



Honest Jobs



FAIR-CHANCE HIRING FOR EMPLOYERS

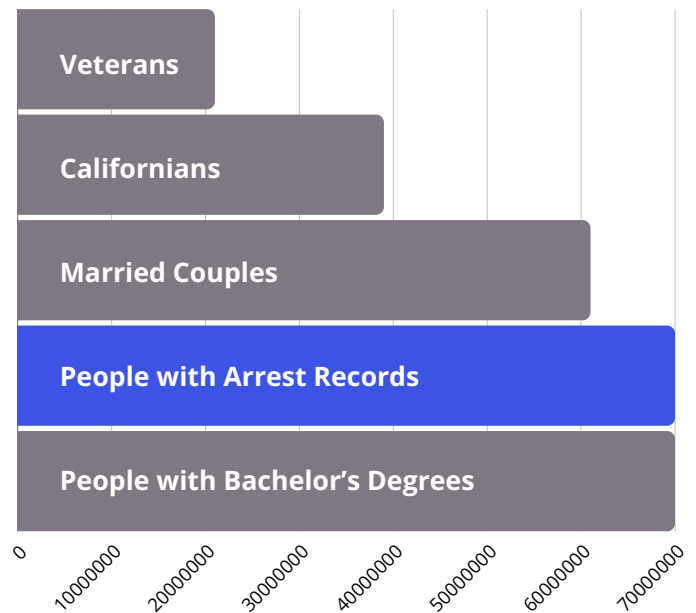
How to Implement a Successful
Fair-Chance Hiring Program

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Introduction

Holding hands, Americans with arrest records could circle the earth three times. 1 in 3 working-age adults in the US has a criminal record. That's roughly the same number with four-year college degrees.¹ Over 600,000 Americans are released from prison each year.² Because of stigma and discrimination in the hiring process, one year later, more than 60% of them will still be unemployed.³



Unemployment is one of the key factors linked to recidivism. If an individual released from incarceration can't find employment, they are far more likely to return to past behaviors, often landing them back behind bars. When employers commit to employing justice-involved individuals, they are not only empowering someone to change their life, provide for their family, and break the cycle of incarceration, but they are also doing a service to their business, society, and the economy.

A study by the Economy League of Greater Philadelphia found that putting just 100 formerly incarcerated individuals back to work increased their lifetime earnings by \$55 million, their income tax contributions by \$1.9 million, and boosted sales tax revenues by \$770,000, all while saving more than \$2 million annually by keeping them out of the criminal justice system.⁴



Nearly 1/2 of all 35-year-old men looking for work in 2018 had a non-traffic conviction as an adult.⁵

46%

- [1. https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas](https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas)
- [2. https://www.prisonpolicy.org/blog/2022/08/25/releasesbystate/](https://www.prisonpolicy.org/blog/2022/08/25/releasesbystate/)
- [3. https://bjs.ojp.gov/content/pub/pdf/eprfp10.pdf](https://bjs.ojp.gov/content/pub/pdf/eprfp10.pdf)
- [4. https://www.economyleague.org/resources/economic-benefits-employing-formerly-incarcerated-individuals-philadelphia](https://www.economyleague.org/resources/economic-benefits-employing-formerly-incarcerated-individuals-philadelphia)
- [5. https://www.rand.org/pubs/research_briefs/RBA2968-1.html](https://www.rand.org/pubs/research_briefs/RBA2968-1.html)

What is Fair-Chance Hiring?

Fair-chance hiring (also known as second-chance hiring) is a comprehensive approach to employment policies and practices designed to provide individuals with records an equal opportunity to secure and maintain meaningful employment and well-paying jobs.

Fair-chance hiring helps to level the playing field by deferring inquiries into an applicant's conviction history until later in the hiring process (often after an offer of employment has been made), not automatically excluding candidates due to the existence of a conviction history, and considering other aspects before making a final hiring decision (e.g. details around the conviction, time since conviction, how convictions relate to the duties of the job being offered, efforts of rehabilitation, etc.).

This approach enables job seekers with records to present their skills, qualifications, work experience, and values without facing immediate judgment based on past mistakes, and encourages employers to avoid inherent bias when making hiring decisions.





Why Hire Individuals With Criminal Records

Time and again, employers have found that opening their hiring policies to be more inclusive of the 19 million Americans with a felony conviction history has delivered a massive talent pool that is willing and determined to find sustainable employment so that they can rebuild their lives.

Employers who embrace fair-chance hiring practices can benefit from various incentives, both tangible and intangible:

Access to Untapped Talent: Fair-chance hiring allows employers to access a broader talent pool that might otherwise be overlooked or excluded. This untapped talent can bring fresh perspectives, skills, and experiences to the workplace.

Reduced Hiring Costs: Fair-chance hiring can lead to reduced recruitment and training costs. By expanding the pool of eligible candidates, employers may find qualified individuals more quickly, saving both time and money in the hiring process.

“
We’re running out of labor in the United States...Workforce growth and productivity of that labor force are the core elements of economic growth in any country and any economy. There are not enough workers to serve your existing customers, let alone grow your business.

”
Jeffrey Korzenik, *Untapped Talent: How Second Chance Hiring Works for Your Business and the Business Community*

Increased Productivity & Retention: Numerous studies have shown that individuals with prior convictions tend to have longer tenure, perform equally or better, and advance more rapidly compared to their counterparts.

Diverse and Skilled Workforce: Employers benefit from a more diverse and skilled workforce when implementing fair-chance hiring. Individuals with criminal records often bring unique perspectives, resilience, and a strong work ethic, contributing positively to workplace dynamics.

Enhanced Corporate Reputation: Companies that prioritize fair-chance hiring contribute to social responsibility and community development. This commitment can enhance their corporate image, making them more attractive to socially conscious consumers and investors.

Increased Employee Loyalty: Studies have shown that individuals who are given a fair chance at employment may demonstrate higher levels of loyalty and commitment to their employers. This can lead to lower turnover rates and increased employee morale.

Local Tax Credits: In certain jurisdictions, employers may be eligible for tax credits when hiring individuals with criminal records. These credits are designed to encourage fair-chance employment and can contribute to cost savings for the employer.

Work Opportunity Tax Credit (WOTC): WOTC is a federal tax credit available to employers who hire individuals from specific target groups, including those with a history of incarceration. This provides a financial incentive for employers to consider candidates with criminal records.

Compliance with Legal Standards: In jurisdictions where fair-chance hiring is legally mandated, employers who comply with these standards avoid legal challenges and potential fines. Adhering to inclusive hiring practices ensures alignment with evolving legal requirements.

By embracing fair-chance hiring, employers not only contribute to social equity but also stand to gain numerous advantages, fostering a more inclusive, diverse, and resilient workplace.

