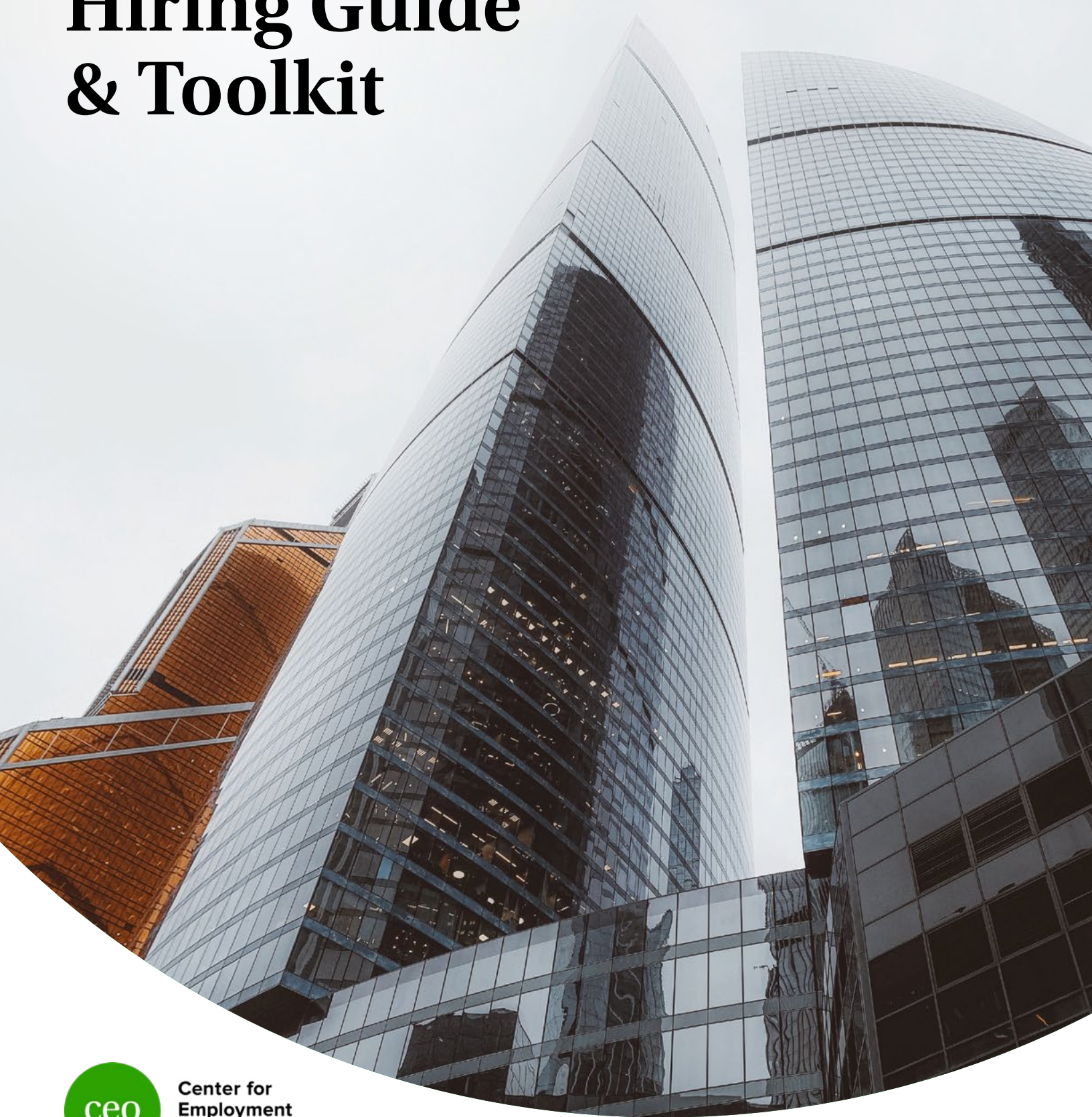


# A Fair Chance: Hiring Guide & Toolkit



Center for  
Employment  
Opportunities

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## Glossary

### **Ban the Box**

A set of laws and processes that govern when an employer can ask about a criminal conviction and what happens after the finding.

### **Fair Chance or Second Chance Employees**

An employee or job seeker with a past criminal conviction.

### **Fair Chance or Second Chance Employers**

Employers that evaluate a candidate's skills before considering an applicant's criminal history.

### **Recidivism**

The rate that a person with a past conviction returns to incarceration.

