

New Partners and Opportunities

Roberta Meyers-Peebles

As you know, the National H.I.R.E. Network's mission is to increase the number and quality of job opportunities available to people with criminal records by improving employment practices and public policies. Our effort to improve employment practices must include all of those stakeholders who have influence and an interest in effecting changes necessary to achieve our mission. We believe employers are critical stakeholders who must be included in our endeavors.

This year the H.I.R.E. Network is celebrating its three-year anniversary. During our first two years of existence, we developed our network, educated our stakeholders, and engaged in local, state and federal policy advocacy. This year we are dedicating much of our efforts to developing partnerships with employers and those who influence the practices of most employers, including background check

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Retail Giant to Conduct Criminal Background Checks: An Opportunity to Initiate Fair Hiring Practices

Glenn Martin and Debbie Mukamal

Wal-Mart, the largest privately owned employer in the United States and a staple of many small communities across the U.S., recently adopted a new policy to conduct background checks on all of its prospective store associates. The new policy stems from recent incidents involving employees with past criminal records who allegedly perpetrated crimes against shoppers. The retailer has still not determined whether it will conduct background checks on its current 1.3 million employees, but has moved forward in addressing legitimate employer concerns about safety by implementing a test phase of its new policy in its Midwest Wal-Mart and Sam's Club stores.

What does this mean for Wal-Mart and for job-seekers with conviction records? Because nearly 30% of the nation's population has a criminal record on file with a criminal record repository, and with low-income and minority Americans (a large portion of Wal-Mart's sales staff) disproportionately affected by the criminal justice system, we have legitimate concerns that a substantial portion of the company's current employees could lose their jobs if the policy is not implemented carefully. Moreover, we hope that the company will undertake the background checks of job applicants in a fair and equitable manner.

Fortunately, Wal-Mart is carefully developing its approach to this situation by researching its legal obligation to prevent discrimination due to criminal records pursuant to various anti-discrimination laws around the country.

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companies.

On October 28th, the H.I.R.E. Network had the unprecedented opportunity to partner with InfoToProtect, a private background check company, and Joel Greenwald, a leading employment and labor law attorney, in a symposium hosted and sponsored by Wachovia Bank. The purpose of the meeting was to educate New York City employers about their legal rights and obligations when considering job applicants who have criminal histories. H.I.R.E. shared important information about the federal Fair Credit Reporting Act (15 U.S.C. § 1681) and New York State's Fair Credit Reporting Act (N.Y. Gen. Bus. Law § 380). In addition, we used this opportunity to inform employers about making fair and appropriate employment decisions that allow them to access qualified workers while securing liability protection, performing background checks, and complying with relevant state and federal laws. To view the materials we distributed to employers about their legal rights and obligations when conducting background checks on job applicants, please see http://www.hirenetwork.org/crim_back_check.html. To learn more about the H.I.R.E. Network's other employer-focused initiatives, please contact Glenn Martin at

Shout Out!



After more than four decades in public service, **Joseph Seiler** has retired as Program Coordinator of the U.S. Department of Labor's Federal Bonding Program (FBP). Joe began his dedicated and impressive career at the Department of Labor in 1958. In 1985, he moved to the Remediation and Training Institute before culminating his career at the Federal Bonding Program. FBP was created by the U.S. Department of Labor in 1966 to assist at-risk individuals obtain employment that required bonding insurance. From 1990-2004, Joe worked tirelessly to promote the bonding program; enabling individuals with criminal histories to obtain jobs that otherwise would not have been available to them.