10 Steps to Implement a Successful Fair-Chance Hiring Program

Here are ten steps an employer can take to get started with fair-chance hiring. The remainder of this guide will dive deeper into each step:

01

Assess Current Hiring Practices

Review existing hiring policies and practices to identify potential barriers for individuals with criminal records and opportunities for adjustments. (page 8)

02

Obtain Leadership Support

Secure backing from influential decision-makers within your organization by underscoring the advantages of fair-chance hiring. (page 10)

03

Establish a Fair-Chance Hiring Policy

Develop a comprehensive fair-chance hiring policy that outlines your organization's commitment to hiring individuals with criminal records. (page 12)

04

Educate Hiring Teams

Provide training for HR professionals and hiring managers to raise awareness about fair-chance hiring principles, dispel myths, and outline the legal framework. (page 16)

05

Delay Criminal History Inquiries

Postpone inquiries about an applicant's criminal history until later in the hiring process, allowing candidates to be evaluated based on their qualifications first. (page 18)

06

Implement Individualized Assessments

Design an assessment and screening process that enables justice-involved candidates to demonstrate their skillsets and qualifications. (page 20)

07

Partner with Supporting Organizations

Collaborate with organizations that specialize in supporting individuals with criminal records to gain valuable resources and a steady pipeline of potential candidates. (page 23)

08

Promote a Fair-Chance Culture & Provide Supportive Resources

Communicate the company's commitment to fair-chance hiring to employees, clients, and stakeholders to create a supportive environment. Introduce support initiatives, such as mentoring, training, or counseling programs, to help justice-involved employees successfully integrate into the workplace. (page 25)

09

Measure and Evaluate

Establish metrics to evaluate the effectiveness of your fair-chance hiring initiatives and monitor the impact. (page 27)

10

Celebrate Success Stories

Highlight success stories of employees with criminal records who have excelled within the organization (while respecting the privacy of the employees) to help break down stereotypes and reinforce the positive outcomes of fair-chance hiring. (page 29)

Assess Current Hiring Practices

NOTE: Depending on your type of organization and/or jurisdiction, there may be “ban-the-box” or other laws prohibiting employers from asking an applicant any questions about criminal records on the employment application or throughout the screening process. Some state laws restrict the employer’s use of arrest or conviction data in making an employment decision, except in limited circumstances, or the laws may require that criminal history questions be asked only after an offer of employment has been made. **Employers should always investigate any state or local laws before asking about an applicant’s criminal history.**



To build a fair-chance hiring program, employers should first examine existing hiring procedures thoroughly. Identify any language or requirements throughout the hiring process that may unintentionally create barriers (real or perceived) for candidates with criminal records.

Remember, people with criminal records have typically faced repeated rejection. This can destroy their confidence and their self-esteem, causing them to avoid situations where they believe they are likely to experience additional rejection.

Start With Your Job Posts

Qualified candidates will often not apply for a job if the description includes anything resembling discouraging language. Using standard language like “candidate must successfully pass a criminal background check” can dissuade those with justice involvement from proceeding. Instead, consider something like “Although we require a criminal background check as a condition of employment, individuals with criminal records are encouraged to apply and will be considered.”

Review Your Application

Scrutinize the information requested on your application. True fair-chance hiring postpones any inquiries regarding criminal history until after an offer of employment has been made, and the EEOC suggests that you do not ask about convictions on your application. In certain situations, job duties may include aspects that require asking for this information early on (e.g. working with vulnerable populations). If you must include questions regarding criminal history on your application, ensure they are phrased accurately and encouragingly, making it clear that a past conviction will not automatically exclude an applicant from consideration.

Scrutinize Your Hiring Team Training

Assess the training provided to HR professionals and hiring managers. Look for opportunities to include specific training about fair-chance hiring principles and the potential biases associated with assessing candidates with criminal records.

Seek Employee Feedback

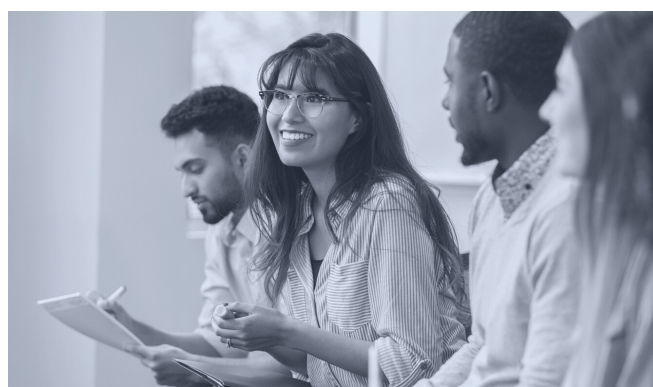
Gather feedback from current employees, especially those with prior criminal records, about their experiences during the hiring process. Identify any challenges they faced and areas where the process can be improved.

Explore Alternative Hiring Criteria

Consider alternative criteria for evaluating candidates. Place a stronger emphasis on skills, qualifications, and job-related experiences rather than focusing solely on a candidate's criminal history.

Consult Legal Counsel

Seek advice from legal counsel to ensure that adjustments align with relevant employment laws and regulations. This helps in making informed changes without compromising legal compliance.



Obtain Leadership Support

Leadership support ensures that fair-chance hiring aligns with the overall strategic goals and values of the organization. This alignment is essential for the successful integration of the program into broader business objectives and will reduce friction as you implement fair-chance hiring at your organization. Here are some reasons why leadership support is crucial:

Resource Allocation: Leadership support is often necessary to allocate resources, both financial and human, to the fair-chance hiring initiative. This support ensures that the program has the necessary funding, staffing, and infrastructure for effective implementation.

Policy and Procedure Integration: Leadership involvement facilitates the integration of fair-chance hiring principles into existing policies and procedures. This ensures that the program becomes an integral part of the organization's standard operating practices.

Cultural Influence: Leadership sets the tone for organizational culture. When leaders endorse fair-chance hiring, it signals to employees at all levels that the company is committed to inclusivity, diversity, and providing opportunities to individuals with criminal records.

Mitigation of Resistance: Some employees or stakeholders may be resistant to changes in hiring practices. Leadership support helps mitigate resistance by emphasizing the strategic importance and benefits of fair-chance hiring, fostering a more receptive environment.

Long-Term Sustainability: Leadership support is essential for the long-term sustainability of fair-chance hiring initiatives. It ensures that the program receives ongoing attention, resources, and evaluation to continuously improve and adapt to changing circumstances.



Leadership support is instrumental in embedding fair-chance hiring into the organizational fabric, aligning it with strategic objectives, and ensuring that it becomes an enduring and impactful part of the company's culture and operations. Here are actions you can take to gain support at your organization:

Present compelling data and research that supports fair-chance hiring. Demonstrate how organizations with inclusive hiring practices experience improved employee retention, productivity, and diversity.

