
Local Government Policies Improve Employment Opportunities for People with a Criminal Record

Inclusion Through Employment: EU and US Policies and
Practice for Prisoner Re-Entry Conference

October 8, 2010

Maurice Emsellem
Policy Co-Director
National Employment Law Project
Oakland, California
(510) 663-5700
emsellem@nelp.org

The New Realities of Criminal Background Checks for Employment

- Nearly one in three (72 million) of U.S. adults have a criminal record that will show up on a routine criminal background check.
 - Huge proliferation of criminal background checks by private employers and new occupational screening laws adopted post-9/11.
 - Limited federal and state protections for workers subjected to criminal background checks for employment by private and public employers.
-



**Are you looking for a fun job in Hayward, CA?
Manpower offer's a great seasonal opportunity @
Bank of America LocBox Project!**

Over 600 people are needed to fill:
♦ **Data Entry Operator positions**
♦ **Proof Operators**
♦ **General Clerical**

**All of our associates must be screened and hired
immediately, so don't delay!**

Qualified candidates must be able to pass:

- ♦ **Background Check (no felonies or misdemeanors)**
- ♦ **Reference Check**
- ♦ **FBI Fingerprint Search**



Manpower
500 12th street suite 123
Oakland, CA 94607
510-835-2424
oakland.ca-downtown@na.manpower.com



Home

Order

Order Lookup

Sample Record

Search ICC

Employee Check

FAQ

InstantCriminalChecks.com Order Form

Person You Are Investigating:

*=Required Information

*First Name:

Middle Initial:

*Last Name:

Suffix (if any):

 (Jr, Sr, III)

Social Security Number:

 - -

*Date of Birth:

[Month] [Day] [Year] Please Select Statewide, 3-State or National Criminal Check:**Statewide Criminal Check \$24.95** California multi-county (CA) [view state descriptions](#)

– Add 2 additional states for only \$20 –

3-State Criminal Check \$44.952nd –Select 2nd State \$20– 3rd –Select 3rd State FREE–

OR

National Criminal Check \$59.95 National Criminal Check[view national description](#)

46 state national search plus Washington DC:

AL, AK, AZ, AR, CA, CO, CT, DC, FL, GA, HI, ID, IL, IN, IA, KS, KY, LA, ME, MD, MI, MN, MS, MO, MT, NE, NV, NH, NJ, NM, NY, NC, ND, OH, OK, OR, PA, RI, SC, TN, TX, UT, VA, VT, WA, WI, WV

All orders include a free [national sex offender search](#), [terrorist background report](#) & [most wanted check](#).

Contact Information:

*E-Mail Address:

Phone Number:

Credit Card Information:

We Accept:



*Name:

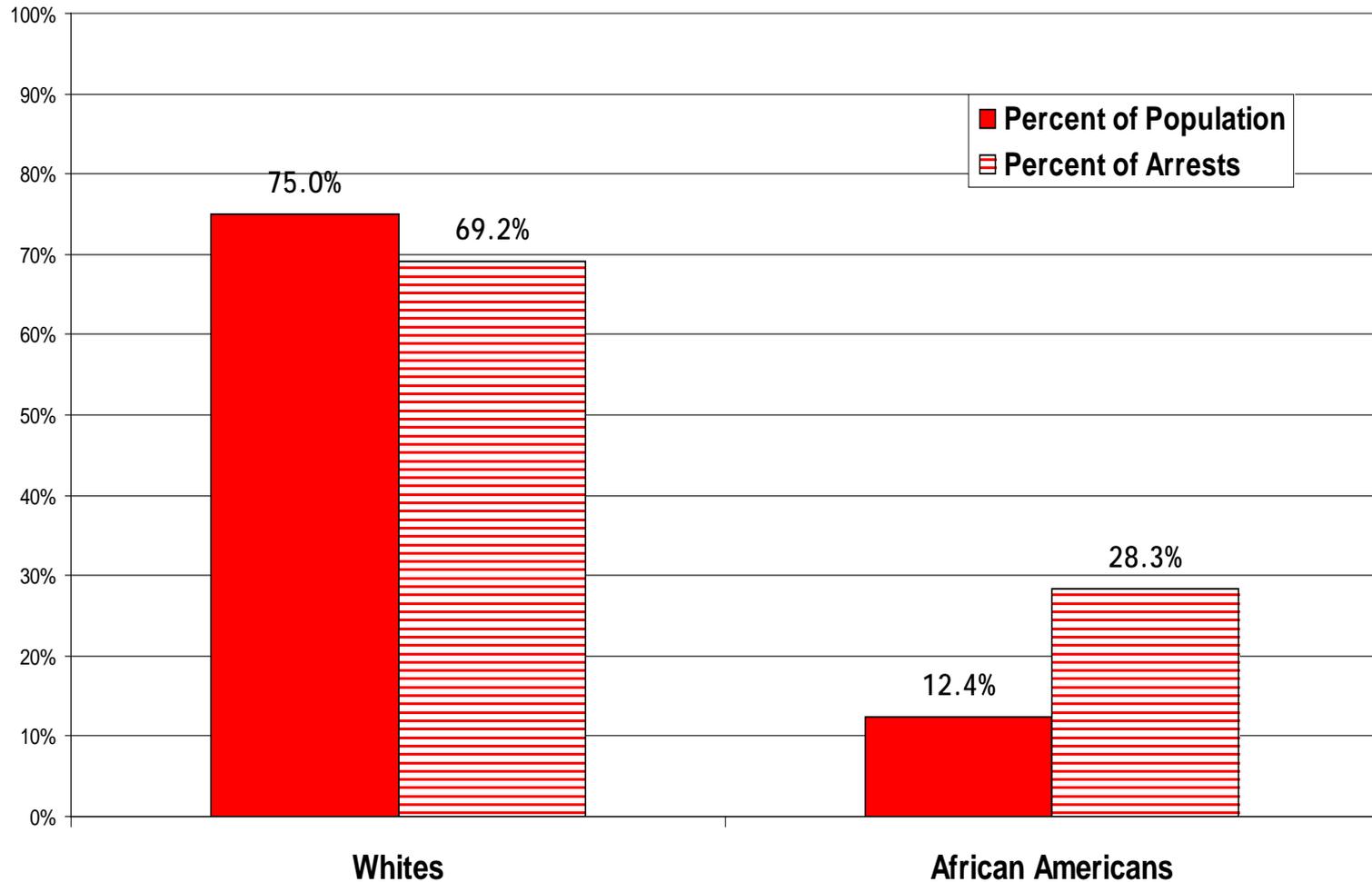
Enter name exactly as appears on your card

