

Serving the Employment Needs of Justice-Involved Juveniles and Adults

A Primer for Treatment and Recovery Support Service Providers



FORWARD

The Substance Abuse Mental Health Services Administration (SAMHSA) has an extensive history of supporting programs that assist individuals with substance abuse and/or mental health disorders who are involved in the criminal and juvenile justice systems. While providing treatment services is the program's primary mandate, service providers often seek to further assist their clients with connecting to jobs or advancing their education. Justice-involved populations, when seeking to gain employment or continue their education, face numerous barriers as a direct result of having a criminal record. Therefore, providers need assistance in understanding how criminal records impact employment and education opportunities and what can be done to overcome criminal record barriers.

Serving the Employment Needs of Justice-Involved Juveniles and Adults: A Primer for Treatment and Recovery Support Service Providers was developed by the Legal Action Center (LAC) to provide Center for Substance Abuse Treatment (CSAT)/Center for Mental Health Services (CMHS) grantees and their sub-recipient contractors a basic understanding of federal and state laws that directly affect individuals in recovery who have a criminal history. Additionally, the guide provides information about legal and practical challenges that may hinder employment, training, and educational opportunities for people with criminal records. But more importantly, it offers best practices that service providers may utilize to successfully connect justice-involved juveniles and adults to employment and educational opportunities while in recovery.

(LAC) is a non-profit, public interest organization that works with individuals with criminal records, people with histories of drug or alcohol addiction, and people with HIV/AIDS. LAC's National H.I.R.E. (**H**elping **I**ndividuals with criminal record **R**e-enter through **E**mployment) is both a national clearinghouse of information and an advocate for policy change to promote policies and employment practice that enable qualified people who have criminal records to obtain and retain employment.

This monograph was prepared under the direction of the Substance Abuse Mental Health Services Administration (SAMHSA)/Center for Substance Abuse Treatment (CSAT) by the Legal Action Center (LAC). The author is Roberta Meyers-Peebles, Director of LAC's National H.I.R.E. Network project. This monograph was prepared under task order no. HHSP233200700697P.

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INTRODUCTION

Research has shown that employment and educational attainment can significantly reduce the likelihood that individuals in recovery, who also have criminal records, will relapse and recidivate. In fact, in the Treatment Improvement Protocol (TIP) Number 38 which contains best practice guidelines and recommendations for the treatment of substance abuse disorders provided as a service of the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Treatment (CSAT), it was reported that:

- *Achievements such as completing education or training, finding a job, and maintaining employment counter a sense of personal incapacity and provide a basis for increasing self-esteem.*
- *The work environment offers an opportunity for the client to apply recovery skills, such as building supportive relationships, learning to work within an authority structure, accepting responsibility, managing anger, and recognizing boundaries.ⁱ*

However, individuals who are in recovery and who have a criminal record will often face unique barriers to continuing their education and gaining employment. Therefore, practitioners who assist adults and juvenile clients with criminal histories in obtaining job training, employment, and educational services must be knowledgeable of these unique barriers and utilize specific strategies that work to help their clients overcome them. This guide will provide an overview of the unique issues people in recovery with criminal records face when seeking jobs or access to higher education. It includes the following information:

1. Employment discrimination—What's the law?
2. Criminal record legal and practical barriers to employment and negligent hiring liability concerns.
3. Higher education as a goal.
4. Understanding background checks – “RAP sheets” and consumer reports.
5. Evidence of rehabilitation to support qualifications and reduce risk.
6. Efficient use of federal and state financial incentives.
7. Completing job application and interview techniques.
8. Strategies to optimize job retention and strengthen organizational effectiveness.

Employment Discrimination: What's the Law?

Is it illegal for employers and educational institutions to discriminate...

Against people in recovery?

There are two federal laws that directly address the issue of employment discrimination against individuals with past drug problems or past and current alcohol problems. They are the federal Rehabilitation Act of 1973 (Title 29 of the U.S. Code, sections 701 et. seq.) and the Americans with Disabilities Act (ADA) of 1990 (Title 42 of the U.S. Code, Sections 12101 et. seq.). Both laws protect the rights of individuals with a disability (individuals in recovery, including those in treatment (both drug-free and methadone treatment) who are no longer illegally using drugs) from being discriminated against in employment or when seeking to obtain educational or other services.

Employers may **not** ask job applicants about whether they have had a disability, or about the nature or severity of a disability, before a job offer is made. An employer may only ask questions about whether an applicant can perform the duties of the job prior to making the person an offer of employment. Although pre-employment medical examinations are prohibited, employers can require them as a condition of employment once a job offer is made. Furthermore, the ADA explicitly provides that drug screenings (such as a urinalysis) are not medical examinations for purposes of these provisions and therefore, permits an employer to require drug tests pre-employment and during employment.ⁱⁱ

States may offer additional protections under its laws for individuals with disabilities. To determine whether your state provides any protections to individuals in recovery, you should contact your state's Attorney General's office (see Appendix A).

Against people with criminal records?

There is no federal statute that specifically protects the rights of individuals with criminal records from being discriminated against from employment or higher education. However, the Equal Employment Opportunity Commission (EEOC) encourages employers to make individualized assessments when considering applicants with criminal records (Equal Employment Opportunity Commission, Notice No. N-915, Policy Statement on Issue of Conviction Records under Title VII of the Civil Rights Act of 1964, [February 4, 1987]). According to the EEOC, policies that exclude individuals from employment on the basis of their arrest and conviction records may violate Title VII because such policies disproportionately exclude people of color, in light of statistics showing racial minorities are arrested and convicted at a rate significantly higher than their representation in the population.ⁱⁱⁱ Therefore, the EEOC encourages employers to give full consideration to certain factors including:

- The nature and gravity of the offense(s);
- The time that has passed since the conviction and/or completion of the sentence; and
- The nature of the job held or sought.

