obtaining a state job. He sees that as one of the charges of the Task Force, to get at these policies, restrictions, prohibitions, not just statutes and regulations. He gets calls all the time from people who have criminal records and also have advanced employment credentials who are scared to death of how to answer the question in the “box”, because they know their record will supersede any other qualifications they have.

Mr. Lowery stated that he sees that the EEOC guidelines are a way to get employers to see candidates with criminal records no different from any other person applying for the job. Even though he has extensive high-level managerial experience, his felony convictions for chemical dependence from 20 years ago have continued to impede his ability to get a job, even though he never went to prison. He views the criminal history record as the most debilitating thing that a person can face, because in Illinois, it follows a person from birth to the grave. In those communities where the most ex-offenders are released to, such as Englewood, as documented by the mapping project being conducted by the Adler School of Professional Psychology, there were over 70,000 individuals released over a four year period (2006-2010).

Mr. Lowery continued that employers discriminate with both the arrest and conviction record, and consider arrests (with no convictions) in the same light as convictions. He works with national advocacy groups and EEOC, National Employment Law out of New York and California, trying to deal with the issues of discrimination against people with records who would otherwise qualify for the job, especially state employment (which is desirable for its employee benefits among other considerations). He reiterated that many individuals get discouraged by the seemingly insurmountable obstacles they face getting a job, and the state agencies have a role in minimizing those obstacles. The first step is that which the task force is charged with, to look at the prohibitions in place now. Further, the group should look at how the EEOC guidelines of individual determination in the hiring process can be introduced, so that the state is not liable for employment discrimination. He reiterated that he is not taking a ‘soft on crime’ approach, but that some of the current violence stems from a lack of opportunities.

He is focused especially on state jobs because they require screening for training, education and work experience, and a criminal background should not negate those qualifications. The City of Chicago removed the ‘box’ in 2007. Out of their latest report, out of the 141 people who had been hired under the new standards, only two people had been terminated. So he hopes the Task Force can get the correct information from state agencies, and that outside entities like Safer, the Shriver Center on Poverty Law, and others with expertise like Judge Tom Grippando can serve on the work groups and

provide guidance and some positive thinking toward common sense solutions to the issue.

Mr. Lowery continued that there are currently 2.5 million people with criminal records in Illinois, and the message should be that the state is willing to work with you, if you are willing to do the right thing. Right now, there is a perception in many communities that even if I do the right thing, the situation is hopeless. The state should be a role model of change, because even private employers look to the state to create the model and momentum. A common 'rule book' of restrictions will also be helpful to assist the common person to determine what kinds of state employment for which they are eligible.

He also stated that he hoped the Task Force would look at the issue of rehabilitation. The Safer Foundation has crafted many pieces of legislation that has allowed individuals with backgrounds to get certificates that allow them to work in the Chicago Public Schools. He also recommended looking into the issue of limiting the length of time that an element in a person's criminal history can be considered in the hiring process. Research has already shown that the likelihood of a person committing another crime seven years or later after their last crime is the same as the person who never committed a crime.

Chairman Shuck thanked all the participants for their comments.

### **Work Groups**

At this time, Chairman Shuck asked the Task Force members to consider whether they want to allow non-task force members to serve on the various work groups to be formed. Rep. Flowers made a motion to adopt. Mr. Cutrone seconded the motion. Ms. Jackson of DCFS made the comment that it was imperative to allow their participation in order to for the Task Force to be as productive as possible. With no further discussion, the Chairman asked for a voice vote. Hearing no objections, the motion passed.

Next, Chairman Shuck asked for a motion to accept documentation on statutes and regulations on employment restrictions from sources outside of the state agency reports, to be used as information to be considered by the Task Force in compiling its final report and recommendations. Mr. Cutrone made a motion to accept such documentation. Ms. Jackson seconded the motion. With no further discussion, the Chairman asked for a voice vote. Hearing no objections, the motion passed.

### **Selection of Vice Chair**

Chairman Shuck stated that the next agenda item was selection of a Vice Chair from among the Task Force members, a position that would assist the Chairman in coordinating the various work groups as well as ICJIA staff. He nominated Mr. Cutrone of ICJIA for the position. Rep. Flowers nominated Dr. Hart of IDHS, who indicated she was serving as the official designee for Director Rowell. Both candidates indicated their willingness to serve. Ms. Riley of DCFS made a motion that the Task Force should have

two vice chairs, as a means to share the work load and represent a diversity of outlook and opinion. Rep. Flowers seconded the motion. With no further discussion, the Chairman asked for a voice vote. Hearing no objections, the motion passed.

### **Future meeting dates**

At this point, Chairman Shuck called for the setting of future meeting dates through the end of 2012, in compliance with the Open Meetings Act. He stated that the task of setting up the actual proposed work groups could be accomplished through direct contact with Task Force members before the next meeting. Mr. Myrent of ICJIA requested permission to contact members and other interested parties via email to establish work group assignments. Chairman Shuck agreed he should proceed.

At this point, future meeting dates were set as follows:

Wednesday, October 3, 2012, from 1:30 – 3:30pm

Wednesday, November 7, 2012, from 1:30 – 3:30pm

Wednesday, December 12, 2012, from 1:30 – 3:30pm

### **Adjournment**

Chairman Shuck again thanked all the guests that provided testimony about how employment restrictions have impacted their lives. He stated that this information will provide important context for the work of the Task Force. With no other business, the Chairman asked for a motion to adjourn. Mr. Cutrone so motioned, which was passed by voice vote.

