



The Cabinet-level Reentry Council is working to enhance community safety and well-being, assist those returning from prison and jail becoming productive citizens, and save taxpayers dollars by lowering the direct and collateral costs of incarceration

## Employment

Two out of every three men were employed before they were incarcerated, and many were the primary financial contributors in their households. Individuals who have been incarcerated can expect future annual earnings to be reduced by some 40 percent after

they return to their communities and the societal and economic impacts are substantial. The Reentry Council is working to reduce barriers to employment, so that people with past criminal involvement – after they have been held accountable and paid their dues – can compete for appropriate work opportunities in order to support themselves and their families, pay their taxes, and contribute to the economy.

## Accomplishments to Date

- Reentry Council agencies have published [five Reentry MythBusters](#) that tackle both employer obligations and incentives. On the incentives side, for example, the Department of Labor (DOL) offers federal bonding protection for employers who hire people with a criminal record. On the employer obligation side, the Myth Busters focus on how employers may lawfully consider a criminal record in their hiring decisions, and protections for job seekers when it comes to background checks.
- The Equal Employment Opportunity Commission (EEOC) updated [enforcement guidance](#) on the use of arrest and conviction records in employment decisions under Title VII of the Civil Rights Act of 1964.
- The DOL's Employment and Training Administration (ETA) and Civil Rights Center (CRC) issued a joint [guidance](#) for the public workforce system regarding employer job postings that contain hiring exclusions or restrictions based on arrest and conviction history. DOL's Office of Federal Contract Compliance Programs (OFCCP) issued a [directive](#) advising federal contractors and subcontractors of their nondiscrimination obligations regarding the use of criminal records as an employment screen.
- The Federal Trade Commission (FTC) announced an [enforcement action](#) against a background screening company, alleging that the company failed to ensure that criminal history information it reported was accurate and up to date, as required by the Fair Credit Reporting Act (FCRA). The FTC has also created a number of educational brochures and videos for employers and the public on the use of consumer reports.
- DOL and the Department of Justice awarded REXo and Second Chance Act grants to support job training and placement for individuals returning to their communities after incarceration. In addition, grantees may use these federal funds to pay for legal assistance to secure driver's licenses, litigate inappropriate denials of housing or employment and violations of the FCRA, modify child support orders, and expunge criminal records.
- DOL has developed a non Internet-based version of the new electronic career exploration tool, [My Next Move](#). The tool is available on CD-ROM and was specifically created for use by inmates in correctional institutions where Internet connectivity is unavailable or prohibited.
- The Small Business Administration (SBA) has posted on its website and shared with its Resource Partners (Small Business Development Centers, Women's Business Centers and SCORE chapters) the recent federal [guidance](#) relating to consideration of criminal records in employment, as it applies to small businesses.
- The Federal Bureau of Prisons (BOP) is standardizing materials and resources for institution Career Resource Centers that will be hosted on an inmate LAN system. These resources will include keyboarding, computer literacy, simulated Internet navigation, financial literacy, resume writing, and other career development and employment resources.
- The Court Services and Offender Supervision Agency (CSOSA) expanded its quarterly Community Resource Day Video-Conference Program to reach 18 facilities within the federal prison system housing inmates from the District of Columbia. During these events, the inmates hear presentations about employment readiness, vocational training, and job placement.
- The Office of Personnel Management (OPM) has developed a best practices [guide](#) that addresses employment fitness adjudication for federal contractor applicants and their employees.

## Agenda Moving Forward

### **Improve Employment Practices of Public and Private Employers**

Reentry Council agencies will continue to monitor and provide guidance to public, federal, and private sector employers and workers, federal contractors, grantees, and entities in the workforce system regarding the use of criminal records in employment to ensure compliance with civil rights laws and other protections. Reentry Council agencies will also, where appropriate, enforce applicable laws. In addition, agencies will explore coordinating joint guidance or publications for the employee, employer, and workforce development communities, and engage in further outreach and technical assistance.

### **Make the Federal Government a Model Employer**

Reentry Council agencies will assess policies and develop best practices with respect to hiring individuals with criminal records. The Reentry Council will also study mechanisms, like certificates of rehabilitation, which

can help facilitate the employment of individuals and will consider whether a similar model might be applicable at the federal level.

### **Review Federal Policies for Excessive Collateral Consequences**

Agencies will continue to review federal hiring policies and regulations to determine whether revision to those policies and regulations should be incorporated into the Reentry Council's Collateral Consequences Review and/or the Administration's legislative, regulatory, or policy agenda.

### **Strengthen Evidence-Based Programmatic Initiatives**

Reentry Council agencies will continue their robust commitment to programs and initiatives providing employment-centered reentry services and, wherever possible, link these programs to research partners that can document, measure, and highlight recidivism reductions produced by programmatic work.

## Key Resources (Employment)

### **Reentry Council**

<http://csgjusticecenter.org/nrrc/projects/firc/>

### **Reentry MythBusters**

<http://csgjusticecenter.org/nrrc/projects/mythbusters/>

### **National Reentry Resource Center – Employment**

<http://csgjusticecenter.org/reentry/issue-areas/employment/>

### **EEOC Updated Guidance on Use of Criminal Records in Employment Decisions**

[http://www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)

### **DOL Guidance and Directive**

[http://wdr.doleta.gov/directives/corr\\_doc.cfm?DOCN=9230](http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9230)

<http://www.dol.gov/ofccp/regs/compliance/directives/Dir306.htm>

### **OPM Contractor Fitness Adjudication Best Practices Guide**

<http://chcoc.gov/transmittals/TransmittalDetails.aspx?TransmittalID=5585>

### **FTC Consumer Protection Documents: For Employers and Employees**

<http://business.ftc.gov/documents/bus08-using-consumer-reports-what-employers-need-know>

<http://www.consumer.ftc.gov/sites/default/files/articles/pdf/pdf-0096-fair-credit-reporting-act.pdf>