



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

Employment

Some 1 in 3 adults in the U.S. has a criminal record. The long-term—sometimes lifetime—impact of a criminal record will keep many people from obtaining employment—even if they've paid their debt to society, turned their lives around, and are unlikely to reoffend.

At the same time, research sponsored by the National Institute of Justice shows that people who stay out of trouble for just a few years are largely indistinguishable from the general population in terms of their odds of another arrest. Further, prosocial behaviors such as employment, education and civic engagement—the very things that people with criminal records are often barred from participating in—actually reduce recidivism. Additionally, people who have developed career pathways experience more successful employment outcomes.

Accomplishments to Date

- Reentry Council agencies have published [five Reentry MythBusters](#) that tackle both employer obligations and incentives, such as federal bonding protection and the work opportunity tax credit.
- 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. Since adoption of the guidance, the commission conducted approximately 900 events on the topic and reached almost 80,000 people.
- The EEOC and the U.S. Federal Trade Commission (FTC) co-published two documents that explain how the agencies' respective laws apply to background checks performed for employment purposes, including considerations of criminal records. One document is tailored to [employers](#) and the other is designed for [job applicants and employees](#).
- The Department of Labor'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 FTC announced [enforcement actions](#) against two background screening companies alleging that, among other things, they failed to use reasonable procedures to ensure maximum possible accuracy of background reports or failed to provide User Notices outlining several important consumer protections, as required by the Fair Credit Reporting Act (FCRA). The FTC continued its [education](#) and outreach work regarding background screening 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 awarded 20 grants of \$500,000 each to Local Workforce Investment Boards (LWIBs) to implement specialized American Job Centers (AJCs) inside of local county, municipal or regional jails and correctional facilities; to provide soon-to-be-released inmates services to prepare them for employment and increase their opportunities for successful reentry into their home communities. These Linking Employment Activities Pre-release (LEAP) specialized AJC grants are a pilot project that seeks to strengthen communities by better integrating services already in the community. This program builds partnerships between local correctional systems and the local workforce systems and links transitioning offenders to a range of community-based workforce services that lead to successful employment.
- DOL awarded 4 grants of approximately \$4,000,000 each to expand the National Guard Youth ChalleNGe program to provide court-involved youth with skills training. The DOL Job ChalleNGe grants will facilitate partnerships with the justice system in order to recruit court-involved youth. Participants in the program will receive vocational education.
- The Department of Health and Human Services, Office of Child Support Enforcement awarded Child Support Noncustodial Parent Employment Demonstration (CSPED) [grants](#) to test the efficacy of child support-led employment strategies for unemployed noncustodial parents. The goal is to increase the reliable payment of child support by noncustodial parents who are willing but unable to pay.
- DOL has enhanced and expanded its business portal on [CareerOne-Stop](#) to encourage employers to hire formerly incarcerated persons and/or court-involved youth. The website includes information about safety, informs employers about financial incentives (e.g., tax credits, fidelity bonds, and no cost pre-screening) and links to websites, including the map of federal grants by state with links to specific grantee websites.
- DOL and HHS are evaluating the effectiveness of the latest generation of subsidized and transitional employment approaches for low-income populations, including noncustodial parents and formerly incarcerated individuals, through the [Subsidized and Transitional Employment Demonstration \(STED\)](#) and the [Enhanced Transitional Jobs Demonstration \(ETJD\)](#). The agencies recently released a [report](#) profiling the sites in both evaluations.

- The U.S. Small Business Administration (SBA) has published a final rule for the Microloan Program that provides more flexibility to SBA non-profit intermediaries, expands the pool of microloan recipients, and increases accessibility in SBA programs. The change will make small businesses that have an owner who is currently on probation or parole eligible for microloan programs.
- Reentry Council agencies, including representatives from the Court Services and Offender Supervision Agency (CSOSA), DOL, EEOC, and FTC, have participated in forums to present information on the appropriate use of criminal background checks in making hiring decisions.
- The Office of Personnel Management (OPM) developed a best practices guide that addresses employment fitness adjudication for federal contractor applicants and their employees.
- The BJA-supported National Reentry Resource Center (NRRC) has supported several conversations across the country with business leaders and policymakers modeled after the June 2014 “Pathways to Prosperity” event at the White House. The conversations focus on understanding and addressing challenges associated with improving employment outcomes for individuals with criminal records.

Agenda Moving Forward

Improve Employment Practices of Public and Private Employers

Reentry Council agencies will continue to provide guidance and coordinated outreach 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. Agencies will also, when appropriate, enforce applicable laws. The NRRC will continue to support public/private dialogues across the country. In addition, materials are being developed for policymakers that identifies common strategies used to increase employment opportunities for individuals with criminal records.

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.

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. In collaboration with the CSG Justice Center, DOJ and DOL support the NRRC to pilot the “Integrated Reentry and Employment Strategies (IRES): Reducing Recidivism and Promoting Job Readiness” model in select Second Chance and RExO jurisdictions. The IRES white paper, published by the Council of State Governments Justice Center in 2013, aims to bridge and integrate best practices from the reentry, corrections, and workforce development fields. The NRRC has been funded to pilot the framework proposed in the IRES white paper in two sites. The IRES pilot project aims to decrease recidivism and increase employment outcomes by systematically integrating best practices from the reentry, corrections, and workforce development fields. The NRRC will provide training to Second Chance Act and DOL-grant technical assistance providers to better support grantees as they implement evidence-based practices that integrate workforce development and reentry services.

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/the-reentry-and-employment-project/>

EEOC Updated Guidance on Use of Criminal Records in Employment Decisions

http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

OPM Contractor Fitness Adjudication Best Practices Guide

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

DOL Reentry Business Portal

<http://www.careeronestop.org/reentry>

DOL Guidance and Directive

http://wdr.doleta.gov/directives/corr_doc.cfm?DOCN=9230
<http://www.dol.gov/ofccp/regs/compliance/directives/Dir306.htm>

Background Checks: What Employers Need to Know

http://www.eeoc.gov/eeoc/publications/background_checks_employers.cfm

Background Checks: What Job Applicants and Employees Should Know

http://www.eeoc.gov/eeoc/publications/background_checks_employees.cfm

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>

Best Practice Standards: The Proper Use of Criminal Records in Hiring Decisions

<http://csgjusticecenter.org/nrrc/publications/best-practice-standards-the-proper-use-of-criminal-records-in-hiring/>