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## CREATION OF EMPLOYMENT OPPORTUNITIES

**Promote, where appropriate, the employment of people released from prison and jail, and facilitate the creation of job opportunities for this population that will benefit communities.**

Viable job prospects can be few and far between for people returning to the community from prison or jail, even for those that have benefited from the programming discussed in Policy Statement 15 (Education and Vocational Training) and Policy Statement 16 (Work Experience). The opportunities that do exist are limited further by laws, regulations, or policies that prohibit or discourage employers from hiring people with criminal records. Policymakers can increase the pool of potential employers by examining these barriers and eliminating those that have no real bearing on public safety. Further, businesses that do not currently employ significant numbers of people after their incarceration need to be educated about support available to employers who hire released individuals, including government financial incentives, third-party intermediaries, and community corrections supervision.

## research highlights

There are barriers at the individual level that impede released individuals' efforts to secure and maintain employment.

Arrest and incarceration have some impact on the employment rates, and especially on the earnings, of people released from prison and jail.<sup>35</sup> The dearth of available jobs in certain neighborhoods and the stigma of having a criminal record both hinder the employability and earnings capacities of people released from prison or jail; surveys have found that 60 percent of employers, upon initial consideration, would not hire a released individual.<sup>36</sup> It is worth noting that the employment rates and earnings histories of individuals in prison and jail were often low before incarceration as a result of limited education experiences, low skill levels, and the prevalence of physical and mental health problems; a criminal record and recent incarceration only exacerbate these employment challenges.<sup>37</sup>

Many of the communities that receive released individuals are ill prepared to absorb those with low employability.

Most inmates return to low-income, disadvantaged communities with limited employment prospects.<sup>38</sup> These communities often have large numbers of low-skilled residents and relatively few unskilled jobs, let alone skilled jobs offering long-term employment stability. Peer groups in these neighborhoods presumably provide relatively few contacts to the world of legitimate work.<sup>39</sup> All residents in these neighborhoods are adversely affected by what has been coined "spatial mismatch"—a surplus of workers relative to the number of available jobs in certain neighborhoods.<sup>40</sup> Weak networks and contacts will continue to exacerbate the employment difficulties of released individuals.<sup>41</sup>

Most employers are hesitant to hire released individuals.

Employers are often hesitant to hire released individuals for a number of concrete reasons. Besides the stigma of a criminal record and prevalent mismatches between job needs and skill levels of released individuals, state and federal laws prohibit individuals with certain felony convictions from working in certain occupations.<sup>42</sup> In addition, employers can be legally liable for certain crimes committed by employees if they are found to have been negligent in their hiring.<sup>43</sup>

35 Richard Freeman, "Crime and the Employment of Disadvantaged Youth" in George E. Peterson and Wayne Vroman (eds.), *Urban Labor Markets and Job Opportunities* (Washington, DC: The Urban Institute Press, 1992); Jeffrey Grogger, "The Effect of Arrests on the Employment and Earnings of Young Men," *Quarterly Journal of Economics* 110, no. 1 (1995): 51–71; and Jeffrey Kling, "The Effect of Prison Sentence Length on the Subsequent Employment and Earnings of Criminal Defendants," *Woodrow Wilson School Discussion Papers in Economics* 208 (Princeton, NJ: Princeton University Press, 1999).

36 Harry Holzer, Steven Raphael, and Michael A. Stoll, *Employment Barriers Facing Ex-Offenders* (Washington, DC: The Urban Institute, 2003); Fredrik Andersson, Harry J. Holzer, and Julia I. Lane, *The Interaction of Workers and Firms in the Low-Wage Labor Market* (Washington, DC: The Urban Institute, 2002); Harry Holzer, Steven Raphael, and Michael A. Stoll, *Can Employers*

*Play a More Positive Role in Prisoner Reentry?* (Washington, DC: The Urban Institute, 2002).

