

Employment of Ex-Offenders:  
*Employer Perspectives*

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Final Report

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## **Executive Summary**

Employment fills a vital need for most individuals; it provides income, social connection, and feelings of societal contribution and self worth. For ex-offenders returning to the community after a period of incarceration, employment can make the difference between succeeding and returning to prison. Research shows that employment is associated with reduced recidivism.

Yet ex-offenders face significant barriers to employment after release from prison. Barriers include employer attitudes toward individuals with criminal records, legal barriers, educational and financial obstacles, substance abuse and health issues, and lack of stable housing. While employment is critical to ex-offenders' successful reintegration, prospective employers have their own set of interests when considering whether to hire an ex-offender.

To gain a better understanding of employers' views about hiring ex-offenders, the Crime and Justice Institute (CJI) conducted a review of the national research literature and held four focus groups with 28 employers in the greater Boston area. Drawing from various industries, the focus groups were divided between employers that had hired ex-offenders and those that had not. At the end of the project, CJI re-convened the project advisory group, along with other practitioners and policymakers, to review the focus group findings and provide recommendations and next steps for inclusion in this report.

### ***National Research***

As research by Harry Holzer has shown, employers are more reluctant to hire ex-offenders than any other disadvantaged group. Employers are concerned that ex-offenders lack skills and work history and may not be trustworthy. They fear liability for negligent hiring. Employers' willingness to hire ex-offenders is also influenced by the type of industry and position, the type and severity of crime committed by the job applicant, and work experience since release from prison. In many states, the easy availability of criminal history data may also present a barrier to employment.

### ***Massachusetts Focus Group Findings***

Employers' primary interest is their business, its customers, and employees. Most employers reported that a hiring decision depends on the individual circumstances of each case, including the type of job and the specific factors in the applicant's history. For instance, an employer in financial services would not hire someone with a history of embezzlement, and employers in health services were not likely to hire someone with a drug conviction—especially if they might have access to medications. Employers indicated that a candidate with a criminal history is generally going to be less attractive than one without, so ex-offenders have more obstacles to overcome. In particular, many employers did not want to be the first to employ a recently released

offender; rather they were more comfortable considering someone who had already established a positive track record after release. Completion of transitional employment was described by some as “evidence of rehabilitation.”

The three support services and incentives that employers rated as having the most positive impact on hiring were: completion of a transitional employment program after release, general work readiness training, and specific job skills training. Although employers consider technical skills to be important in the selection process, they reported non-technical (“soft”) skills as being most important. These soft skills include good communication and interpersonal skills, ability and willingness to learn, attention to detail, reliability, and showing up for work on time.

Most employers are unaware of the tax incentives, bonding programs, and intermediary organizations currently in place to facilitate employment of returning offenders. Employers generally seem interested in the support systems that seek to bridge the gap between ex-offenders and prospective employers, but need to know more about the programs and how they fit with their needs.

Although many employers would like to give a qualified ex-offender a second chance, they are averse to taking risks that they feel could threaten their workplace or reputation. Over half of participating employers rated greater protection from legal liability as having a very positive impact on their likelihood of hiring an ex-offender; however, many are also skeptical that this could be effectively implemented. Moreover, some employers feel that protection of reputation and client base is of even greater concern than legal liability.

In spite of the numerous barriers to employment of ex-offenders, there is reason for some degree of optimism. Employers who had hired ex-offenders reported mostly positive experiences. For example, one employer who had employed inmates from a pre-release center indicated that they were some of his best workers, in part because they were closely monitored, eager for the chance to work, and motivated to succeed. Moreover, employers reported that various support services and incentives would have a favorable effect on hiring.

### ***Recommendations for Improvement***

Our interviews with employers and union representatives suggest that the following strategies could help alleviate some employer concerns and foster better connections between employers seeking to hire and ex-offenders seeking to work:

- Provide structured transitional employment opportunities so that ex-offenders can build positive work experience and references upon release from prison;
- Increase and strengthen training in both soft and hard skills, and create more partnerships with employers to match technical training with their industry needs; and
- Create a marketing campaign to educate employers about how and where to hire qualified ex-offenders, available government incentives, and successes experienced by employers that have hired ex-offenders.

