

## **Employer Surveys Regarding Employment of People with Criminal Histories**

In 2009, twelve employment specialists from the Johnson & Johnson-Dartmouth Community Mental Health Program were nominated because of their excellent job performance to participate in a project designed to learn how to assist people who have both criminal histories and serious mental illness. The employment specialists conducted employer surveys in their home states and then met with members of the Dartmouth IPS team to discuss the results of the surveys. This report represents 128 surveys.

Employment specialists who participated in this project:

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## **Executive Summary**

Employment specialists interviewed 128 employers in eight states and the District of Columbia. The survey included a wide range of types of businesses. Sixty-three percent of employers said that they had knowingly hired at least one person with a felony.

A significant number of employers said that they could not answer a question about the type of felony, either because they didn't remember what it was, or felt that the felony type was confidential information. Of those who answered, "drug related offenses" were most common, followed by driving under the influence, theft, and assault.

The most common reasons for hiring a person with a felony included: 1) the person had the qualifications to do the job, 2) the person presented well in an interview, 3) the person had a connection to someone who knew the employer—someone who could vouch for the job applicant, and 4) the employer believed that the person had changed his or her life.

Employers advised that job applicants with felonies be honest and upfront with employers about their past. Other common themes included: "take responsibility for your actions", "explain how you have changed", and "speak directly to the hiring manager or decision maker."

More than half of the employers said that the type of conviction mattered to them. Specifically, they were most concerned about theft and financial crimes, followed by sex offenses, violent crimes and crimes against children. A number of employers recommended that employment specialists think about the type of record a person has when helping the person develop a job goal. For example, a person with a record for theft is less likely to be hired as a cashier.

The majority of employers said that they do not have a strict policy about hiring people with felonies, but that they "take it on a case-by-case basis." Interestingly, some of the employers who said they absolutely do not hire felons, also reported that they don't do background checks.

Seventy-three percent of employers reported that they do some type of background check on all job applicants.

## **SURVEY QUESTION #1) WHAT IS THE TYPE OF BUSINESS?**

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Bold text indicates employers who have knowingly hired a person with a felony.  
The number following type of business indicates the total number of employees in the company.

**Accounting Firm (7)**

**Art Gallery (85)**

Assisted Living (380)

**Auto Dealer (12)**, Auto Dealer (15), **Auto Dealer (23)**, **Auto Dealer (121)**

**Auto Parts (4)**

Auto Services (6), Auto Services (8), **Auto Services (15)**, **Auto Services (16)**

Bank (12), Bank (45)

Bicycle Sales and Service (8)

Bookstore (10),

**Bridal Retail (15)**

**Carwash (5)**

**Catering (30)**, Catering (53)

**Cell Phone Sales (36)**

**Chamber of Commerce (16)**

**Cleaning Company-offices and homes (13)**, **Cleaning Company – offices (75)**,

**Cleaning-janitorial (75)**, Commercial Cleaning Company (120)

**Clothing Store (12)**

Community Action Group (15), **Community Service Agency (400)**

Construction/Carpentry Contractor (3), **Construction (6)**, **Cabinet Maker (25)**

Construction Supplier (5,000)

Daycare (1), Kids Club (15), Daycare (29), Daycare (125)

**Delivery (55)**

**Facilities Management (27)**

**Farm (25)**

**Fast Food (12)**, Fast Food (24), **Fast Food (35+)**

Fencing School (4)

Financial Services (10)

Flower Shop (5), Flower Shop (8)

**Food Delivery-nonprofit (10)**

**Food Service (6)**, **Food Service (70-80)**, Food Service (110)

Furniture Store (3), **Furniture Store (5)**, Furniture and Appliance Retail/Rental (8),

**Furniture Store (10)**

**Gas Station (14)**

Gift Shop (10), **Gift Shop (19)**

Convenience/Grocery Store (6), **Grocery (25)**, **Grocery (29)**, **Grocery (30+)**, **Grocery (200)**, **Grocery (225)**, **Grocery Store (?)**

