



August 5, 2005

Mr. Richard A. Hertling  
Deputy Assistant Attorney General  
Office of Legal Policy  
4234 Robert F. Kennedy Building  
950 Pennsylvania Avenue, N.W.  
Washington, D.C. 20530

Re: Employment Screening for Criminal Records (OLP Docket No. 100),  
Attorney General's Recommendations to Congress

Dear Mr. Hertling:

We appreciate this opportunity to comment on the Attorney General's initiative to evaluate the nation's policies related to criminal background checks conducted for employment purposes and to make recommendations for reform to Congress (70 Fed.Reg. 32849, June 6, 2005).

The Service Employees International Union (SEIU) represents over 1.8 million employees who work in public services, building services, health care and long-term care. We have a special interest in the Attorney General's report and recommendations to Congress because many of our members are subject to required criminal background checks as a condition of their employment. These members include security guards, child welfare workers, social workers, nursing home employees, home care providers, police and correctional officers, and public transit and transport workers.

We strongly support the comments that have been submitted to you by the National Employment Law Project and by the Transportation Trades Department of the AFL-CIO. In addition to endorsing the comments of these two organizations, we wish to highlight briefly several issues that are of particular concern to the SEIU:

- Many state Medicaid programs allow beneficiaries to be cared for by close family relatives. The criminal records check waiver process recommended by the National Employment Law Project and by the Transportation Trades Department should be available for Medicaid recipients who wish to hire a family member with an otherwise disqualifying offense. Such a waiver would allow care giving relationships that maximize consumer choice and quality of care.
- Absent special circumstances, new employment prohibitions based on an individual's criminal record should apply prospectively to future hires. Current employees should not have to reapply for their jobs.

ANDREW L. STERN  
International President

ANNA BURGER  
International Secretary-Treasurer

MARY KAY HENRY  
Executive Vice President

GERRY HUDSON  
Executive Vice President

ELISEO MEDINA  
Executive Vice President

TOM WOODRUFF  
Executive Vice President

SERVICE EMPLOYEES  
INTERNATIONAL UNION, CLC

1313 L Street, N.W.  
Washington, D.C. 20005

202.898.3200  
TDD: 202.898.3481  
www.SEIU.org

8104-1000

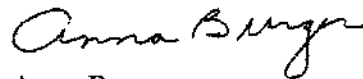


Page 2  
Mr. Richard A. Hertling  
August 5, 2005

- Because the process for checking an individual's criminal record can be lengthy, employees should be permitted to begin employment on a provisional basis, absent a compelling reason to require completion of the record check first.
- Employment prohibitions imposed by federal law should directly relate to the responsibilities of the occupation. Broad categories of offenses should be closely scrutinized, particularly when it comes to blanket rules for all felonies and disqualifications based on misdemeanors and non-violent crimes that disproportionately disqualify people of color.
- Federal laws authorizing employers to request FBI criminal records should direct that the employer pay the full costs of the fingerprinting and processing of the criminal records, while also precluding employers from seeking to recoup the fee, either directly or indirectly, from the worker's compensation.

Thank you for the opportunity to comment on the Attorney General's initiative and to help shape the nation's policies regulating employment screening for criminal records. It is important that pressure to respond to the public's concern for safety and security not preclude the development of a fair and effective regime of criminal background checks that includes strong worker protections and meaningful employment opportunities for people with criminal records.

Sincerely,



Anna Burger  
International Secretary-Treasurer

AB:AR:gmg

opeiu#2  
afl-cio, clc