



**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



**LEARN HOW YOU CAN HELP**  
[GettingTalentBackToWork.org](https://www.gettingtalentbacktowork.org)

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



## 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**



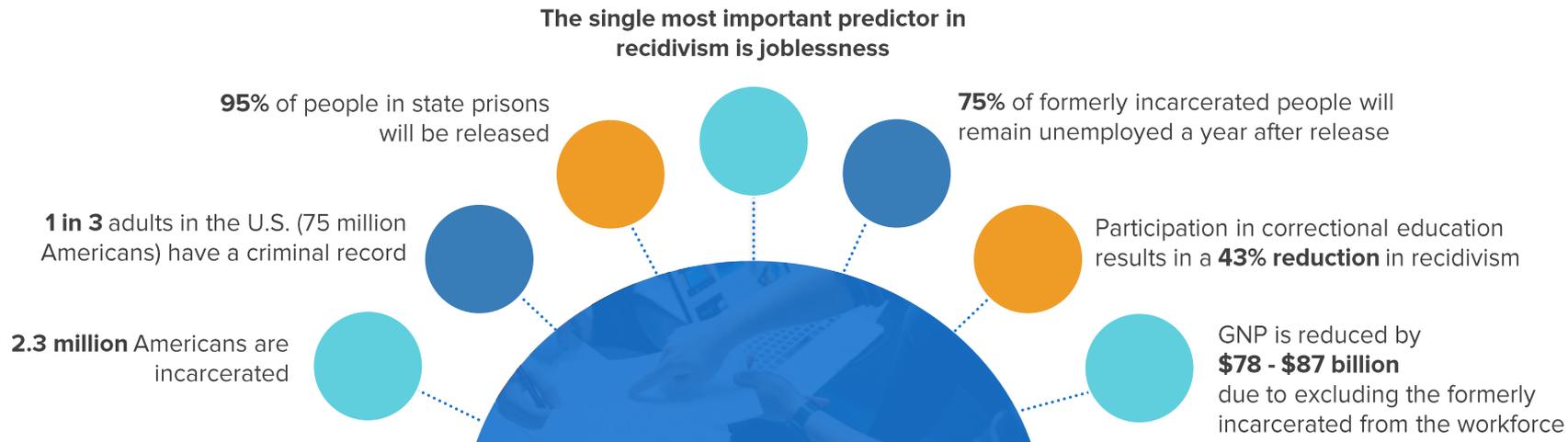
**Business  
outcomes**



# 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.

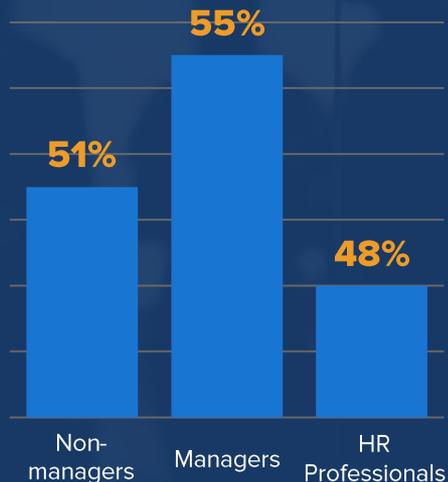




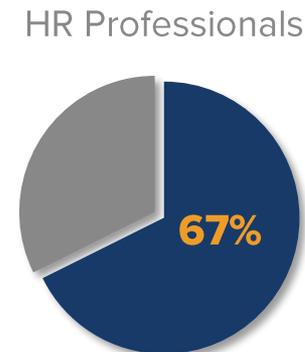
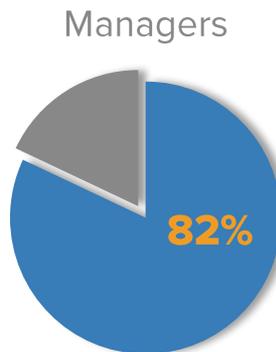
## Why consider job applicants with criminal records?

Research: SHRM and CKI Workers with Criminal Records Study

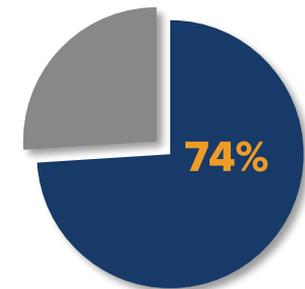
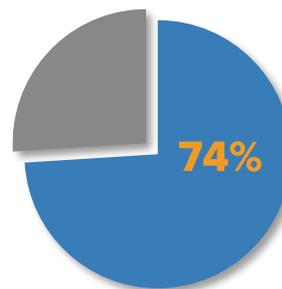
Many are willing to work with individuals with criminal records



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.

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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*



**Walmart** 

Banned the box in 2010

**Google**

Banned the box in 2011

**KOCH**

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?

Presented by

Dianna Gould, SHRM-SCP, CAE

@SHRMDianna

