



February 16, 2021

The Honorable Rep. Ray Sorensen
Chair, Iowa House Committee on Economic Growth
State Capitol, 1007 East Grand Avenue,
Des Moines, IA 50319

RE: PBSA COMMENTS ON HF 178 – REQUEST FOR AMENDMENT

Dear Chair Sorensen,

On behalf of the Professional Background Screening Association (PBSA), whose members include Iowa residents and businesses, we write to you with concerns regarding HF 178. As a nonprofit organization consisting of over 850 small and large companies engaged in the background screening profession, PBSA has been dedicated to providing the public with safe places to live and work since 2003. The PBSA member companies conduct millions of employment and tenancy-related background checks each year, helping employers, staffing agencies, and nonprofit organizations make more informed decisions regarding the suitability of potential employees, contractors, tenants and volunteers.

We write you today to reiterate our request for you to amend HF 178 to preempt local ordinances and ensure a unified statewide standard for Iowa regarding ban-the-box regulations.

Millions of background screening reports are requested in the United States each year. Our members are hired to verify the education, employment, financial, and criminal histories of applicants. There are a number of important reasons for conducting these searches, including: (i) ensuring a safe working environment by reducing the likelihood of workplace violence; (ii) ensuring property managers have the ability to provide safe living environments for tenants, including where housing is provided for vulnerable populations; ; (iii) reducing employee theft; (iv) reducing the hiring of individuals based on fraudulent credentials; (v) avoiding legal exposure for negligent hiring and (vi) meeting state law requirements designed to protect vulnerable populations like the elderly, disabled, and children.

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We appreciate that HF 178 took a more simple and straight forward approach to ban-the-box/fair chance hiring, especially in the light of the more convoluted and delayed process put into place by Waterloo in 2020. In that ordinance, the requirement to provide applicants with a conditional offer before permitting a background check to be done will force employers to conduct background checks on applicants one-by-one (after each conditional offer is made). HF 178 avoids that undue delay by permitting the employer to conduct checks on multiple qualified applicants at the same time, and then selecting the best applicant for the job.

Waterloo's ban-the-box ordinance, and the ensuing litigation surrounding it, reflects the need for a single statewide standard that becomes clearer every day – especially as the COVID-19 pandemic comes to an end and employers strive to fill open positions and get the economy moving at full speed. Under the current language of HF 178, there is no preemption of local communities like Waterloo. By allowing Waterloo a different standard and by allowing other communities like Des Moines or Iowa City to further add their own variations, there is great risk that well intentioned local efforts could result in a patchwork of hiring regulations across the state. Such a patchwork leads to serious concerns over unintended violations based on the confusion created by overlapping and competing laws and regulations. This confusion will ultimately result in undue delays during the hiring process, negatively impacting both employers and applicants.

HF 178 — if amended to pre-empt local regulations and become the official standard for the state of Iowa — has the rare opportunity to simplify, rather than complicate, the regulatory landscape. Clearly, for employers and human-resource professionals, a single regulatory framework makes compliance much easier. What is often overlooked is how this simplicity benefits applicants with prior criminal records by speeding the hiring process, avoiding confusion and additional “red tape,” and allowing individuals to start working sooner.

We would therefore request that this committee amend HF 178 to include language preempting local ordinances, which would achieve the goals of the legislation in a fair and uniform fashion, and help make Iowa the vanguard in fair chance legislation by holding up this bill as a strong, collaborative, uniform model for other states to emulate in ban-the-box/fair chance hiring legislation.

We are sorry we could not be available to appear in-person at the hearing today, but we thank you for the opportunity to present our comments and consider our request. PBSA and its members are prepared to discuss any questions you may have and look forward to working with you further. Please feel free to contact me directly with any questions at 402-957-1179 or brent.smoyer@thepbsa.org.

Sincerely,



Brent Smoyer, JD

PBSA State Government Relations & Grassroots Director