Emphasize the business advantages, such as access to a broader talent pool, enhanced diversity, reduced turnover, and positive impacts on corporate social responsibility.

Anticipate and address any concerns or misconceptions leadership may have about fair-chance hiring. Provide evidence-based responses to address issues related to risk mitigation, workplace safety, and overall performance.

Share success stories from other companies in your industry that have implemented fair-chance hiring programs. Real-world examples can illustrate the positive outcomes and dispel doubts.

Conduct a cost-benefit analysis to showcase the potential savings in recruitment, training, and retention costs. Illustrate how the program contributes to the company's financial health.

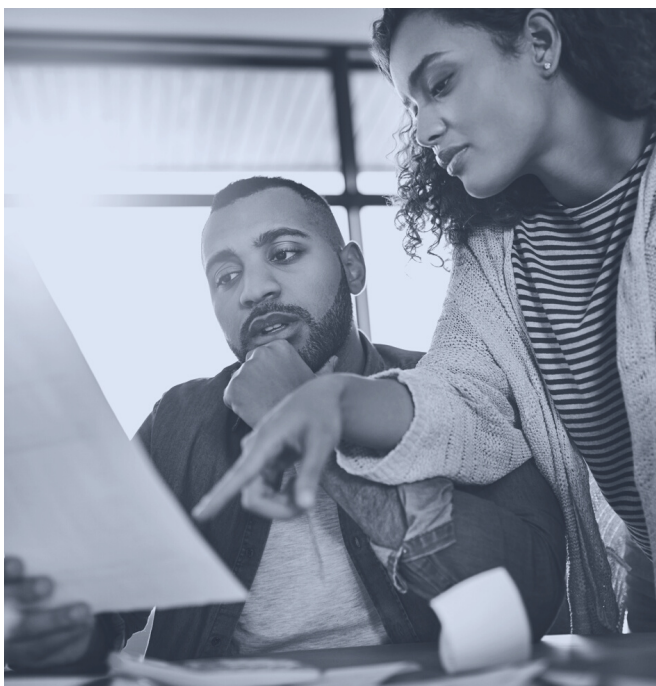
Collect testimonials from employees who have benefited from fair-chance hiring or similar initiatives. Personal stories can be compelling and demonstrate the positive impact on individual lives.

Propose starting with a small-scale pilot program to demonstrate the program's feasibility and success. This approach allows leaders to witness the impact before committing to a full-scale implementation.

Clearly define the goals and expected outcomes of the fair-chance hiring program. Establish measurable metrics that align with the company's objectives and demonstrate the program's success.

Establish a Fair-Chance Hiring Policy

NOTE: Familiarize yourself with local, state, and federal laws related to fair-chance hiring. Ensure that your policy aligns with legal requirements to avoid any legal challenges. Consult legal counsel to ensure that the fair-chance hiring policy complies with all relevant employment laws and regulations. **Seek legal guidance to make informed decisions throughout the development process.**



Background Inquiry Timing

Determine when and how you will inquire into someone's background. True fair-chance hiring will postpone this inquiry as much as possible, preferably until after the hiring decision has been made. This approach ensures that all hiring decisions are being made solely on the merits of the candidate, eliminating any preconceived bias regarding criminal convictions.

Adverse Action Process

Decide what the process will be for people whose background checks return negative results. In fair-chance hiring, it is recommended that you provide a Notice of Pre-Adverse Action. This notice allows the candidate the ability to dispute any information they believe is inaccurate and/or provide evidence of rehabilitation or additional information to consider BEFORE the final decision is made to exclude them from employment. Define the waiting period that the candidate will have to provide the information. Make sure the language you use in the Notice of Pre-Adverse Action is encouraging. Provide clear examples of the type of information or documentation you are looking for that could help with your decision.

Individualized Assessment Team (IAT)

Define who will be responsible for reviewing and making decisions regarding candidates with adverse results on their criminal background screen, known as the Individualized Assessment Team (IAT). In some cases, the IAT might consist of an individual on the HR team and/or the hiring manager; a team of legal professionals; or a cross-functional team of individuals from various departments, including HR, legal, hiring managers, and/or recruiting. How you choose to define this will typically depend on the size and structure of your organization.

Background Policy

Establish how you will make decisions based on a candidate's criminal background.

Understandably, employers are concerned with prioritizing the safety of their workers, customers, assets, and public image. Embracing fair-chance hiring does not mean forgoing background checks. Instead, fair-chance hiring focuses on assessing a criminal conviction, the time since conviction, and how the conviction interacts with the job duties of a particular job, minimizing the risk to a comfortable level.

Nature/Time/Nature

"Nature/Time/Nature" is a concept commonly associated with fair-chance hiring practices. It refers to a sequential and individualized assessment process that takes into account the nature of a criminal offense, the time that has elapsed since the conviction, and a reevaluation of the nature of the offense in the context of the current circumstances.

Time Since Conviction

A person with a conviction does not represent a risk forever. As the time since an individual's last conviction increases, the likelihood of them committing a new offense decreases. Eventually, the risk becomes comparable to the risk presented by a person with no criminal record.

The probability that someone with a record will commit a new offense after five years is only marginally higher, approximately 1% to 2%, compared to the risk associated with someone without a record.*

Keep this in mind when determining how far back your background screening will go.

* Source: <https://www.shrm.org/topics-tools/tools/toolkits/employing-individuals-criminal-records>

Nature of the Job vs. Nature of the Conviction

It is not recommended to hire someone into a role where their background is in direct conflict with the job duties and could present an opportunity for the individual to re-offend. For example, you would not want to hire someone convicted of a recent DUI to perform a job that had driving or operating heavy machinery as one of the job duties. However, someone with a theft conviction should, in most cases, be safe to hire for a machine operator position. Someone with a drug possession conviction could be hired into a customer service role without much risk.

Red/Yellow/Green Approach

Fair-chance hiring policies and the way in which they are implemented vary greatly from employer to employer. Some employers choose to carefully assess each role BEFORE posting a job requisition. The Red/Yellow/Green method categorizes convictions into color-coded groups based on the job duties of each role:

- **Red:** Convictions that are in direct conflict with the job duties and are considered non-negotiable.
- **Yellow:** Convictions that may be considered on a case-by-case basis. This category typically involves offenses that might be relevant to specific job roles, and decisions are made after a closer examination of the nature and timing of the conviction.
- **Green:** Convictions that do not present any conflict with the job duties.

As applicants are being screened, anyone with a background that was pre-identified as **Green** would continue through the hiring process as normal. Those with **Yellow** convictions would be funneled into the Adverse Action Process and individually assessed by the IAT (see **Implement Individualized Assessments** on page X). Those with **Red** would receive a final adverse action notice informing them that they are not qualified for employment.

This approach tends to require the most up-front effort but offers the most uniform and unbiased results, and tends to reduce bottlenecks in the Adverse Action Process.