When project advisors and other stakeholders were presented with the findings of this study and asked which issues were most important and feasible to address, they recommended that Massachusetts make skill enhancement a top priority. In particular, the group felt that offenders should begin to develop soft skills while incarcerated and continue their training after release when those skills are most needed. Other high priorities that advisors felt were feasible to address include education and marketing outreach to employers and provision of basic tools for ex-offenders, such as identification and social security cards.

# Employment of Ex-Offenders Employer Perspectives

## **INTRODUCTION**

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It is well known that employment is an important need of most individuals; it provides income, social connection, and feelings of societal contribution and self worth. What may be less well known are the barriers to employment faced by those with a criminal record, the challenges faced by employers in hiring ex-offenders, and what can be done to facilitate employment opportunities as record numbers of people transition from incarceration to the community.

The Crime and Justice Institute, sponsored by the Massachusetts Executive Office of Public Safety, conducted a series of focus groups with employers in an attempt to further understand the issues surrounding employment of ex-offenders. This paper, the third in our Reentry Roundtable Series, briefly examines national research on the subject, summarizes the findings of four employer focus groups and two union representative interviews, and makes recommendations for improving employment opportunities for ex-offenders in Massachusetts.

## **OVERVIEW OF NATIONAL RESEARCH**

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Research shows a correlation between employment and recidivism. Low levels of educational, vocational, and financial achievement, and especially unstable employment, are among the major predictors of continued criminal conduct.<sup>1</sup> The employment barriers facing offenders upon release are multi-faceted, including employer attitudes toward individuals with criminal records, legal barriers, educational and financial obstacles, substance abuse and health issues, and lack of stable housing. Notwithstanding these barriers, there are also opportunities for ex-offenders in the job market.

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<sup>1</sup> D.A. Andrews, "The psychology of criminal conduct and effective treatment." In L. McGuire, ed., *What works: Reducing reoffending. Guidelines from research and practice*. West Sussex, England: John Wiley and Sons, Ltd., 1995, 35-62.

### *National Research on Employer Attitudes and Practices*

A great number of employers are reluctant to hire individuals with a criminal past, citing lack of skills and work history, untrustworthiness, and fear of liability for negligent hiring, among other things.<sup>2</sup> Studies of employer attitudes and behavior have found the following themes with regard to hiring ex-offenders:

- Employers' use of criminal history background checks has increased over the past decade but is still not pervasive.<sup>3</sup>
- Employers are less willing to hire ex-offenders than any other disadvantaged group.<sup>4</sup>
- Employers' willingness to hire ex-offenders varies according to the industry and position, the type and severity of offense committed by the applicant, and work experience since release.<sup>5 6</sup>
- Employers are not always consistent in what they say versus what they do when it comes to hiring ex-offenders.<sup>7</sup>
- Black applicants are more stigmatized by a criminal record than white applicants.<sup>8</sup>

In a 1996 study by Harry Holzer, almost two-thirds of employers surveyed in several major metropolitan areas, including Boston, revealed that they would not knowingly hire an ex-offender.<sup>9</sup> A 2002 survey of 122 California employers shows how the type and severity of crime also influences employers' willingness to hire.<sup>10</sup> When employers were asked whether they would consider hiring someone who had been convicted of a misdemeanor offense, 84 percent responded in the affirmative. However, these numbers dropped dramatically for felony convictions to 23 percent for a drug-related felony, 7 percent for a property-related felony, and less than 1 percent for a violent felony.<sup>11</sup> Nationally, almost 75 percent of convicted felons sentenced to more than a year of incarceration in state prisons were convicted of non-violent offenses.<sup>12</sup>

84 percent of employers responded that they would consider hiring someone previously convicted of a misdemeanor offense. However, these numbers dropped to 23 percent for a drug-related felony, 7 percent for a property-related felony, and less than 1 percent for a violent felony.

<sup>2</sup> H.J. Holzer, S. Raphael, M.A. Stoll, *Employer Demand for Ex-Offenders: Recent Evidence from Los Angeles*, March 2003.

<sup>3</sup> H.J. Holzer, S. Raphael, M.A. Stoll, *Employment Barriers Facing Ex-Offenders*, Urban Institute Reentry Roundtable, Employment Dimensions of Reentry: Understanding the Nexus between Prisoner Reentry and Work, New York University Law School, May 19-20, 2003.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Employers Group Research Services, *Employment of Ex-Offenders: A Survey of Employers' Policies and Practices*, SFWORKS, April 12, 2002.