State law creates most employment policies and hiring standards relevant to individuals with criminal records. Very few states impose employment or licensing standards that require employers or agencies to make individualized assessments that consider whether there is a "direct", "rational", or "reasonable" relationship between the job or occupational license being

sought and the criminal history. Most states permit employers and occupational licensing agencies to have flat bans against hiring individuals with criminal records, without considering the individual circumstances, the relevance of the criminal history to the job, the amount of time that has elapsed since the last crime was committed, or any evidence of rehabilitation.

- 5 states have standards governing private employers' consideration of applicants with criminal records;
- 14 states have standards governing public employers' consideration of applicants with criminal records; and
- 21 states have standards govern occupational licensing agencies.^{iv}

Legal and Practical Barriers to Employment and Education

Differences between the juvenile and adult criminal justice systems and the impact of a criminal record on employment and education.

In each state, criminal cases are usually handled in one of three courts depending upon the age of the defendant, the seriousness of the crime committed and sometimes where the offense was committed: (1) youth, juvenile, or family court; (2) criminal, municipal, or district courts; and (3) circuit or state supreme courts. The names of the court divisions vary from state to state.^v Also, the adult and juvenile systems use different terms to describe the disposition (or outcome) of a criminal case. Most states give juvenile courts jurisdiction over youth up to age 17 who commit a criminal offense. However, there are two states, New York and North Carolina, that make the age of majority in criminal matters 16 years old. Therefore, youth 16 and older in these states are automatically tried in adult court if accused of committing a criminal offense. In addition, some states have statutes that allow a youth as young as 11 years old to be prosecuted as an adult because of the seriousness of the criminal act committed.

Juvenile court records are usually kept confidential while the adult court system and its records are frequently open to the public. All of this becomes very relevant when determining if the criminal record of your client is accessible to employers and others.

It is important to note that most laws that prohibit employers from hiring people with criminal records are state and local laws or regulations. Thus, it is necessary to review relevant state and local laws to determine if there are permanent or discretionary bars to occupational licensing or employment for most jobs. However, there are certain industries that are federally regulated that require criminal background checks for workers and in some cases may require automatic criminal record disqualifications. Nevertheless, your client should always find out if there is an administrative appeal or waiver process to challenge disqualifications, and if there is a process, he/she should then FOLLOW THROUGH.

What are some of the occupational industries that are federally regulated and have criminal record bars?

- ***Finance:*** Convictions for offenses involving dishonesty, breach of trust, or money laundering disqualify an individual from working for institutions that are insured by the Federal Deposit Insurance Corporation.^{vi} Visit <http://www.hirenetwork.org/FDIC.html> for information about the waiver process, “*People with Criminal Records Working in Financial Institutions: The Rules on FDIC Waivers.*”

- **Insurance:** Federal law bars certain classes of felons from working in the insurance industry without having first received permission from an insurance regulatory official.^{vii}
- **Unions:** Certain classes of felons are barred, for 13 years after conviction (or the end of imprisonment if sentenced for a term of longer than 13 years), from holding any of several positions in a union or other organization that manages an employee benefit plan, including serving as an officer of the union or a director of the union's governing board.^{viii}
- **Healthcare:** Federal law prohibits those convicted of certain crimes from providing healthcare services for which they will receive payment from Medicare,^{ix} or from working for the generic drug industry.^x
- **Childcare:** Federal law requires criminal history background checks for those individuals who provide care for children.^{xi} In addition, the Federal Child Protection Act,^{xii} authorizes states to institute mandatory or voluntary fingerprinting of prospective employees in childcare fields in order to facilitate criminal background checks and exclusionary policies.
- **Prisoner Transportation:** Prisoner transportation by public or private agencies is federally regulated^{xiii} and federal law sets "minimum standards for background checks and pre-employment drug testing for potential employees including requiring criminal background checks to disqualify persons with a felony conviction or domestic violence conviction from employment."
- **Aviation, Port, and Ground Transportation Workers:** Since September 11, 2001, numerous efforts have been made to increase security in our nation's transportation industry. As a result, federal laws now require workers in the transportation industry to undergo a criminal background check and, in varying circumstances, to be disqualified for having a criminal record. Individuals who work in airports must be fingerprinted to get clearance to have unescorted access to airport security areas.^{xiv} All truck drivers have to undergo a criminal background check to qualify for a "hazmat material endorsement" (HME).^{xv} The Maritime Transportation Security Act (MTSA) requires a criminal background check for all port workers to identify those who pose a "terrorism security risk."^{xvi} Port workers have to qualify for a Transportation Worker Identification Credential (TWIC) in order to have unescorted access to a secured area of a port facility or vessel. For more information on port worker TWIC requirements:
Visit *NELP's TWIC Guide*: <http://www.nelp.org/docUploads/TWICGuide%5F011708%5F170606%2Epdf>
TWIC Know-Your-Rights Fact Sheet: <http://www.nelp.org/docUploads/TWIC%2DEnglish%2Epdf>.
- **Private Security Guards:** The Private Security Officer Employment Authorization Act of 2004^{xvii} authorizes a fingerprint-based criminal history check of state and national criminal history records to screen prospective and current private security officers.