Background Policy Workbook

To help employers define their Red/Yellow/Green background check policy, Honest Jobs has created a Background Policy Workbook that includes a comprehensive list of conviction types and the ability to easily select whether a conviction falls into the Red, Yellow, or Green category. To download the workbook, go to <https://www.honestjobs.com/workbook>. Instructions are provided on the “Start Here” tab.

Company-Wide Policies

Some employers prefer to define their background policy using the Red/Yellow/Green method employed at the company level rather than at the individual job level. Although this requires much less work than defining policies at the job level and can streamline the background policy process, it often introduces more bias and blanket exclusions for people with certain types of offenses, potentially overlooking qualified individuals who have made positive changes since their convictions.

“Case-By-Case” Approach

Many employers choose to implement a universal “case-by-case” approach to their background policy. As candidates are screened, anyone with any type of adverse background is funneled into the Adverse Action Process and assessed individually by the Individualized Assessment Team. The team individually reviews the nature of the conviction, the nature of the job duties, and the time since the conviction. In some cases, they will determine that the candidate is eligible for hire. In other cases, they will request more information from the candidate before making their decision, or they may choose not to offer employment at all.

This approach requires the least amount of up-front work but tends to result in bottlenecks and lengthy decision-making processes.

Employers should carefully weigh the advantages of a simplified approach against the potential drawbacks. Striking a balance between efficiency and fairness is essential when defining background policies, and consideration should be given to the unique circumstances of each candidate.

Educate Hiring Teams

Conducting training sessions for your hiring team on fair-chance hiring is crucial to ensure that they understand the principles, benefits, and best practices associated with inclusive hiring practices. Here are ideas you can implement to effectively educate your hiring team:

Use Real-World Examples: Share real-world examples and case studies of companies that have successfully implemented fair-chance hiring practices. Highlight positive outcomes and the impact on both the individuals hired and the organization.

Discuss Legal Frameworks: Review relevant local, state, and federal laws related to fair-chance hiring. Ensure that your hiring team understands the legal requirements and how to navigate the hiring process while staying compliant.

Address Unconscious Bias: Include discussions on unconscious bias and how it can impact hiring decisions. Provide strategies and tools to help your team recognize and mitigate biases during the candidate evaluation process.

Emphasize Job Relevance: Emphasize the importance of focusing on job-related qualifications and skills rather than past criminal history. Reinforce the idea that fair-chance hiring is about giving individuals an opportunity to showcase their abilities.

Clarify the Purpose of Background Checks: Clearly communicate the purpose of background checks and their role in the hiring process. Emphasize that background checks should be conducted to assess job-related factors rather than serving as automatic barriers to employment.

Role-Play Scenarios: Engage your team in role-playing scenarios to practice fair-chance hiring principles. This can help them understand how to approach conversations about criminal history during interviews and assessments.

Provide Resources: Offer educational resources, articles, and guidelines related to fair-chance hiring. Encourage your team to stay informed about industry best practices and any updates in fair-chance hiring legislation. Encourage them to complete the Society for Human Resource Management (SHRM) Foundations' [Getting Talent Back to Work Certificate](#) course. This free 10-hour e-learning program provides the education and resources needed to help HR professionals, hiring managers, and front-line supervisors recognize their own biases, take action, and capitalize on the value of employing individuals with criminal and/or conviction records.

Invite Guest Speakers: Bring in guest speakers, such as experts in fair-chance hiring or individuals who have successfully navigated the hiring process with a criminal record. Hearing personal stories can be impactful and informative.

Encourage Open Dialogue: Foster an environment where team members feel comfortable asking questions and sharing their perspectives. Encourage open dialogue to address any concerns or misconceptions about fair-chance hiring. Be prepared to discuss uncomfortable topics, such as sex offenses and violent offenses.

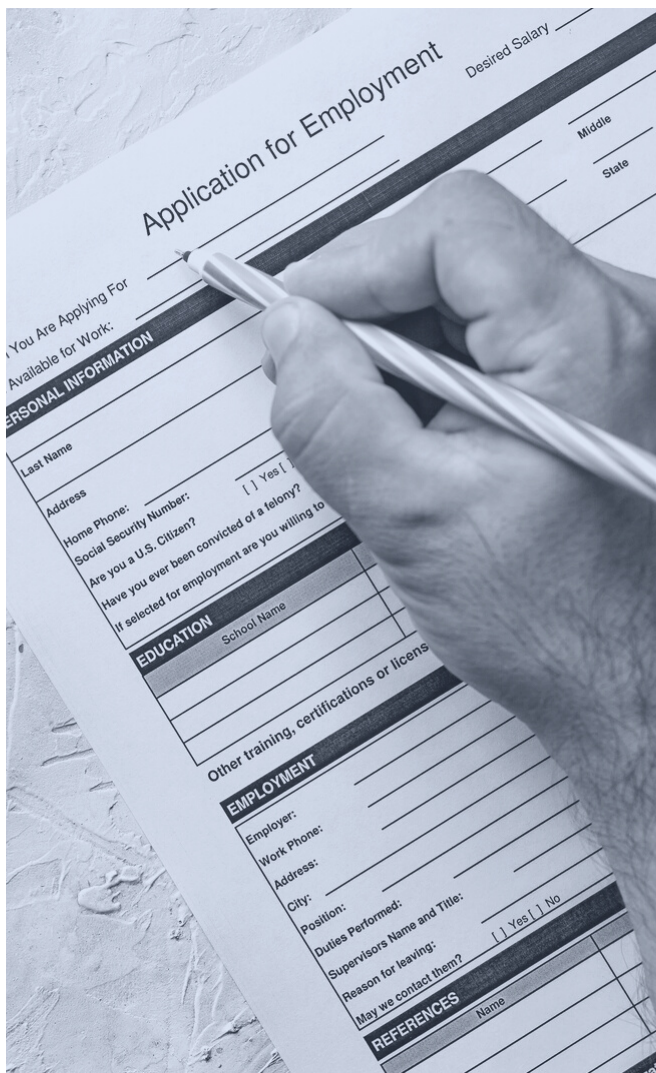
Measure Understanding: Assess your team's understanding of fair-chance hiring principles through quizzes, surveys, or discussions. Use this feedback to tailor additional training sessions and address specific areas of concern.



Delay Criminal History Inquiries

Fair-chance hiring practices encourage employers to forego asking about criminal records until AFTER an offer of employment has been made. This means removing all questions regarding criminal records from your applications, training your interviewers to not ask about them in the interview process, making contingent hiring decisions before running a background check, and only asking about an individual's background if the background screen returns an adverse result that conflicts with your background policy.

Delaying criminal history inquiries in the hiring process has several important benefits for both employers and candidates. When a company chooses NOT to ask about criminal history before making an offer of employment, it:



Promotes Fairness and Inclusivity:

Delaying criminal history inquiries allows candidates to be initially evaluated based on their qualifications and skills rather than being immediately judged by their past mistakes. This promotes a more fair and inclusive hiring process.

