Hiring Employees with Criminal Records: An Inclusive Approach

Resource Type: Articles

Topic: HR Risk and Employment Practices

Many nonprofits seek to build staffs whose lived experiences mirror those of populations they serve. As part of that effort, some organizations hire employees with criminal records. Here's what to consider to ensure you take an inclusive approach to recruiting and hiring employees with criminal records.

Set goals. Why does your nonprofit want to implement a "fair chance hiring" program that considers people with criminal records? How do you want candidates to experience your program? How will the program affect and amplify your organization's diversity, equity, and inclusion efforts? How will you measure the program's effectiveness?

Seek partners. City, state, and federal government agencies offer programs that provide workforce training for people with criminal records. Those programs' expertise and candidates and your organization's opportunities could be a match.

Don't assume. Some observers might think a criminal history indicates a lack of work skills and experience. Many prisons require inmates to work. Job applicants with criminal histories may have learned a trade and workplace behaviors like clocking in and out while incarcerated. Ask applicants specific questions about their work experience.

Ensure your interview focuses on skills. This is one of the most powerful tools employers have to avoid discrimination. Questions and exercises in your interview should focus on whether the candidate has or can acquire the skills to do the job.

Know the law. Many jurisdictions bar employers from asking about arrests or convictions early in the interview process. Make sure you're abiding by any regulations specific to the region where you operate.

Scrutinize your hiring policies. Online applicant tracking systems that use preset criteria to advance candidates might exclude those with criminal records. Review your hiring approach to ensure you're not unwittingly excluding candidates with criminal records at any stage. If your organization runs background checks on candidates, federal law requires you to get their permission.

Weigh charges fairly. Consider whether you need to do a background check for positions that don't involve specialized responsibilities, like handling finances or working with youth. If a background check reveals that an applicant has faced criminal charges, consider the person's circumstances and the position. Weigh the facts of the person's conviction history (were they a teenager who was tried as an adult, or did the applicant commit a property crime while in college?); how much time has passed since the offense; and the nature of the job you're hiring for.

Consider an audit to see if your screening policies disproportionately impact Black and Latino candidates. In America, Black and Latino individuals are more likely to be incarcerated than whites, as mass incarceration has disproportionately impacted Black and Latino communities.

Explore assistance options for hiring applicants with criminal records. Some employers who hire candidates with criminal records may be eligible for tax credits or other kinds of incentives. And the U.S. Department of Labor created the Federal Bonding Program to offer Fidelity Bonds for hard-to-place job seekers. The bonds cover the first six months of employment at no cost to the applicant or the employer.

Additional Resources

- Give Job Applicants With Criminal Records A Fair Chance – Harvard Business Review
- The Do’s and Don’ts of Hiring People With Criminal Histories – Society for Human Resource Management
- 9 Myths About Hiring People With Criminal Records – ILR School, Cornell University