37 Ibid.; Jeremy Travis, Amy L. Solomon and Michelle Waul, *From Prison to Home: the Dimensions and Consequences of Prisoner Reentry* (Washington, DC: The Urban Institute, 2001).

38 Nancy G. La Vigne et al., *A Portrait of Prisoner Reentry in Illinois* (Washington, DC: The Urban Institute, 2003); Nancy G. La Vigne et al., *A Portrait of Prisoner Reentry in Maryland* (Washington, DC: The Urban Institute, 2003).

39 William Julius Wilson, *When Work Disappears: the World of the New Urban Poor* (New York: Random House, 1996).

40 Keith R. Ihlanfeldt and David L. Sjoquist, "The Spatial Mismatch Hypothesis: A Review of Recent Studies and Their Implications for Welfare Reform," *Fannie Mae Foundation Housing Policy Debate* 9, no. 4 (1998); Michael Stoll and Steven Raphael, "Racial Differences in Spatial

Job Search Patterns: Exploring the Causes and Consequences," *Economic Geography* 76, no. 3 (2000): 201–23.

41 Harry Holzer, Steven Raphael, and Michael A. Stoll, *Employment Barriers Facing Ex-Offenders* (Washington, DC: The Urban Institute, 2003); Harry Holzer, "Informal Job Search and Black Youth Unemployment," *American Economic Review* 77, no. 2 (1987).

42 Joan Petersilia, "Parole and Prisoner Reentry in the United States," in Michael Tonry and Joan Petersilia (eds.), *Prisons* (Chicago, IL: University of Chicago Press, 1999).

43 Employers have lost 72 percent of negligent hiring cases with an average settlement of more than \$1.6 million—see Mary L. Connerley, Richard D. Arvey, and Charles J. Bernardy, "Criminal Background Checks for Prospective and Current Employees: Current Practices Among Municipal Agencies," *Public Personnel Management* 20, no. 2 (2001).

The willingness of employers to hire this population can be increased if a third-party intermediary is involved and if they are informed about financial incentives and protections.

Employers are more willing to hire released individuals who have been convicted of drug-related and property crimes than violent crimes.<sup>44</sup> They are also more willing to hire individuals who have not been released from prison recently, and who have had some work experience since prison.<sup>45</sup> Importantly, a survey of 600 employers by the Welfare to Work Partnership indicates that the willingness of employers to hire released individuals can be increased with the use of third-party intermediaries—such as a social service organization, faith- and community-based organization, case manager, or parole/probation officer—that can work with the new hire to help avert problems.<sup>46</sup> The survey also suggests that already existing incentives, such as the Federal Bonding Program, Work Opportunity Tax Credit, and Welfare-to-Work programs, can encourage businesses to hire released individuals. Employers need to be educated about current opportunities in this area, and there are an increasing number of resources that can help.<sup>47</sup>

## recommendations

- A | Educate employers about financial incentives, such as the Federal Bonding Program, Work Opportunity Tax Credit, Welfare-to-Work programs, and first-source agreements, which make a person who was released from prison a more appealing prospective employee.**

Businesses should be made aware that integrating individuals who have been released from prison and jail into the workforce can benefit the community and generate tax savings. To that end, workforce specialists and corrections administrators should determine what incentive programs are available to prospective employers of people released from prison or jail, and, when possible, facilitate connections between employers and program contacts.

The Federal Bonding Program is particularly relevant to the employment of released individuals, and corrections administrators and workforce developers should ensure that potential employers are aware of it. Many prisons provide information on the bonding program directly to the inmate upon their release. Thus, the actual implementation of the program relies heavily on the released individual marketing the program to potential employers. This marketing is more likely to be successful if employers have already been informed about the program.

44 Harry Holzer, Steven Raphael, and Michael A. Stoll, *Employment Barriers Facing Ex-Offenders* (Washington, DC: The Urban Institute, 2003).

45 Ibid.

46 Welfare to Work Partnership, "Member Survey: Taking the Next Step," *The Welfare to Work Partnership 2000 Series*, no. 1 (2000).

