
Myths About Employing People with Criminal Records

Former offenders represent a cross section of the workforce. Many have useful skills and qualifications. Some **myths** are:

- ◆ Former offenders are high risk: *Former offenders are not any higher risk than the average employee. The probation office notifies parties of any third-party risks.*
- ◆ Former offenders are untrustworthy: *In most cases, former offenders are average people who made a mistake and are ready to put the past behind them.*
- ◆ Former offenders are uneducated: *Nearly one in three have graduated from high school.*
- ◆ Former offenders are unreliable: *In general, former offenders are as reliable as other employees.*
- ◆ Former offenders have to be watched closely: *In most cases, offenders have worked through their punishment and want to make a fresh start.*
- ◆ Former offenders are not conscientious workers: *Most feel they have something to prove and are loyal, hard workers.*
- ◆ Former offenders are only capable of doing manual or repetitive work: *People with criminal records come from all areas of our society.*
- ◆ Other employees will not want to work with former offenders: *There is no need for employees, other than line managers, to know of the employee's past. You'll be surprised how quickly a former offender will fit in, given the opportunity.*
- ◆ Our company policy excludes former offenders because of the type of work involved or legal restrictions: *It is a common misunderstanding that certain professions and trade licenses bar people with criminal records. In fact, refusal is determined by type of offense not by the existence of offense.*

Incentives

Work Opportunity Tax Credit:

Available to private employers who employ former offenders. Employers can receive up to \$2,400 for each former offender employed. Information is available at www.wisconsinjobcenter.org/businessassistance/taxcredits.htm

Federal bonding Program:

Provides insurance to employers willing to hire certain high-risk applicants who may otherwise be denied coverage from commercial bond carriers. The bonds protect employers against theft, forgery, larceny, and embezzlement. Information is available at bonds4jobs.com/bondingprogram.html

For additional information about hiring offenders or for answers to general questions, please contact:

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Employer Guide to Hiring Offenders



Our Mission:

***Overcoming barriers to
achieve success through
meaningful employment
and training***

Employer Benefits

Businesses, communities, families, and society as a whole benefit when former offenders are employed. Former offenders who are employed are less likely to commit crimes. Instead of a society paying nearly \$29,000 per year to house an inmate, a former offender will be earning a living and contributing to the tax base. With respect to former offenders under supervision, employers receive the following benefits:

Mandatory Drug Testing: Required for the majority of former offenders under the supervision of the U. S. Probation Office.

Third-Party Risk Notification: The U. S. Probation Office will ensure the employer is notified if a former offender poses a risk to the employer or community.

Condition to Maintain Employment: Each former offender under the supervision of the U. S. Probation Office has a standard condition to be employed or involved in an educational training program.

Probation Officer as a Resource: The U. S. Probation Office works together with the employer to ensure job retention and success.

“The Probation Office is very helpful in working with employers who hire former offenders. They have worked closely with me and the employee to correct any issues that have come up, ensuring that the individual remained on the payroll and continued to gain valuable work experience.”

*Kim Wall, President
Baensch Food Products Co.*

Assessing a Conviction

It is impossible to produce a list of those convictions that should be taken into account, and those that should not, any more than health conditions can be split into relevant and irrelevant conditions.

Assessing a conviction to make a reasoned judgment about risk is a fairly simple process. It involves checking a person’s criminal history against the following criteria:

- Relevance of the offense to the job being applied for.
- How long ago the offense occurred.
- How many times the person has offended.
- Nature and seriousness of the offense.
- Background to the offense; (circumstances often change, i.e., drug dependency, homelessness).
- If the offense was work related.
- Person’s attitude regarding the offense.



“By helping former offenders obtain employment, the U. S. Probation Office and its partners in the business community are doing more than offering a paycheck, they are providing a valuable benefit to our community. I encourage others to join them.”

*The Honorable C.N. Clevert, Jr.
U. S. District Judge
Eastern District of Wisconsin*

Employer Best Practices: EEOC Enforcement Guidelines April 25, 2012

The following are examples of best practices for employers who are considering criminal record information when making employment decisions.

1. Eliminate policies or practices that exclude people from employment based on any criminal record.
2. Train managers, hiring officials, and decision makers about Title VII and its prohibition on employment discrimination.
3. Develop a narrowly tailored written policy and procedure for screening applicants and employees for criminal conduct.
4. Identify essential job requirements and the actual circumstances under which the jobs are performed.
5. Determine the specific offenses that may demonstrate unfitness for performing such jobs.
6. Determine the duration of exclusions for criminal conduct based on all available evidence.
7. When asking questions about criminal records, limit inquiries to records for which exclusion would be job related for the position in question and consistent with business necessity.

“We had an excellent first experience hiring a former offender. ‘Tim’ had learned a skill in prison that added value to our company and he demonstrated an eagerness to learn and work. He was a very dependable employee and we would hire a former offender again.”

*Andy Oliver, Owner
Gear Wash, Milwaukee*
