

**BAN THE BOX**

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

NAME (print)

ADDRESS AND ZIP CODE (Optional)

Email (Optional)

✓	MIKAL SHABAZZ	97217	Mika/Shabazz@msn.com
✓	CHRISTINA GAGE		GAGE@HIREIMAGE.COM
left	CRISTAL ELINSKI	PO BOX 8973-97207	Now WALK THE WALK! SANCTUARY CITY REESTABLISH JUSTICE R.C.M.B
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✓	Jeri Jimenez		BAN
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			OVERTURN MEASURE 11

(Same attachment)

**Parsons, Susan**

**From:** Christina Gage <gage@hireimage.com>  
**Sent:** Wednesday, November 18, 2015 9:52 AM  
**To:** Moore-Love, Karla  
**Cc:** Council Clerk – Testimony  
**Subject:** Testimony Regarding Portland City Council Agenda Item 1208 - Removing Barriers to Employment  
**Attachments:** Portland Ban the Box NAPBS 2015.11.17.pdf

Good Morning,

On behalf of Hire Image LLC, a Consumer Reporting Agency, and as a member of the National Association of Professional Background Screeners (NAPBS) I would like to submit the attached letter from NAPBS Executive Director Melissa Sorenson as written testimony regarding Portland City Council Agenda Item 1208 Removing Barriers to Employment set to be discussed on November 18<sup>th</sup> at 2:45pm.

Respectfully submitted,

Christina Gage  
 Director of Strategic Development  
 Hire Image LLC  
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**Moore-Love, Karla**

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**From:** Elaine Rosenberg <erosenberg@advrep.com>  
**Sent:** Tuesday, November 17, 2015 11:32 AM  
**To:** Council Clerk – Testimony  
**Subject:** Written Testimony Regarding Portland City Council Agenda Item 1208 Removing Barriers to Employment  
**Attachments:** Portland Ban the Box NAPBS 2015.11.17.pdf

(Same attachment)

Good Morning,

On behalf of Advanced Reporting LLC, a Consumer Reporting Agency based here in Oregon, and as a member of the National Association of Professional Background Screeners (NAPBS) I would like to submit this email and the attached letter from NAPBS Executive Director Melissa Sorenson as written testimony regarding Portland City Council Agenda Item 1208 Removing Barriers to Employment set to be discussed on November 18<sup>th</sup> at 2:45pm.

Throughout my decade of experience in the background screening industry I have been an active proponent of reentry programs, including being a part of the Marion County Reentry Initiative, and I applaud the Portland City Council for understanding the impact employment has on reducing recidivism. Oregon is a leader in this area, passing ban the box legislation, HB 3025 B, which will go into effect January 1, 2016. Advanced Reporting and NAPBS believe that ban the box legislation in its purest form supports reintegration into the workforce as it is intended to do and aligns with the Federal Fair Credit Reporting Act (FCRA) and US Equal Employment Opportunity Commission (EEOC) Guidelines which both regulate employer use of criminal history information.

According to the draft legislation for Ordinance 23.10, the City of Portland would impose additional and much more restrictive requirements on Portland employers placing a significant burden on businesses who are trying to respect the intent of Oregon's ban the box legislation and comply with existing state and federal law while maintaining a safe environment for their employees and customers. The exceptions listed in section 23.10.040 potentially create multiple classes of employees within a business with respect to this ordinance. For small and mid-size businesses, the backbone of our economy and job creation, that do not have the luxury of an in-house counsel or HR to help them navigate the complex differences, compliance is a tremendous and expensive hurdle. I firmly believe that compliance with existing EEOC Guidelines, the FCRA and Oregon HB 3025 B will achieve all the objectives of Portland City Ordinance 23.10 without creating an undue burden for Portland employers and an unnecessary expense for BOLI's regulatory and enforcement actions.

I would welcome an opportunity to further discuss Portland's efforts to consider ban the box legislation in light of my comments outlined above and the attached letter from NAPBS. Thank you for your time and consideration.

Sincerely,  
Elaine Rosenberg | CEO  
503.779.1566 Direct

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(Same attachment)

**Parsons, Susan**

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**From:** May Warrick <may.warrick@acranet.com>  
**Sent:** Tuesday, November 17, 2015 3:55 PM  
**To:** Council Clerk – Testimony  
**Subject:** Portland Ban the Box  
**Attachments:** Portland Ban the Box NAPBS 2015.11.17.pdf

Hello!

