



SUPPORTING JOB SEEKERS WITH CRIMINAL BACKGROUNDS

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KY APSE**

HOW TO READ A BACKGROUND CHECK

- What's included?
 - All misdemeanors and traffic cases for the last 5 years
 - All felonies going back to 1978
 - Based on historic court activity
 - Does not contain driving or arrest records
- What you look for:
 - When-What dates did the conviction(s) occur?
 - What-What is the charge or crime involved?
 - Where-What county did it occur within?
 - What is the status of the case? Is there a conviction or is it pending?
 - What is the disposition of the case? Is there a conviction, has it been dismissed, or amended down, etc.?
- What employers look for:
 - Nature and gravity of offense
 - Dates of conviction or completion of sentence
 - Nature of the job being held or sought after



FACTORS TO CONSIDER FOR EMPLOYMENT

The following factors must be taken into consideration:

- The type of conviction: felony, misdemeanor, drug charges, theft, sex crimes, violent offenses, etc.
- Is the client on a diversion program, such as: probation, parole, in drug court, or family court?
- What are their restrictions?
 - For example, some things both probation and parole officers might require from an ex-offender are:
 - Random drug screenings
 - Curfews
 - Restrictions to the county and other travel limitations
 - No access to minors and other easily exploitable populations
 - No associating with known felons
 - No possession of firearms
 - Maintain verifiable employment
 - Reports to officers on a regular schedule (can be daily, but is usually once a month)



FACTORS TO CONSIDER FOR EMPLOYMENT

- Are there court dates pending, or are they actively involved in any litigation?
- How do the client's charges impact their driver's license, professional licenses/certifications, living situation, or child custody issues?
- Knowing these answers are important because they may directly affect the job search and/or the type of employment an individual can legally hold.
- Would you try to place a person convicted of embezzlement at a financial institution or a person convicted of sexual abuse of a minor at a daycare?



ADDITIONAL FACTORS TO CONSIDER

- Consumers who are ex-offenders often require assistance in the following areas:
- Following through on referrals
- Seeking mental health services
- Assembling necessary documents (social security cards and school transcripts)
- Locating GED classes
- Budgeting
- Identifying occupations and employers who do not bar ex-offenders
- Developing realistic goals
- Cleaning up official criminal histories (“rap sheets”)
- Knowing when and how to disclose information about a criminal record
- Learning to see their employment situation from the perspective of potential employers
- Maintaining positivity during the job search process



EXPUNGEMENT

- Expungement is the removal of police and court records (misdemeanor/violation, charges/cases) which are available for viewing by the public. It may be worthwhile to assist with successful job placement for the client to seek expungement of an eligible charge.
 - A felony conviction will bar you from expungement of otherwise eligible misdemeanors on your record, however Class D drug felonies and felonies that were dismissed or acquitted are eligible to be expunged (see handout for updated felony expungement eligibilities).
- As of January 1, 2014, state law requires every person filing a petition for expungement to complete a certificate of eligibility for expungement, which is certified by KSP.
- It could be costly and/or lengthy, but in the end it could also be very worth it!



EXPUNGEMENT

- The required eligibility certification costs \$40 and can take up to 60 days, while within 30 days of that receipt, the fee per case on the petition for expungement is \$100 paid at the time of filing.
- The certification documents and the proper expungement petition are filed with the Office of Circuit Court Clerk in the county where the original charge was filed.
- An email address is required to register for an expungement certification request online, but it may also be done in person or by postal mail.
- More information on expungement eligibility can be found at:
<http://courts.ky.gov/expungement/Pages/default.aspx>
- Federal charges go through the federal court system for the expungement process.



FELONY DIVERSION

- A judge will often put someone on “felony diversion,” typically this is offered to first time, non-violent offenders.
- This legal status will show up on a criminal record as “pending”.
- Recently, the Supreme Court ruled that felony diversion is a felony conviction until it is lifted, usually after one year if the person has not committed another crime – then, they are no longer a “convicted felon”.
- The only other way a person can “undo” a felony is by obtaining a pardon from the governor.
- This is not completely unheard of, but not probable for most. Best of luck!



FILLING OUT APPLICATIONS

- Read the application questions very carefully before answering them.
- Answer the questions to the best of your ability.
- Make sure you address all parts of the questions.
 - Convictions? Dates? Places?
- Make sure you answer the question being asked.
 - Have you been convicted of violating any law?
 - Is this supposed to include or omit minor traffic violations?
- Be thorough and remember to proofread.
- **BE HONEST!!!**
 - The worst thing a client can do on an application is to overtly lie or to lie by omission. Always answer application questions truthfully and to the best of your knowledge. You may answer yes about convictions, but instead of giving the details say “details provided at the interview” (K. Martinez).



ANSWERING INTERVIEW QUESTIONS

○ BE YOURSELF!!!

- Being real and genuine is best. Employers want to know upfront what kind of an employee they can expect when hiring someone. If an employer thinks you're trying to hide something, it can leave a bad taste in their mouth. There is a direct correlation between how you make people feel in your presence and what they are willing to do for you.* We want the employer to feel comfortable and good around a client because we want them to offer that client a job.

○ BE HONEST!!!

- The worst thing a client can do in an interview is to overtly lie or to lie by omission. Always answer interview questions truthfully and to the best of your knowledge and ability. If a client can explain their criminal record in a logical and reasonable manner, many people are more understanding and willing to give someone a second chance than you may think!