Reduces Unconscious Bias:

When criminal history inquiries are postponed, hiring teams are less likely to be influenced by unconscious biases associated with a candidate's past. This approach encourages a more objective assessment of the candidate's abilities and potential fit for the role.

Focuses on Job-Related Criteria: By delaying criminal history inquiries, the initial focus remains on job-related criteria such as skills, experience, and qualifications. This ensures that the candidate's suitability for the role is the primary consideration.

Increases Diversity in the Candidate Pool: Delaying inquiries can result in a more diverse candidate pool. Candidates who might have been excluded early in the process based on their criminal history are given the opportunity to showcase their abilities and be considered for the role.

Aligns with Legal Standards: Many jurisdictions have enacted "ban the box" laws, which restrict employers from asking about criminal history on job applications. Delaying inquiries aligns with these legal standards and helps employers stay compliant with relevant regulations.

Encourages Rehabilitation and Growth: Candidates with criminal records may have undergone rehabilitation and personal growth since their convictions. Delaying inquiries allows them to present their case, demonstrating the positive changes they've made and their readiness for employment.

Reduces Stigma and Discrimination: Criminal history inquiries early in the process can contribute to the stigma associated with individuals with records. Delaying these inquiries helps reduce discrimination during the initial stages of the hiring process.

NOTE: Depending on your type of organization and/or jurisdiction, there may be "ban-the-box" or other laws prohibiting employers from asking an applicant any questions about criminal records on the employment application or throughout the screening process. Some state laws restrict the employer's use of arrest or conviction data in making an employment decision, except in limited circumstances, or the laws may require that criminal history questions be asked only after an offer of employment has been made.

Employers should always investigate any state or local laws before asking about an applicant's criminal history.

Implement Individualized Assessments

An individualized assessment pertains to the way an employer examines criminal records during a background check. Instead of accepting a criminal offense at face value, the employer conducts a thorough review of the conviction, taking into consideration the circumstances surrounding the reported offense and assessing information provided by the candidate offering evidence of rehabilitation. This approach allows for a more nuanced and context-aware evaluation of an individual's criminal history.

Requesting More Information

If a candidate's background check returns an adverse result and requires further investigation, employers should issue a Notice of Pre-Adverse Action to the candidate informing them that, based on information from their background check, your company is considering not moving forward with the employment process (please refer to FCRA rules and state and local laws for appropriate disclosures and documentation).

To conduct an individualized assessment, information will need to be gathered from the candidate so that your Individualized Assessment Team (IAT) can evaluate the candidate. Here are some items you can request from the candidate to help IAT make their decision:

- Brief written explanation (1-2 paragraphs) of the facts/circumstances of the offense
- Rehabilitation programs completed/attending (i.e. therapy, classes, programs, education, training, etc.)
- Reference letters from former coworkers, probation/parole officers, program managers, etc. (must include first and last name, contact information, and their relationship to the contact).
- Federal, State, or Local Bonding Insurance information (if applicable)

Your company will need to provide an efficient way for candidates to submit information about their criminal history. Some companies reach out to candidates via telephone to elicit the information. Some create an online form that allows candidates to type their responses and upload their supporting documentation. Some require the info to be emailed. Keep in mind that technical barriers often exist for this population, so make sure to include very specific instructions in the Notice of Pre-Adverse Action.

You must allow the candidate a “reasonable” amount of time to respond. Although there are no specific requirements for response time, it is recommended that you allow at least 7-14 days for the candidate to respond. This gives the candidate a chance to review the background check report, dispute any information they believe is inaccurate or outdated, and/or provide evidence of rehabilitation or additional information to consider.

NOTE: In contrast to a conviction, an arrest record alone does not provide reliable evidence that an applicant has committed a crime. Exclusions based on arrest records are warranted only when the case is still pending, when the conduct appears to be job-related and relatively recent, or when the employer has reasonable grounds to believe that the applicant or employee engaged in the alleged conduct leading to the arrest (e.g. publicly released security-camera footage). **It's worth noting that certain states may prohibit the use of any arrest records in such assessments.**

Assessment Form

After obtaining the candidate’s information, the IAT will need a method for recording results and “showing their work” through the individualized assessment process. Implementing a standard Individualized Assessment Form is good practice. A sample form can be found on the following page.

NOTE: Some jurisdictions may require an employer to submit documentation reflecting their individualized assessment process. ***Employers should always consult their legal counsel regarding any specific local and FCRA requirements.***

Sample Individualized Assessment Form

IMPORTANT: Individualized assessments should remain confidential amongst the IAT. If a candidate who underwent an assessment is hired, ensure their privacy is protected.

Candidate Information	
Candidate Name:	Application Date:
Position Applied For:	Job Requisition #:
Notice of Pre-Adverse Action Sent Date:	Applicant Response Date:
Criminal Record Information:	
Individualized Assessment Information	
Facts or circumstances surrounding the offense: (What was the nature and gravity of the offense? Is there anything related to this job position?)	
Age at time of conviction or release from prison: (Note: Studies indicate that people who commit offenses when they are older and/or are older at the time of release from prison or completion of a sentence are less likely to re-offend.)	
Has the candidate performed the same type of work post-conviction with no known incidents of criminal conduct?	
What is the length and consistency of employment history before or after the offense?	
What rehabilitation efforts have been made (therapy, classes, programs, education, training, etc.)?	
Has the candidate provided employment or character references?	
Does the candidate have any Federal, State, or Local Bonding Insurance?	
Does the additional information obtained from the candidate mitigate the risk for this job position? Why or why not?	
Was the individual hired?	

Partner with Community & Government Organizations

Fair-chance employers can effectively partner with community-based organizations to enhance and support their candidate pipeline through collaborative efforts. Here are several strategies to establish and strengthen such partnerships:

Identify Relevant Organizations:

Research and identify community-based organizations that align with the mission and goals of fair-chance hiring. Look for groups that work specifically with individuals with criminal records or in reentry. You can also research organizations that support veterans, individuals in recovery, and houseless people, as there is often overlap with these populations. Identify your local probation/parole departments, and research local jails/prisons.

Engage in Dialogue and Build

Relationships: Initiate conversations with community organizations to understand their programs, goals, and the individuals they serve. Building strong relationships is essential for effective collaboration. For government organizations such as probation, parole, departments of corrections, etc., it can sometimes be difficult to identify the right individual to connect with. The best approach can often be to call their main

phone number and ask if they have anyone specifically focused on reentry success or employment opportunities.

Use HonestJobs.com: Post your open roles on www.honestjobs.com - the nation's leading fair-chance hiring platform.