Improvements in the bonding program are due to the "behind the scenes" activity of program coordinators like Joe. It is for this reason that we give a loud and thankful SHOUT OUT to Joe. Enjoy a well-deserved retirement! ❖

Because Wal-Mart operates retail establishments in states all across the U.S., in implementing its new policy, it must abide by the laws that govern each state and locality. Wal-Mart acknowledged its understanding of this obligation when Sue Oliver, Senior Vice-President of People for Wal-Mart Stores Division, wrote in a press release that "*checks [are] a relatively complex issue and that Wal-Mart has worked to create a process that abides by each community's regulations and fairly screens all applicants.*" For instance, in 37 states it is permissible for the retailer to consider an applicant's arrest record when making a hiring decision. But in 10 states across the country, because of more protective employment anti-discrimination laws surrounding the use of arrest records, use of these records in making hiring decisions is not legal. (For a more concise state-by-state analysis of legal barriers faced by people with conviction records, please see the Legal Action Center's report *After Prison: Roadblocks to Reentry* at www.lac.org/roadblocks.html.)

Employers, like Wal-Mart, who are beginning to conduct background checks on prospective and current employees should bear a few things in mind when implementing these policies:

- Criminal record reports can be inaccurate or misleading. Sometimes there is duplicative information so the applicant's criminal history appears more serious than it is. Also, important information can be missing so you may only be reviewing initial arrest charges, not the final disposition (i.e. what the individual was actually convicted of). It is wise to give the individual an opportunity to **verify the accuracy** of the information and explain the circumstances of the criminal record.
- The federal **Fair Credit Reporting Act** (and corresponding state laws that expand on the federal law) govern the use of background checks for employment purposes. For a review of those obligations, see our summary at <http://www.hirenetwork.org/consumerreports.html>
- Keep in mind that there is a **range of benefits** your company may be eligible for if you hire a qualified job-seeker with a criminal record. To learn more about some of these incentives, see the "Employer Resources" section of our website at www.hirenetwork.org/employer.html.

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H.I.R.E. on the Hill

Alexa Eggleston and Gabrielle de la Gueronniere

2004 Election Roundup

This year's federal election cycle has yielded significant changes for the incoming 109th Congress and within the Bush Administration. The 2004 election results will likely have a considerable impact on the legislative and administrative agendas for a number of years.

Election Results for Congressional Members and Leadership

More than four-dozen House and Senate members are leaving Congress at the end of the 108th Congress because of retirement, defeat in their reelection bids, or a decision to change careers. A number of the retiring lawmakers are considered to be moderates from both parties who often bridge the gap between more partisan members. It is unclear how significantly these changes will affect legislative initiatives.

Republicans have remained as the majority party in both the House and the Senate and have expanded the number of seats they hold in both chambers. In the House, there will be at least 231 Republicans, 201 Democrats and one Independent (2 Congressional races in Louisiana remain undecided.) Therefore, Republicans picked up at least four seats in the House during this cycle. In the Senate, Republicans have also picked up four additional seats; in the Senate, there will be 55 Republicans, 45 Democrats and one Independent Senator.

Senator Bill Frist (R-TN) will remain Senate Majority Leader; Senators Mitch McConnell (R-KY), Rick Santorum (R-PA) and Elizabeth Dole (R-NC) will also serve in leadership positions in the Senate. In the Senate, the only incumbent to lose a reelection bid was Senate Minority Leader Tom Daschle (D-SD). Senator Harry Reid (D-NV) was selected by his fellow Senate Democrats to serve as Minority Leader for the incoming 109th Congress. Senators Richard Durbin (D-IL), Debbie Stabenow (D-MI) and Charles Schumer (D-NY) were also selected as members of the Democratic Senate leadership.

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- In reviewing and establishing hiring guidelines, it is wise policy to review the **relationship between the job being sought and the person's criminal record**. Important factors include how long ago the offense occurred, the nature and gravity of the conviction, and any evidence of rehabilitation the individual can demonstrate since the conviction took place.

The H.I.R.E. Network hopes Wal-Mart's implementation of its new background check policy will incorporate many of these protections. We intend to reach out to the corporate office and encourage our members throughout the country to work with their local Wal-Mart stores to commit to establishing fair hiring procedures and practices. In doing so, we will all be guaranteeing opportunities for qualified people with criminal records to become and remain productive citizens while promoting public safety – two goals we can all agree are laudable. ❖

WPTI's New Exciting Training Initiative!