**Guitar/Music Store (3)**

**Hair Salon (18)**

Hotel (40), Hotel (300)

Housing Development and Management Corporation (65)

Insurance (254)

Internet Marketing (212)  
 Irrigational Pump Services (35)  
 Logistics Services (200)  
 Mailing Store (2)  
**Manufacturing (100), Manufacturing (120), Manufacturing - welding (161),  
 Manufacturing - soap (175), Manufacturing (194), Manufacturing-factory (240)**  
 Mattress Store (7)  
**Meat Packaging (12)**  
**Medical/Healthcare (30)**, Medical (over 1,000),  
 Motorcycle Retail (8)  
**Movie Theatre (80)**  
**Newspaper (174)**  
**Party Rental Store (22)**  
**Pet Store (10)**  
**Pet Grooming (2)**  
 Pharmacy (20)  
**Recording Studio-multimedia (6)**  
 Retail-collectibles store (5), **Retail -nonprofit (35)**, Retail-box store (40), **Retail-box  
 store (100), Retail (100+), Retail (21), Retail- box store (115), Retail (115), Retail  
 (132), Retailer (600)**  
**Restaurant (20), Restaurant (22), Restaurant (23), Restaurant (25), Restaurant (30),  
 Restaurant (41), Restaurant (46), Restaurant (50), Restaurant (72), Restaurant  
 (100), Restaurant (100), Restaurant (600)**  
**School District (2,000)**  
 Social Service Agency (250), Social Service Agency (478)  
**Tattoo Shop (7)**  
**Telemarketing (400)**  
 Temp Agency (5), **Temp Labor Agency (600,000 worldwide)**  
**Tire Service (5)**  
 Title/Insurance (10)  
**Tree Trimming (3)**  
**Truck Rental and Storage (6)**  
 Warehouse-coffee roaster (16), **Warehouse - distribution center (170)**

**QUESTION #2) IS THIS AN INDEPENDENTLY OWNED BUSINESS?**

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	Hired Person(s) with Felonies	Did Not Hire Person(s) with Felonies
Independently Owned	N= 46 39% of respondents	N= 25 21% of respondents:
Not Independently Owned	N= 26 22% of respondents	N= 20 17% of respondents:

Employer responses = 117  
 No response = 11

### **QUESTION #3) HAVE YOU EVER HIRED A PERSON WHO HAD A FELONY?**

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YES: N=79

62% of employers reported that they have knowingly hired a person with a felony.

NO: N=49

38% of employers said that they had not ever hired a person with a felony or that they did not know if they had hired a person with a felony.

### **QUESTION #4) IF YES, TYPE OF CONVICTION:**

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	<u>N</u>	<u>%</u>
Drug related offenses	N=15	24%
Driving under the influence	N=11	17%
Theft	N=10	16%
Assault	N=8	13%
Sexual assault/sex offenses	N=7	11%
Domestic violence	N=4	6%
Armed robbery	N=2	3%
Murder	N=2	3%
Reckless driving	N=1	2%
Criminal trespassing	N=1	2%
Manslaughter	N=1	2%
Gun related offense	N=1	2%

Employers responses = 63

No response = 16\*

\* Some employers reported that they couldn't remember the type of conviction. Others said that they were uncomfortable answering this question and a few reported that they never knew the details about the conviction because applications went through the corporate office.

### **QUESTION #5) WHY DID YOU DECIDE TO HIRE THE PERSON?**

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**31 (42%) employers reported that they hired a person with a felony because the person had the qualifications to do the job (experience, skills, or training). Some sample statements:**

- “He had the skills that were necessary to do the job.”
- “I hired these two because one knew how to weld and the other had 10 years machining experience.”

**16 (22%) employers talked about the person's good interview skills including expressed enthusiasm for the job and appropriate dress. Good follow up during the hiring process was also seen as positive. For example:**

- “Initially, I didn’t know. But the resume looked good and the person demonstrated that he was willing to do whatever was needed to get hired by showing prompt phone call and email responses, was more than ready for interviews and showed enthusiasm for the job during the interview.”