<sup>7</sup> D. Pager, "Walking the Talk? What Employers Say Versus What They Do," *American Sociological Review*, Vol. 70 (June 2005), 355-380.

<sup>8</sup> Ibid.

<sup>9</sup> H.J. Holzer, *What Employers Want: Job Prospects for Less-Educated Workers*. New York: Russell Sage Foundation, 1996. The survey was administered to over 3,000 employers in Atlanta, Boston, Detroit and Los Angeles.

<sup>10</sup> Employers Group Research Services, *Employment of Ex-Offenders: A Survey of Employers' Policies and Practices*, SFWORKS, April 12, 2002.

<sup>11</sup> Ibid.

<sup>12</sup> M.R. Durose, C.J. Mumola, *Profile of Nonviolent Offenders Exiting State Prisons*. Washington, D.C.: U.S. Department of Justice, Publication No. NCJ 207081, October 2004.



Research shows that the association between criminal history and future arrest diminishes substantially with the time since last arrest.

A 2002 study by Devah Pager found that employers' attitude toward hiring may be inconsistent with their actual hiring behavior.<sup>13</sup> The Pager study looked at inconsistencies in hiring practices, including racial disparities. In the first stage of the study,<sup>14</sup> pairs of young men were sent to apply, in person, for a total of 350 entry-level jobs (one member of the pair with a fictional criminal record and one without). Employer preference was measured by the number of return calls received by each applicant. Return calls were received by 34 percent of white applicants without a criminal record, 17 percent of white applicants with a criminal record, 14 percent of black applicants without a criminal record, and 5 percent of black applicants with a criminal record. When these same employers were surveyed by telephone several months later, in contrast to their actual behavior, 60 percent responded that they were somewhat or very likely to hire a drug offender regardless of the applicant's race.

Survey research by Holzer in California (2003) found that industries most willing to hire ex-offenders are those that require little customer contact, including manufacturing, construction, and transportation, while service industries represented those most unwilling to hire ex-offenders.<sup>15</sup> Organizations most willing to hire ex-offenders are those that hired more than 20 workers in the last year and those that have a significant proportion of unskilled positions. Even when formal skills are not required, virtually all employers expect employees to have basic job readiness skills, including the ability to show up every day on time, work hard, and be trustworthy.<sup>16</sup>

#### ***Access to Criminal Records***

Criminal record information has the potential to present unintended barriers for offenders seeking employment. Across the country, states have provided employers with varying degrees of access to the criminal record information on prospective and current employees. Advocates for limiting the availability of criminal records argue that providing such information to employers unfairly discriminates against ex-offenders and makes it more difficult for them to obtain employment. Many employers argue that they should know who their employees are and whether they pose an unnecessary risk to the workplace. In more than half the states, access to criminal record information via the internet is very broad. Twenty-eight states allow internet access to criminal records or post records on the internet.<sup>17</sup> Other states have more limited access to criminal record information, including Massachusetts, requiring employers to present a legitimate basis prior to accessing the criminal record of a prospective employee.

Research shows that the association between criminal history and future arrest diminishes substantially with the time since last arrest. For example, the probability of arrest at ages 25-26 for someone last arrested at age 24 was .30; however that number is

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<sup>13</sup> D. Pager, "Walking the Talk? What Employers Say Versus What They Do," *American Sociological Review*, Vol. 70 (June 2005), 355-380.

<sup>14</sup> This study was conducted in Milwaukee, Wisconsin in 2001-2002.

<sup>15</sup> See H.J. Holzer et al., *Employer Demand for Ex-Offenders: Recent Evidence from Los Angeles*.

<sup>16</sup> *Ibid.*

<sup>17</sup> Legal Action Center, *After Prison: Roadblocks to Reentry. A Report on State Legal Barriers Facing People with Criminal Records*. New York: Legal Action Center, 2004.

cut in half, to .14, for someone last arrested at age 21, and is .04 for someone last arrested as a juvenile.<sup>18</sup> Based on this pattern of diminishing risk, Pager advocates for expunging or sealing criminal records, after a certain period of time, to limit the dissemination of criminal history information.<sup>19</sup> However, a response essay counters that if employers are not provided complete criminal records, they may use less accurate and discriminatory methods intended to identify ex-offenders such as race, receipt of public assistance, low educational attainment, or gaps in work history.<sup>20</sup> In addition, sealing of records may not fully prevent access because some employers acquire criminal history information through private services, such as credit bureaus, which may not be subject to sealing regulations.