The National H.I.R.E. Network is thrilled to be collaborating with the Workforce Professionals Training Institute (WPTI), the first stand-alone organization in New York City whose mission is devoted *exclusively* to the training and development of practitioners in the workforce development field. As part of this partnership, we have contributed to the development of a curriculum for workforce development professionals aimed at educating and informing them about resources available in the workforce development system to address the employment needs of their clients. In June 2004, H.I.R.E.'s Deputy Director Roberta Meyers-Peebles presented at a two-day training seminar in New York City for practitioners on employment strategies for job seekers with criminal records.

In November 2004, we assisted WPTI in replicating this training and worked alongside representatives from the New York State Department of Labor, Center for Employment Opportunities, Fortune Society, and Midtown Community Court. Training participants had the opportunity to interact with representatives from the New York City Departments of Corrections and Probation, the New York State Division of Parole, and

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In the House, the slates of Republican and Democratic leaders from the 108th Congress were both reelected. Rep. Dennis Hastert (R-IL) will continue to serve as Speaker of the House; Reps. Tom Delay (R-TX), Roy Blunt (R-MO) and Deborah Pryce (R-OH) will also continue to serve as members of the House Republican leadership. The House Democratic leadership team, led by Minority Leader Nancy Pelosi (D-CA), Reps. Steny Hoyer (D-MD), Bob Menendez (D-NJ), and James E. Clyburn (D-SC), will also continue to serve the Democratic caucus.

Anticipated Changes for Committee Chairs and Membership

Although Republicans still control the majority of both chambers of Congress, there will be significant turnover of Congressional committee leadership positions in the 109th Congress. During the mid-1990s, House and Senate Republicans imposed a rule that limits Republicans to serving only six years as chairman of a full committee or of a subcommittee. Accordingly, this new 109th Congress will bring about a number of changes to the committee leadership in both chambers.

Although committee leadership assignments have not yet been finalized and released publicly, it is anticipated that Senator Thad Cochran (R-MS) will chair the Senate Appropriations Committee which oversees funding for federal programs, Senator Arlen Specter (R-PA) will chair the Senate Judiciary Committee which has jurisdiction over the Federal courts, administrative bodies, and law enforcement agencies, and Senator Mike Enzi (R-WY) will chair the Health, Education, Labor and Pensions (HELP) Committee which has jurisdiction over reauthorization of the Workforce Investment Act (WIA.) On the House side, a number of committee chairmanships will also change. Although House Appropriations Committee Chair Bill Young (R-FL) will be leaving his leadership position due to term-limits it has not yet been publicly determined whether Rep. Ralph Regula (R-OH), Rep. Jerry Lewis (R-CA) or Rep. Harry Rogers (R-KY) will become the next chair of that committee.

Assignments to House and Senate Committees will not likely be known until late January when the new Congress begins. Although Congress is currently in recess, the House is planning to return to Washington during the second week of December to work on reform and reorganization of the intelligence system. If the House approves an intelligence reform bill, the Senate is expected to reconvene that week as well.

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employers. These trainings will serve as the basis for the development of a national curriculum.

WPTI is only one-year-old, but thanks to its capable and energetic Executive Director, Louis Miceli, it has already accomplished so much in strengthening the professional development of numerous organizations and individuals in the workforce development field. The New York City Employment and Training Coalition, in partnership with Public/Private Ventures and the New York State Association of Training and Employment Professionals, developed the business plan that created WPTI. For more information about WPTI, please visit www.workforceprofessionals.org. ❖



Funding Opportunities!



U.S. Department of Justice National Institute of Justice Announces 15 New Solicitations: The National Institute of Justice has released 15 solicitations that are due in December 2004 and January 2005. NIJ is seeking concept papers in a number of areas, including communications technologies, drugs and crime, electronic crime, forensic DNA, terrorism and transnational crime. To view the solicitations, go to <http://www.ojp.usdoj.gov/nij/funding.htm>.

