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## Do's and Don'ts of Hiring People with Criminal Histories

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By Amy Gulati 1/15/2016

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The strong U.S. labor market is creating competition for talent in all sectors of the economy, from highly technical to low-skilled workers, driving businesses to expand their talent pools. In some industries, this means considering or increasing hiring programs for people with criminal histories.

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Many companies are facing a challenge nearly unimaginable during the worst of the Great Recession: an inability to find qualified and willing employees. For some trades, such as welding, and in certain geographic areas, talent shortages are so dire that employers simply cannot afford to overlook any pool of willing candidates, said Justin Archer Burch, program associate for community development at the Foundation for the Mid South, a workforce development program based in Jackson, Miss.

Historically, individuals with criminal records, and particularly those who have served time in prison, face numerous barriers to employment. As President Barack Obama mentioned Jan. 12 during his State of the Union address, chronic unemployment among people with criminal histories has a far-reaching negative impact on society.

According to a July 2015 report published by Jobs for the Future, 95 percent of nearly 2 million incarcerated Americans will eventually be released. Data on this population has consistently shown a strong correlation between having steady, lawful work to support themselves and staying out of future trouble. Without a strong support system or a steady job, many former criminal offenders are likely to commit new crimes and return to jail: a cycle of recidivism that recurs nationally.

The U.S. Department of Labor's Employment and Training Administration announced Jan. 13 the availability of approximately \$5 million to put specialized job centers within county, municipal or regional correctional facilities. The grants will support an integrated approach that links pre-release services directly to post-release services.

The positive social impact of hiring this population may be obvious, but there is also a strong business case to be made.

Pat Steele, site director for workforce development program Central Iowa Works, based in Des Moines, told *SHRM Online*, "These individuals must develop strong problem-solving skills to figure out how to get along in prison. It's also likely that they've gone through personal challenges that other employees may not have had; they've already demonstrated the ability to persevere and overcome adversity."

For employers that are open-minded and willing to overlook a criminal record, these soft skills can be significant assets.

Here are some do's and don'ts for hiring people with criminal backgrounds:

**Do look for partnerships.** Many states and municipalities have workforce development programs (<http://www.careeronestop.org/LocalHelp/service-locator.aspx>) whose missions revolve around training and supporting people with criminal histories as they transition back into the general population. If you require niche skills or need to hire en masse, these organizations can help connect you with the right candidates. Many of them even manage training programs so your new hires will have developed needed skills before they start the job.

**Don't generalize or make assumptions** about the skills and experience these individuals may have. Many employers assume that a new hire who has spent time behind bars will require extensive training to acquire common workplace skills. According to data from the Department of Justice, however, over one-third of incarcerated citizens have at least a high school diploma. Burch pointed out that in order to meet parole requirements, many individuals are “regularly drug-tested, closely supervised [by their parole office] and have to observe curfews.” In short, these candidates may demonstrate more reliability and accountability than similarly skilled peers in the general population.

**Do review your hiring policies** to make sure you're not unintentionally excluding this population. Especially if you use an applicant tracking system that ranks or sorts applicants based on predetermined criteria, you may be eliminating people with criminal backgrounds from the candidate pool before you even speak to them. Many states and localities have recently passed laws ([/hrdisciplines/staffingmanagement/articles/pages/opm-ban-the-box-rule-2016.aspx](http://hrdisciplines/staffingmanagement/articles/pages/opm-ban-the-box-rule-2016.aspx)) making it illegal to ask about arrests or convictions before a certain point in the interview process, so it's wise to review your entire application process to ensure that there are no unintended barriers. Legislation calling for the elimination of questions about criminal convictions on job applications, known as “ban-the-box” legislation, is a hot topic for politicians and community activists.

**Don't let risk management concerns stand in your way.** Many employers may be concerned about potential liability associated with hiring people with criminal histories. It's important to note that all 50 states can offer insurance bonds to employers who hire risky populations through the Federal Bonding Program under the Department of Labor. Employers may also be eligible for tax credits (</hrdisciplines/staffingmanagement/articles/pages/wotc-extension-long-term-jobless.aspx>) or other incentives. To learn more about how to measure these risks and rewards, contact your state employment agency.

Burch and Steele represent two collaboratives supported by the National Fund for Workforce Solutions (<http://www.nfwsolutions.org/>), an incubation network that supports communities in developing and scaling successful job service programs.

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