Workforce Development for Justice Involved Individuals: Embracing a Second Chance

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Face Forward 3 New Grantee Orientation
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Reentry

- Annually, approximately 750,000 are released from state and federal prisons
- Over 9 million are released from local jails
- 95% of all justice involved individuals will return to their communities
Why Employment Matters

• Employment has a positive correlation to desistance from criminal activity
• Employment retention is a protective factor against recidivism
Criminal Record Considerations

• Current conviction
• Extent of criminal history
• Nature of crime(s)
• Verification of criminal record
• Addressing questions about criminal record
Record of Arrest and Prosecution (RAP)

• Be familiar with the client’s criminal history
• Client should obtain a copy of their RAP to check for accuracy and to see what employers will see in a background check
• Obtain from state’s Criminal Records Repository
  – See National HIRE Network website [www.hirenetwork.org](http://www.hirenetwork.org)
    • Resources and Assistance for Individuals
    • Click on state
Expungement

• Record treated as if it does not exist
• Sex offender registries not affected
• Background checks for federal employment not affected
• States have different policies based on:
  – Number of convictions
  – Length of time since conviction
  – Proof of rehabilitation
Employment Restrictions

• Based on nature of crime
  – Occupational bars
  – Licensure restrictions
• Check with state’s Office of the Attorney General
  – See National HIRE Network website
    www.hirenetwork.org
    • Resources and Assistance for Individuals
    • Click on state
Employment Restrictions

• Based on working conditions
  – Direct supervision
  – Work location
  – Work hours/rotating shifts

• If client is on supervision, check with the probation/parole officer
Probation/Parole Supervision Requirements

• Office or home visits
• Telephone access
• Work hours/curfews
• Drug testing
• Site visits
• Violations
Employment Applications

- Employers can ask about criminal convictions
- Some states prohibit questions about arrests, convictions that occurred well in the past or convictions unrelated to the job
EEOC’s Criminal Record Guidance

• In April 2012, EEOC issued updated enforcement guidance on employers’ use of arrest and conviction records when making hiring decision
  – Calls for employers to assess applicants on an individual basis rather than to have a blanket policy excluding all applicants with a criminal record
  – Provides specific recommendations on how employer criminal record policies should be designed to comply with Title VII
  – For detailed information, including case studies, go to www.eeoc.gov
Ban the Box

- 19 states and over 100 cities and counties have removed the question regarding criminal history from their job applications
- Background checks are deferred until later in the hiring process
- Background checks are only performed for certain positions

National Employment Law Project—www.nelp.org
Coaching Clients to Address Criminal History

- Fill out application completely and accurately
- Be honest; employee can be fired for falsifying application
- Answer question asked, for example:
  - Have you ever been convicted of a felony?
  - Have you been convicted of a felony within the last 10 years?
Coaching Clients

• Be prepared to discuss:
  – Conviction, briefly accepting responsibility
  – Accomplishments since conviction, such as educational achievements, work experience
  – Evidence of rehabilitation, such as successful completion of substance abuse treatment

• Role play interview
Online/Kiosk Applications

- Provide opportunities to practice online applications
- Coach clients on using key words
Job Development

- Know your local labor market
- Build relationships with employers
- Be familiar with client’s criminal history
- Match client’s skills and interests to jobs that meet legal and supervision requirements
Job Development

• Be aware of federal and state laws that govern occupations in relation to criminal record

• Consider the nature of the business, for example:
  – Working with children or vulnerable populations
  – Access to personal information or residences
Employer Incentives

• Federal Bonding Program
  – Insurance protection against theft
  – Fidelity bonds for applicants who may be denied bonding due to criminal record

• Work Opportunity Tax Credit
  – Federal tax credit
  – Target group includes ex-felons
  – $2400 tax credit
Prepare Clients

• Necessary documents
  – State-issued identification
  – Social Security card
  – Birth certificate

• Soft skills training
  – Workplace expectations
  – Workplace ethics
Prepare Clients

• Goal-setting
  – Long-term goals
  – Short-term goals
  – Mini steps to reach short-term goals
Job Placement

• Must balance the needs of clients, employers, probation/parole, and community

• Clients’ needs
  – Legal employment
  – Livable wage
  – Accessibility and accommodations
Job Placement

• Employers’ needs
  – Safe workplace
  – Skilled worker
  – Dependable employee

• Probation/parole’s needs
  – Legal employment
  – Meets supervision requirements
  – Supports treatment/recovery
Job Placement

• Community needs
  – Public safety
  – Community supervision
  – Confidence in job placement
Tips on Working with Clients with a Criminal Record

• Consider transferable skills
• Provide guidance on career paths
• Be aware of competing demands
• Provide incentives
Tips on Working with Clients with a Criminal Record

- Develop partnerships with probation and parole
- Keep abreast of developments in national reentry
  - National Reentry Resource Center at [www.nationalreentryresourcecenter.org](http://www.nationalreentryresourcecenter.org)
Contact Information

National Institute of Corrections
www.nicic.gov/owd

NIC Information Center
http://nicic.gov/library/topic/380-offender-employment

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