*Type of Card:

[Select One]

*Card Number:

Disproportionate Impact of Arrests (3 to 1) on African Americans (*Crime in the United States*, 2008)

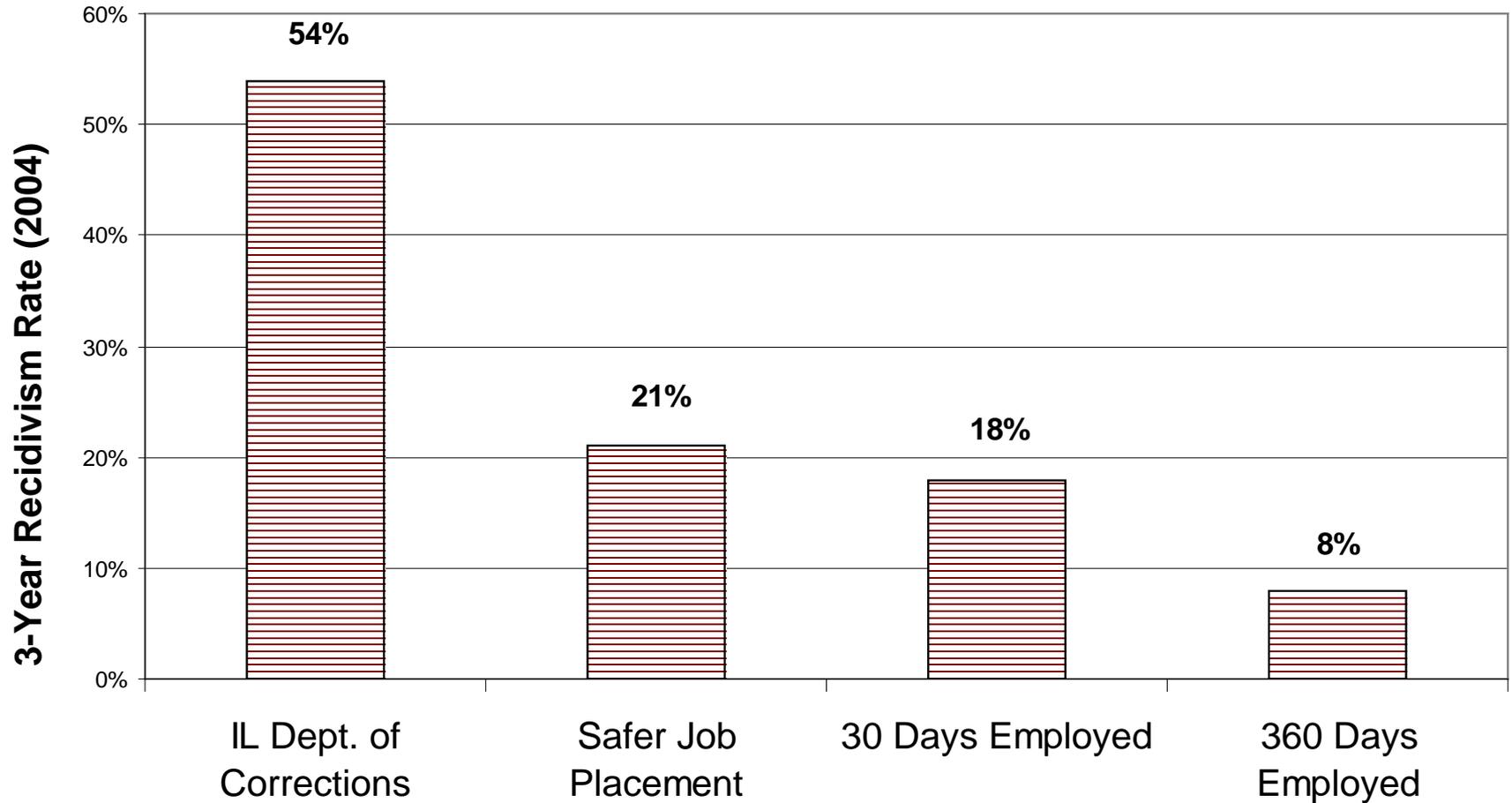


The Challenge Facing U.S. Cities

- In Illinois, 50% of those released from prison returned to Chicago (6 out of 77 communities accounted for 34% of returnees).
 - In California, 34% of those released from prison returned to Los Angeles County.
 - In Texas, 58% of those released from prison returned to 5 of 254 counties.
 - In Maryland, 59% of those released returned to Baltimore City.
-

Employment Significantly Reduces Recidivism

(Results of Chicago's Safer Foundation Job Placement for 1,600 People Recently Released from Prison)