47 For more information, see the National H.I.R.E. Network at [www.hirenetwork.org](http://www.hirenetwork.org).

**EXAMPLE: Project ReConnect, Office of Classification and Programs, Florida Department of Corrections**

In order to encourage employers to hire people with criminal records, the program's literature concentrates on highlighting the availability of the Federal Bonding Program, as well as the Work Opportunity Tax Credit. Working in partnership with Workforce Florida, Inc., the program assists employers in accessing this funding.

In partnership with workforce leaders, departments of corrections can determine the best way to communicate with potential employers. Some states provide information packets to employers on general issues related to hiring released individuals.

Policymakers can also create first source agreements to require government or government-subsidized contractors to hire local residents or particular populations, including people with criminal records.

**EMPLOYER FINANCIAL INCENTIVES FOR HIRING INDIVIDUALS RELEASED FROM PRISON OR JAIL**

PROGRAM	DESCRIPTION
Federal Bonding Program	Created in 1966 by the US Department of Labor, the Federal Bonding Program helps to alleviate employer concerns that at-risk job applicants will be untrustworthy workers by allowing employers to request—free of charge—fidelity bonds to cover people who, like released individuals, cannot be covered by commercial insurance, such as offenders. A fidelity bond is a business insurance policy that protects the employer in case of any loss of money or property due to employee dishonesty. It is, in effect, a “guarantee” to the employer that the person hired will be an honest worker. Fidelity bonds issued through the Federal Bonding Program insure the employer, at no cost, against theft, forgery, larceny, or embezzlement by the employee. Either the employer or the job applicant can request that a bond be issued by the local agency certified by the Federal Bonding Program. <i>More information is available at <a href="http://www.doleta.gov/documents/fedbonding.asp">www.doleta.gov/documents/fedbonding.asp</a>.</i>
Work Opportunity Tax Credit	The Work Opportunity Tax Credit (WOTC), authorized by the Small Business Job Protection Act of 1996 (P.L. 104-188), is a federal tax credit that encourages employers to hire job seekers who might otherwise be perceived as less desirable by reducing employers’ federal income tax liability by as much as \$2,400 per qualified new worker. Among the nine categories of new hires who qualify for the tax credit are people who have been convicted of felonies and are members of low-income families. The WOTC was reauthorized in March 2002, to extend the period of eligibility to workers hired up until January 2004. <sup>48</sup> <i>More information is available at <a href="http://www.usdoleta.gov/wotcdata.asp">www.usdoleta.gov/wotcdata.asp</a>.</i>
Welfare-to-Work Tax Credit	The Welfare-to-Work Tax Credit is a federal income tax credit that encourages employers to hire long-term family assistance recipients (which can include people released from prison or jail) who begin to work any time after December 31, 1997, and before January 2004. Established by the Taxpayer Relief Act of 1997, this new tax credit can reduce employers’ federal tax liability by as much as \$8,500 per new hire (depending on the amount that the new hire earns) over the first two years. Qualified wages are capped at \$10,000 per year. <i>More information is available at <a href="http://www.usdoleta.gov/wtw.asp">www.usdoleta.gov/wtw.asp</a>.</i>

<sup>48</sup> As noted, the WOTC (as well as the Welfare-to-Work Tax Credit) had an original reauthorization date of January 2004. Although the date

has passed, neither program has yet been reauthorized; however, both programs have been extended until Congress takes some further action.

**EXAMPLE: Milwaukee Residency Preference Program (WI)**

Chapter 309-41 of the Milwaukee Code of Ordinances stipulates that resident preference hiring is required for all construction contracting activities of the Department of Public Works. Twenty-five percent of worker hours must be performed by unemployed residents of “special impact areas,” those urban areas determined to have the highest employment rates by the Federal Economic Development Administration. Esperanza Unida and Milwaukee Urban League frequently link contractors with trained or qualified workers from impact areas. (Both organizations offer job training programs to prepare candidates for employment.) After being hired by the Department of Public Works, employees from special impact areas are considered “target residents” for five years. Contractors have access to their information and may recruit them for future jobs.