**13 (18%) employers said they decided to hire because someone who had a connection to the employer referred the person.**

- “The person was a good interviewee and had good experience. He also came highly recommended by one of my mechanics.”
- “I knew his parole officer and talked to him personally. The person did his time, paid his dues and was upfront—talked about it.”
- “The person seemed like a good person who sincerely wanted to work. He had an employment specialist working with him with whom I had a prior relationship. I have hired people with felony backgrounds before, but it helped having someone who knew the person and was willing to back him.”

**11 (15%) employers said that they believed that the person had changed and, therefore, they were willing to give the person a second chance.**

- “This person was very convincing when he told me he had lost most of what he really cared about because of some very poor choices. He told me he needed to work so he could feel normal again. He asked me to take a chance on him.”
- “Talented art work and honest about record and time spent in prison. Everyone makes mistakes.” Owner indicated that he himself had a felony conviction and was given another chance to make things right.
- “I was sure the person had changed his life for the better. He took responsibility for what he had done and was adamant about wanting to have a chance to prove himself.”

**10 (14%) employers commented on the length of time since the person’s last conviction as one of the reasons that led to their hiring decision.**

- “The criminal record was in their past, usually over 10 years or so. I saw a change in the person and thought they would be a good employee because of their willingness to learn and their positive attitude.”
- “The person was a young age when it happened. Qualifications outweighed the incident.”

**6 (8%) employers said that the person demonstrated sincerity and honesty when explaining the criminal record.**

- “The person was open and honest about her past. She was confident in her ability to do the job and willing to prove herself.”

**5 (7%) employers had the sense that the person would be dependable.**

- “He was willing to prove that he could do the job and that he would be the most dependable employee that I had.
- “At the time, they seemed dependable and motivated to work.”

**3 (4%) employers remarked that the conviction was not related to the job.**

- “(The conviction) wasn’t related to the job and wasn’t against a person.”
- “Talking to them (convinced me). The particular felony was taken into consideration. Seeing if they would be a good fit.”

Employer responses = 73\*

No response = 6

\* Some employers provided more than one reason for hiring the person or persons.

**QUESTION #6) DO YOU REMEMBER HOW LONG IT HAD BEEN SINCE THE PERSON’S CONVICTION (OR RELEASE FROM PRISON)?**

*(Type of offense as reported by employer.)*

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**Almost immediately after prison release/Within a few months**

Pet Store (*drug related*), Gas Station (*domestic violence*), Catering (*drug trafficking*), Restaurant (*drug related*), Office Cleaning (*felonious assault*), Non-Profit (*drug related*), Manufacturer (*missing data*), Auto Dealer (*domestic violence*), Guitar Store (*drug related*)

**One year**

Grocery (*narcotics*), Meat Packaging (*more than one type of offense*), Guitar Store (*drug related*), Restaurant (*missing data*), Construction (*theft, DUI*), Tattoo Parlor (*drug related*), Grocery (*hired more than one person & reported “various types of felonies”*), Auto Dealer (*domestic violence*), Furniture (*missing data*), Movie Theatre (*DUI*), Manufacturer (*missing data*)

**Two years**

Clothing Store (*missing data*), Tire Service (*murder*), Restaurant (*domestic violence*), Restaurant (*criminal assault*), Automotive, (*missing data*), Cleaning (*missing data*), Discount Store (*drug charges*), Auto Services (*2 felonious assault charges*), Farm (*DUIs*)

**Three years:**

Food Service (*reckless driving*), Recording Studio (*missing data*), Automotive (*theft, sexual assault*), Manufacturing (*domestic violence*)

**Five years:**

Bridal Retail (*assault*), Restaurant (*hired more than one person & reported “various types of felonies”*), Delivery (*theft*)

**Four years**

Cell phone Sales (*drug trafficking*), Community Service Agency (*drugs, assault*), Gift Shop (*drug charges*)