Selected UK and U.S. Worker Protections Regulating Criminal Background Checks

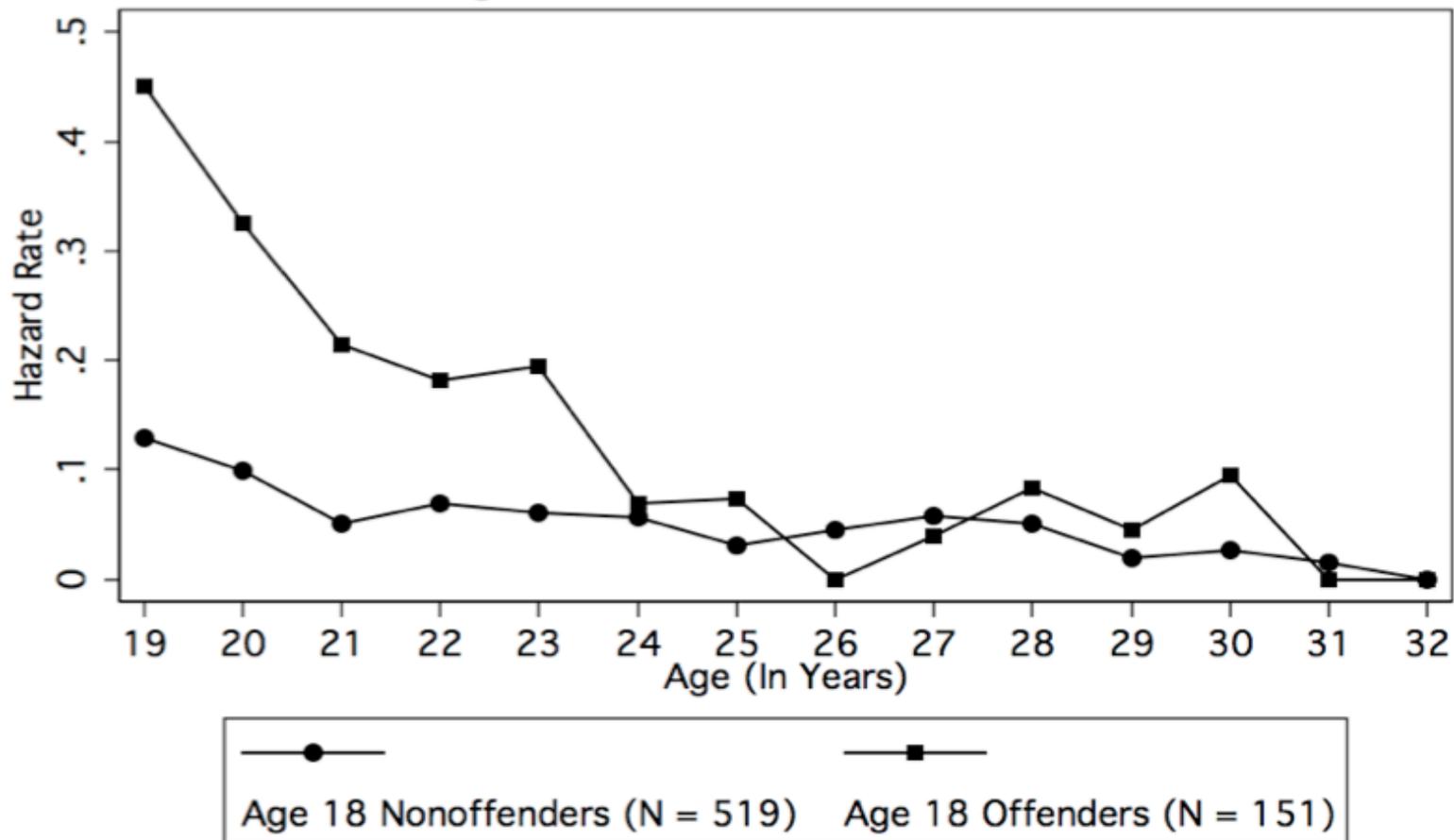
■ UK Protections

- Rehabilitation Offender Act of 1974: Certain convictions (not including jobs involving vulnerable populations) deemed "spent" after a "rehabilitation period," preventing employers from asking about the record for employment purposes (convictions involving prison term of more than 2.5 years cannot be considered "spent.")

■ U.S. Protections

- Title VII of the Civil Rights Act of 1964 (Equal Employment Opportunity Commission guidance): Criminal background checks have a "disparate impact" on people of color, thus precluding blanket disqualifications and requiring the record to be "job related" taking into account the nature of the job, the age and seriousness of the offense.
-

After 5 Years, Offenders No More Likely Than Non-Offenders to Be Re-Arrested (Kurlychek, et al. "Scarlet Letters & Recidivism," 2006)



Local Governments Pave the Way for Private Sector Employers

“Implementing this new policy won’t be easy, but it’s the right thing to do We cannot ask private employers to consider former prisoners unless the city practices what it preaches.”

*Chicago Mayor Richard M. Daley
January 24, 2006*

Major U.S. Cities Reform Their Hiring Policies on Criminal Records

- In 2006, San Francisco became the first city to “ban the box,” removing the criminal record question from the job application and delaying the criminal background check to the end of the hiring process.
 - Twenty-five U.S. cities and counties have adopted ban the box policies (e.g., Boston, Chicago, Detroit, Jacksonville, Twin Cities, Seattle), doubling in the past two years.
 - Six states (four this year) have adopted ban the box policies as applied to state employment (California, Connecticut, Hawaii, Massachusetts, Minnesota, New Mexico).
 - Minnesota’s policy apply to all public employment (including local governments) and Hawaii’s policy applies as well to all private employers.
-

Boston's Model Hiring Ordinance

- Ban the box policy applies to city hiring and all city vendors.
 - Criminal background checks are limited to those required by law and positions where the City has made a “good faith determination that the relevant position is of such sensitivity” that a background checks is necessary.