Identifying and supporting corporate champions and spokespeople for hiring individuals released from prison or jail will further promote education among potential employers and advance the goal of opening doors and removing barriers to employment. Chambers of Commerce and other employer associations may be excellent partners in the dissemination of materials to their members, hosting informational sessions, and even highlighting employers who successfully hire and retain released individuals. These associations may be hesitant to promote a stance that does not reflect the views of all of their members; therefore, workforce developers and corrections administrators should provide as much information and assistance as possible to allay these concerns.

**EXAMPLE: Durham Reentry Initiative, Durham Chamber of Commerce (NC)**

As part of the Durham Reentry Initiative, the Durham Chamber of Commerce has hired an employment specialist to market the program to employers and help them access resources such as the federal bonding program, tax credits, and on-the-job training incentives. The program is funded through a grant from the Governor’s Crime Commission.

The Welfare-to-Work Partnership, which works with a population that, like people with criminal records, faces numerous obstacles to employment, provides another valuable model for outreach, education, and business leadership. While the formation of a new coalition may not be feasible or appropriate, corrections employment specialists should establish partnerships with existing business organizations for the purpose of raising awareness and removing stigmas around hiring released individuals.

Finally, policymakers and workforce developers should recognize the public stigma that may be associated with hiring people with criminal records and work with employers to diminish the potential negative effects on business of that stigma. Employers who hire people released from prison or jail may wish to

**THE NATIONAL H.I.R.E. NETWORK**

The National Helping Individuals with criminal records Re-enter through Employment (H.I.R.E.) Network, a project of the Legal Action Center, has developed useful resources for people working to improve the employment prospects for people with criminal records. These resources, available at [www.hirenetwork.org](http://www.hirenetwork.org), include the following:

- A state-by-state analysis of employment restrictions and other laws that hamper the ability of people with criminal records to reintegrate into society
- Information for employers on utilizing incentives and supports available when employing people released from prison or jail
- State-specific guides for individuals with criminal records on how to obtain their records and prepare for a job search
- State-specific listings of employment and legal resources
- Guidelines for communities seeking to identify and implement strategies for the reintegration of individuals released from prison and jail

have these actions kept confidential, or to restrict the number of released individuals that they hire. Corrections administrators and workforce specialists should respect these wishes, while continuing the public education process that is critical to continued outreach and job development.

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**B | Determine which industries and employers are willing to hire people with criminal records and encourage job development and placement in those sectors.**

Many employers will not consider hiring individuals with criminal records for a variety of reasons—legal restrictions, tight labor markets, concern about trustworthiness, or fear of being held liable. However, there are employers willing to hire individuals who have been incarcerated, and some industries are particularly welcoming to this population. According to the National H.I.R.E. Network, the industries most open to hiring people with criminal histories are services, manufacturing, construction, commercial food, distribution, and some transportation. Entry-level positions that require limited education but may emphasize ability and performance over criminal histories are available in the restaurant, warehouse, and production industries. Customer service, sales, and clerical positions may offer similarly appropriate starting points. The challenge for the workforce development practitioner is to determine which businesses and industries in a locality may be willing to hire people with criminal records, to develop relationships with them, and to support them so that they begin or increase such hires.

**EXAMPLE: Offender Re-Entry Program, Suffolk County House of Correction (MA)**

Among other supportive employment services, job counselors with the Offender Re-entry Program provide intensive job placement assistance to people who are incarcerated in Suffolk County. Over time, job counselors have developed the ability to steer released individuals to real employment opportunities—industries and companies that are open to hiring released individuals—and away from industries that because of statute, administrative regulation, insurance requirements, or bias exclude individuals with criminal histories.