### **The Talent Lifecycle**

The stages of employment.

### **Untapped Talent Pool**

Used to describe a group of people that are typically underemployed yet have the skills needed for employment and are eager to work.

# Fair Chance Hiring is Good for Business



## Performance:

**81%** of business leaders and **85%** of HR professionals

believe workers with criminal records perform their jobs about the same or better than workers without criminal records. <sup>1</sup>

## Work Quality:

**4 IN 5** of HR professionals

believe the quality of hire of workers with criminal records is about the same or better than workers without – up from 67% who said the same in 2018. <sup>1</sup>

## Hiring Costs:

**81%** of HR professionals

felt the cost-per-hire of workers with criminal records was about the same or less than workers with criminal records. <sup>1</sup>

## Reliability:

**73%** of business leaders & **75%** of HR professionals

said workers with criminal records were just as or more dependable than workers without criminal records. <sup>1</sup>

<sup>1</sup> [https://www.gettingtalentbacktowork.org/wp-content/uploads/2021/05/2021-GTBW\\_Report.pdf](https://www.gettingtalentbacktowork.org/wp-content/uploads/2021/05/2021-GTBW_Report.pdf)

# Center for Employment Opportunities

CEO believes in the transformational power of work and our mission is to provide immediate, effective, and comprehensive employment services to individuals with criminal convictions who have recently returned home from incarceration. Working exclusively on one issue, with one population, for decades, has enabled CEO to hone an expertise unmatched among peer organizations. Our evidence-based program model consists of workforce readiness training,

transitional employment with daily pay, job coaching, job development services (leading to permanent job placement), and a year of employment retention support. In addition to our on the job training program, CEO is equally invested in collateral consequence reform through policy initiatives, working with employers on fair chance initiatives, and advanced training certification to create economic mobility pathways for employees with past convictions.

## Inclusive Hiring

Our Inclusive Hiring mission is to **catalyze shifts in employment practices** by partnering with employers and community stakeholders to unlock **career pathways** that **promote racial equity and provide economic mobility** for people with past convictions.





## Our Values

### PERSON-CENTERED

We value the unique & unlimited potential of every person connected to CEO.

### IMPACT

We value every returning community member and insist that they have equal access to employment that aligns with their career goals.

### COMMUNITY

We value the power of community.

### EQUITY

We believe that everyone, regardless of their circumstance, deserves the opportunity to work toward a stronger future for themselves, their families, and their communities.

## CEO's Inclusive Hiring Services:

### Tools & Guidance:

We develop tools to guide employers and HR professionals to hire and retain job seekers and staff with convictions. Our tools range from certificate programs to inclusivity assessments.

### Consulting:

As part of our technical assistance offerings, we review human resource policies, make recommendations, and coach staff on how to implement fair chance hiring practices.

### Immediate Staffing Fulfillment:

CEO can fulfill immediate staffing needs with supervised work crews and continuous access to job seekers ready for hire in 31 different cities throughout the U.S.

### Talent Pipeline Development:

We help employers develop partnerships in their community with other organizations that are helping job seekers with past convictions to achieve employment success.


***CEO is here to help employers hire and retain talented employees.***

***To learn more about CEO and fair chance hiring services, please visit***

***our website: [www.CEOworks.org](http://www.CEOworks.org) or email us at [inclusivehiring@ceoworks.org](mailto:inclusivehiring@ceoworks.org)***

# The Truth About Fair Chance Hiring





## Tenure

### **Myth:**

People with past convictions are unreliable. <sup>1</sup>

### **Fact:**

**Employees with past convictions are no more likely to be fired and are more likely to have longer tenure than employees without convictions.**

## Performance

### **Myth:**

Past imprisonment impedes on someone's ability to perform as an employee. <sup>2</sup>

### **Fact:**

**A study of 1.3 million military enlistees found that enlistees with past convictions had superior performance compared to those with no convictions.**

## Conduct

### **Myth:**

Someone with a past record is going to behave badly on the job. <sup>3</sup>

### **Fact:**

**Work related misconduct of workers with criminal records is, on average, less serious than other workers.**

## Violence

### **Myth:**

People with past convictions have a greater tendency to be violent on the job site. <sup>4</sup>

### **Fact:**

**While employers are concerned with negligent hiring judgements for violent acts, there is no evidence to support this concern.**

<sup>1</sup> <https://insight.kellogg.northwestern.edu/article/should-you-hire-someone-with-a-criminal-record>

<sup>2</sup> <https://www.umass.edu/news/article/new-research-umass-amherst-sociologist-2>