Participate in Community Events:

Attend local events, job fairs, and community gatherings hosted by these organizations. This provides an opportunity to engage with potential candidates, showcase job opportunities, and discuss fair-chance hiring practices.

Create Clear Pathways to

Employment: Establish clear pathways for candidates to apply for open positions within your company. Communicate these to your partners. Be very specific about expectations, and provide any suggestions/tips for applicants to help them achieve success.

Support Job Readiness Programs:

Invest in job readiness programs offered by community organizations. This may involve financial support, training resources, or collaboration in developing curricula that align with the skills needed for available positions.

Measure and Communicate

Impact: Regularly assess the impact of these partnerships and communicate the positive outcomes. Share success stories, statistics on hiring from the community, and the overall contribution to fair-chance employment.



Promote a Fair-Chance Culture & Provide Supportive Resources

Promoting a fair-chance culture and providing supportive resources within your company involves a holistic approach that integrates policies, communication, and ongoing support. Here are actionable steps to create a fair-chance culture:

Communicate Your Commitment:

Clearly communicate your company's commitment to fair-chance hiring in internal and external communications. This includes your website, recruitment materials, and employee handbooks.

Create Employee Resource Groups (ERGs):

Establish Employee Resource Groups or similar initiatives focused on promoting diversity and inclusion. These groups can provide a platform for open discussions and support for individuals with criminal records.

Create a Safe and Flexible Environment:

Keep an open mind about the specific needs of your justice-involved employees. They may require time off to attend mandatory probation/parole appointments or counseling sessions. Create a safe environment where requesting time off for these is expected and not punished. Consider flexible work arrangements to accommodate their requests.

Offer Support Programs:

Implement support programs such as mentoring, counseling, and training to help individuals with criminal records integrate successfully into the workplace. These programs can address both professional and personal development. Often, transportation and housing can be challenging for people with justice involvement. Consider implementing programs that can help, such as providing bus passes or ride-share vouchers, daily or weekly pay, etc.



Provide Clear Pathways to Advancement: Ensure that individuals with criminal records have clear pathways to career advancement within the organization. This may involve mentorship programs, skills development, and performance evaluations that focus on merit.

Celebrate Success Stories: Highlight success stories of employees who have overcome challenges related to their criminal records through internal communications, newsletters, or employee spotlights. Be sure to respect the privacy of the employees. Many will not be comfortable sharing their background with co-workers, managers, etc. Share stories anonymously if necessary.

Provide Legal Assistance Information: Offer information on legal assistance resources for employees with criminal records. This can include guidance on expungement, legal clinics, or organizations that provide legal support. Consider offering legal insurance as part of your benefits package.

Engage in Public Policy Advocacy: Advocate for fair-chance hiring policies and engage in public policy discussions related to criminal justice reform. This demonstrates your company's commitment to broader societal change.



Measure and Evaluate

Measuring and evaluating your fair-chance hiring program is essential to ensuring its effectiveness and identifying areas for improvement. Here are key steps to help your company measure and evaluate its fair-chance hiring program:

Establish Clear Objectives: Define specific, measurable, and achievable objectives for your fair-chance hiring program. These objectives should align with the overall goals of promoting diversity, inclusion, and providing opportunities for individuals with criminal records.

Define Key Performance Indicators (KPIs): Identify key performance indicators that align with your program's objectives. Examples of KPIs may include the number of individuals hired with criminal records, retention rates, advancement opportunities, and employee satisfaction.

Collect and Analyze Data: Regularly collect and analyze relevant data to assess the impact of your fair-chance hiring initiatives. This may involve tracking the number of applicants with criminal records, the stages of the hiring process, and demographic information.



Survey Employee Satisfaction: Conduct surveys to gauge the satisfaction of employees who were hired through the fair-chance program. Gather feedback on their experiences, challenges faced, and suggestions for improvement.

Review Time-to-Hire and Recruitment Metrics: Assess the time it takes to hire candidates through the fair-chance program compared to other candidates. Examine recruitment metrics, such as sourcing channels and conversion rates, to identify effective strategies.

Evaluate Retention Rates: Analyze retention rates for employees hired through the fair-chance program. Compare these rates to overall retention figures to understand the long-term impact of your initiatives on employee retention.

Conduct Exit Interviews: If applicable, conduct exit interviews with employees who leave the company. Gather insights into any challenges faced by individuals with criminal records and areas where additional support may be needed.

Monitor Career Advancement: Track the career advancement of individuals hired through the fair-chance program. Assess their progression within the company, including promotions, increased responsibilities, and access to professional development opportunities.

Seek External Feedback: Engage external organizations, consultants, or diversity and inclusion experts to provide an external perspective on the effectiveness of your fair-chance hiring program. Consider seeking input from community organizations as well.

Regularly Update Policies and Procedures: Stay informed about changes in fair-chance hiring best practices and legal requirements. Regularly update your policies and procedures based on ongoing evaluations and feedback.

Celebrate Success Stories: Showcase success stories of individuals who have thrived within your organization through the fair-chance program. Share these stories internally and externally to highlight the positive impact of your initiatives. Be sure to respect the privacy of the employees. Share stories anonymously if necessary.

Benchmark Against Industry Standards: Compare your fair-chance hiring program metrics against industry benchmarks and best practices. This can provide valuable insights into how your organization compares to others in similar initiatives.

Adjust and Improve Continuously: Use the gathered data and insights to make informed adjustments and improvements to your fair-chance hiring program. A continuous improvement mindset ensures that your initiatives evolve with changing needs and best practices.

Celebrate Success Stories

Celebrating success stories from your fair-chance hiring program is an excellent way to showcase the positive impact of your initiatives while respecting the privacy of justice-involved employees. Here are some considerations and suggestions:



Obtain Consent: Prioritize obtaining consent from the justice-involved employees before sharing their success stories. Clearly communicate the intended use, platforms, and audience for the stories, and ensure that employees feel comfortable participating.

Anonymous or Generalized Stories: Share success stories in an anonymous or generalized manner, focusing on the achievements and contributions of justice-involved employees without disclosing specific personal details. This approach respects privacy while still conveying positive outcomes.

Highlight Career Progression:

Showcase the career progression and advancement of justice-involved employees within the company. This can include promotions, increased responsibilities, and any professional development achievements.

Feature a Diverse Range of Stories:

Ensure diversity in the success stories you share. Highlight individuals from different roles, departments, and backgrounds to demonstrate the inclusivity and broad impact of your fair-chance hiring program.

Internal Recognition: Celebrate success stories internally through company-wide communications, newsletters, or recognition events. This allows justice-involved employees to be acknowledged without necessarily sharing their stories externally.

