

## EMPLOYMENT

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### Overcoming a Criminal Background

#### Rationale

An estimated 65 million people in the United States (about 28 percent of the adult population) have a criminal record. About 3 percent of all U.S. adult residents were under some form of correctional supervision at the end of 2012 (see Kai Wright, “Unemployed for Life,” *The Investigative Fund*, Nov. 5, 2013; [http://www.theinvestigativefund.org/investigations/rightsliberties/1875/unemployed\\_for\\_life/?page=entire](http://www.theinvestigativefund.org/investigations/rightsliberties/1875/unemployed_for_life/?page=entire)).

A recent study found that 49 percent of African American males, 44 percent of Hispanic males, and 40 percent of Caucasian males had been arrested at least once by age 23. The same study reports that 20 percent of Caucasian females, 18 percent of Hispanic females, and 16 percent of African American females had been arrested by age 23 (see “Almost 50% of black males, 40% of white males arrested by the age of 23—study,” *RT.com*, Jan. 8, 2014; <http://rt.com/usa/50-black-40-white-arrested-297/>). One study estimates that “former felons are categorically barred from working in more than 800 different occupations because of laws and licensing rules” (Kai Wright, “Boxed In: How a Criminal Record Keeps You Unemployed for Life,” *Nation*, Nov. 25, 2013; <http://www.thenation.com/article/177017/boxed-how-criminal-record-keep-s-you-unemployed-life#>). According to one source, “A drug conviction keeps Americans from getting federal student loans, grants or work study. Several states also bar people with drug-related felonies from food stamps and welfare” (Kai Wright, “Unemployed for Life”).

While having a criminal background can be a significant barrier to employment, a conviction does not mean a person can’t find worthwhile employment. Often the most difficult barrier to employment is the offender’s own discouragement. Though prison and jail settings can sometimes cause a negative mindset among former offenders, they can change this mindset, take charge of their situation, and develop the skills necessary to succeed.

#### Objective

1. Learn what resources are available to adults with criminal backgrounds.
2. Help Deseret Industries associates with criminal backgrounds to access these resources.
3. Help Deseret Industries associates to make probation or parole obligations a priority.
4. Help Deseret Industries associates with criminal backgrounds find worthwhile, meaningful employment.

#### Potential Discussion Items

- Discuss the importance of honesty and integrity with the Deseret Industries associate, and help him or her to act with integrity going forward. A good track record with Deseret Industries will go a long way when the associate seeks future employment. He or she must give an employer reason to believe he or she will not commit a crime again.
- Talk with the Deseret Industries associate and help him or her understand



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the importance of making his or her probation or parole obligations a priority.

- Work with the Deseret Industries development counselor to connect the associate to legal resources so that the associate can learn (1) what his or her employment rights are, (2) how to have charges expunged, and (3) how to reduce felonies to misdemeanors. Discuss how to best accomplish these objectives with the associate.
- Learn what the Deseret Industries associate must do to be insured in the Federal Bonding Program, and talk to him or her about becoming insured. At no cost to the job applicant or employer, this program offers fidelity bonds to insure employers against any type of theft, forgery, larceny, or embezzlement. This program serves ex-offenders, welfare recipients, individuals with a history of substance abuse, and individuals who have been dishonorably discharged. The state's Department of Workforce Services (or equivalent organization) handles all paperwork for the bond.
- Identify local companies that hire offenders who are bonded with the state. For example, ask companies in your network if they know where ex-offenders have been recently hired. Discuss with the Deseret Industries associate the possibility of applying at one or more of these companies.
- Together with the Deseret Industries associate, contact a local judge, the associate's parole or probation officer, or professionals in the legal community for recommendations of employers who hire ex-offenders. Talk with the associate about the best way to connect with these employers.
- Talk with the Deseret Industries associate about his or her best options for finding employment, and as often as possible, have the associate with a criminal record:
  - Apply for positions that request a résumé rather than an application.
  - Find openings by directly calling employers.
  - Walk into businesses and ask for the hiring manager, with a résumé in hand.
  - Send proposal letters explaining how he or she can make or save the company money, followed up with a phone call to schedule a business meeting to discuss the proposal.
- Encourage the Deseret Industries associate to use side doors (such as informational interviews and casual conversations) to gain access to employers.
- Strategize with the Deseret Industries associate about how he or she can get past common screen-out processes.
  - First, help him or her to target jobs he or she can do at companies that don't have policies against hiring people with convictions. Encourage the associate to identify these companies as well as employers who believe in second chances and are more sympathetic to those who have been formerly convicted or who have made similar mistakes in the past. Often, small and midsize companies are more willing to listen and give second chances.
  - Second, help him or her to gather evidence that he or she has changed.
  - Third, help him or her to develop and use a skills résumé.
- Encourage the Deseret Industries associate to work with LDS Employment