<sup>3</sup> <https://psycnet.apa.org/doiLanding?doi=10.1037%2F0021-9010.92.5.1427>

<sup>4</sup> [https://www.abajournal.com/news/article/are\\_former\\_offenders\\_more\\_likely\\_to\\_be\\_fired\\_for\\_misconduct\\_only\\_in\\_one\\_kin](https://www.abajournal.com/news/article/are_former_offenders_more_likely_to_be_fired_for_misconduct_only_in_one_kin)

# Talent Life Cycle



## Talent Acquisition

This beginning stage is the exciting part of the talent lifecycle, where employers are seeking the most qualified person for the job. In order for hiring managers to widen their talent pool, it is important to review job descriptions and interview processes to ensure that it is inclusive of all people and in particular those with a past conviction.

### Quick Tip:

Make sure you are up-to-date with Ban the Box laws that govern employment law in your jurisdiction.



## Onboarding

After a job offer has been made and accepted, the onboarding process begins. This is a nerve-racking time for all new employees, and in particular those employees with a past conviction that are returning to the workforce. People are not only curious about what their new role will entail, but are also wondering about the culture and goodness of it.

### Quick Tip:

Tell the new employee once the background check is complete. This often looms in the back of their head and they are unsure if something will come up and they will be walked off the job.





## Talent Development & Mobility

People with past convictions are often eager to get hired, and eager to advance within the company. Investing in these employees is good for them, and good for business. Make talent development part of your company's culture by supporting professional development.

### Quick Tip:

Provide job shadowing opportunities. People may never see themselves in a position until they have been exposed to a new experience or role.



## Retention

Be purposeful in engaging and collecting feedback from your employees through surveys, and bi-annual performance conversations. Asking for their feedback signals that their opinion matters and is valued.

### Quick Tip:

Ensure that your fair chance employment approach is directly informed by employees with past convictions. Provide opportunities to them to help develop fair chance hiring practices. This will create a culture where employees want to stay and grow.

# Where to Find Talent?

## Job Postings

The first practical step in securing talent from this untapped talent pool is to ensure that you are signaling to potential employees that you hire employees with past convictions. People with past convictions look for signs that show they are welcome to apply. How does your recruitment material demonstrate that you are inclusive of all people?

**A simple way to transform your job posting is to add a sentence like “We encourage people with past criminal convictions to apply.”**

## Diversity, Equity & Inclusion

Does your company have a Diversity, Equity and Inclusion policy? Does it include employees with past convictions? If it does not, incorporate this group into your statement and add your statement to the job posting! This demonstrates that you value diversity and are intentional about fostering a work environment that is inclusive for all.

## Talent Pools

Consider networking with the following organizations to intentionally recruit talent with past convictions:

1. **Local colleges** have programs that specialize in upskilling recently released individuals. These programs specialize in vocational and technical training. People that have earned these newly acquired skills are eager to put them to use.
2. **Probation and parole officers** frequently supervise people who are seeking employment especially because employment is often part of one’s terms of release. The officers are also aware of who might be a good fit based off of skill, location, and company culture.
3. **Reentry employment programs** support people as they transition into the community and search for work. Many reentry programs provide advanced training, job placement, and ongoing support to help with retention.

## Background Check

A background check produces a summary of a person’s past involvement in the judicial system. Background checks are not always accurate because of human inputting errors, and often contain unnecessary details such as an arrest that did not lead to a conviction. Background checks do not take into account what led to the conviction, nor do they account for any rehabilitation or mitigating factors that happened after the conviction. A background check is a snapshot of someone’s past that cannot easily be changed. Additionally, it is not an accurate depiction of the job seeker or employee. If a background check produces findings, employers should provide an opportunity for the applicant to produce evidence of rehabilitation, and the person making the hiring decision should consider these factors.

# Managing Legal Risk in Hiring

Making a hiring decision is one of the most important decisions for employers. The best way to mitigate risk during the hiring process is to make sure the hiring process is equitable and follows all applicable laws.

## Ban the Box

Most Ban the Box laws require an employer to remove the conviction question from an application and wait to conduct a background check until a conditional job offer has been made. The purpose of these laws is to ensure that applicants are given equal consideration solely based on skills and qualifications. While not every state has adopted Ban the Box laws, states are progressively adopting these practices; it is critical that all employers are up-to-date with these policies.