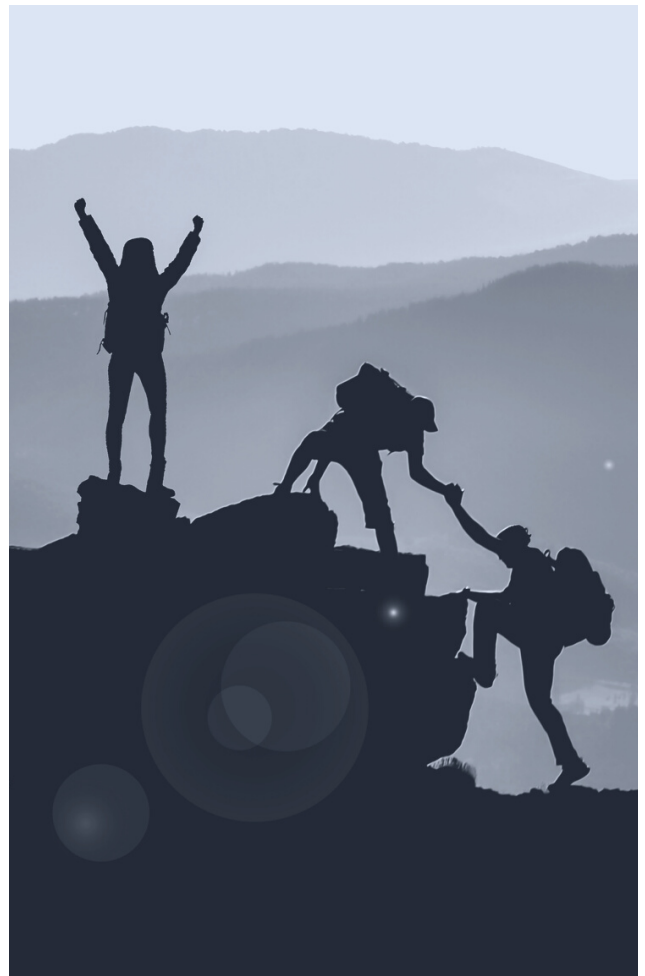
Use Visuals Strategically: If appropriate and with consent, use visuals such as photographs or graphics that highlight the positive work environment and professional achievements of justice-involved employees.

Host Panel Discussions or Webinars: Organize panel discussions or webinars where justice-involved employees can share their experiences, insights, and success stories directly. This allows for personal narratives without compromising privacy.

Engage Employees in the Process: Involve justice-involved employees in the storytelling process. Allow them to contribute to how their stories are shared, ensuring their preferences and comfort levels are respected.

Emphasize Collective Achievements: Frame success stories as collective achievements of the entire team or organization rather than focusing solely on individual accomplishments. This reinforces the idea that everyone contributes to the company's success.

By carefully navigating privacy concerns and focusing on professional achievements, your company can celebrate success stories from your fair-chance hiring program in a respectful and inclusive manner. Always prioritize the well-being and preferences of justice-involved employees in these initiatives.



Additional Resources

Internet Resources

National Employment Law Project (NELP)

- Ensuring People With Convictions Have a Fair Chance to Work: <https://www.nelp.org/campaign/ensuring-fair-chance-to-work/>
- A Healthcare Employer Guide to Hiring People with Arrest and Conviction Records: <https://www.nelp.org/wp-content/uploads/NELP-Safer-Toolkit-Healthcare-Employer-Guide-Hiring-People-with-Arrest-Conviction-Records.pdf>

U.S. Equal Employment Opportunity Commission (EEOC)

- Guidance on Arrest and Conviction Records: <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>
- Criminal Records - Tips for Small Businesses: <https://www.eeoc.gov/employers/small-business/criminal-records>

Society for Human Resource Management (SHRM) Foundation

- Getting Talent Back to Work: <https://www.gettingtalentbacktowork.org/>

Center for Employment Opportunities (CEO)

- A Fair Chance: Hiring Guide & Toolkit: <https://ceoworks.org/assets/downloads/publications/CEO-A-Fair-Chance-Hiring-Guide-Toolkit-2023.pdf>

Checkr

- Fair Chance Hub: <https://checkr.com/company/mission/fair-chance-hub>

Indeed

- How to Implement Fair Chance Hiring at Your Organization: <https://www.indeed.com/lead/fair-chance-hiring>

US Chamber of Commerce

- Employer Guide to Second Chance Hiring Programs and Tax Credits: <https://www.uschamber.com/workforce/employer-guide-to-second-chance-hiring-programs-and-tax-credits>

Second Chance Business Coalition

- The Second Chance Business Coalition: <https://secondchancebusinesscoalition.org/>
- Onramps Guide: <https://brt-second-chance-production.s3.amazonaws.com/SCBC-Onramps-Guide-11.2023.pdf>

Envoy

- Fair Chance Employment Self-Assessment: <https://www.envoy.us/assessment>

Dave's Killer Bread Foundation

- The Second Chance Corporate Cohort: <https://dkbfoundation.org/programs/cohorts/>

Breakthrough

- Fair Opportunity Employer Toolkit: <https://timetobreakthrough.org/hire/>

The Manufacturing Institute

- Second Chance Hiring: <https://themanufacturinginstitute.org/workers/second-chance/>

RAND Corporation

- Resetting the Record: The Facts on Hiring People with Criminal Histories: https://www.rand.org/pubs/research_briefs/RBA2968-1.html

Books

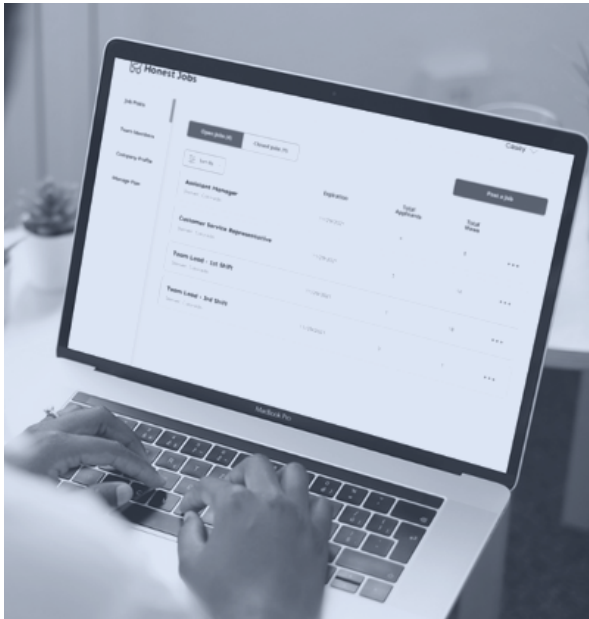
Jeffrey Korzenik

- Untapped Talent: How Second Chance Hiring Works for Your Business and the Community: <https://www.amazon.com/Untapped-Talent-Second-Business-Community/dp/1400223148>

Ty Reed

- Second Chance Hiring: Human Resources Strategies to Lower Your Risk Through Inclusive Recruiting: <https://www.amazon.com/Second-Chance-Hiring-Strategies-Recruiting/dp/B0CJ4DLHJS>

About Honest Jobs



Honest Jobs is the nation's largest online marketplace for fair-chance/second-chance job candidates. We've helped over 1,400 businesses hire people impacted by the justice system across the U.S.