 - The background checks doesn't take place until the candidate is found to be “otherwise qualified” for the position (except for those positions where a background check is required by law).
 - Review of the criminal record is based on all available information, including the age and seriousness of the offense and evidence of rehabilitation provided before the hiring decision is made.
 - Before the applicant is denied a position, he or she is provided with a copy of the criminal record and an opportunity to correct inaccuracies and produce evidence of rehabilitation.
-

Positive Impacts of Ban the Box

- In Minneapolis, nearly 60% of applicants with a potential disqualifying record were hired in 2007, compared to 5.7% under prior policy.
 - Considering the criminal record after a conditional offer of employment reduced resources devoted to employment screening by 28%.
-

Win-Win Solution

- Delaying the criminal background check until the end of the hiring process expands the applicant pool, which improves the chances of selecting the best qualified candidates.
 - Limiting background checks reduces hiring delays, backlogs, and expenses associated with screening.
 - Limiting criminal background check until the final stages of the process reduced likelihood of discrimination based on an unrelated offense.
 - Clear and fair hiring standards promote rehabilitation by encouraging people with criminal records to develop the skills they need for City jobs while removing the major disincentive to apply for public employment.
-

Cities Leverage Public Funds to Increase Private Employment of People with Criminal Records

- Los Angeles “project labor agreement” promotes union apprenticeships targeting “disadvantaged” workers and people with criminal records for employment in publicly subsidized development projects.
 - Newark “first source hiring” ordinance requires construction contractors to hire 40 percent of community residents, largely people with records.
 - Portland’s green jobs initiative “community workforce agreement” targets low-income communities and individuals with a criminal record for 30% of home weatherization jobs.
-

Additional City Hiring Policies

- Bid Incentive Programs (Indianapolis, Jacksonville)
 - Employer Bonding Programs (San Francisco)
 - Employer Tax Credits (Philadelphia)
-