



TIPS FOR SUCCESS FOR HELPING JUSTICE-INVOLVED VETERANS FIND WORK

Individuals who have been involved in the criminal justice system face numerous barriers to employment, and veterans are no exception. According to the [National Employment Law Project \(NELP\)](#), 65 million Americans—one in four adults—have arrest or conviction records that may follow them throughout their lives. Among veterans who participated in a federal jail diversion program, 86 percent reported at least one prior arrest (Stainbrook, Salomon, Penney, Huntington, & Centerbar, 2014). Data on veterans in state and federal prisons indicates that they comprise 10 percent of the incarcerated population (Noonan & Mumola, 2007).

The relationship between employment and recidivism is complex, yet most observers agree that having a job helps individuals reintegrate into their communities (Duran, Plotkin, Potter, & Rosen, 2013). However, individuals who have been incarcerated face legal restrictions, misperceptions, and prejudices that make it difficult for them to do so. When this happens, everyone suffers. Unemployment rates among ex-offenders cost the economy between \$57 billion and \$65 billion a year in lost output (Schmitt & Warner, 2010). Recidivism leads to more crime, more victims, and more strain on state and municipal budgets.

As an employment specialist working with veterans who have criminal justice histories, you have many tools at your disposal to help them. This tip sheet will get you started. It includes links to additional information to help you understand the law, work successfully with employers, and prepare jobseekers to succeed.

Understand the Law

It is beyond the scope of this tip sheet to present detailed guidance on federal, state, and local laws that impact employment for individuals who have been involved with the criminal justice system. Nor does anything in this tip sheet constitute legal advice. However, some important basics follow. The Federal

Interagency Reentry Council's [Reentry MythBusters](#) series provides additional information about many of these areas. Other resources are noted throughout.

A Conviction Does Not Automatically Bar Individuals from Employment

The federal Equal Employment Opportunity Commission (EEOC) has interpreted Title VII of the 1964 Civil Rights Act to prohibit employment policies that exclude individuals solely on the basis of a criminal conviction. Such policies have a disparate impact on racial minorities, the EEOC determined. Employers are not prohibited from considering an applicant's criminal history, but they may only exclude an applicant with a criminal conviction if there is a business necessity. To determine business necessity, employers must show that they have considered (1) the nature of the job, (2) the nature and seriousness of the offense, and (3) the length of time since it occurred. These rules apply to employers that have 15 or more employees, including private sector employers, the federal government, and federal contractors. See [EEOC Enforcement Guidance](#) and a [Best Practices brochure](#) for more information.

The Fair Credit Reporting Act Regulates Use of Arrest and Conviction Records

Employers may review reports from consumer reporting agencies when making a hiring decision. These reports may include information on arrests and convictions. The federal Fair Credit Reporting Act regulates how this information is used, providing [rights for individuals](#) and [responsibilities for employers](#). In particular:

- Employers must receive written permission from a jobseeker to use information from his or her consumer report.

- If an individual is not hired because of something in the report, the employer must provide the name, address, and telephone number of the agency that supplied the report.
- Individuals are entitled to a free copy of the report the agency provided if requested within 60 days of an adverse action.
- Inaccurate information must be corrected or deleted within 30 days of being disputed.

States may confer additional rights. Check with your [state attorney general](#) for information.

States and Licensing and Credentialing Bodies May Impose Restrictions

According to the [National H.I.R.E. Network](#), most laws that prohibit employers from hiring people with criminal records are state and local laws and rules. You may consult the following resources to determine whether someone with a criminal conviction is eligible to work in a particular profession:

- The [National Inventory of the Collateral Consequences of Conviction](#) is maintained by the American Bar Association for the National Institute of Justice. This interactive tool allows users to select a state; choose from among a list of categories, including employment; and narrow the search further by offense category.
- The nonprofit [Collateral Consequences Resource Center](#) maintains a state-by-state chart titled [Consideration of Criminal Record in Licensing and Employment](#).
- The [Career One Stop License Finder](#) provides information about the requirements for jobs that require licenses. You can search by occupation or job title, license name, or a state agency that oversees licensing. The [Career One Stop Certification Finder](#) includes the same information for jobs that require certifications.

“Ban the Box” Helps Individuals Get a Foot in the Door

“Ban the box” describes a nationwide initiative to provide individuals a fair chance in hiring by removing the check box question that asks about criminal history on an initial job application or interview. This allows job candidates to be judged initially on their qualifications for employment and defers discussion of their criminal history until later in the hiring process. In the absence of these efforts, individuals may be discouraged from applying for jobs, and employers, despite EEOC guidance to the contrary, may automatically disqualify individuals with a criminal record.