Employer negligent hiring liability

One reason employers often give for refusing to hire individuals with a criminal record is the fear that they will incur liability if they hire a person with a criminal record who later commits a new crime. This doctrine is known as negligent hiring.

While state standards differ, the key to determining liability is usually whether the employer could have reasonably foreseen the crime: specifically, whether the employee had a history or propensity for harmful behavior and whether the employer knew or should have known of the

employee's propensities. Ordinarily, an employer's reasonable efforts to check and consider a prospective employee's background will satisfy the legal requirements for avoiding liability risks.

Higher Education as a Goal

Linking your clients to educational systems is critical to the overall process of successful reintegration. The educational profiles of your clients may be very diverse -- some may be able to return to a traditional school setting while others may need alternative schools, tutorial services, and depending upon their age and reading and math levels, may be on track to enter a GED program or link to a post-secondary institution. However, court-involved youth often have a difficult time remaining part of the mainstream educational system. It is therefore important to be able to help your clients connect to educational institutions that can help meet their long-term goals, including career goals.

In 1998, the Higher Education Act^{xviii} was amended to prohibit anyone with a drug conviction from receiving federal financial aid for post-secondary education. The law was amended again in 2006 to allow a student with a past conviction under any federal or state law for any offense involving the possession or sale of a controlled substance to be eligible to receive any grant, loan, or work assistance. Although individuals convicted for a drug-related offense *while receiving* financial aid are barred from receiving further assistance, all others remain eligible for assistance.

Recently, more and more colleges and universities have begun to include criminal background checks in their admissions processes. In fact the Common Application, used by more than 300 universities and colleges, added questions about both criminal histories and school disciplinary records to their 2006-07 application.^{xix} More and more higher-educational institutions may be using criminal record information to screen out people with criminal records from college admission. Individuals who seek to enter post-secondary educational programs should contact the institution to learn about its screening process and considerations of criminal histories in its admission policies.

Understanding Background Checks

Consumer Reports

In some states employers have the right to fingerprint their job applicants. In other states, many employers do not have such a right but have other means of getting access to applicants' criminal records. Employers can use consumer report information when considering employment applications as long as they comply with the federal Fair Credit Reporting Act (FCRA) (15 U.S.C. §§1681 et seq.). Unfortunately, although FCRA is designed to promote the accuracy, fairness, and privacy of information in the files of consumer reporting agencies (CRA), criminal record information is often reported with erroneous information. A CRA is any person(s) who, for monetary compensation, regularly engages in the practice of investigating and evaluating information to provide reports to employers for the purpose of evaluating an individual for employment, promotion, assignment or retention as an employee. There are hundreds of CRA's employers could choose from to obtain criminal record information.

State laws may provide additional rights beyond the provisions of federal FCRA, so a person concerned about a credit check should contact his/her State's Attorney General's office for more

information (see Appendix A). FCRA contains the following provisions regarding the use of information collected by CRAs.

- Any employer who uses information from a CRA to deny employment must inform the job applicant and provide the name, address and phone number of the CRA that provided the consumer report.
- A CRA must give the information contained in an individual file upon request to that individual, and also provide a list of everyone who has requested it recently. There is no charge for the report if an employer has taken action against the individual because of information supplied by the CRA and if the request occurs within 60 days of receiving notice of the action.
- If a file contains inaccurate information, the CRA must investigate the item(s) in question and provide a written report of the investigation to the owner of the file and a copy of an amended report if the investigation results in any change. If no change is made to the disputed item, the person may submit a statement for their file.
- Inaccurate information must be corrected or deleted within 30 days of being disputed.
- If an item is disputed at the source, the source may not report the information to a CRA without including a notice of dispute.
- Consumer reports may not contain adverse information (including arrests that did not lead to conviction) more than seven years old with the following exceptions:
 - Bankruptcies may be reported for ten years;
 - Convictions may be reported without any time limitation; and
 - There is no limitation on reporting adverse information older than seven years if the individual's annual salary is \$75,000 or more.
- Access to a file is limited to people with a need recognized by the FCRA (i.e. an employer).
- A written consent must be obtained by a CRA before it gives out any information to an employer or prospective employer. Notification language that appears on an application for employment is not acceptable; written authorization from the individual to whom the report relates, in the form of a "stand-alone document," must be used for a consumer report to be obtained for employment purposes.
 - *Federal and State Criminal Record Repositories*

For certain jobs, employers and licensing agencies are required to conduct fingerprint-based criminal record checks with a state criminal justice repository or the Federal Bureau of Investigation (FBI) to obtain a Record of Arrest and Prosecution (RAP) sheet. A RAP Sheet is a report of the history of arrests attributed to one person based on his or her fingerprints. When a person is fingerprinted by a law enforcement agency, a record is generated and sent to the state central repository. Each state has its own central repository that maintains the arrest and disposition (or outcome) information for cases handled in its own state. (For a list of all state

repositories, visit (<http://www.hirenetwork.org/resource.html>). A state identification number (SID#) is issued when an individual's fingerprints are received by the state repository. The number is linked to that individual's fingerprints and the criminal record.