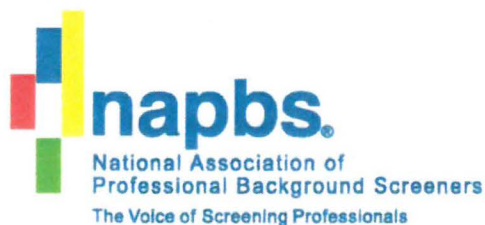
I am writing in support of the National Association of Professional Background Screeners' position on the new legislative bill to "Ban the Box" in Portland. Please see the attached document for more information regarding our concerns.

Thanks,

**May Warrick**  
Account Executive



PHONE 800.304.1249 X1270    FAX 800.845.7435  
PO Box 879, Oregon City, OR 97045 | May.Warrick@ACRANET.com



November 17, 2015

Karla Moore-Love  
Portland City Council Clerk  
1221 SW Fourth Ave., Room 130  
Portland OR 97204

Dear Karla Moore-Love,

On behalf of the National Association of Professional Background Screeners (NABPS), we write today to submit written testimony in response to the continued discussion of “ban the box” legislation in Portland. NAPBS represents over 825 member companies engaged in screening across the United States dedicated to providing the public with safe places to live and work. Our member companies are defined as “consumer reporting agencies” pursuant to the Fair Credit Reporting Act (FCRA) and are regulated by both the Federal Trade Commission (FTC) and the Consumer Financial Protection Bureau.

First, we commend the Portland City Council on its efforts to seek and pass legislation that will help re-integrate individuals back into society. Providing gainful employment is certainly a great way to help reduce recidivism. Over the past several years, we’ve seen many efforts to tackle this issue through items such as expungement legislation and legislation that creates a “Certificate of Good Conduct” system that provides employers with some level of protection from negligent hiring lawsuits.

As your Council is well aware, the Oregon Legislative Assembly passed HB 3025 B which was signed into law by Governor Kate Brown on June 25<sup>th</sup>. The law will become effective January 1, 2016 and provides a single standard for employers operating in Oregon to comply with as it relates to ban the box. The law prohibits employers from excluding an individual from an initial interview based solely on the existence of a past criminal conviction. Essentially employers may not require individuals to disclose criminal conviction information on an employment application, prior to an initial interview or, if no interview is conducted, prior to extending a conditional offer of employment.

It is our understanding that a potential city-level ordinance will be discussed at the upcoming City Council meeting on November 18<sup>th</sup>. According to draft legislation, the city-level ordinance would extend far beyond the provisions in the state-level legislation, by regulating what criminal history information employers may consider, requiring employers to conduct an individualized assessment and establishing the adverse action procedures employers would need to follow when rescinding a conditional offer based on criminal history information.

NAPBS believes that ban the box legislation in its purest form supports reintegration into the workforce as it is intended to do. We have seen in other jurisdictions where ban the box legislation goes beyond banning the box and has components which overlap with existing law, regulations and guidance. Those laws present logistical impossibilities for compliance which ultimately detract from the intended benefits. We believe that Oregon's aforementioned state-level legislation provides protections for individuals while also respecting the various challenges and regulatory requirements that employers face. If Portland were to pass ban the box legislation that goes beyond the requirements in the state-level legislation, employers would be faced with two separate standards of compliance. Complying with two separate pieces of legislation, as well as other state or local legislation, depending upon the location of the employer, the location of the job position or the residence of the applicant can be and often is nearly impossible for employers and leaves like-situated applicants treated differently depending upon the city they happen to live in or apply for a position in. For small and mid-size businesses that do not have the luxury of an in-house counsel or HR to help them navigate the complex differences, compliance is a tremendous hurdle.

Further, all employers who use a Consumer Reporting Agency to conduct background screens are regulated by the Federal Fair Credit Reporting Act (FCRA) and its various state analogues. The provisions regarding adverse action that appear in Portland's draft ordinance interfere with these requirements which, again, place a significant burden on businesses who are trying to respect the intent of ban the box legislation while complying with existing state and federal law.

While NAPBS appreciates legislation aimed at reintegration, we have significant concerns with some of the components of Portland's proposed legislation and the negative impact it will have on individuals and local businesses. We would welcome an opportunity to further discuss Portland's efforts to consider ban the box legislation in light of our comments outlined above.

Respectfully Submitted,



Melissa L. Sorenson  
Executive Director  
NAPBS

**Moore-Love, Karla**

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**From:** Wiggins, Rachael  
**Sent:** Wednesday, November 18, 2015 2:27 PM  
**To:** Moore-Love, Karla  
**Subject:** Ban the Box official testimony  
**Attachments:** ban the box hearing.docx

Thank you!