As of January 2015, 110 jurisdictions—including 14 states, the District of Columbia, and 95 cities and counties—have passed ban the box legislation. The states are California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New Hampshire, New Mexico, and Rhode Island. Of these, six states—Hawaii, Illinois, Massachusetts, Minnesota, New Jersey, and Rhode Island—extend the fair chance policy to government contractors or private employers. Large employers, including Target and Walmart, have eliminated the question about criminal history from their applications. The NELP resource guide [Ban the Box](#) includes a chart summarizing all state and local policies. See also its reports [Cities Pave the Way](#), [65 Million “Need Not Apply.”](#) and the [Fair Chance Ban the Box toolkit](#), which provides a step-by-step guide for advocates on how to launch a “ban the box” campaign.

Individuals with Convictions May Be Eligible for Housing and Health Care

There are a number of misconceptions about whether individuals with criminal convictions are eligible for many of the services that support their ability to work, including housing and health care. Some important facts follow.

Housing

Registered sex offenders and individuals convicted of producing methamphetamine in federally assisted housing are prohibited from public housing, as are those currently using illegal drugs. Individuals evicted from federally assisted housing for drug-related criminal activity are barred from admission for 3 years. In most other cases, Public Housing Authorities (PHAs) have discretion to determine their admission and occupancy policies. They must also allow applicants to appeal a denial for housing. Find contact information for your local PHA [here](#).

Health care

Eligible veterans who are not currently incarcerated may use health care offered by the U.S. Department of Veterans Affairs (VA) regardless of any criminal history, including incarceration. The only exception is for those with an open warrant for a felony (fugitive felons). VA programs for veterans involved with the criminal justice system include the following:

- The [Health Care for Reentry Veterans](#) program provides direct outreach to veterans nearing release from state and federal prisons to assist them with the community reintegration process after release.
- The [Veterans Justice Outreach](#) program connects veterans who come in contact with police, jails, and courts to mental health, substance abuse, and other treatment resources. Every VA medical center has a [Veterans Justice Outreach Specialist](#) who serves as a liaison with local criminal justice agencies.

In addition, Medicaid-eligible individuals may continue to be enrolled in the program before, during, and after the time they are incarcerated. Individuals cannot receive Medicaid-funded services while incarcerated, except for inpatient services provided in a medical facility, but they do not have to be terminated from the program. States may suspend eligibility during incarceration, facilitating access to Medicaid services on release.

Social Security benefits

Social Security Disability Insurance (SSDI) and Supplemental Security Income (SSI) are suspended for individuals who are incarcerated for more than 1 month. Generally, there is no time limit on suspension for SSDI; on release, benefits can be reinstated without filing a new claim. SSI benefits are terminated after 12 months of incarceration, and individuals must file a new claim to reestablish eligibility. For more information about SSDI, SSI, and Medicaid and Medicare benefits, see the Social Security Administration publications [What Prisoners Need to Know](#) and [Entering the Community After Incarceration—How We Can Help](#).

Engage Employers

As a job developer, one of your primary responsibilities is to engage employers.¹ The relationships you develop are of critical importance, especially when you are advocating for individuals who have criminal justice histories. Many employers may be reluctant to consider individuals with criminal histories because of personal beliefs, prior experiences, or lack of knowledge. You can help pave the way for your clients by doing the following:

- **Find employers most likely to hire your candidates.** Using the resources highlighted above, determine whether your clients are eligible to apply for specific positions. Smaller employers,

¹ For more information, see [The Employer-Driven Employment Model for Justice-Involved Individuals](#), developed by the National Institute of Corrections.

those located in ethnically diverse neighborhoods, and those that consider themselves socially conscious may be receptive to hiring your clients. Depending on the crime for which they were convicted, consider jobs for your clients that do not pose a high risk of jeopardizing public safety or that do not require them to handle a large volume of currency, enter the client's home, or maintain valuable inventory. These might include jobs in construction, labor, manufacturing, trade, and services.