Some state RAP sheets may indicate that the person has a criminal record outside of the state. When a state RAP sheet includes an index pointer "III MultiSource" at the top of the sheet, it signifies that a record is on file with the Interstate Identification Index, the repository maintained by the Federal Bureau of Investigation (FBI). Every state central repository is required to report its criminal record information to the FBI. Therefore, anyone who has a state identification number also has a FBI identification number and FBI RAP sheet. The FBI identification number becomes a part of that individual's identification information on his or her state RAP sheet. The FBI reports all information pursuant to individual state laws, in addition to federal crimes, immigration, and military information. If a record is expunged or sealed pursuant to a state law, the FBI usually adheres to that state's requirement to suppress or remove information by order of the state central repository. However, often there is a lag in the communication between the state and federal databases. Therefore, it is not uncommon for errors to appear on the FBI RAP sheet.

- *Sealing and Expungement*

States offer a range of options for suppressing or eliminating a criminal record such as sealing, expunging, erasing, and purging. Each state's laws are different, and the terms that are used to describe the mechanism, the eligibility criteria, and the effect of the process may differ from state to state. Sealing statutes in many states simply limit access to a criminal record and the record is never erased or destroyed. Some states allow for expungement, meaning that the record of the arrest is destroyed. To see if your state offers sealing or expungement as a remedy, visit <http://www.lac.org/lac/main.php?view=law&subaction=2> or contact the Legal Action Center at 225 Varick Street, New York, NY 10014 or at info@lac.org.

- *Criminal Record Review*

It is important for individuals who have been arrested and/or convicted to review their criminal record at both the State and federal level to ensure they both contain accurate and complete information. A RAP sheet will provide important information such as arrest dates, arrest place, the arresting agency, arrest charges, court docket or indictment numbers, and most importantly, the disposition or outcome of each of the listed cases. To obtain a copy of a state record, visit <http://www.hirenetwork.org/resource.html> and click on the relevant state. Each state has different requirements and processes for requesting a RAP sheet, so it is important to contact the specific agency in the state from which you will request the report.

To receive a copy of a FBI record under the Freedom of Information Act, a person can submit a written request that includes name, date and place of birth, a full set of fingerprints, and a certified check or money order for \$18. (Local police precincts can provide the fingerprint cards and fingerprint services necessary to complete the record review process.) Requests may only come from the individual to whom the record belongs, not a third party agency. Requests should be sent to:

U.S. Department of Justice
Federal Bureau of Investigation Information Services Division
Attention: SCU, Mod. D-2
1000 Custer Hollow Road
Clarksburg, WV 26306

- * **Before starting this process with your clients, you should ask them if they have any outstanding warrants or criminal justice obligations they have not fulfilled because this process may put them in jeopardy of being rearrested.**

Gathering Evidence of Rehabilitation

Evidence of rehabilitation is often critical to challenging criminal record bars to employment and education. Employers or educational institutions may want **detailed proof** that the applicant has turned his/her life around since his/her most recent conviction. Evidence about his/her participation in any of the life activities below will help prove “rehabilitation” to an employer or others that may be considering the applicant’s criminal history. Help the client get at least one item from each list.

School: Show that your client was in school for at least six months, or is now in school, and have a positive school record by trying to get:

- ◆ a **transcript**

AND

- ◆ a **letter** from a teacher or school administrator, if that person can truthfully state that your client...
 - was in school for at least six months or is now in school
 - had great attendance and punctuality
 - had excellent grades, and
 - was motivated to learn and get ahead in life.

Job Training: Show that your client stayed in a job training program for at least six months, or is now in such a program, and have a positive record by trying to get a **letter** from a program supervisor or administrator, if that person can truthfully say that your client. . .

- participated for at least six months or is now participating
- had or has great attendance and punctuality
- is motivated to learn and get ahead in life
- has learned useful skills to apply to a job; and
- gets along well with others.

Employment: Show that your client kept a job for at least six months and had a positive work record by trying to get **letters** from as many jobs as possible – from a supervisor or another person on the job who worked with his/her – if this person or these people can truthfully say . . .

- what the job was and how long he/she worked there
- what her job responsibilities were
- how well he/she performed his/her job
- whether he/she was promoted while on the job
- that he/she had an excellent attendance record, and came to work on time, and
- that he/she was motivated, responsible, and got along well with others.

Counseling or social service program: Show that your client spent at least six months, or is now involved in a counseling or other social service program (including a drug treatment program) to deal with the problem that led to his/her involvement with the criminal justice

system by trying to get a **letter** from his/her counselor, therapist or doctor if he/she can truthfully say that he/she . . .

- had or has great attendance
- had clean/negative drug tests for at least 12 months (get the **drug test results**, too)
- showed excellent motivation and desire to change
- fully participated in programs
- got along well with others
- understood the causes of his/her past behavior and was committed to positive growth
- was not a risk to the safety of others, and
- no longer associated with the peers/friends who got her into trouble in the first place.

If your client had a disability that prevented him/her from working while he/she was in the program, make sure the counselor or whoever writes the letter explains this. Perhaps the counselor can also explain that the treatment plan calls for his/her to obtain employment. The client will need to sign a consent form before the counselor, therapist or doctor can disclose information about his/her treatment.

Certificate of relief from disabilities or Certificate of good conduct or other form of relief available in your state: There are seven states that offer administrative “certificates of rehabilitation” that restore some or all of the legal rights and privileges lost as a result of conviction, and in some cases serve as evidence good character.^{xx} The various forms of certificates offered by each state differ in their levels of protection, eligibility criteria, and procedures. Visit <http://www.lac.org/toolkits/certificates/certificates.htm> to learn if your state offers such a remedy.