### ***Legal Barriers***

In certain states, ex-offenders are permanently banned from public employment, and most states have restrictions on the work of returning inmates in certain fields, such as jobs requiring contact with children, certain health services occupations, and employment with firms providing security services.<sup>21</sup> Many ex-offenders in Massachusetts routinely face employment discrimination based solely on having a criminal record, regardless of whether the former offense would affect their job performance or the safety of others. Massachusetts does not have standards prohibiting employment discrimination against ex-offenders as a group. Several states, including New York, have laws that explicitly protect ex-offenders from discrimination based solely on having a criminal record when the offense does not relate to the job or pose a public safety threat.<sup>22</sup> Wisconsin, in particular, has significant safeguards to enable ex-offenders to obtain gainful employment. That state's law, Wis. Stat. Sec. 111.335, bars discrimination against ex-offenders in the private and public sectors, but specifically requires that ex-offenders be excluded from jobs when their convicted crimes are "substantially related" to the circumstances of the position they seek.<sup>23</sup>

In Massachusetts, regulation 101 CMR 15.0, which applies to health and human service agencies, has the potential to exclude large numbers of offenders from employment in human service work, even when the conviction may not relate to the position or pose a threat to public safety. The regulation mandates that all public or private agencies that

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<sup>18</sup> M.C. Kurlychek, R. Brame, S.D. Bushway, "Scarlet Letters and Recidivism: Does An Old Criminal Record Predict Future Offending?" In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.

<sup>19</sup> D. Pager, "Evidence-Based Policy for Successful Prisoner Reentry" (Reaction Essay), In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.

<sup>20</sup> S. Raphael, "Should Criminal History Records be Universally Available?" (Reaction Essay), In G. Pogarsky, "Criminal Records, Employment, & Recidivism," *Criminology & Public Policy*, Vol. 5, No. 3 (August 2006), 479-521.

<sup>21</sup> See H.J. Holzer et al., *Employment Barriers Facing Ex-Offenders*.

<sup>22</sup> N. Fishman, *Briefing Paper: Legal Barriers to Prisoner Reentry in New Jersey*. New Jersey Institute for Social Justice. Retrieved April 5, 2004, from [http://www.njisj.org/reports/barriers\\_report.pdf](http://www.njisj.org/reports/barriers_report.pdf).

<sup>23</sup> G. Martin and C. Roberts, *From Incarceration to Community: A Roadmap to Improving Prisoner Reentry and System Accountability in Massachusetts*. Boston, Massachusetts: Crime and Justice Institute, June 3, 2004.

receive any funding from the Executive Office of Health and Human Services perform a full criminal background check on all job candidates that will have unsupervised, direct client contact. It further requires that individuals convicted of certain offenses be barred from employment for life unless they can overcome significant hurdles imposed by the regulation.

Drug-related offenders in Massachusetts face additional legal barriers to employment and reintegration, including suspension of drivers' licenses for at least one year for many types of offenses – even when the offense does not relate to the operation of a motor vehicle (Mass. Regs. Code tit. 540, Sec. 20.03). This poses transportation barriers and precludes employment in occupations that require driving.

In addition, with some exceptions, individuals who are incarcerated for drug felonies are not eligible for Temporary Assistance for Needy Families (TANF) for 12 months following release, preventing transitional cash assistance for those who cannot initially obtain employment and would otherwise qualify for TANF.<sup>24</sup>

Further, in many states including Massachusetts, an employer may be held legally liable for the criminal actions of its employees. Under the theory of negligent hiring, if an employer knows, or should have known, that an employee has a criminal past, that employer may be liable for criminal acts committed by the employee.<sup>25</sup>

### ***Educational and Financial Obstacles***

According to a client survey conducted by the Safer Foundation in Chicago, ex-offenders reported their greatest barriers to employment to be limited work experience and vocational skills and low literacy levels.<sup>26</sup> In Massachusetts, approximately 46 percent of state inmates did not have a high school diploma or a GED when admitted to prison.<sup>27</sup> Upon admission to the Massachusetts prison system, twelve percent of inmates reported that they had not made it past the eighth grade.<sup>28</sup> Approximately 40 percent of released offenders nationwide have no high school diploma or GED upon return to the community, and only one in three inmates receive vocational training while incarcerated.<sup>29</sup> Nationally, 31 percent of inmates were unemployed in the month

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<sup>24</sup> Massachusetts Regulations. 106 CMR Sec. 701.110 (Rev. 2006).