**EXAMPLE: Ex-Felon Employment Initiative, San Francisco District Attorney's Office and National Economic Development and Law Center (CA)**

The San Francisco District Attorney's Office partnered with the National Economic Development and Law Center (NEDLC) in a project to move first-time, low-level drug dealers into employment and away from the courts and the streets. In its research, NEDLC found that special trade construction and social services were the two industries most accessible to people with felony convictions. This research culminated in a report on the findings and recommended strategies, and the report was presented to employers, people with felony convictions, government and justice system representatives, training providers, and other community stakeholders.

## c | Review employment laws that affect the employment of people based on criminal history, and eliminate those provisions that are not directly linked to improving public safety.

There are a number of laws that govern the employment of people with criminal records. Some of these laws protect people with criminal records from discrimination based on their conviction record, and others restrict employers from hiring people with certain types of convictions. Policies and legal standards for the employment of people with criminal records are created primarily by state laws. To understand the legal and policy constructs which affect people with criminal records seeking employment, jurisdictions should review the relevant statutes and regulations in their states and consider eliminating any provisions which do not clearly bear on public safety and/or a person's ability to perform the job. The New Jersey Institute for Social Justice, for example, produced an exhaustive study of the "collateral consequences" or legal and regulatory framework which affects opportunities for former prisoners seeking to reintegrate into New Jersey communities, particularly in the area of employment. The study was a preliminary step in implementing a policy principle of "eliminat[ing] the structural and legal barriers to reintegration that are unnecessary to preserve public safety."<sup>49</sup>

There is no explicit federal law governing the employment of people with arrest and conviction records. However, the Equal Employment Opportunity Commission (EEOC), the agency responsible for enforcing federal anti-discrimination employment laws, has offered guidance that employers governed by Title VII of the Civil Rights Act<sup>50</sup> must not exclude people based upon *arrests* that did not lead to conviction unless there is a "business justification"<sup>51</sup> and must not exclude people because of criminal *convictions* unless there is if there is a "business necessity."<sup>52</sup> People with arrest and conviction records whose civil rights are violated can sue under Title VII.<sup>53</sup>

<sup>49</sup> Nancy L. Fishman, *Briefing Paper: Legal Barriers to Prisoner Reentry in New Jersey* (Newark, NJ: New Jersey Institute for Social Justice, 2003).

<sup>50</sup> Title VII covers all private employers, state and local governments, and education institutions that employ 15 or more individuals. It also covers private and public employment agencies, labor organizations, and joint labor management committees controlling apprenticeship and training. 42 USC 2000e-4.

<sup>51</sup> A "business justification" must show that the applicant engaged in the conduct for which he or she was arrested, and that the conduct is both job-related and fairly recent. The EEOC guidance requires employers to give applicants a chance to explain their arrest records before they are disqualified from employment. See Equal Employment Opportunity Commission, Notice No. N-915-061, Policy Guidance on the Consideration of Arrest Records in Employment Decisions under Title VII of the Civil Rights Act of 1964 (September 7, 1990).

<sup>52</sup> To establish "business necessity," the employer must consider: (1) the nature and gravity of the offense(s); (2) the time that has elapsed since the conviction and/or completion of the sentence, and; (3) the nature of the job held or sought. For example, business necessity exists where the applicant has a fairly recent conviction for a serious offense that is job-related. See Equal Employment Opportunity Commission, Notice No. N-915, Policy Statement on the Issue of Conviction Records under Title VII of the Civil Rights Act of 1964 (February 4, 1987).

<sup>53</sup> The applicable law is Title VII of the Civil Rights Act of 1964 which prohibits private employers and state and local governments from discriminating in employment based upon race, color, national origin, gender, or religion. This is because such policies often have a disproportionate impact on minorities, who are arrested and convicted at a significantly higher rate than their percentage in the population.

Employers may consider an applicant's conviction record and, in some cases, a person's arrest record. Generally, employers are permitted to ask job applicants if they have ever been convicted of an offense, and employers may legally consider an applicant's conviction(s) in making hiring decisions. Indeed, state law prohibits employers in certain fields from hiring people with criminal convictions. The types of jobs with such mandated background checks tend to be in the fields of childcare, education, security, nursing and home healthcare, where "vulnerable" populations are involved, though the range of restrictions has steadily grown in the last several years to include a larger number of occupations and a larger category of crimes. If an applicant fails to disclose such information or misrepresents the information, and the employer discovers the deception, the individual can be legally fired.

