



Position Paper: Reduce Barriers to Employment for Individuals with Criminal Records

Purpose: This paper was prepared to encourage policy change at the state and local levels to reduce the barriers to employment created by criminal records and to encourage a focus on vocational training and employment services for offenders.

Issues: “Although a wide variety of policy initiatives have been undertaken to prevent or reduce crime and recidivism ... employment remains one of the most important vehicles for hastening offender reintegration and distance from crime.”¹ Decades of research continues to demonstrate that vocational training and employment services are among the most effective recidivism reduction programs. However, HIREd’s employment services programs for offenders has revealed a multitude of barriers that face job seekers who have criminal backgrounds. These issues include:

- Widespread lack of information and much misinformation exists about criminal records and the ability of people to have them sealed.
- Current laws limit the expungement remedy. Generally, expungement is the process to “remove from general review” the records pertaining to a case. In many jurisdictions, however, the records may not completely “disappear” and may still be available to law enforcement and others including employers.
- Common screening practices among some employers include:
 - Refusal to offer employment even when charges have been dismissed upon completion of a diversion program;
 - Unwillingness to hire when charges are “dropped” either due to plea bargaining or upon paying a fine;
 - Basing hiring decisions on arrest records they are able to obtain even if the applicant was never convicted
- Many job seekers have difficulty determining if their charges are felonies, gross misdemeanors or have been removed from their records altogether. Community resources available to help people with these challenges are extremely limited.

HIREd Supports:

- Reducing recidivism through employment intervention.
- Regulating the availability of criminal records. Rapid record-correcting mechanisms must be put in place so that on-line information catches up with ex-offenders rehabilitation and progress.
- Automating the sealing of out-dated records.
- Requiring reporting of only final dispositions.
- Including the impact of collateral sanctions in plea agreements. Sentencing demands that all consequences be shared with the offender and defense council prior to any conviction being entered or plea agreement accepted.
- Legislation that will require all public employers in Minnesota to remove questions about criminal records from employment applications unless the position is limited by statute for people with certain records.
- Legislation that will require post secondary educational institutions to notify all applicants that if they have a criminal record, they should research the availability of jobs in their field of study for people with their record before investing time and money in the college or vocational program.
- Use of no-cost bonding by employers for at-risk employees.
- Investments in community resources for legal, employment, educational and mentoring resources for ex-offenders to support community re-entry and limit recidivism.



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¹ *Bushway & Reuter, 1997 in Richard Freeman, 2003*