## Equal Employment Opportunity Commission & Fair Credit Reporting Act

The Equal Employment Opportunity Commission (EEOC) and the Fair Credit Reporting Act (FCRA) offer additional guidance on fair chance hiring. The EEOC cautions employers that use an individual's criminal conviction to withhold a job offer as it may result in discrimination based upon the Title VII of the Civil Rights Act of 1964. Additionally, the EEOC recommends that employers conduct a "nature - time - nature" assessment which evaluates the nature of the job duties, the time that has passed since the conviction and the nature of the conviction. FCRA requires that third-party consumer reporting agencies, in particular background check companies, follow strict guidelines that include consent and disclosure.

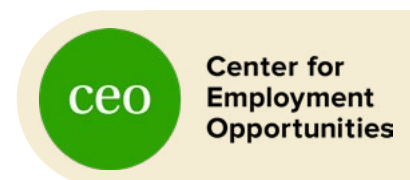
To learn more about the FCRA visit [www.ftc.gov](http://www.ftc.gov); to learn more about EEOC guidance visit [www.eeoc.gov](http://www.eeoc.gov).

## What if an employer is caught breaking the law?

Many states have agencies that prosecute employers found to be in violation of Ban the Box laws. In the State of California, for example, the Civil Right Department provides guidance on Ban the Box laws for both employers and job seekers. If a job seeker has been discriminated against based on a past conviction, they are able to file a complaint. Once the department has reviewed the information, an investigation may ensue. If the employer is found to be in violation they can face a fine and may be required to hire the applicant.

## Going Beyond Ban the Box

Simple ways that employers can go beyond Ban the Box include removing a background check altogether from your application process and clearly stating that you encourage people with past convictions to apply.



*Disclaimer: This is not intended to be legal advice. If you have legal questions about employment law please seek legal counsel.*



# Benefits and Incentives

## Bonding & Tax Credit

Expanding recruitment to a talent pool that includes people with past convictions has many benefits. Companies experience reduced turn-over, and hire employees that are eager to advance. In addition, fair chance employers positively impact the community.

In addition to the workplace benefits, the government offers support and incentives.

Employees can receive a free federal bond that covers the first six months of employment at no cost to the job seeker or the employer. The US Department of Labor created the program in 1996; the bond protects the employer against losses

caused by fraudulent or dishonest acts. The bond has a \$5,000 limit with a \$0 deductible. The program is available to any employer located in any state and to full-time or part-time employees including temporary agencies. To learn more about federal bonding visit [nicic.gov](http://nicic.gov).

The Work Opportunity Tax Credit (WOTC) is a federal tax credit program for employers who have hired an employee from specific groups that typically have a hard time finding employment, which includes people with past convictions. This tax credit offsets federal tax liability of private, for-profit employers. To learn more about WOTC, visit [www.dol.gov](http://www.dol.gov).

# Resources

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## Reentry Workforce Programs

Center for Employment Opportunities

[www.ceoworks.org](http://www.ceoworks.org)

To find local reentry programs, type **“reentry program” + location** in a search engine

## Human Resource & Talent Advisement

**Getting Talent Back to Work**

Society for Human Resource Management

[www.gettingtalentbacktowork.org](http://www.gettingtalentbacktowork.org)

**National Reentry Workforce Collaborative**

[thenrwc.org](http://thenrwc.org)

**Second Chance Business Coalition**

[secondchancebusinesscoalition.org](http://secondchancebusinesscoalition.org)

## Find Talent

Center for Employment Opportunities

[www.ceoworks.org](http://www.ceoworks.org)

**Honest Jobs**

[www.honestjobs.com](http://www.honestjobs.com)

**Indeed**

[www.indeed.com](http://www.indeed.com)

Check the box **“People with a criminal record are encouraged to apply”** when posting your open job or use the Fair Chance filter if when searching for a position

**LinkedIn**

[www.linkedin.com](http://www.linkedin.com)

Register as a Fair Chance Employer or use the **Fair Chance filter**

## Stories of Success

**Ear Hustle Podcast**

[www.earhustlesq.com](http://www.earhustlesq.com)

**Innocence Project**

[innocenceproject.org](http://innocenceproject.org)

**Prison Fellowship**

[www.prisonfellowship.org](http://www.prisonfellowship.org)

**Testif-I**

[testif-i.com/about](http://testif-i.com/about)

## Employment & Justice Reform

**All of Us or None**

[prisonerswithchildren.org](http://prisonerswithchildren.org)

**JustLeadershipUSA**

[jlusa.org](http://jlusa.org)

**National Employment Law Project**

[www.nelp.org](http://www.nelp.org)

**Vera Institute of Justice**

[www.vera.org](http://www.vera.org)

CEO collaborated with the **Society for Human Resource Management** (SHRM) to re-launch SHRM’s Getting Talent Back to Work Initiative. Visit the Getting Talent Back to Work website ([www.gettingtalentbacktowork.org](http://www.gettingtalentbacktowork.org)) to access an array of resources including a free certificate program that equips hiring managers and HR professionals with the knowledge and tools needed to become a fair chance employer.