<sup>25</sup> S. Bushway, *Labor Market Effects of Permitting Employer Access to Criminal History Records*, Working Paper, University of Maryland, 1996.

<sup>26</sup> Safer Foundation, *Safer Conducts Study of Client Needs*. Catalyst. Safer Foundation, Chicago, Illinois, Fall 1999.

<sup>27</sup> Massachusetts Department of Correction, Research and Planning Division, *January 1, 2005 Inmate Statistics*. Concord, Massachusetts, November, 2005.

<sup>28</sup> Ibid.

<sup>29</sup> C. Wolf Harlow, *Education and Correctional Populations*, Bureau of Justice Statistics Special Report, U.S. Department of Justice, NCJ 195670, January 2003.

prior to their arrest,<sup>30</sup> compared to the overall unemployment rate of approximately 5 percent.<sup>31</sup>

Furthermore, there are significant obstacles preventing ex-offenders from attaining post-secondary degrees. In 1994, the federal government passed a law prohibiting anyone incarcerated in a federal or state penal institution from being awarded a Pell Grant,<sup>32</sup> despite evidence that post-secondary education helps to reduce recidivism.<sup>33</sup> Further, rules governing federal financial aid place restrictions on access for ex-offenders. A first-time drug offender is barred from financial aid eligibility for one year, and a third-time drug offender is barred for life.<sup>34</sup>

### ***Substance Abuse and Health***

Individuals with substance abuse, physical, and/or mental health issues face greater challenges in securing and retaining employment.<sup>35</sup> Approximately 80 percent of the incarcerated population has substance abuse issues, yet only a small percentage receive treatment either while in prison or upon release.<sup>36</sup> More than half of state and federal prisoners reported using drugs or alcohol during the commission of the offense that led to their incarceration.<sup>37</sup> Without significant attention to address this issue, offenders are likely to continue substance abuse and the criminal activity that brought them in contact with the criminal justice system.

Correctional inmates also have a disproportionate burden of mental illness and chronic and infectious diseases.<sup>38</sup> Rates of mental illness among the incarcerated population are between two and four times as high as the rate of mental illness in the general U.S. population.<sup>39</sup> In 1997, approximately 23 percent of people living with HIV or AIDS nationwide, 35 percent of those infected with hepatitis C, and 40 percent of those who had tuberculosis passed through a correctional facility.<sup>40</sup> Inmates generally receive

*Approximately 80 percent of the incarcerated population has substance abuse issues, yet only a small percentage receive treatment either while in prison or upon release.*

<sup>30</sup> General Accounting Office, *State and Federal Prisoners: Profiles of Inmate Characteristics in 1991 and 1997*. Washington, D.C., May 2000.

<sup>31</sup> U.S. Department of Labor, Bureau of Labor Statistics. *Employment Status of the Civilian Noninstitutional Population, 1940 to Date*. Accessed October 2006 at <http://www.bls.gov/cps/cpsaat1.pdf>.

<sup>32</sup> 20 USC Sec. 1070a. January 3, 2005.

<sup>33</sup> D. Disabato, *The Penal System: Stalemate* University of Illinois at Chicago, 1996.

<sup>34</sup> S. Heinrich, *Reducing Recidivism Through Work: Barriers and Opportunities for Employment of Ex-Offenders*. Great Cities Institute, University of Illinois at Chicago, September, 2000.

<sup>35</sup> See H.J. Holzer et al., *Employment Barriers Facing Ex-Offenders*.

<sup>36</sup> C.J. Mumola, *Substance Abuse and Treatment, State and Federal Prisoners, 1997*, Bureau of Justice Statistics, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 172871, January 1999.

<sup>37</sup> Ibid.

<sup>38</sup> National Commission on Correctional Health Care, *The Health Status of Soon-to-be-Released Inmates. A Report to Congress*, March 2002.