**Five Years:**

Restaurant (*missing data*), Restaurant (*missing data*), Truck Rental, (*missing data*), Carwash (*DUI*)

**Six years:**

Furniture (*sexual assault*)

**Seven years:**

Warehouse (*armed robbery*)

**Eight-10 years:**

Restaurant (*burglary*), School district (*theft*), Telemarketing (*DUI*)

**10 years**

Grocery (*sex offense*), Grocery (*missing data*), Hair Salon (*missing data*), Retail (*hired more than one person & reported "various types of felonies"*)

**More than 10 years:** Restaurant (*missing data*), Factory (*rape*), Grocery (*sex offense*), Manufacturing (*manslaughter*), Healthcare (*assault and battery*)

Employers responses = 57

No response = 22

**QUESTION #7) ARE YOU MORE LIKELY TO CONSIDER A PERSON WITH A RECORD FOR SOME POSITIONS OVER OTHERS?**

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YES: 36 (47%) Some sample statements include:

- "I'm more likely to hire a person with a felony for the dock area (loading and unloading trucks)."
- "Managers cannot have a criminal background."
- "I'm less likely to put people in management when they have had trouble with violence or anger."
- "I would consider person with criminal background for mechanic, basic automotive, oil changes, tire rotation and brake service."
- "A person with a record would be considered for the courtesy clerk position (grocery) but not a cash handling position."
- "Mechanics and porters cannot have DUI or auto theft charges/convictions."
- "I will hire people with convictions for kitchen help (busser, dishwasher, cook, food prep). I will consider a person with felony for cashier or waitress depending on charge. I would not hire a person with a theft charge to work as a cashier."

NO: 40 (53%) Some sample statements include:

- "These decisions are done by corporate. They do a background check prior to interviews."
- "We all do everything."
- "The person would start at the bottom like everyone else."
- "It depends on their ability to do the job."



- “I can’t hire someone with a felony to be an accountant, but I could hire a person with a felony for a receptionist position.”

Employer responses = 76

No response = 52\*

\*Many employers indicated an unwillingness to hire a person with a criminal record for any position at all.

## **QUESTION #8) WHAT ADVICE WOULD YOU GIVE TO EMPLOYMENT SPECIALISTS WHO ARE TRYING TO HELP PEOPLE WITH RECORDS?**

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### **38 employers (33%): Be honest and upfront. Some sample statements include:**

- “The person needs to be honest about their record. I run background checks and I had to let someone go because they had lied about convictions on their application. This person was one of our best workers. I had to let her go due to company policy even though I would have hired him despite the conviction if he had been honest with us.”
- “Don’t lie about charges or leave them off the application by ‘accident’. Do not leave the box unchecked or unanswered. I would prefer for the explanation to be on the application or attached, not wait for the interview which makes it appear as though the person is trying to hide something.”

### **22 employers (19%): The way that the person talks about their legal history matters. Specifically, the person should take responsibility for his or her actions. It’s also important that the person can speak directly to the employer and explain things himself.**

- “Make sure that the person who needs the job is able to explain what he has done to change.”
- “When I get a stack of 200 applications, a person with a criminal record doesn’t have a chance unless they make a personal connection. They need to make a personal appearance. The specialist should take people to approach the hiring manager.”
- “Have the person tell in his own words why the employer should take a chance on him or her. The person better come across as believable.”
- “Get the person ready to talk about his past criminal issues and assure the employer that these things are in the past and now the person is ready to get on with a new life.”

### **15 employers (13%): Help the person describe how he has changed.**

- “The person needs to build a reputation of being a person of character through volunteer work or service work to prove themselves more responsible and changed.”
- “Provide some sort of proof that they have made changes to their life; that they are less likely to commit another crime and are less likely to have a negative impact on the business.”
- “Talk about the steps that she is taking to better their lives.”

### **13 employers (11%): It helps when an employment specialist introduces the person to the hiring manager or decision maker.**

- “The employment specialist should sell the person, vouch for them and convince the manager.”
- “It helps to have someone involved with the person.”
- “I prefer individuals who were open about what happened and showed that they were getting ongoing help and support. I want to see the positive change they’ve made in their lives.”

