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Posted at 06:00 AM ET, 07/25/2011

EEOC reconsiders policy on criminal background checks

By Lisa Rein



The Equal Employment Opportunity Commission is reexamining its requirement that employers do criminal background checks on job applicants, scheduling a hearing Tuesday on whether arrest and conviction records are a hiring barrier for minorities.

An increasing number of employers are seeking background checks out of security concerns.

Federal policy currently prevents companies from using criminal records to screen out job applicants unless the criminal conduct is job related. The EEOC and other anti-discrimination advocates argue that because African Americans and Hispanics have higher rates of arrest and convictions than whites, they could suffer discrimination if companies do blanket criminal background checks that eliminate them from consideration for a job.

But civil rights groups and some EEOC members argue that background checks don't necessarily prevent someone from being hired, but provide employers with more information than they otherwise would have.

Credit background checks, which are permitted under federal law, are not up for reconsideration.

The commission heard a plea last week from the sister of an Orlando, Fla., woman who opened her home in 2001 to a convicted sex offender working for a local air-duct cleaning company and was raped and beaten to death by him.

"Is this too much to ask, that employers take appropriate steps to ensure the safety of their customers from their employees?" Lucia Bone, founder of the Sue Weaver C.A.U.S.E. (Consumer Awareness of Unsafe Service Employment), wrote to the commission. Bone's group is campaigning for legislation requiring criminal background checks on service employees.

In recent years, the EEOC has filed at least two lawsuits against companies that have adopted criminal history policies the commission believes have a disparate effect on African Americans and Hispanics.

By Lisa Rein | 06:00 AM ET, 07/25/2011

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