Employers like PepsiCo, Wayfair, and CVS Health choose to work with us because we have unparalleled access to this large and untapped talent pool. Our technology also helps match candidates with jobs to increase hiring and retention rates.

Jails, prisons, probation and parole officers, and non-profit organizations refer their justice-impacted clients to us because we have proven our ability to help them find better jobs faster. We also connect each job seeker with our national network of wrap-around support providers who offer services such as housing, transportation, and legal assistance.

National Job Board

Visit www.honestjobs.com to post up to three jobs at a time for free. We also have paid plans that allow you to post more jobs. With a paid plan your jobs will appear at the top of search results and be included in our weekly email campaigns. You will also be able to search our candidate database and invite candidates to apply for your jobs. We can integrate with most applicant tracking systems so that your jobs are always live and up-to-date on our job board. Use coupon code "Guide" to get 20% off any paid plan for 12 months.

Direct Placement Service

In addition to our job board, we also offer a white-glove recruiting service. Let our recruiting team source, screen, and recommend the best candidates for your open positions. If you choose to hire one of our candidates, we will provide onboarding and retention support for a placement fee. Each hire includes a 60-day retention guarantee.

Our Founder

As a teenager, Harley Blakeman was a homeless high school dropout and drug dealer who suffered with substance use disorder. Just weeks after his 18th birthday, he was sentenced to prison for trafficking prescription pills and marijuana.

In prison, Harley earned his GED and became an avid reader. After being released, he graduated from The Ohio State University with honors. He interviewed with dozens of companies, making it through to the last round, only to be rejected after disclosing his criminal history.



Although he eventually found an employer who was willing to give him a chance, Harley's thoughts kept returning to the immense barriers that formerly incarcerated individuals face after release.

In 2018, Harley founded Honest Jobs, a national fair-chance employment platform that has helped over 100,000 justice-involved job seekers connect with employers who are willing to give them fair consideration while generating over \$750,000 in annual revenue for his company.

In addition to running Honest Jobs, Harley loves public speaking. He offers motivational talks about overcoming adversity, finding your purpose, and building a business that benefits the community.

Interested in booking Harley for an event?

Contact: harley@honestjobs.com

Frequently Asked Questions

What is the difference between “fair-chance hiring” and “second-chance hiring”?

“Fair-chance hiring” and “second-chance hiring” are terms used interchangeably to describe employment practices that provide individuals with criminal records an opportunity for meaningful employment. Often, these individuals have never been given a first chance, or they might require more than a second chance. The term “fair-chance hiring” is typically preferred because it applies to any part of the justice-involvement journey.

If I implement fair-chance hiring at my organization, will I be at risk for negligent hiring?

Negligent hiring claims typically arise when an employer fails to exercise reasonable care in hiring an employee who later engages in harmful behavior. If you exercise due diligence in assessing a candidate’s background as it relates to the duties of the job, the risk of negligent hiring is extremely low.

Negligent hiring liability almost always occurs in a small number of specific jobs with obvious risks. Unless a job involves direct access to vulnerable populations, customer homes, motor vehicles, use of force (e.g. security guards), valuable property, alcohol, or firearms, the risk of negligent hiring is almost non-existent. (see <https://www.lac.org/resource/second-chance-employment-report>)

It's advisable to consult with legal professionals familiar with employment law in your jurisdiction to ensure that your fair-chance hiring policies comply with local regulations and best practices.

What is the difference between jail and prison?

In essence, jails are for short-term and local purposes, whereas prisons are for long-term and more serious convictions within the broader criminal justice system. Jails are local facilities usually run by county or municipal governments, designed for short-term stays, and house individuals awaiting trial, serving brief sentences, or awaiting transfer to a prison after sentencing.

Prisons are state or federally-operated institutions intended for long-term incarceration. They accommodate individuals who have been convicted of serious crimes and sentenced to extended periods, typically more than a year.

What is the difference between a felony and a misdemeanor?

The key factors that distinguish the two are the severity of the crime and the length of the potential incarceration, with felonies involving more serious actions and longer sentences compared to misdemeanors. A felony is a more serious criminal offense and is generally punishable by imprisonment for more than a year, often served in prisons.

On the other hand, a misdemeanor is a less severe offense, often characterized by actions that may cause inconvenience or minor harm. Misdemeanors carry lighter penalties, typically less than a year of imprisonment, and offenders usually serve their sentences in local jails.

What is the difference between probation and parole?

Probation and parole are both forms of supervised release within the criminal justice system, but they occur at different stages of the legal process.

Probation is typically an alternative to incarceration, where an individual convicted of a crime is allowed to serve their sentence in the community under the supervision of a probation officer. It is a sentence given at the time of conviction and is often part of the initial sentencing.

Parole is a form of release from prison before the completion of the full sentence. Parole is granted by a parole board, and individuals become eligible for parole after serving a portion of their prison sentence.

Both probation and parole involve strict conditions, such as regular check-ins with an officer, adherence to curfews, mandatory drug/alcohol testing, and participation in rehabilitative programs. The conditions can vary greatly depending on the individual situation.

What are “pending” or “open” charges?

“Pending” or “open” charges refer to criminal charges that have been filed against an individual but have not yet been resolved in court. When charges are pending, it means that the individual accused of the crime is still considered innocent, and legal proceedings are ongoing. The process may involve court hearings and other procedures. Cases can remain open for months or even years before a decision is reached.

How should I refer to someone who has a conviction record?

Use language in a respectful and inclusive way to refer to individuals who have been justice-involved. The goal is to emphasize the person, rather than defining them solely by their involvement in the criminal justice system. Here are some examples:

Instead of saying “criminal,” “offender,” “ex-convict,” or “ex-offender,” use:

- Justice-involved person
- Individual with a justice history
- Example: "John is a justice-involved person."

Instead of saying “convict,” “inmate,” or “prisoner,” use:

- Person who is or has been incarcerated
- Individual in a correctional facility
- Example: "Sarah is an individual who is currently incarcerated."

What is the difference between “justice-involved” and “justice-impacted”?

The terms “justice-involved” and “justice-impacted” are often used in discussions related to the criminal justice system and individuals who have had contact with it. While the exact definitions may vary, “justice-involved” typically refers to individuals who are currently or have been directly involved in the criminal justice system. It includes people who have been arrested, charged, convicted, or incarcerated. “Justice-impacted” has a broader scope and includes not only individuals who have directly experienced the criminal justice system but also those who may have been indirectly affected by it. This can include families, communities, and individuals who experience collateral consequences as a result of someone else's involvement in the justice system.



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