



IAAPA

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August 8, 2011

U.S. Equal Employment Opportunity Commission
Commission Meeting, EEOC Executive Officer
131 M Street, N.E.
Washington, D.C. 20507

Via e-mail to: Commissionmeetingcomments@eoc.gov

Subj: Employer Use of Criminal Histories to Mitigate Risk and
Promote Public Safety, Comments in response to the EEOC's
July 26 meeting

The International Association of Amusement Parks and Attractions (IAAPA) is the largest trade association for permanently situated amusement facilities and attractions. IAAPA represents more than 3,000 facility, supplier, and individual members in the U.S. Member facilities include amusement/theme parks, waterparks, entertainment/resort complexes, attractions, family-entertainment centers, miniature golf courses, arcades, zoos, aquariums, museums, science centers, and casinos. IAAPA members range from large, multi-location facilities to small family-owned operations. Appropriate staff is imperative to the safe and smooth operation of an attraction facility.

We understand the EEOC is considering changing its long-standing policy regarding the use of criminal background checks with regard to current and prospective employees. IAAPA agrees that hiring should be fair and equitable and believes the current EEOC policy for use of criminal background checks enables our members to make fair decisions where relevant to the specific position.

IAAPA has unique concerns about changing current policy to limit or prohibit criminal background checks in the hiring process. We appreciate the opportunity to provide comments on this issue.

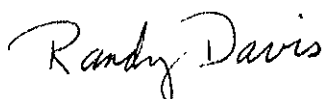
- IAAPA does not believe the EEOC has shown sufficient fact-based evidence to justify a need for change to the current and nearly twenty-five-year-old policy. Any change to current policy that limits employers' ability to use criminal background checks will have a significant impact on the safety and security of employees and guests. The Commission should take into consideration the total impact on business and understand that any change that reduces employers' flexibility in hiring and increases their costs ultimately will have a negative impact on job creation.

- In at least two states (Illinois and Massachusetts), **state law requires employers to do criminal background checks on amusement ride operators**. Changing EEOC policy to prohibit and/or make criminal background checks on employees more difficult will put businesses in an untenable position. Changing the policy so that criminal background checks are only allowable once an offer is pending will create unnecessary additional costs and delays.
- It is an absolute necessity that businesses have the flexibility to use fair and appropriate screening procedures to hire employees to help provide safe entertainment to families. As under current rules, the ability to inquire into prospective employees' relevant criminal convictions is a useful and very necessary hiring tool that some facilities use in order to maintain a high level of safety.
- Businesses in the attractions industry offer many positions that involve interacting with children, as well as those that involve safely operating sophisticated machinery. These facilities need to know early in the interview process whether an applicant has a conviction record, and if so, the nature of the conviction, in order to direct the applicant from positions that could compromise the safety of guests and other employees.
- Since many businesses in the attractions industry are seasonal, "job fair" hiring events are common. During a job fair, a business rapidly processes a large number of employees through the hiring process, oftentimes extending employment offers on the same day. It is not uncommon to fill 1,500-3,000 seasonal jobs in one weekend. Businesses rely on those with felony convictions to identify themselves on a job application, so that the nature of the crime can be assessed during an interview, and the applicant can be directed to an appropriate position. If business cannot ask an applicant about previous convictions or do a background check until an offer is pending, both the cost and the length of the hiring process would increase dramatically.

In summary IAAPA has grave concerns about changes to current EEOC policy regarding criminal background checks. We believe it would pose significant safety risks for guests and employees, and will certainly increase the administrative burden on businesses which are already struggling to do more with less in this weak economy.

If the Commission feels more discussion about the unique concerns of the attractions industry is needed, please do not hesitate to contact me.

Sincerely,



Randy Davis
Senior Vice President
Government Relations & Safety Services