**For Release Wednesday, February 20, 2019**

**Capitol View**

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**The Nebraska Press Association**

**Second Chance Measure Deserves Debate and Passage**

Second Chances. Who doesn’t wish they could have one?

Especially formerly incarcerated persons who want the opportunity to explain what might be extenuating circumstances. Omaha Sen. John McCollister is carrying a proposal (LB254) that would remove the conviction stigma from one stage of the employment application process. Applicants wouldn't be required to go through a criminal background check in certain instances and employers wouldn't press for them.

Novel idea. Gosh. Imagine a formerly incarcerated person getting a job instead of a rejection that could throw them off the path and back into custody. Believe me, it happens. If you’ve never heard of that, ask around.

Or ask 38-year-old Sean Miller, father of two with a bachelor’s degree and qualifications to be a paralegal. He recently told the Legislature’s Business and Labor Committee about his attempts to get certain better-paying jobs that have been thwarted by a 22-year-old criminal conviction.  
  
McCollister’s Fair Chance Hiring Act would require a prospective employer — those with more than 15 employees — to evaluate a job applicant's qualifications, without first knowing about the applicant's history of criminal law violations.

McCollister says it would not prohibit an employer from asking about criminal history, but would just not allow it on the job application. In effect, the bill would remove criminal history from having any disqualifying impact if the applicant is otherwise qualified for the position. The bill would provide exceptions for jobs — such as those related to law enforcement, schools and child care providers — for which criminal history is a disqualifier under other state or federal laws.

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The bill was introduced in 2017 as the ban-the-box law (LB429), which would also have eliminated a check box on the application asking about a prior criminal record. It was advanced to the full Legislature then, but languished there and died at the end of the 2018 session. More than 150 cities and counties in 33 states and the District of Columbia have adopted a version of the ban-the-box law. In Nebraska, most public employers, since 2014, already cannot inquire about criminal records on applications.

Lancaster County deputy public defender George Dungan told the committee the bill could help reduce recidivism and give former inmates the ability to further their rehabilitation. Dungan said every individual deserves the dignity of being judged for who they are and not what they've done. Keeping people from going back to prison can ease overcrowding and bolster the economy with more people earning a decent wage and buying things and paying taxes.

ACLU of Nebraska attorney Spike Eickholt said a person who finds good employment is less likely to return to the criminal justice system. This bill could give former inmates a chance to get an interview if they are qualified for the job. Bottom line: "It gives them a chance to explain themselves."

Omaha Sen. Steve Lathrop said there is likely a whole list of things that would make an employer realize that these people aren’t risks. But we can't get them through the door to interview the way the law is now.

Lobbyists, representing businesses and business organizations, testified in opposition to the bill. There is some misunderstanding that the bill takes away the employers right to interview only people they feel are qualified for the job.

Robert Hallstrom, representing the National Federation for Independent Businesses, said the bill would add another step in the hiring process. It would be valuable to know as soon as possible if an applicant had a criminal record. He added that he doesn’t think every applicant who checked the box was being denied an interview.

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Erin Ebler-Rolf, an attorney testifying on behalf of the Lincoln Independent Business Association, said the bill should delineate between full-time, part-time and seasonal employees. She said some smaller businesses would fall under the bill if they have more than 15 employees only at certain times.

Employers might be forced to waste their time by interviewing applicants who should not be legitimately considered for a specific job because of their criminal record. She said LIBA believes that employers should be able to decide what policies are appropriate for screening their applicants consistent with current state and federal laws and regulations.

Sorry she missed the point. Let’s give the potential employees a break for a change. Let’s give them a chance. This bill should be passed.

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