



**BETTER WORKPLACES
BETTER WORLD™**

Getting Talent Back to Work *Second Chances for Those with Criminal Records*

Each year in the United States, **nearly 700,000 men and women are released from prison and re-enter society, where many want to find jobs.**

Getting Talent Back to Work

CREATING OPPORTUNITIES FOR WORKERS
WITH A CRIMINAL RECORD



© 2019 SHRM. All Rights Reserved | Photographs are not intended to imply that the models pictured have a criminal record.

LEARN HOW YOU CAN HELP

[GettingTalentBackToWork.org](https://www.gettingtalentbacktowork.org)



Corporate Partners



American Staffing Association

750+

organizations and
individuals have joined
the pledge already



Getting Talent Back to Work

Second Chances for Those with Criminal Records



Session Goals





Why consider job applicants with criminal records?



**Market
influences**



Research



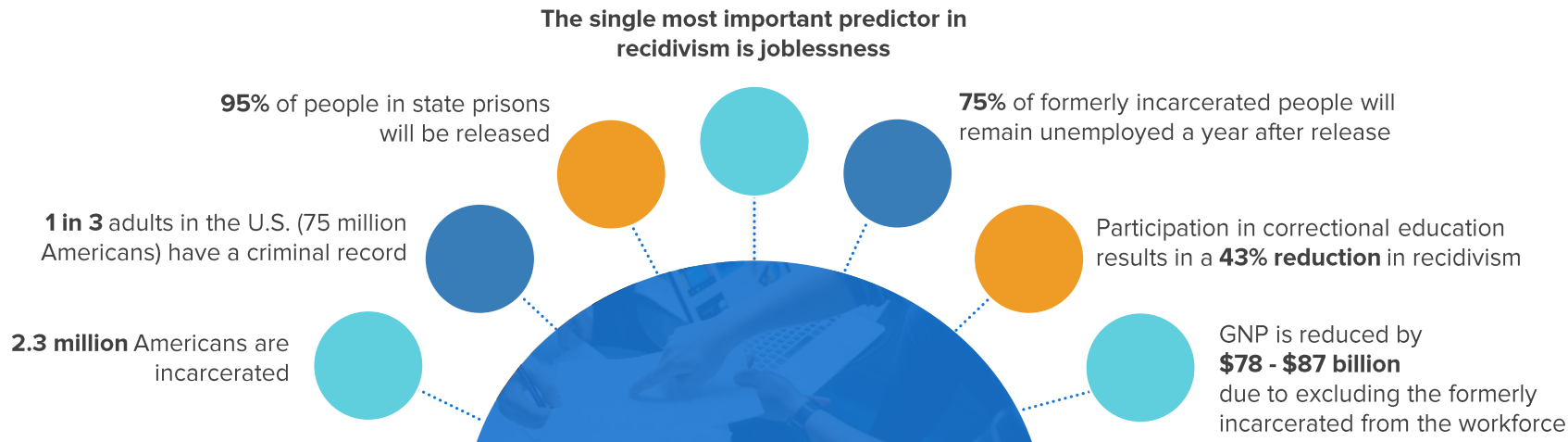
**Business
outcomes**



Why consider job applicants with criminal records?

Market influences

7 million jobs were open in December 2018, but only **6.3 million** unemployed people were looking for work.