<sup>39</sup> P.M. Ditton, *Mental health and Treatment of Inmates and Probationers*. Bureau of Justice Statistics, Special Report. Washington, D.C.: U.S. Department of Justice, Bureau of Justice Statistics, NCJ 174463, July 1999.

<sup>40</sup> T. M. Hammett, M. P. Harmon, and W. Rhodes. "The Burden of Infectious Disease Among Inmates of and Releasees From US Correctional Facilities, 1997." *American Journal of Public Health*, Nov 2002; 92: 1789 - 1794.

necessary medical treatment while incarcerated; however, once released adherence to treatment regimens does not regularly continue.<sup>41</sup>

### ***Lack of Stable Housing***

Securing adequate housing is a basic necessity of life and can be a significant challenge to returning offenders. Private landlords typically require prospective tenants to provide employment verification and housing references, prohibiting most offenders from entrance into the private market. Public housing authorities may be entitled to deny housing to certain individuals with a criminal record, and may be required to deny housing to those convicted of a drug offense.<sup>42</sup> Consequently, many returning offenders may find themselves living on the streets. The Massachusetts Housing and Shelter Alliance reported that between 1997 and 2001, 1,000 offenders reported to an emergency shelter each year directly upon being released from a prison or jail.<sup>43</sup> In a 2000 census of the emergency shelter population, more than 5,300 individuals entering a Massachusetts emergency shelter had been in prison or jail.<sup>44</sup>

All of the above referenced barriers reflect the difficulties ex-offenders face when attempting to reintegrate into the job market. Not only must they overcome the stigma of incarceration and find an employer willing to take a chance on them, they must address countless other issues in order to sustain continued employment. However, while the barriers are many, opportunities do exist.

### ***Opportunities in the Job Market***

Factors that increase employers' willingness to hire ex-offenders include a tight job market,<sup>45</sup> non-violent offender applicants, and government incentives.<sup>46</sup> As baby boomers continue to retire, the labor market over the next few decades is likely to be very tight, resulting in employers looking to tap new sources of labor.<sup>47 48</sup>

Survey research suggests that employers may be more willing to hire ex-offenders if they have acquired some work experience and have maintained a sufficient period of being drug-free.<sup>49</sup> The services of intermediary agencies can serve as a significant

*Each year, between 1997 and 2001, 1,000 offenders in Massachusetts reported to an emergency shelter directly upon being released from prison or jail.*

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<sup>41</sup> T.M. Hammett, *Health-Related Issues in Prisoner Reentry to the Community*. Paper prepared for the Urban Institute Reentry Roundtable, Washington, D.C., October 12 and 13, 2000.

<sup>42</sup> Legal Action Center, *Housing Laws Affecting Individuals with Criminal Convictions*, New York: Legal Action Center, 2000.

<sup>43</sup> Massachusetts Housing and Shelter Alliance. *Research on Emergency Homeless Subpopulations. Six-year Comparison on Emerging Populations in Massachusetts Emergency Shelters 1997-2002*. Boston, MA.

<sup>44</sup> Ibid.

<sup>45</sup> As of July 2006 the unemployment rate in Massachusetts, and in the Boston metro area, was less than five percent.

<sup>46</sup> See S. Heinrich, *Reducing Recidivism Through Work: Barriers and Opportunities for Employment of Ex-Offenders*.

<sup>47</sup> C. D'Amico and J. Richard, *Workforce 2020*. New York: The Hudson Institute, 1997.

<sup>48</sup> D. Ellwood, "The Sputtering Labor Force in the 21<sup>st</sup> Century: Can Social Policy Help?" In A. Krueger and R. Solow, ed., *The Roaring Nineties*. New York: Russell Sage Foundation, 2001.

<sup>49</sup> See H.J. Holzer et al., *Employment Barriers Facing Ex-Offenders*.