R

Rachael Wiggins  
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City of Portland  
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Meg Worden  
35 SE 69th Ave  
Portland, OR 97215

My name is Meg Worden and in 2002 I was indicted in a charge of Conspiracy to Distribute Ecstasy, remanded to pre-trial services for fourteen months, and then in 2003 I was sentenced to two years in Federal Prison, followed by five full years of supervised release.

I was in the system for more than eight years for a non-violent drug offense. These were the first eight years of my son's life, spent in stress, fear, and absence for a crime committed before he was conceived.

But I'm not interested in convincing you that my punishment didn't fit my crime. What's relevant here is the time spent paying for that crime and its aftermath. After eight traumatic years that fully rocked the foundation of my self worth, my family, and my baby, I was released into the world, not as someone who had "done my time", not as someone who had "earned back my rights and freedom", but as someone with a lifelong record and the accompanying stigma.

With every rental application, every professional license, and every job application, I am required, by law, to truthfully report my felony conviction. Not only is this a humiliating experience every single time, it is also debilitating.

When an employer has a stack of applications representing a crowd of qualified applicants, the employer is in a position of elimination, not inclusion. A potential criminal history conversation is an easy (and frequent) pass. Fortunately, our state has passed legislation to ban that box from the application. However, now a person with a record still may have to **start** the interview process with a conversation about their conviction. So, where most applicants have the opportunity to lead with their achievements, goals, and highlight their potential, someone with a record is burdened with the requirement of opening with an admission of shame before basic consideration of qualifications. After serving

their “debt to society” they still have to **earn** the right to **earn** a decent living that **contributes** to the economic and social growth of us all?

I have heard push back from business owners in Portland. Some of it valid. Of course no one wants a person convicted of *sex with a minor* working in a school, or a bank robber working in a bank. That’s fair. Also, that is going to be the minority of actual scenarios and those cases can, and will, be determined unfit after the conviction is revealed later in the process.

The majority of across the board convictions are drug-induced and/or drug related and have no relationship whatsoever to the desired employment or to the applicant’s ability to do the job. Also, there is no correlation to the convicted using drugs more frequently than the unconvicted. Often the convictions are a result, not of greater use, but of living in a neighborhood more frequented by law enforcement, real hunger, or having a skin color that raises odds of being pulled over or searched.

I’ve heard push back from Portland business owners who prefer that the conversation about an arrest or conviction should be upfront and immediate, rather than after the conditional offer of employment to ensure that the applicant isn’t wasting the valuable time of the employer or for the feeling of safety and trust for the employer. To that I have to wonder why those employers don’t expect all applicants to reveal what may be the most shameful part of their history. Would anyone lead a job interview with a list of the mistakes they’ve made? The ways they have hurt other people? Cheated on their spouse? The ways that they may have even broken the law and avoided arrest?

The fact is that having an arrest doesn’t actually make someone less trustworthy, or more inclined to cheat or steal. In fact, the commonality of the incarcerated is, without question, poverty, race, and trauma. Not an inherent desire to hurt other people.

The reasons people commit crimes are deeply personal and, often, motivated by a profound desire to **participate** in society in a meaningful way from the sideline position of oppression and

desperation. Having both personal experience, and professional experience working with organizations teaching entrepreneurship to this population, I can speak to this desire for inclusion, recognition, and validation. I can speak to the unique grit, tenacity, and work ethic of many of the people who are being released from long sentences of great suffering, hard work, and legitimate retribution into a society that, sadly, because of current legal discrimination can (and often will) deny them basic income opportunities without repercussion. It is still socially acceptable for the most liberal-minded to lump this population, again, mostly the poor and people of color, into a caste of undesirables! Is that really how we want to treat our neighbors? Our community? Don't we, as a city of progressives, **want** as many people as possible **contributing** to that progression? Do we really want to deepen the class and race divide or create bridges for economic opportunities for all of us who participate in our system?

Anything less than **every effort** to integrate our community, is participation in creating greater disparity, isolation, recidivism, crime, poverty, and discontent. This small step forward is still just the tip of the iceberg but will go a long way in shifting a paradigm and healing a deeply challenged prison system.

I urge council to take immediate action to require businesses to delay any background check or conversation about criminal history to **after** a conditional offer to a qualified candidate is made, thereby treating Portland's citizens like.... citizens.

We all deserve the opportunity to contribute to making Portland one of the greatest, kindest, and most liveable cities in America and we need every single one of us, not just a select few, to make that happen. THANK YOU SO MUCH.