- **Anticipate and respond to their concerns.** Highlight success stories, point to other employer partnerships, and make clear your commitment to public safety. Understand that some employers may be reluctant to hire individuals with criminal convictions for fear they will be held liable if the person commits a crime while on the job. To promote employment and preserve public safety, some states have passed legislation that limits employers' liability. Some of these laws are part of larger fair hiring efforts. For example, North Carolina and Ohio limit liability for employers that hire individuals with criminal convictions who have received a certificate of relief or certificate of qualification for employment, respectively (ACLU collaborative, 2012).
- **Describe the benefits you offer.** Mention that you prescreen applicants, match them to appropriate jobs, and offer post-placement support.
- **Educate employers about the [Federal Bonding Program](#).** The Federal Bonding Program indemnifies employers for loss of money or property sustained through the dishonest acts of their employees (i.e., theft, forgery, larceny, and embezzlement). The bonds are offered for the first 6 months of employment at no cost to applicants or employers. Consult the [Directory of State Bonding Coordinators](#) for information on the Federal Bonding Program in your state.
- **Offer information on tax incentives.** Tax incentives may be available to employers who hire applicants with barriers to employment, including those with criminal histories. Check for updates on the [Work Opportunity Tax Credit](#).

- **Expand your network.** Include community corrections agencies and the courts and current employers of justice-involved individuals. Advocate for jobseekers with criminal justice histories through your social networks and in community organizations.

Prepare Jobseekers

The individuals you serve who have criminal justice histories may require extra help to prepare for employment. Remember, their success is your success. When employers feel you are sending appropriate candidates that meet their needs, they are more likely to work with you again. You can assist job applicants by helping them do the following.

Review and “Clean Up” Their RAP Sheets

A record of arrest and prosecution or RAP sheet typically contains such information as dates of arrest, the arresting agency, charges, court docket or indictment numbers, and the disposition or outcome of each case listed. Each state maintains a central repository of this information and reports it to the Federal Bureau of Investigation (FBI), as well. Individuals who have ever been arrested or convicted should review their state and FBI RAP sheets to check for inaccurate or outdated information. Each state has its own requirements for requesting a RAP sheet. The National H.I.R.E. Network's [Clearinghouse](#) includes a list of state criminal record repositories. Instructions for requesting a copy of a federal RAP sheet, also called an Identity History Summary, are available [here](#). Note that requests for a federal RAP sheet can only come from the individual to whom the record belongs, not from a third party.

Gather Necessary Documentation

Individuals who have been incarcerated and those who are homeless may have trouble securing necessary forms of identification (ID) to apply for work, including a state-issued photo ID or birth certificate. Some state Departments of Corrections and Motor Vehicles cooperate to make it easier for individuals with criminal justice histories to obtain ID. If your client has worked in prison, be certain to obtain any credentials or certifications he or she received.

Prepare for Interviews

Job interviews can be anxiety-provoking for anyone, and jobseekers with criminal histories may face especially difficult questions. Jobseekers should be coached to practice answering questions about their criminal record on applications and in interviews appropriately and confidently. Advise them always to answer interviewers' questions *completely, directly, and honestly*. ISEEK, Minnesota's career, education, and job resource, offers [Interview Tips for Ex-Offenders](#). Among their advice to jobseekers:

- Never lie to an interviewer or put false information on your resume or application.
- Don't give too much information or too many details about your past.
- Answer questions directly.
- Address any concerns an employer might have about your past.
- Avoid talking about negative issues at the very beginning or end of an interview.
- Use every opportunity to talk about your current activities and future plans.
- End with a summary of your qualifications.

Acquire Soft Skills

So-called "soft skills" can make or break a successful job placement. Be certain that all job candidates receive instruction in the importance of punctuality and attendance, appropriate attire, the ability to accept criticism, working collaboratively, and work ethic. Individuals who have been incarcerated are transitioning from an environment in which they have had to make few decisions, so they may require help with time management. Cognitive skills training can help individuals learn about the influence their thinking has on their behavior, and it may help them develop better problem-solving and interpersonal skills. The National Institute of Correction's [Thinking for a Change](#) is a widely used, evidence-based intervention.

Seek Restoration of Rights

Some states have passed laws which create a restoration of rights process that provides relief of civil consequences, recognizes an individual's rehabilitation, and helps reduce employment sanctions and disqualifications. In some states, these certificates of rehabilitation will remove statutory bars to jobs and occupational licenses. Other states have passed record suppression laws to increase the opportunity for individuals with old or minor offenses and arrests that did not lead to conviction to compete fairly for employment. Convictions may be sealed or expunged in certain circumstances. Laws and regulations differ. The Collateral Consequences Resource Center's [Restoration of Rights page](#) includes information on restoration of rights processes in all 50 states. The [Papillon Foundation](#) is a nonprofit organization that provides state-by-state resources for individuals interested in having their criminal records sealed or expunged.

REFERENCES

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