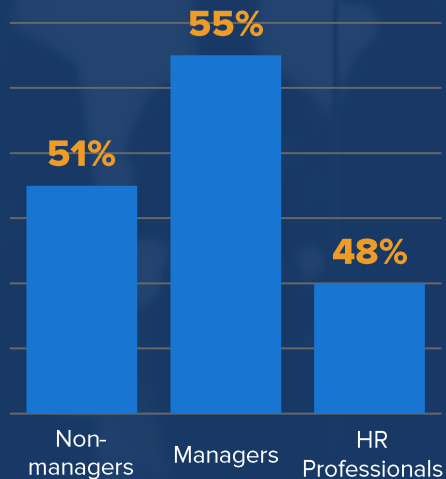




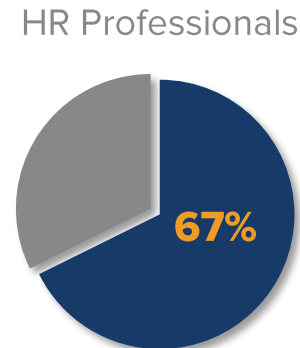
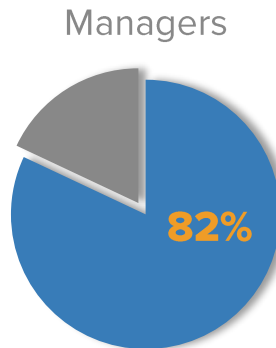
Why consider job applicants with criminal records?

Research: SHRM and CKI Workers with Criminal Records Study

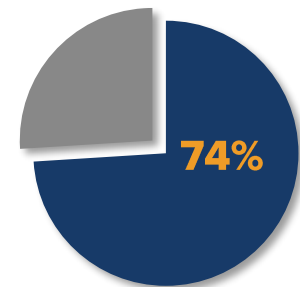
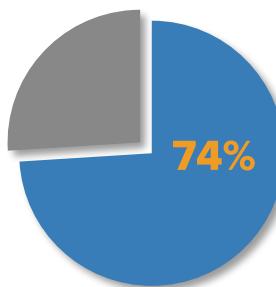
Many are willing to work with individuals with criminal records



Quality-of-Hire
Equal or
Greater



Cost-of-Hire
Equal or
Lower





Reasons organizations give for hiring those with criminal records

Research: SHRM and CKI Workers with Criminal Records Study



**Hiring the best
available candidate**



**Improving their
community**



**Giving workers a
second chance**



Why consider job applicants with criminal records?

Business outcomes

Many employers have had very positive results from giving people with criminal records a second chance.



JOHNS HOPKINS
MEDICINE



Other employers report workers with records have:



High dedication to employer



High retention rates

Compliance

- Federal law and state law
- Fair Credit Reporting Act





Compliance

Title VII of the Civil Rights Act of 1964

Federal law *does not* explicitly protect applicants from discrimination based on their criminal record; however, Title VII *does* protect against discrimination based on race and ethnicity.

Employers who adopt blanket policies of excluding all applicants with an arrest record *could* face disparate impact liability under federal nondiscrimination law.



Disparate impact



Job-relatedness



Disparate treatment



Compliance

Ban-the-Box



Ban-the-box laws prohibit employers from asking about criminal records on employment applications.

Other laws restrict usage of arrest and conviction data in employment decisions.

Some require criminal history questions be asked only after an employment offer has been made.



Compliance

Ban-the-Box: Companies that are leading the practice



Banned the box in 2010



Banned the box in 2011



Banned the box in 2015



Compliance

The Fair Credit Reporting Act

The FCRA governs how employers obtain and handle consumer reports.

When using a third party to conduct checks, employers must:

- Advise the applicant in writing that a check is being performed
- Attain the individual's written authorization to obtain records





Compliance

Selecting a reliable consumer reporting agency



Accreditation



Confirmation
of information



Standards
for reporting
a match



Ability to
tailor reports



Compliance
expertise



Litigation
history

Culture & Communication





Culture & Communication

Culture

Consider individualizing onboarding and orientation for formerly incarcerated job candidates.

- Time to acclimate
- Assistance from a buddy system
- Available training and development

Employee communications should be honest and transparent. Infuse communications with a sense of responsibility and the impact being made.

Ongoing Training for HR



Discrimination laws



Consistent and fair
hiring practices



Concrete messaging



Culture & Communication

External impact

Employers are often reluctant to discuss staffing practices related to those with criminal records, fearing alienating customers and damaging their public image.



- “Impact hiring” for alternative talent pools including the formerly incarcerated
- \$275 million in revenue in 2017



- About 65% of their current workforce was formerly incarcerated
- Over \$20 million in revenue



Culture & Communication

Further involvement



Executives can further their involvement by supporting fair-chance licensing regulation reform.

- More than **25%** of U.S. jobs require a license or certification
- Each state has an average of **56 occupational** and **43 business licensing** laws with mandatory restrictions for people with felony convictions

Questions?

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