Letter from a Parole or Probation Officer (if applicable): If your client’s parole or probation officer can make the following statements, ask him/her to write a **letter** commenting on his/her:

- clean/negative drug tests for at least 12 months
- positive outlook
- compliance with all requirements of parole or probation, and
- exceptional motivation.

Letters from clergy: If your client plays a leadership role in his/her community and volunteer, ask the priest, minister, imam, rabbi or spiritual leader to write a **letter** on his/her behalf saying so.

Letters from your volunteer work: If your client has volunteered for a school, nonprofit organization or other group, try to get a **letter** from a responsible person saying that he/she:

- is responsible
- has made a good contribution to the work of the program, and/or
- is dedicated to his/her volunteer work.

Gathering these documents is a sure way to counteract the negative views or stigma individuals with criminal histories face.

Efficient Use of Federal and State Financial Incentives

The Federal Bonding Program (FBP) serves as a job placement tool by guaranteeing to an employer the job honesty of “at-risk,” hard-to-place job applicants. Fidelity Bonds that

employers purchase commercially do not cover anyone who has already committed “a fraudulent or dishonest act.” The insurance industry often deems individuals with criminal records, past drug and alcohol histories, and other job applicants with questionable backgrounds NOT BONDABLE because they may pose a risk for committing a dishonest act, such as stealing.. Therefore, the Federal Bonding Program (FBP) was created to serve as an incentive to employers to hire qualified individuals who may not be insurable otherwise. The FBP issues fidelity bonds, which are business insurance policies that protect employers in case of theft, forgery, larceny, or embezzlement of money or property by an employee who is covered by the bond. The bond coverage is usually \$5000 with no deductible amount of liability for the employer. Higher amounts of coverage, up to \$25,000, may be allowed if justified. The bond does not cover liability due to poor workmanship, job injuries, or work accidents.

Bonds are usually available free of charge through a State Department of Labor office. All jobs are bondable in private and public sectors, full and part-time positions, as well as jobs secured through temporary agencies. The bond is put into effect instantly on the first day of employment. The employer simply makes the applicant a job offer and sets a date for the individual to start working. Once the bond is issued, there are no forms or other papers for the employer to sign, and no processing to delay matters. See Appendix B for a link to the Federal Bonding Program.

Additionally, a for-profit business that hires a person with a criminal record can benefit from the Work Opportunity Tax Credit (WOTC). This federal tax credit provides an incentive for employers to hire, train, and retain job seekers who are among nine group—including individuals with felony convictions who are hired within one year of their date of conviction or date of release from prison. This credit can reduce an employer’s federal income tax liability by as much as \$2,400 per qualified new worker. Applying is easy and the application is available through a State Department of Labor office. The Department of Labor also provides information about whether or not your state offers additional incentives for employers, such as state tax credits. See Appendix B for a link to more information about WOTC.

What can you do to help your clients become employable?

Offer Pre-Employment and In-Training Services to Prepare Clients for Work

1. Help clients review and “clean up” their RAP sheets and credit reports. An increasing number of employers rely on background checks to probe an applicant’s criminal history. While some employers may obtain criminal record information directly from the state’s repository of criminal records, most obtain it through a consumer reporting agency or private background check company. Inaccurate or very old information as well as information on arrests that did not lead to conviction may give an unnecessarily negative profile of the job applicant. Being familiar with a client’s complete criminal history also facilitates appropriate job referrals.
2. Help clients develop realistic short- and long-term career goals. For example, a short-term goal might focus initially on job retention in a current job. A long-term goal would be more focused on education, training, or a certificate needed for advancement in the client’s field of choice.
3. Help clients get necessary documentation such as various forms of identification (i.e., state issued picture identification, social security card, and birth certificate) they will need to apply for jobs. In addition, help them gather evidence of rehabilitation including previous

employment information, educational achievements, social and religious activities, military achievements, and letters of reference from people who can attest to the individual's character.

4. Ensure clients get “soft skill” training, including reviewing the importance of punctuality and attendance, appropriate attire, the ability to accept criticism, working collaboratively, and work ethic.
5. When feasible, provide immediate income while preparing and training clients for employment through stipends or paychecks that may cover transportation costs (at a minimum). Payment is also an incentive for participants to attend the program.

Provide Post-Employment Services to Promote Job Retention

1. Provide or link clients to the support services they need to help them retain employment, including addressing child support issues, housing, childcare, and transportation, which can all compromise employment success.
2. Provide post-placement or follow-up services that include crisis intervention, continued support and career advancement guidance.

Know Your Client

Whatever an employer might want to know, you should want to know. The importance of having a thorough interview with your client **before** he/she applies for a job cannot be overstated. This may require digging into the person's background beyond the point dictated by considerations of privacy or tact. You should follow up inconsistencies or improbabilities until you are convinced that you have the entire, unvarnished story. It is likely that clients may be reluctant to reveal potential problems out of fear that you will somehow disapprove or not assist them. Recognize this fear and confront it in a straightforward way. You want to avoid any possibility of your client potentially falsifying a job application or omitting information that may later jeopardize employment.

You need to know the exact nature and duration of your client's past alcohol or drug problem. You also need to know the nature of your client's criminal history and whether or not he/she is still under community supervision with parole or probation.

Know the Labor Market in Your State

1. Become familiar with state laws that affect the employment of people with criminal records. This includes knowing which jobs have legal barriers to employment and licensure for people with certain types of criminal convictions (i.e. violent or drug-related) and what can be done to remove those bars.
2. Ensure that both your client and your workforce development staff understand the legal rights and responsibilities of a job seeker who has a criminal record. Make sure they are knowledgeable about the questions employers may ask on job applications and in interviews as well as how to respond appropriately and honestly.