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Resource Services to complete his or her employment profile on [ldsjobs.org](http://ldsjobs.org), to create a “Me in 30 Seconds” statement and power statements that help explain the felony or misdemeanor, and to craft good answers to common interview questions, especially the question “What is your biggest weakness?”

- Discuss with the Deseret Industries associate how to obtain a complete record of his or her criminal history, and help him or her to do so.
- Alert the Deseret Industries associate to the following concerns that employers may have about hiring someone with a criminal record:
  - Whatever he or she was convicted of doing in the past, he or she will do again.
  - He or she will attract undesirable people to the business.
  - He or she will give customers the wrong impression of the company.
  - He or she will be strong-willed and unmanageable.

Help the associate to come up with responses to overcome these concerns.

- Inform the Deseret Industries associate that employers have the legal right to ask whether or not candidates have ever been convicted of a crime. The associate need only mention felonies and misdemeanors that resulted in jail time. (Sealed juvenile convictions and misdemeanors that did not result in jail time should not be mentioned.) The question is almost always on job applications. Have the associate follow these general rules:
  - When answering the question “Have you ever been convicted of a crime?” choose one of the following options:
    - Write “Will discuss in interview” without checking “yes” or “no.”
    - Write the criminal code number and check “yes.”
    - Neutralize the employer’s concerns by offering a brief explanation, and check “yes.”
    - Leave the question unanswered and discuss it during the interview.
  - When completing an application, list skills gained in prison or jail under the “Work Experience” section. If paid, consider listing the salary. If it was a training program or unpaid work assignment, write “volunteer” where it asks about pay.
  - Do not mention any sealed juvenile conviction on the application or in the job search process.
- Encourage the Deseret Industries associate to answer questions honestly. Lying on an application is grounds for immediate termination with no legal recourse. If the associate has been arrested but not convicted, though, he or she can honestly answer “no” without further explanation to any questions about criminal convictions. This is true even if he or she went to trial, as long as he or she was pronounced not guilty.
- Encourage the Deseret Industries associate to get involved in community activities, counseling or support groups, continued education, civic organizations, or other activities that demonstrate an improved lifestyle and positive attitude.
- Remind the Deseret Industries associate that ex-offenders are hired every day. If other ex-offenders can find the right company and position, so can the associate. Remind him or her that most companies do not have a formal



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policy against hiring ex-offenders. Nevertheless, convicted felons are ineligible for some job roles, such as security work, law enforcement, and selling firearms.

- Instruct the Deseret Industries associate that he or she should never tell the employer that a question is illegal. However, he or she could rephrase the question in a way that is legal, and then answer it.

## Suggested Resources

- *No One Is Unemployable: Creative Solutions for Overcoming Barriers to Employment* by Debra L. Angel and Elisabeth E. Harney (1997)
- *The 6 Reasons You'll Get the Job: What Employers Look for—Whether They Know It or Not* by Debra Angel MacDougall and Elisabeth Harney Sanders-Park (2010)
- Graves, Jada A., "How to Find a Job When You Have a Criminal Record," *U.S. News and World Report*, Nov. 19, 2013; <http://money.usnews.com/money/careers/articles/2013/11/19/how-to-find-a-job-when-you-have-a-criminal-record>
- "Finding a Job When You Have a Criminal Record," *Beyond.com*, May 30, 2013; <http://www.beyond.com/articles/finding-a-job-when-you-have-a-criminal-record-12566-article.html>
- Local Department of Workforce Services office
- Local Vocational Rehabilitation office
- Federal Bonding Program for the state of Utah: <http://www.jobs.utah.gov/services/bond.html>
- National HIRE Network: <http://www.hirenetwork.org>

