



BETTER WORKPLACES
BETTER WORLD™

JANUARY 2019

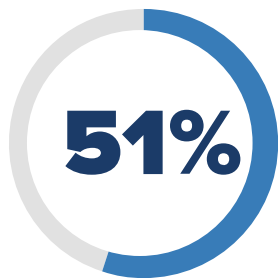
Getting Talent Back to Work Toolkit

THE RESOURCES YOU NEED TO ADVANCE THE HIRING OF WORKERS WITH A CRIMINAL BACKGROUND.

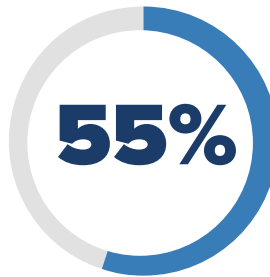
Are Employees Willing to Work with Individuals with Criminal Records?

While a great deal of uncertainty about hiring workers with criminal records still exists among some senior executives today, a recent study commissioned by the Society for Human Resource Management (SHRM) and the Charles Koch Institute (CKI) finds that employees generally are open to working side by side with the formerly incarcerated:

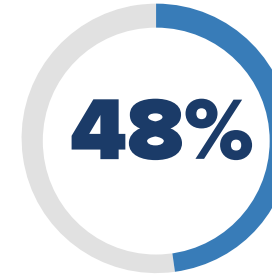
Many are willing to work with or hire individuals with criminal records ...



of **non-managers** are willing to work with individuals with criminal records.



of **managers** are willing to work with individuals with criminal records.



of **HR professionals** are willing to work with individuals with criminal records.



more than 1/3 of managers and HR professionals are willing to hire individuals with criminal records.

... yet few companies are actively recruiting individuals with criminal records

While willingness to hire is high, few say their company actively recruits individuals with criminal records. Just 5 percent of managers and 3 percent of HR professionals report this type of recruitment. This is consistent across organizations of different types and sizes.

5% of **managers** report that their companies actively recruit individuals with criminal records.

3% of **HR professionals** report that their companies actively recruit individuals with criminal records.

Source: A study commissioned by the Society for Human Resource Management (SHRM) and the Charles Koch Institute (CKI).

INTERVIEWING & ASSESSMENT

HR professionals and hiring managers frequently ask, “Should we interview applicants with criminal records differently from candidates without a record?”

The answer is no.

Interviews should be equal and fair assessments, and the basic structure should not vary between candidates. Formerly incarcerated applicants are people—looking to be employed, functioning members of our society, with strengths and weaknesses just like any other candidate.

Interviewing & Assessment

INTERVIEWING

Some criminal history may come to light during the interview process, whether volunteered by the applicant or given in response to questions about gaps in his or her employment history.



Ask Relevant, Job-Related Questions

Where state laws allow, employers may ask relevant, job-related questions to **assess the applicant's honesty and sense of accountability** and to better understand the circumstances and nature of the crime. These questions will be part of the individual assessment discussed later in this guide.

Focus on an Applicant's Skills and Abilities

During any interview, making a connection with applicants who are more like us is common as we find them easy to engage with and feel comfortable around. But it's a slippery slope toward unlawful discrimination when we consistently reject those less like us, and the formerly incarcerated may seem foreign to many HR professionals and hiring managers. They should continually remind themselves to focus on the applicants' skills and abilities to assess who the best overall candidate is and not who they might prefer to grab a coffee with.



Don't Make Assumptions About a Candidate's Experience

Don't generalize or make assumptions about the skills and experience these individuals have. Employers often assume that a new hire who has spent time behind bars will require extensive training in common workplace skills. According to data from the Department of Justice, however, more than one-third of incarcerated citizens have at least a high school diploma. To meet parole requirements, many individuals are regularly drug-tested and closely supervised by their parole offices and have to observe curfews. In short, these candidates may demonstrate more reliability and accountability than similarly skilled peers in the general population.



Interviewing & Assessment

ASSESSMENT

Employers must ensure that any selection tests are reliable and valid, yielding consistent results that predict success on the job. If not, discrimination claims are an increased risk. A background check is considered a selection test.

The [EEOC's Uniform Guidelines on Employee Selection Procedures](#) detail how the EEOC will evaluate a testing method called into question; the agency offers additional guidance in its [Employment Tests and Selection Procedures](#) fact sheet. States may have individual requirements and guidelines for those working in that state. Consulting with an attorney before implementing any selection method is advised.

The guidelines state that discriminatory practices exist when a selection test has an adverse impact on the employment opportunities of a race, sex or ethnic group. Adverse impact refers to employment practices that appear neutral but have a discriminatory effect on a protected group.

As minority men and women are more likely to be incarcerated than their white counterparts, race and ethnicity discrimination could arise when background assessments are conducted without evidence of validity or a basis in job relatedness. Consulting with an attorney before implementing any selection method is advised.

These are human beings who are finding ways to be resilient—to transform their lives and to reimagine who they'll be when they come home from prison or jail.

—Jasmine Heiss, former director of coalitions and outreach with the Coalition for Public Safety (CPS)

Interviewing & Assessment

Resources

Please see the following resources for additional guidance:



INTERVIEW RESOURCES

- [Guidelines on Interview and Employment Application Questions](#)
- [Interviewing Candidates for Employment](#)
- [PowerPoint Presentation – Interviewing Training](#)
- [PowerPoint Presentation – Basics of Effective Interviews](#)
- [SHRM's Interview Question Database](#)

ASSESSMENT RESOURCES

- [Screening by Means of Pre-Employment Testing](#)
- [Screening and Evaluating Candidates](#)
- [Avoiding Adverse Impact in Employment Practices](#)
- [Candidate Evaluation Form](#)

GettingTalentBackToWork.org

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