3. Collect occupational forecasting material to stay informed about what sectors currently have job openings and where future labor market opportunities will exist. This information will enable workforce development staff to make better job referrals and referrals to job training programs.

Improving organizational effectiveness

1. Recognize and respond to the legitimate concerns of employers. Many employers fear they will be liable if they hire a person with a conviction record who later commits a new crime. Performing quality screening and referring appropriate job applicants can significantly reduce employers' risk of liability. Inform employers about the Federal Bonding Program and how it can help protect them from employee theft and/or property damage.
2. Identify both employers who will hire individuals with criminal records and those who cannot due to legal bars. This practice will result in appropriate job referrals. Keep in mind that some employers prefer to simply be known as a "fair employer" as opposed to being an employer who hires individuals with criminal records.
3. Use job placement staff that knows the culture of local employers (e.g. has worked in target professions or know employers and/or hiring staff).
4. Emphasize the financial incentives employers can accrue when they hire qualified applicants with criminal histories. Assist employers in securing federal bonds through the Federal Bonding Program or tax credits (federal Work Opportunity Tax Credit and State tax incentives, if available), and other employee training funds that may be available through Workforce Investment Act (WIA) assistance.
5. Form collaborations with other agencies that will enhance and support successful workforce development.

Conclusion

Addressing criminal record challenges can seem complicated and daunting. However, this is yet another aspect of your client's life that has to be handled "one step at a time." Part of your work as a service provider is meeting your clients where they are and helping them to progress forward in their recovery and reintegration into society. Employment is a key part of their journey to independence, self reliance, and self-esteem. Your clients must be prepared for success in the labor market and this includes being job-ready ("soft-skills" should have been measured and addressed), skilled, appropriately educated, and prepared to address his/her criminal record in an interview and on a job application. By applying what you have just learned, you can help your clients achieve the goal of becoming gainfully employed.

ⁱ SAMHSA, "Integrating Substance Abuse Treatment and Vocational Services: Treatment Improvement Protocol (TIP)," Series 38, Chapter 3, (2000). Retrieved from <http://www.ncadi.samhsa.gov/govpubs/bkd381/38f.aspx>

ⁱⁱ Legal Action Center, "Employment Discrimination and What to Do About It: A Guide for New York Counselors of Individuals in Recovery from Alcohol and Drug Dependence and Ex-Offenders," (2001). Available at [http://www.hirenetwork.org/pdfs/Employment%20discrimination%20\(NY\).pdf](http://www.hirenetwork.org/pdfs/Employment%20discrimination%20(NY).pdf).

ⁱⁱⁱ Legal Action Center, "From Hard Time to Full Time," (2001).

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- ^{iv} Legal Action Center, “After Prison: Roadblocks to Reentry, A Report on State Legal Barriers Facing People with Criminal Records,” (2004). Available at <http://www.lac.org/lac/index.php>
- ^v U.S. Department of Labor, “Working Ahead: A Guide for Connecting Youth Offenders with Employment Opportunities,” (2004).
- ^{vi} *See* 12 U.S.C. § 1829.
- ^{vii} *See* 18 U.S.C. § 1033(c)(2).
- ^{viii} *See* 29 U.S.C. §§ 504, 1111.
- ^{ix} *See* 42 U.S.C. § 1320a-7.
- ^x *See* 21 U.S.C. § 335a.
- ^{xi} *See* 42 U.S.C. § 13041.
- ^{xii} *See* 42 U.S.C. § 5119(a).
- ^{xiii} *See* 42 U.S.C. § 13726(b).
- ^{xiv} Aviation and Transportation Security Act of 2001, 40 U.S.C. § 44936.
- ^{xv} US Patriot Act of 2001, 49 U.S.C. § 5103a.
- ^{xvi} Maritime Transportation Security Act of 2002, 46 U.S.C. § 70105.
- ^{xvii} Pub. L. No. 108-458, Tit. VI(E) § 6402.
- ^{xviii} *See* 20 U.S.C. § 1901(r).
- ^{xix} Center for Community Alternative & National H.I.R.E. Network, “Closing the Doors to Higher Education: Another Collateral Consequence of a Criminal Conviction,” (2008).
- ^{xx} Arizona (ARIZ. REV. STAT. §§ 13-904 (LexisNexis 2007)); California (CAL. PENAL CODE §§ 4852.01 (a)-(d) (Deering 2008)); Connecticut (CONN. GEN. STAT. § 54-130e (2008)); Illinois (Ill. Public Act 093-0207); Nevada (NEV. REV. STAT. § 213.157 (2007)); New Jersey (N.J. STAT. ANN. § 2A:167.5 (2008)); New York (N.Y. CORRECT. LAW. §§ 752-754 (McKinney 2008)).