States should prohibit both public and private employers and occupational licensing agencies from inquiring about or using any type of arrest record or charge that did not lead to conviction as a basis to deny access to a job, promote, discharge, or make other employment-related decisions. Because an arrest has never been vetted through a judicial process, it is simply not a sufficiently reliable basis for precluding a person's employment. A number of states prohibit pre-employment inquiries and consideration of arrest information through their state's human rights or anti-discrimination employment statutes. For example, New York does not allow employers to ask about any arrest or criminal accusation that was terminated in the applicant's favor.<sup>54</sup> Rhode Island forbids any employment application questions pertaining to whether the applicant has ever been arrested or charged with a crime.<sup>55</sup>

Increasingly, criminal records are available on the Internet for employers, landlords, and anyone else who may want to learn about a person's criminal record. While it may not seem troubling to make this information readily accessible to the general public, problems arise when people who are untrained to review rap sheets can see them and use the information to make employment decisions. Moreover, because many criminal records contain arrests that did not lead to conviction or errors such as missing disposition information, the material could be misinterpreted. This type of information should be available only to those with a legitimate need for it and those who are qualified to read and interpret it, such as criminal justice agencies and employers in sensitive occupations like childcare facilities. Given the possibility of misuse by employers, landlords, and others, state agencies should not make conviction information publicly accessible on the Internet.

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<sup>54</sup> NY EXEC. LAW § 296(16).

<sup>55</sup> RI GEN. LAWS § 28-5-7(7).

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**D | Promote individualized decisions about hiring instead of blanket bans and provide documented means for people with convictions to demonstrate rehabilitation.**

There are a range of factors that should influence an employer’s decision to hire a particular applicant, including his or her criminal record and its bearing on the job in question. States should prohibit categorical employment bans based solely upon conviction records, except in very narrowly tailored situations. For instance, while it may be appropriate to prohibit anyone convicted of a child sex offense from working in day care, it would be unreasonable to say that anyone who has ever been convicted of any offense should be prohibited from working with children. States should instead require employers to make individualized determinations that consider the relationship between the person’s conviction history and the position or license sought, including whether the conviction demonstrates that the applicant would be a threat to the safety of those around him or her or cannot be trusted to perform the job in question.

A number of states have enacted laws requiring occupational licensing agencies and public and private employers to make individualized assessments about job applicants’ conviction records, rather than allowing them to have blanket bans against hiring anyone with a criminal record. These laws recognize that people should be treated individually (based on his or her individual history, merit, and circumstances) but that employers should also retain discretion to decide whom to hire. In order to justify excluding an applicant on the basis of a criminal conviction, Kansas requires that the conviction be reasonably related to the applicant’s trustworthiness or the safety or well-being of employees or customers.<sup>56</sup> Hawaii allows employers to consider only rationally related criminal convictions that occurred within the past 10 years and only after a conditional offer of employment has been made.<sup>57</sup>

Even in the absence of state laws that preclude employers from eliminating people with criminal records from consideration, employers should be encouraged to consider applicants individually. Workforce specialists or

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**RESPONDING TO EMPLOYER QUESTIONS**

To help educate employers and others, the National H.I.R.E. Network has drafted suggested responses to questions about why employers should hire individuals with criminal histories. They are summarized as follows:

- The number of individuals affected by criminal record barriers is huge. More than 630,000 individuals are released from prison each year—1,700 each day. Approximately 25 percent of all Americans have criminal records.
- Helping individuals with criminal histories improves public safety, since people with jobs commit fewer crimes than those without jobs.
- Individuals who have paid their debt to society deserve a second chance.
- Communities benefit when qualified people have the right to earn a living. Instead of paying some \$30,000 a year to house an inmate in prison, it is more cost-effective to help individuals earn a living and contribute to the tax base.
- Employers should have the right to choose whom to hire and not be restricted by laws and policies that prevent them from hiring individuals because of their criminal histories.