# 10 Things All Job Seekers with Past Convictions Need to Know

## 1. **Have confidence in who you are as a person and as a job seeker.**

In order to get a job, you have to have confidence in what you will bring to the employer. You have tons of skills even if they were not learned at a job. Do not discredit the experiences you gained while incarcerated—these are called “transferable skills learned in a non-traditional place of employment.” Internalize and learn to share your accomplishments, skills acquired, and what you have to offer as an employee.

## 2. **Familiarize yourself with new terminology.**

Employers that hire employees with past convictions often call themselves a “Fair Chance Employer” or a “Second Chance Employer.” These same employers call job seekers with past convictions “fair chance employees” or “second chance employees.” If you are looking for a job, do not only search by using the term “felony friendly” also include “fair chance” or “second chance.”

## 3. **Most jobs are posted online.**

Gone are the days when you could walk into a company and apply. Now, employers frequently use job boards like Indeed, LinkedIn or Honest Jobs. Indeed and LinkedIn have a “fair chance filter”—once you select the filter, only jobs that accept people with past convictions will appear as part of your search results. Keep in mind that it takes some time to submit your resume and application online. Don’t get frustrated and give up. It gets easier the more times you apply.

## 4. **Some employers fear being sued for “negligent hiring.”**

This is one reason why they are scared to hire people with past convictions. They are nervous that if you are hired and do something illegal at the job, they will be held accountable. One way to soothe their fears is to talk about any type of rehabilitation you have gone through. This will help them to believe that people can and do change.

## 5. **The “Tell me about yourself” question is the most asked interview question.**

Research shows that you only have 6-7 seconds to make a first impression. Also, this is NOT the time to disclose your criminal conviction; do not share your age, information about your family or anything personal. This is a professional interaction. Your response should include why you are interested in and qualified for the job. This takes practice!

## 6. **You may be required to interview online.**

It is important that you understand virtual meeting etiquette. Well before the interview, make sure that you have the meeting web page downloaded and that you know how to sign on. Check your internet connection to make sure it is strong. Know how to turn on your camera. Make sure you are sitting at a desk or table, not lounging on the couch or in bed, and that the background behind you is professional. If you are not on mute, everyone on the call can hear everything that is happening so make sure your environment is quiet.

Take the free LinkedIn Learning course on “**Job Seeking with a Criminal Record**” with Dr. Genevieve Rimer. Access it here [www.linkedin.com](http://www.linkedin.com).



7. **There are many resources available to help you re-enter after incarceration.**

Not all reentry programs offer the same thing; some programs specialize in employment where others may specialize in social services such as housing or self-help classes. If you are interested in vocational training such as a commercial driver’s license or welding contact an American Job Center near you. There are over 2,400 of them across the country. These training programs may be free for you! For more information on American Job Centers visit [careeronestop.org](http://careeronestop.org).

8. **Familiarize yourself with “Ban the Box” laws.**

Ban the Box laws were created to require employers evaluate an applicant’s skills before considering their past convictions. Specifically, Ban the Box is a set of laws that prohibit employers from asking about a criminal conviction on an application or during an interview. Ban the Box laws require employers to make a conditional offer of employment first, before conducting a background check. If the employer learns about a criminal conviction,

the applicant also has an opportunity to correct inaccurate information and provide evidence of rehabilitation. Ban the Box laws exist in many states. Look up Ban the Box laws in your county to understand your rights.

9. **Do not get discouraged if you are not offered the first job you apply for (or the second or third).**

Do not give up. Remember that you are skilled and talented, and an employer is lucky to have you as an employee. You may not succeed with the first try, but you will eventually get a job. Millions of people with past convictions are employed- you will eventually find work!

10. **Familiarize yourself with what employers are learning about “fair chance employment.”**

There are many organizations that work with employers to help them hire people with past convictions. Knowledge is power. Look up “fair chance hiring toolkits” online to equip yourself with the practices and policies employers are using to hire employees with past convictions.



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