Wachovia Regional Foundation Accepting Applications for Neighborhood Development Grants:

The Wachovia Regional Foundation, a private foundation that works to improve the quality of life for children and families living in low-income neighborhoods in New Jersey, Delaware, and eastern Pennsylvania, is currently accepting applications for its Neighborhood Development Grants program. Neighborhood Development Grants support comprehensive community development projects that target specific neighborhoods. The community development project must be based on a current resident-driven neighborhood plan. Grants vary in size from \$100,000 to \$750,000 and are disbursed over three to five years. Potential grantees must have 501(c)(3) status and be located in an eligible foundation community. Prior to applying for a grant, a comprehensive strategic neighborhood plan, completed or updated within the past three years, must be in place for the proposed project's target area. For more information, go to http://www.wachovia.com/inside/page/0,,139_414_431_00.html. ❖

Both chambers are set to begin the new 109th Congress during the week of January 24th. Although a legislative agenda has not yet been defined, representatives of the Administration and Congressional leadership have identified Social Security reform, tax reform, and reducing the deficit as three areas of focus for the upcoming Congress. Given the considerable support of the 108th Congress and the Administration for reentry initiatives the H.I.R.E. Network will build on that support and continue to monitor and provide leadership on reentry initiatives as well as other key public policy matters to promote the employment of people with criminal records.

House Subcommittee Conducts Hearing on Combating Methamphetamine Trafficking and Abuse; Legislators Discuss Need to Better Prevent and Treat Addiction to Methamphetamine with Focus on People in the Criminal Justice System

On November 18th, the House Government Reform Committee's Subcommittee on Criminal Justice, Drug Policy, and Human Resources held a hearing on, "Law Enforcement and the Fight Against Methamphetamine." The hearing was conducted to give committee members an opportunity to listen to law enforcement personnel speak about the scope and impact of methamphetamine trafficking and abuse, to discuss the federal government's role in fighting methamphetamine abuse, and to consider a number of initiatives currently being employed by certain states to curb methamphetamine abuse.

Several of the lawmakers and witnesses testifying to the Subcommittee discussed the increasing incarceration rates for individuals who are addicted to methamphetamine, the impact on the criminal justice system and the treatment needs of those addicted to methamphetamine who are under the supervision of the criminal justice system. To read more about this issue, please [click here](#). ❖



Hot Off the Press: Recent Reports

Safe at Home: A Reference Guide for Public Housing Officials on the Federal Housing Laws Regarding Admission and Eviction Standards for People with Criminal Records, by the Legal Action Center (Fall 2004):

Public housing policies in this country are governed by a complex set of federal laws and regulations, local policy directives, ordinances, and judicial case law. The rules concerning the eligibility of people who have criminal records are particularly confusing. This guidebook explains what the federal housing laws require, highlights those areas where public housing agencies (PHAs) have discretion to craft their own admission and eviction policies related to people with criminal records, and offers recommendations on effective ways to use that discretion to simultaneously meet important public safety goals and the housing needs of people with criminal records. Our report shows that the establishment of balanced and fair policies by PHAs that give individuals with criminal records the opportunity to apply for or remain in public housing will not only help these individuals successfully reintegrate, but will also increase public safety by reducing recidivism and relapse.

To view this report, go to

<http://www.hirenetwork.org/pdfs/Safe@Home.pdf>

Unlocking the Potential of Reentry and Reintegration,

by Alan Rosenthal and Elaine Wolf of the Center for Community Alternatives (October 2004). This paper redefines reentry and demonstrates the strengths of a new model. Reentry planning can be incorporated into activities taking place at six points in a criminal case: decision making regarding pretrial release; plea bargaining and sentence negotiations; sentencing; jail and prison programming; provision of supportive services at the time of release and decision making regarding parole revocation. The authors argue that in order to unlock the potential of reentry as a vehicle to reduce reliance on incarceration and promote public safety, traditional sentencing must be replaced with a reintegration-focused sentencing model.

To read the paper, go to:

<http://en.groundspring.org/EmailNow/pub.php?module=URLTracker&cmd=track&j=12615491&u=111877>.