**8 employers (7%): Dress well. Appear clean cut.**

- “Good hygiene. Confidence. Good communication. Show that you have learned from the past and are moving on.”
- “Look like you are ready to work. Clean. Presentable. Be prepared. Complete the entire application.”

**8 employers (7%): Work experience, training and skills are important.**

- “Be able to talk about required skills. Help people express confidence in skills. Be honest in this process and present skills in the interview.”

**5 employers (4%): Think about the type of crime when thinking about a job match.**

- “Try to find a position that will not be impacted by the charge. For example, no drug charges if applying for a job in a pharmacy.”

**5 employers (4%): Certificates (for training or treatment completion) are something concrete that can help an employer make a decision.**

- “Certificates of treatment. They need a support system. They need to be able to own the problem and talk about it.”
- “Train the individuals and get experience in the community.”

**4 employers (3%): Good references will help the person.**

- “Have a good appearance. Be willing to talk about the past and to explain where you’ve been and how you have overcome it. Find good references. Be very sincere.”
- “Give all information in the best possible light or expect the employer to assume the worst. Provide reputable references.”

**2 employers (2%): Provide information about financial incentives and bonding.**

- “Give the employer information about the federal bonding program and tax breaks. Get the person to take full responsibility for what they did and hope that they come across with sincerity during the interview.”

Employer responses: 116

No response = 12

## **QUESTION #9) WHAT IS YOUR COMPANY POLICY FOR HIRING PEOPLE WHO HAVE CRIMINAL RECORDS?**

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**75 employers (66%): No formal policy (We are open to hiring people with felonies OR, We take it on a case-by-case basis.) Some sample statements include:**

- “We hire people with felony records. Most of the time when we don’t hire someone it is because they don’t have the qualifications or their work history is questionable.”
- “We check backgrounds but we don’t refuse people simply because of their backgrounds.”
- “Normally we stay away from felony convictions but not in all cases.”
- “We hire people with any type of criminal history.”
- “We do believe in rehabilitation and might offer entry level positions dependent on the type of crime, skill level, experience and character.”
- “I don’t do background checks and probably wouldn’t care if I did know because my concern is a job well done.”

**20 employers (18%): Yes, there is a policy against hiring felons.**

- Two employers said that they would not hire people with felonies, but also indicated that they do not do background checks.
- “Corporate ultimately decides who I can hire.”
- “There isn’t a written policy, but I am not willing to take the risk.”

**11 employers (9%): There is a policy against hiring people with certain felonies.**

- “Certain felonies are not permissible.”
- “Depends on the conviction”

**5 employers (4%): Hiring would depend upon the length of time since the last conviction.**

- “No felonies in the past 7 years.”
- “Anyone with a charge within 5 years is automatically excluded”
- “Felony conviction must be past 3 years, misdemeanor past one year in most cases”

**3 employers (3%): We are unwilling to hire people with felonies for some positions.**

- “Will not hire people with felonies for accounting positions.”
- “A conviction would rule people out for certain jobs.”

Employer responses = 114

No response = 14

## **QUESTION #10) DO YOU CONDUCT BACKGROUND CHECKS?**

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YES: 93 (73%)

- “I use a state and county search for every location person has lived in.” (cleaning company)
- “Even if someone wants to be a volunteer.” (daycare)
- “I check for convictions within the state.”
- “I use a state website but also do an informal Internet check nationwide. I also check the sex offender sites—local and nationwide.”
- “Only for managers.”
- “For some positions.”

NO: 33 (27%)

- “I check references.”
- “The application asks about convictions.”
- “I am more likely to hire if the person is connected with an agency with job coaches.”
- “I follow my feelings. I go on instinct.”
- “I just ask them.”
- Employer does not do background checks but also says he is unwilling to hire anyone with a background.

Employer responses = 126

No response = 2