Appendix A

State Attorney General Offices

Alabama

Office of the Attorney General
11 South Union Street
Montgomery, AL 36130
334-242-7300
Web Site: www.ago.state.al.us

Alaska

Office of the Attorney General
P.O. Box 110300
Juneau, AK 99811
907-465-3600
907-465-2075 fax
E-Mail: Attorney_General@law.state.ak.us
Web Site: www.law.state.ak.us

Arizona

Attorney General's Office
Department of Law
1275 West Washington Street
Phoenix, AZ 85007
602-542-5025
E-Mail: ag.inquiries@azag.gov
Web Site: www.attorneygeneral.state.az.us

Arkansas

Office of the Attorney General
323 Center Street
Little Rock, AR 72201
501-682-2007 or 800-482-8982
Web Site: www.ag.state.ar.us

California

Office of the Attorney General
P.O. Box 944255
1300 I Street, Suite 1740
Sacramento, CA 95814
916-324-5437
Web Site: www.caag.state.ca.us/

Colorado

Department of Law
1525 Sherman Street
Denver, CO 80203
303-866-4500
Web Site: www.ago.state.co.us/index.cfm

Connecticut

Connecticut Attorney General's Office
55 Elm Street
P.O. Box 120
Hartford, CT 06106
860-808-5318
860-808-5387 fax
E-Mail: attorney.general@po.state.ct.us
Web Site: www.cslib.org/attygen/

Delaware

Office of the Attorney General
Carvel State Office Building
820 North French Street
Wilmington, DE 19801
302-577-8500
Web Site: www.state.de.us/attgen

District of Columbia

DC Corporation Counsel
Office of the Corporation Counsel
1350 Pennsylvania Avenue, NW
Suite 409
Washington, DC 20004
202-727-3400
Web Site: www.occ.dc.gov/occ/site/default.asp

Florida

The Office of the Attorney General
The Capitol, PL 01
Tallahassee, FL 32399
850-414-3300
Web Site: myfloridalegal.com/

Georgia

Office of the Attorney General
40 Capitol Square, SW
Atlanta, GA 30334
404-656-3300
Web Site: ganet.org/ago/

Hawaii

Office of the Attorney General
Department of the Attorney General
425 Queen Street
Honolulu, HI 96813
808-587-1500
808-586-1239 fax
Web Site: www.state.hi.us/ag/

Appendix A

State Attorney General Offices

Idaho

Office of the Attorney General
Statehouse
700 West Jefferson Street
P.O. Box 83720
Boise, ID 83720
208-334-2400
208-334-2530 fax
Web Site: www2.state.id.us/ag/

Illinois

Office of the Attorney General
100 West Randolph Street
Chicago, IL 60601
312-814-3000
Web Site: www.ag.state.il.us/

Indiana

Attorney General
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204
317-232-6201
Web Site: www.in.gov/attorneygeneral/

Iowa

Office of the Attorney General
Hoover State Office Building
1305 East Walnut
Des Moines, IA 50319
515-281-5164

Kansas

120 SW 10th Avenue, 2nd Floor
Topeka, KS 66612
785-296-2215
Web Site: <http://www.ksag.org/home/>

Kentucky

Office of the Attorney General
Office of the Kentucky Attorney General
700 Capitol Avenue, Suite 118
Frankfort, KY 40601
502-696-5300
502-564-2894 fax
Web Site: ag.ky.gov/

Louisiana

Office of the Attorney General
State Capitol
300 Capitol Drive
Baton Rouge, LA 70804
225-342-7876
225-342-3790 fax
Web Site: www.ag.state.la.us

Maine

Office of the Attorney General
State House Station 6
Augusta, ME 04333
207-626-8800
Web Site: www.state.me.us/ag

Maryland

Office of the Attorney General
200 St. Paul Place
Baltimore, MD 21202
410-576-6300
Web Site: www.oag.state.md.us

Massachusetts

Office of the Attorney General
1 Ashburton Place
Boston, MA 02108
617-727-2200
Web Site: www.ago.state.ma.us

Michigan

Office of the Attorney General
G. Mennen Williams Building, 7th Floor
525 W. Ottawa St.
P.O. Box 30212
Lansing, MI 48909
517-373-1110
517-373-3042 fax
Web Site: www.ag.state.mi.us/

Minnesota

Office of the Attorney General
Office of the Minnesota Attorney General
1400 NCL Tower
445 Minnesota St.
St. Paul, MN 55101
651-296-3353 or 800-657-3787
Web Site: www.ag.state.mn.us/

Appendix A

State Attorney General Offices

Mississippi

Office of the Attorney General
Mississippi Attorney General's Office
Carroll Gartin Justice Building
450 High St.
Jackson, MS 39201
601-359-3680
Web Site: www.ago.state.ms.us

Missouri

Office of the Attorney General
Supreme Court Building
207 W. High St.
Jefferson City, MO 65101
573-751-3321
Web Site: www.ago.mo.gov/

Montana

Office of the Attorney General
Montana Attorney General
Justice Building
214 N. Sanders
P.O. Box 201401
Helena, MT 59620
406-444-2026
406-444-3549 fax
Web Site: www.doj.state.mt.gov

Nebraska

Office of the Attorney General
2115 State Capitol
Lincoln, NE 68509
402-471-2682
402-471-3297 fax
Web Site: www.ago.state.ne.us

Nevada

Office of the Attorney General
100 North Carson St.
Carson City, NV 89701
775-684-1100
775-684-1108 fax
Web Site: ag.state.nv.us/

New Hampshire

Office of the Attorney General
Attorney General's Office
New Hampshire Department of Justice
33 Capitol St.
Concord, NH 03301
603-271-3658
603-271-2110 fax
Web Site: www.state.nh.us/nhdoj

New Jersey

Office of the Attorney General
P.O. Box 080
Trenton, NJ 08625
609-292-4925
609-292-3508 fax
Web Site: nj.gov/oag/

New Mexico

Office of the Attorney General
P.O. Drawer 1508
Santa Fe, NM 87504
505-827-6000
Web Site: www.ago.state.nm.us

