

MYTHS AND REALITIES ABOUT HIRING INDIVIDUALS WITH A CRIMINAL RECORD

~EDUCATING AND WORKING WITH EMPLOYERS~

Working to employ job seekers takes time, patience and an understanding of both their circumstances and the concerns of employers. Job developers need to know what information employers have and how to educate them about this population. Relationship building with employers is critical for eliminating employment barriers for individuals with a criminal record. Following is a list of common statements from employers and some informative responses you can share with them. Job developers should have a clear understanding of how to read a criminal record as well as the resources they can offer to employers. For more information about working with employers, visit www.hirenetwork.org.

MYTH # 1: Employers do not hire job seekers with a criminal record.

REALITY:

Many employers have and are willing to hire job seekers with a criminal record. Most employers have concerns about a range of workplace issues. Employers need additional information and resources from you to feel comfortable. Be prepared to answer their questions with **factual, current and reliable information**. If you do not know the answer to a question, get back to the employer as soon as possible. You should be prepared to answer the following questions:

1. What type of crime was committed? (non-violent, violent, misdemeanor or felony)
2. How long was the conviction?
3. What will your organization provide in the way of support if the employer hires this individual?
4. Will the job seeker test negative for drugs?
5. Does the job seeker deal well with conflict?

MYTH #2: People with a record cannot be trusted as good employees. They do not have a good work ethic and they have to be closely supervised. They are lazy and they have never learned how to work. Plus, they have issues controlling their temper.

REALITY:

We have all experienced co-workers that have time management issues, do not pull their fair share of the load or are difficult to get along with. These issues are not related to someone having a criminal record. A job developer needs to be certain in his/her assessment that an individual is ready to work and understanding the current demands and skill requirements for the position. Job developers should never feel pressured to send job seekers who are not qualified or ready to work. This can only result in a failed placement and lack of trust from the employer and the job seeker.

MYTH # 3: If they have committed one crime, they will commit another.

REALITY:

Research shows that employment actually reduces recidivism for job seekers with a criminal record. Additionally, we know that many non-violent offenses such as burglary, retail theft and prostitution often result from substance abuse. If a job seeker has and is continuing to address his/her barriers (transportation, housing, substance abuse, etc) in addition to securing employment, they are significantly less likely to commit another offense.

MYTH #4: If I hire someone with a criminal record, I will be liable if they hurt another employee or a customer. I will be sued.

REALITY:

When an employer hires an individual with a criminal record and that person commits another crime, this is known as **negligent hiring**. One of the key factors in determining negligent hiring is whether an employer could have foreseen the criminal activity. This is why employers conduct background checks and have concerns about job seekers who have committed violent offenses. Employers are encouraged to give full consideration to certain factors when determining whether to hire a person with a criminal record:

1. The nature and gravity of the crimes.
2. The time that has passed since the conviction or completion of sentence.
3. The nature of the job being sought.

It's important that the employer knows as much as possible about an individual with a criminal record and that they are receiving report from you and your organization to address all of their barriers.

Job developers can assist in several ways:

1. Complete a comprehensive assessment to determine the job seeker's willingness and readiness to be in a work culture and his/her ability to handle conflict.
2. Visit the work environment to get an understanding of the workplace culture.
3. Have constant contact with the employer and the job seeker to ensure that a conflict does not arise.

Job developers should also be able to discuss the following programs with an employer:

- Federal Bonding Program
- Work Opportunity Tax Credit

Other Helpful Hints:

- ✓ Be Realistic with yourself, with the employer and the job seeker. Don't send someone out for a job that requires handling cash if they were convicted for burglary or fraud.
- ✓ Talk with employers and job seeker up front about the support services you and your organization can provide.
- ✓ Make sure that a job seeker can explain his/her criminal record.
- ✓ Have a good resume with certificates and certifications attached. (e.g. Certificates from various training programs, Certificates of Relief from Disabilities/ Good Conduct and Healthcare Waivers).
- ✓ Some employers want to be known as a fair employer- not an employer who hires employees with a criminal record.

CRIMINAL RECORDS COLLABORATIVE

The Criminal Records Collaborative is a group of advocates and attorneys working to increase access to legal services and employment for individuals with a criminal record in Cook and DuPage Counties. For more information about the Collaborative or about this fact sheet, please contact one of the following Collaborative members:

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