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<sup>56</sup> Kan. Stat. Ann. § 22-4710(f).

<sup>57</sup> Haw. Rev. Stat. § 378-2.5.

third-party intermediaries can play an important role in making sure appropriate referrals are made to employers so that only qualified, job-ready applicants whose convictions are either very old or not directly related to the job in question are sent to the employer. Further, employers tend to set aside many of their general concerns about hiring released individuals as they learn more about the individual cases of potential employees. Workforce specialists should therefore provide information about the potential employee to employers including the exact nature of his or her crime, his or her criminal record (as well as what to look for when reviewing a criminal record), and whether he or she is on parole or probation. Case studies about the exceptional skills of specific released individuals should also be included; employers will be more willing to trust the system if they see some hiring success stories.

**EXAMPLE: Employer Outreach, Safer Foundation (IL)**

In marketing to employers, Safer uses a brochure outlining cost-effective staffing solutions and bottom-line results. It lists the various employer incentives and employee programs beneficial to employers. In addition, Safer hosts an annual employer recognition event that honors employers and allows them to see the impact of the opportunities they provide.

**EXAMPLE: Support and Training Result In Valuable Employees (National)**

Support and Training Result in Valuable Employees (STRIVE), a privately funded, non-profit employment service, builds its relationship with employers one client at a time. In marketing to employers, STRIVE focuses on operating as a business and responding to employer needs for education, information, and support, even though it charges no fee.

States can further support the employment of qualified people with criminal records by providing a way for them to demonstrate rehabilitation. Arizona, Illinois, Nevada, New York, New Jersey, and California offer individuals with criminal records certificates of rehabilitation which effectively lift statutory bars to jobs or licenses that result from a conviction history. Certificates of rehabilitation also benefit employers, who can retain their discretion to individually assess every applicant and not have to forego the opportunity to hire qualified employees because of federal, state, and local laws or regulations that mandate categorical exclusions based on a criminal record.

In New York, two types of certificates (depending upon the criminal history) are available to remove occupational and licensing bars resulting from a conviction and create a presumption of rehabilitation.<sup>58</sup> In New Jersey, the Parole Board may grant certificates of good conduct to assist a qualified person's rehabilitation by precluding licensing authorities from disqualifying or discriminating against an applicant based upon a criminal conviction.<sup>59</sup> California offers certificates that provide evidence of rehabilitation to people convicted of felony offenses.<sup>60</sup>

<sup>58</sup> NY Correct. Law §§ 700-03.

<sup>60</sup> CA Penal §§ 4852.01(a)-(d) and 4852.17.

<sup>59</sup> NJ Admin. Code tit. 10A, §§ 70-8.1 et seq.

To the extent that such programs exist in a given jurisdiction, corrections and workforce authorities should publicize them to people with criminal records. Moreover, the application process should be clear, uniform, and streamlined to facilitate their utility for people searching for jobs and applying for occupational licenses. The state repository of criminal records should be required to include the existence of a certificate of rehabilitation on a person's official state criminal record report.

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**E | Use community corrections officers and third-party intermediaries to assist employers with the supervision and management of people released from prison or jail.**

Employers report that a third-party intermediary or the sponsorship of a community organization makes them more likely to hire a released individual. A third-party intermediary is a person or organization that provides support and guidance for an employee who has recently re-entered the workforce. The third-party intermediary can also serve as a go-between to improve the relationship between the employee and his or her new employer. So, for example, an employer could discuss concerns about an employee's tardiness with the third-party intermediary, who could run interference, act as a decision-making resource, or provide some counseling or supervision to ensure that the problem gets corrected. Workforce specialists should make employers aware of services and resources available to support their hiring of released individuals, including third-party intermediaries.