ANSWERING INTERVIEW QUESTIONS

○ BE ACCOUNTABLE!!!

- Taking responsibility for a conviction(s) and expressing how it allowed for learning and growth can help show an employer how your life is different now and that it is not a current reflection of who you are as a person. Be polite/humble and be prepared!
- Choose your words wisely! Try to avoid negative language when explaining a criminal history by being clear and concise. Keep it short, sweet, and simple.
- Sincerely express an appropriate amount of remorse/regret for what you have been convicted of in the past, but keep your attention on the future.
- Stay focused on why you would be a good fit for the position you are applying for with a business and how you are a qualified candidate with skills to offer. Employers already know what they can do for you, but what can you do for them?



EFFECTIVELY MARKETING YOURSELF

- According to a survey amongst hiring managers, here is what job seekers with criminal records can do to make themselves more marketable:
 - 68% be upfront & honest while stressing learning
 - 48% be willing to work your way up
 - 46% stay positive
 - 39% prepare while in prison (school, training, etc.)
 - 31% don't apply to jobs you're automatically disqualified from due to your record
 - 31% volunteer
 - 26% take temporary assignments/freelance work
 - 18% consider joining the military
 - 16% start your own business
 - 13% monitor what is said on social media



EX-OFFENDER FRIENDLY EMPLOYERS

- I have provided a list of over 160 employers, made up primarily of nation-wide and some local state employers, that are more friendly towards hiring individuals with a criminal history or have official hiring practices that do not restrict those applicants with a criminal background.
- This list is not all inclusive by any means, but it is an excellent place to start becoming familiar with these companies.
- It is good to know that there are many businesses, both large and small, that are willing to work with our clients that face this barrier.
- The Commonwealth of Kentucky's application states that a conviction is not an automatic rejection.





AAMCO

Abbott Laboratories

ACE Hardware

Alamo Rent A Car

Alaska Airlines

Alberto-Culver

Allied Van Lines

Allstate Insurance

America West Air

American Wire Products

American Airlines

American Express

American Greetings

Anderson Windows

AON

Apple Computer

Applebee's

Archer Daniel's Midland

ARCO

Arthur J. Gallagher & Co.

AT&T

Atlas Van Lines

Avis Rent-A-Car

Avon Products

Bally's

Baskin-Robbins

Baxter International

Best Foods

Best Western

BF Goodrich

Black and Decker



Blue Cross/Blue Shield

Bluegrass Taxi

Boeing

Bridgestone/Firestone

British Airways

Brunswick Corp

Budget Rent-A-Car

Burger King

Calvin Klein

Campbell Soups

Canon USA

Career Education Group

Carrier A/C

Casio, Inc.

Caterpillar

Cattleman's

CDW Computers

Chase Bank

Chicago Mercantile Exchange

Cintas

Circuit City

Coes-Coin

Coldwell Banker

Compaq Computers

ConAgra Foods

Concord Cleaners

Crown Staffing

Dairy Queen

DAP Products

Deer & Co

Dell Corporation





Del Monte Foods
Delta Airlines
Delta Faucets
Denny's Inc.
Dole Foods
Dollar Rent A Car
Domino's
Dow Brands
Dunkin Donuts
Dunlop Tires
DuPoint Co.

Duracell
Eddie Bauer
Epson
Equity Office Property
Exelson
Exxon
Family Dollar
Federal Express
First American Truck Wash
First Health Group
Fortune Brands
Frisch's
Frito-Lay
Fruit of the Loom
Fuji Foto
Galouob Toys
General Electric
General Growth Properties
General Mills
Georgia-Pacific



GMAC
Goodwill
Hanes Hosiery
Hardee's
Hewitt Associates
Hilton Hotels
IBM
Illinois Tool Works
Johnny Carino's
K-Mart
Kraft Foods

L.A. Times
Little Caesar's
Long Horn's
Lowe's
McDonald's
Mobil Oil
Molex
Motorola
Navistar International
New York Times
Newsweek
Next Life Recycling
Niki
Nisource
Northern Trust
O'Charley's
Old Republic
Packaging Corp of America
PACTIV
Pepsi-Co





Phillip Morris
Pizza Hut
Rose's Car Wash
R.R. Donnelley
Rubbermaid Inc.
Sara-Lee
Sears & Roebuck
Service Master
Seven Up, Inc.
Shell Oil
Shoney's
Showtime Networks
Smurfit-Stone Container Corp.

Wrigley Co
Xerox
Yum Brands
Yumahn
Zebra Technologies Group
Zenith Electronics



Sonic
Sony
Southwest Air
Sprint
Swifty
Target Stores
Telephone & Data Systems

Tellabs
Toys*R*Us
Tribune Co.
U.S. Cellular
Uneven Investments



United Airlines
Verizon
W.W. Granger
Waffle House
Wal-Mart
Walgreens



DISCUSSION

- In your experience, what have you found works best? Worse?
- What words of wisdom would you give job seekers with criminal backgrounds?
- What suggestions would you have for other professionals providing employment services to this client population?
- What kind of responses have you received from employers?
- Are there any employers you think we should add to our list today?
- What kind of experiences have you had working with job seekers facing this barrier to employment?
- Do you take advantage of WOTC and the Federal Bonding Program as work incentives?



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THE END 😊

Enjoy the rest of KY APSE 2016!