

STRATEGIES TO ENGAGE EMPLOYERS IN CONVERSATIONS ABOUT HIRING APPLICANTS WITH CRIMINAL RECORDS

With the national unemployment rate dipping below five percent, the economy suffers when people with criminal records are kept out of the labor market. According to a recent [study](#), the economy [loses](#) \$78-87 billion per year in gross domestic output due to the number of people with criminal records that are unemployed or underemployed. Employers cannot afford to overlook millions of qualified workers.

Many employers have expressed a desire to provide fair access to job opportunities, but are unsure how to do so while still addressing safety and liability concerns. This tip sheet offers suggestions to reentry education providers and partners for engaging employers in conversations about hiring people with criminal records.

Tip One: Do Your Research

Before reaching out to employers, learn about the industries they operate in and the barriers people with criminal records may face when trying to enter or advance in those industries. Research the local and state hiring policies that regulate when in the hiring process employers can inquire about criminal records. It is also important to understand specific employers' hiring needs: employers will be more responsive if you can frame the discussion around their needs for qualified workers.

- Identify the **industries in your region** that are expected to grow. There are several options for locating this information. [CareerOneStop](#) has industry profiles and other useful industry information. The U.S. Department of Labor funds each state to compile short- and long-term [employment projections](#). In addition, each state is required to develop a Workforce Innovation and Opportunity Act Plan (WIOA), which includes employment projections. These are publicly available at www2.ed.gov/about/offices/list/osers/rsa/wioa/state-plans/index.html. This information will help you target your efforts on the industries with the largest number of job openings, as well as the industries that are expected to have the most job openings in the future.
- Learn about **career paths**—how a person can advance within an industry, including the education and training requirements they will need to meet at each step in order to move up—available in [specific industries](#). For example, in the trades, a CNC machinist is an entry-level position. With additional experience and education, a CNC machinist can move along a career path to become a CNC technician with more responsibility and higher wages; and, with a bachelor's degree, they are positioned to pursue a career in a range of

industrial engineering specialties, including industrial, mechanical, or chemical engineering.

- Inventory the legal and regulatory sanctions—or **collateral consequences**—that limit or prohibit people with criminal records from accessing employment in specific industries, occupational licensing, and other opportunities in order to help you better understand the barriers that jobseekers with criminal records may face. The Council of State Governments' [National Inventory of Collateral Consequences of Conviction](#) is a great resource for understanding the collateral consequences. For example, states require licenses for particular businesses or occupations, including some health care professions, commercial drivers, and cosmetologists. Restrictions specific to these occupational licenses are one significant type of barrier to employment opportunities for people with criminal records, as more than one-third of occupational and business license laws include automatic exclusions, such as blanket bans on applicants with any type of a felony conviction.
- **Understand the state and local hiring policies** aimed at the consideration of records in hiring decisions. A broad menu of reforms, which some localities have deemed “fair-chance” laws, incorporate “Ban the Box” policies and build off the best practices detailed in the U.S. Equal Employment Opportunity Commission’s [guidelines](#) on the use of arrest and conviction records for employment decisions. Policies run the gamut in substance from simply removing the conviction history from the job application to more robust versions. The scope of the reform also varies as to the level of government, the legal mechanism used, and the type of employer included. As of May 2016, 26 states and more than 150 cities and counties had [adopted policies](#) to delay inquiries into a job applicants’ criminal history during the hiring process.

Tip Two: Listen to Employers

Before asking employers to hire people with criminal records, learn about their hiring practices and ask them about their willingness to consider new ways of recruiting workers. Identify what excites them and what makes them anxious about this process.

- **Understand what skills employers are looking for in employees** so you can refer people to open positions that will meet employers’ needs. It is also important to understand employers’ recruiting and hiring processes. For example, if employers report constant turnover of entry-level workers, they may need help in establishing a more effective screening process. If employers report that new hires do not have the required skills for their positions, you may need to collaborate with workforce partners who can provide skills training.
- **Ask employers about their hiring practices** and if they currently hire qualified workers with criminal records. If not, explore why and respond to their questions and concerns.

- Explore opportunities for employers **to provide input on the development of correctional education and training programs**, as well as to participate in job shadowing or mentoring programs. Their involvement will ensure that these programs train jobseekers to meet the needs of employers.

Tip Three: Promote Peer Learning

Employers listen to other employers, so you should create spaces for them to communicate with one another. Employers will value your role as a convener or intermediary.

- Identify and **build relationships with employers** who have had success hiring people with criminal records. These employers will become your champions, so encourage them to share their stories with other employers in their industries and communities.
- **Convene employers by sector** to discuss their hiring practices and the resources they use to inform their hiring decisions. If employers work together, they can create an efficient process for meeting their needs by, for example, developing industry standards in occupational training programs or utilizing common applications. Industry associations, such as the National Association of Home Builders and the National Association of Manufacturers, have established programs to train people who are currently incarcerated, or were formerly incarcerated, for jobs in their industries. Employer engagement planning guides and sample materials are available through The National Reentry Resource Center at <https://csgjusticecenter.org/nrrc/hiring-people-with-criminal-records/>.
- **Work with your chamber of commerce.** Chambers of commerce regularly provide peer learning opportunities for their members and are trusted by the business community. Chamber members are mainly small and medium-sized businesses who often look to their chambers of commerce for solutions to common business challenges. The Association of Chamber of Commerce Executives has developed a Smart Justice Program, which provides tools and assistance to chambers interested in promoting the hiring of people with criminal records.

EMPLOYERS LEARN FROM EACH OTHER IN WESTERN MICHIGAN

Talent 2025—an initiative led by more than 100 CEOs in western Michigan—is helping build a community of practice through which senior human resources managers and directors can learn about hiring people with criminal records. Participants meet five times over the course of six months to discuss relevant laws and insurance liability, learn more about policies related to criminal records, discuss their experiences hiring people with criminal records, and develop “fair-chance” hiring practices for their companies.

Tip Four: Create Win-Win Opportunities

Employers are more likely to consider hiring people with criminal records when doing so addresses their business needs and serves their bottom line. Focus conversations with employers on the benefits of broadening their pool of qualified applicants.

- **Position your organization as a pre-screener of applicants**, which can reduce human resource costs for the employer. You might offer to meet with potential job candidates to conduct mock interviews, review their credentials, and assess their skills and reliability.
- **Partner with employers to identify marketable skills** and create effective training programs that will produce job-ready applicants.
- **Collaborate with American Jobs Centers to establish on-the-job training programs** with wage subsidies provided by the government. This will allow employers to reduce costs, and gives them the opportunity to see people at work before making a hiring decision. You can learn more about this work here.

www.careeronestop.org/businesscenter/trainandretain/fundingemployeetraining/on-the-job-training.aspx.

FROM ON-THE-JOB TRAINING TO PERMANENT EMPLOYMENT

Project Empowerment—launched in 2002 by the Washington, DC, Department of Employment Services—partners with local employers to place participants of its job-readiness program who were formerly incarcerated in permanent jobs after they complete the program. The job-readiness program includes an intensive three-week training course, skill-development classes, supportive services, and job-search assistance, followed by subsidized on-the-job training. The goal of the program is long-term job placement and recidivism reduction.

This resource was prepared by Stephanie Ahkter at the Council of State Governments Justice Center with funding from the U.S. Department of Education, Office of Career, Technical, and Adult Education, under contract no. ED-ESE-15-A-0011/0001. The opinions expressed herein do not necessarily reflect the opinions or policies of the U.S. Department of Education. This document is in the public domain and may be reproduced without permission.