At a very basic level, probation or parole officers can serve as third-party intermediaries because they are already providing some supervision of the employee. The supervising agency has the power to sanction released individuals who do not comply with terms and conditions of release, which typically address employment matters such as regular attendance at work. The supervising authority may also provide incentives to the probationer or parolee who is successful in complying with conditions, such as maintaining a single job for an extended period of time. Corrections administrators can also facilitate communication with employers about a particular employee by establishing a single point of contact in the corrections system so that employers do not have to waste valuable time or resources to coordinate with various people regarding individual hires. If a prisoner is working with a transitional team, one person on the team (or one person before, and another after, release) should be the point of contact between the released individual and the employer. When the individual is released, the employer should be informed if the contact will change from a corrections staff person to an individual with a community organization, a One-Stop, or some other entity, or whether there will no longer be a contact other than the individual.

Because third-party intermediaries can make the difference between job placement, job retention, and job advancement, and because community supervision officers may only provide limited employment support, workforce developers and corrections administrators should engage community organizations, including faith-based organizations, to sponsor released individuals seeking jobs within their communities.

**EXAMPLE: Ready-4-Work (National)**

Ready-4-Work is a faith-based, reintegration employment project. Ready-4-Work helps businesses meet staffing needs in part by collaborating with community organizations that train and mentor individuals after they are released from prison.

This sponsorship could include help with obtaining appropriate clothing, transportation, daycare, or other supports. Employers can find and engage intermediaries by contacting local One-Stop career centers, United Way offices, or other organizations that aggregate local service organizations. Many existing employment-related organizations already provide networking services as third-party intermediaries.

**EXAMPLE: Welfare to Work Partnership, Chicago Law Project (IL)**

The Welfare to Work Partnership acts as a third-party intermediary to assist people released from prison or jail who are seeking work in Chicago law firms. Candidates are screened and then trained for 13 weeks. Two weeks into the training, each participant is placed in a part-time, paid internship with a law firm that has been engaged by the partnership. In addition, the individual is matched with a volunteer mentor from the firm. Upon completion of the training, the candidate is placed with a law firm full time and continues to receive support services (skill development, transportation, and child care assistance) for one year.

In the best-case scenario, there is typically a person at a community-based organization who acts as an intermediary between the employer and the employed released individual. This person supplements the work of the parole or probation agency by ensuring that the employer's needs are met and that the released individual fulfills the expectations of their parole or probation re-entry plan. Intermediaries may continue to engage with released individuals even after their term of community supervision is over.

Where third-party intermediaries exist, they should be promoted extensively by transition planners as a means of increasing released individual employment opportunity and as a support for employers. Employers who have had success with intermediary programs should be encouraged to share success stories in finding strong employees through Welfare-to-Work programs. These success stories, as well as lessons learned in the course of working with released individuals, should be highlighted for prison staff and other employers.

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**F | Identify community service opportunities and internships for people released from prison or jail who cannot find work so that they can acquire real work experience and on-the-job training.**

Released individuals should be better incorporated into community service opportunities that serve a wide range of individuals who experience difficulty finding work or who need additional skill development to secure meaningful employment. Some of these opportunities may even be available to released individuals in prison or on work release, and corrections staff should encourage inmate participation in community service during the incarceration period. (See Policy Statement 22, Workforce Development and the Transition Plan, for more on using community service as work-release programming.) Individuals may also benefit from the work experience that can be obtained through community service after their release to the community.

**EXAMPLE: Neighborhood Work Program, Center for Employment Opportunities (NY)**

The Neighborhood Work Program (NWP) provides individuals released from Shock Incarceration, New York's six-month corrections boot camp, with short-term, minimum-wage employment through contracts with government agencies. NWP work crews do maintenance, repair and sanitation jobs for dozens of government facilities in the New York City area. NWP currently coordinates 35 to 40 work crews with five to seven members each.

Released individuals who are performing community service may still require other supportive services, and these should not be withdrawn because the “employment” is unpaid.