New York

Office of the Attorney General
New York Department of Law - The Capitol
Room 220
Albany, NY 12224
518-474-7330
Web Site: www.oag.state.ny.us

North Carolina

Office of the Attorney General
North Carolina Department of Justice
P.O. Box 629
Raleigh, NC 27602
919-716-6400
919-716-6750 fax
Web Site: www.jus.state.nc.us

Appendix A

State Attorney General Offices

North Dakota

Office of the Attorney General
Office of Attorney General
State Capitol
600 E. Boulevard Ave., Dept. 125
Bismarck, ND 58505
701-328-2210
701-328-2226 fax
Web Site: www.ag.state.nd.us/BCI/BCI.htm

Ohio

Office of the Attorney General
State Office Tower
30 E. Broad St., 17th Floor
Columbus, OH 43215
614-466-4320
Web Site: www.ag.state.oh.us/default.asp

Oklahoma

Office of the Attorney General
2300 N. Lincoln Blvd., Suite 112
Oklahoma City, OK 73105
405-521-3921
Web Site: www.oag.state.ok.us

Oregon

Office of the Attorney General
Department of Justice
1162 Court Street, NE
Salem, OR 97301
503-378-4400
Web Site: www.doj.state.or.us/agoffice.htm

Pennsylvania

Office of the Attorney General
Strawberry Square
Harrisburg, PA 17120
717-787-3391
717-783-1107 fax
E-Mail: info@attorneygeneral.gov
Web Site: www.attorneygeneral.gov/

Rhode Island

Office of the Attorney General
Department of the Attorney General
150 S. Main St.
Providence, RI 02903
401-274-4400
401-222-1331 fax
Web Site: www.riag.state.ri.us/

South Carolina

Office of the Attorney General
Rembert C. Dennis Office Building
P.O. Box 11549
Columbia, SC 29211
803-734-4399
Web Site: www.scattorneygeneral.org

South Dakota

Office of the Attorney General
500 E. Capitol
Pierre, SD 57501
605-773-3215
605-773-4106 fax
Web Site:
www.state.sd.us/attorney/attorney.html

Tennessee

Office of the Attorney General
425 5th Ave. North
Nashville, TN 37243
615-741-5860
Web Site: www.attorneygeneral.state.tn.us

Texas

Office of the Attorney General
300 W. 15th St.
Austin, TX 78701
512-463-2100
512-494-8017 fax
Web Site: www.oag.state.tx.us

Utah

Office of the Attorney General
Utah State Capitol Office
236 State Capitol
Salt Lake City, UT 84114
801-366-0300
801-538-1121 fax
E-Mail: uag@utah.gov
Web Site: www.attorneygeneral.utah.gov/

Vermont

Office of the Attorney General
109 State St.
Montpelier, VT 05609
802-828-3173
Web Site: www.state.vt.us/atg

Appendix A

State Attorney General Offices

Virginia

Office of the Attorney General
900 E. Main St.
Richmond, VA 23219
804-786-2071
804-786-1991 fax
Web Site: www.oag.state.va.us

Washington

Washington State Attorney General
1125 Washington St., SE
P.O. Box 40100
Olympia, WA 98504
360-753-6200
360-586-7671 fax
E-Mail: emailago@atg.wa.gov
Web Site: www.wa.gov/ago/

West Virginia

State Capitol
1900 Kanawha Blvd. East
Charleston, WV 25405
304-558-2021
Web Site: www.state.wv.us/wvag

Wisconsin

State Capitol, Suite 114 E
P.O. Box 7857
Madison,, WI 53707
608-266-1221
Web Site: www.doj.state.wi.us

Wyoming

Attorney General's Office
123 Capitol Building
200 W. 24th St.
Cheyenne,, WY 82002
307-777-7841
307-777-6869 fax
Web Site: www.attorneygeneral.state.wy.us

Appendix B

Other Resources

After Prison Roadblock to Reentry:

A report on State legal barriers facing people with criminal record

Website: www.lac.org/lac

Employment and Training Administration

U.S. Department of Labor
Frances Perkins Building
200 Constitution Avenue, NW
Washington, DC 20210
Phone: (877)US-2JOBS
Website: www.doleta.gov

Equal Employment Opportunity Commission

1801 L Street, N.W.
Washington, D.C. 20507
Phone: (202) 663-4900
TTY: (202) 663-4494
Website: www.eeoc.gov

Federal Bonding Program

The McLaughlin Company
1725 DeSales Street NW , Suite 700
Washington DC 20036
Phone: (800)233-2258 or (202) 293-5566
Website: www.bonds4jobs.com

Legal Action Center

225 Varick Street, 4th Floor
New York, NY 10014
Phone: (212) 243-1313
Website: www.lac.org

National H.I.R.E. Network

225 Varick Street, 4th Floor
New York, NY 10014
Phone: (212) 243-1313
Website: www.hirenetwork.org

Substance Abuse Mental Health Services Administration (SAMHSA)

P.O. Box 42557
Washington, DC 20015
Phone: (800) 789-2647
Website: www.samhsa.gov

U.S. Department of Labor

Career One Stop

E-mail: info@careeronestop.org

Toll-free number: (877) 348-0502

TTY: (877) 348-0501

Website: www.CareerOneStop.org

Work Opportunity Tax Credit

U.S. Department of Labor

Frances Perkins Building

200 Constitution Avenue, NW

Washington, DC 20210

Phone: (877)-US-2JOBS

Website: www.doleta.gov/business/incentives/opptax/