Prisoners in 2003, by Paige M. Harrison and Allen J. Beck of the U.S. Department of Justice Bureau of Justice Statistics (November 2004). This annual report details the number of persons in State and Federal prisons at yearend,

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Upcoming Conferences of Interest

Feb. 13-16, 2005

American Probation and Parole Association Winter Training Institute:

“Riding the Wave of Innovation – Merging New Ideas with Evidence-Based Practices”

Hyatt Regency Orange County

Anaheim, CA

Tel: 850-244-8204

Email: kchappell@csg.org

Information: http://www.appa-net.org/institutes/2005_anaheim/promo_Anaheim.pdf

Feb. 22-24, 2005

**National Career Development Association
“National Offender Workforce Development Conference”**

Millennium Hotel

St. Louis, MO

Tel: 314-209-9400

Email: pwdconf@jimtek1.net

Information: www.proworkdev.com

March 30-April 2, 2005

16th National Youth Crime Prevention Conference and International Forum

Radisson Miami Hotel

Miami, FL

Tel: 305-670-2409

April 6-8, 2005

Women Work! The National Network for Women’s Employment

“Women Work! 2005 National Conference”

Hilton Crystal City

Arlington, VA

Tel: 202-467-6346

Information: www.womenwork.org

May 1-4, 2005

National Association of Workforce Development Professionals 16th Annual Conference:

“Riding the Workforce Wave”

Fontainebleau Hilton Hotel

Miami Beach, FL

Contact: www.nawdp.org

Note: Now accepting workshop proposals

compares the increase in the prison population during 2003 with that of the previous year, and gives the prison growth rates since 1995. To read this report, go to <http://www.ojp.usdoj.gov/bjs/pub/pdf/p03.pdf>

No Second Chance: People with Criminal Records Denied Access to Public Housing, by Corinne

Carey of Human Rights Watch (November 2004).

Based on research across the country, the 101-page report is the first examination of “one strike” policies in public housing. The report contains detailed recommendations directed at the U.S. Congress, U.S. Department of Housing and Urban Development, and local public housing authorities. To view this report, go to <http://hrw.org/reports/2004/usa1104/>.

After PRWORA: Barriers to Employment, Work, and Well-Being among Current and Former

Welfare Recipients, by Kristin S. Seefeldt of the

Gerald R. Ford School of Public Policy at the

University of Michigan (Fall 2004). Shortly after

welfare reform was implemented, numerous studies were launched with two goals: (1) to understand better how the personal and family characteristics of welfare recipients affected their ability to move from welfare to work and (2) to follow them over time and determine how they fared under a new set of rules. This issue of Poverty Research Insights highlights the findings from a number of these studies and discusses the policy implications raised in various reports. To view this report, go to

<http://www.npc.umich.edu/publications/newsletter/all04/1/index.shtml>.

Fifteen Years of Guidelines Sentencing: An Assessment of How Well the Federal Criminal Justice System Is Achieving the Goals of

Sentencing Reform, by the United States Sentencing

Commission (November 2004). This study is a

comprehensive review of the research literature and sentencing data to assess how well the guidelines have achieved the goals for sentencing reform established by Congress in the Sentencing Reform Act of 1984.

These goals include increased certainty and transparency of sentences, increased severity of sentences for certain types of serious crimes, and reduced sentencing disparity, including racial and ethnic disparity. To view this report, go to

http://www.uscc.gov/15_year/15year.htm. ❖

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May 18-19, 2005

**The Workforce Alliance 2005 National Conference:
“What’s the Big Idea? Workforce Development Policy
for the Next Four Years”**

Renaissance Hotel
Washington, DC

Contact: www.workforcealliance.org

July 24-27, 2005

**30th Annual American Probation and Parole Association
Training Institute**

Marriott Marquis
New York City, NY

Contact: <http://www.appa-net.org/Training%20and%20Tech%20Assistance/callfor1.htm>

Note: Now accepting workshop proposals ❖



The staff of the National H.I.R.E. Network wishes all of our members a very happy and healthy holiday season. We are very proud to collaborate with all of you and look forward to the coming year as we work to promote the economic self-sufficiency of people with criminal records and their families.

Happy New Year!

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