*Participants (in Project RIO) were nearly twice as likely to have found employment compared to a group of non-RIO parolees.*

incentive for employers to hire individuals with a criminal record.<sup>50</sup> Intermediaries can be most effective if they are attuned to the specific needs of the employers, if they train offenders for specific industries, and if they screen prospective employees and send qualified, work-ready applicants to the field.<sup>51 52</sup>

Government incentives also increase employers' willingness to hire ex-offenders. Such incentives include federal bonding to protect employers against theft, forgery, larceny or embezzlement; tax credit for hiring ex-offenders; and wage subsidies such as payment to employers for on-the-job training of ex-offenders.<sup>53</sup> Although research has shown these incentives to be attractive, many employers don't take advantage due to lack of program awareness, concern with burdensome paperwork, and a general desire to avoid the headaches and expenses associated with hiring risky employees.<sup>54</sup>

Certain employment programs have shown promise in both corrections facilities and in communities. One innovative state program is the Montgomery County Pre-release Center in Maryland. The Center, which has been recognized by the U.S. Department of Justice as an exemplary program, is housed in a 500-bed jail facility and focuses on preparing offenders for post-release, specifically addressing issues of unemployment and substance abuse. The program recruits inmates with six months left on their sentence, requires them to obtain full time employment or training, and requires rigorous participation in group counseling, life skills, and addiction recovery seminars. Program data from 2000 reveals that 96 percent of inmates were employed when released from the facility and 95 percent had cash savings.<sup>55</sup> (A summary of employment programs run by correctional facilities is attached as Appendix A.)

The majority of ex-offender employment programs are run by local non profit-organizations. Programs in New York, Chicago, and Texas have shown strong improvements in the employment outcomes of ex-offenders and significant reductions in criminal recidivism.<sup>56</sup> The Texas-based Project RIO found participants were nearly twice as likely to have found employment compared to a group of non-RIO parolees

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<sup>50</sup> H.J. Holzer, S. Raphael, M.A. Stoll, *Can Employers Play a More Positive Role in Prisoner Reentry?* Urban Institute ReentryRoundtable, Prisoner Reentry and the Institutions of Civil Society: Bridges and Barriers to Successful Reintegration. Discussion Paper. March 20-21, 2002.

<sup>51</sup> Ibid.

<sup>52</sup> M. Elliott, A. Roder, E. King, and J. Stillman, *Gearing Up: An Interim Report on the Sectoral Employment Initiative*. New York: Public/Private Ventures, 2001.

<sup>53</sup> See S. Heinrich, *Reducing Recidivism Through Work: Barriers and Opportunities for Employment of Ex-Offenders*.

<sup>54</sup> Westat, *Employer Use and Assessment of the WOTC and Welfare-to-Work Tax Credits Programs*. Final Report to the U.S. Department of Labor. Rockville, MD: Westat, 2001.

<sup>55</sup> M.L. Buck, *Employment Programs for Ex-Offenders*, Public/Private Ventures, Field Report Series, Fall 2000.

<sup>56</sup> See D. Pager, "Walking the Talk? What Employers Say Versus What They Do."

(60% v. 36%), and rates of rearrest (48% v. 57%) and reimprisonment (23% v. 38%) were also reduced.<sup>57</sup>

Project RIO provides a link between education, training and employment both during incarceration and after release. The RIO staff work to educate potential employers about special incentives for hiring ex-offenders. Among the benefits offered is certification for the work opportunity tax credit and the availability of bonding services. The intent is to make employment of ex-offenders and adjudicated youth as attractive as possible.<sup>58</sup> (A summary of community-based employment programs is attached in Appendix B.)

Legislative initiatives throughout the country have also been introduced in an attempt to better facilitate successful transition for ex-offenders from incarceration to community. These initiatives differ from state to state but generally include a focus on pre-release preparation for employment upon discharge. (A summary of four such initiatives is attached in Appendix C.)

## **RESEARCH METHODOLOGY**

### ***Overview***

To learn about employers' perspectives and experiences in hiring formerly incarcerated individuals, in August 2006 the Crime and Justice Institute conducted four two-hour focus group interviews with 28 employers in Greater Boston. The study focused on metropolitan Boston because this area receives the largest number of returning offenders in Massachusetts. This allowed interviewing a range of employers in one major metropolitan area and the engagement of stakeholder advisors to help guide the project. Advisors included staff from correctional agencies, employment intermediaries, employer representatives, policymakers, and community leaders. They provided advice on priority research questions, types of employers to recruit for the focus groups, and recommendations based on the research findings.

### ***Recruiting and Group Composition***

The focus groups were composed of human resource directors, hiring managers, senior management, and company owners. Employers were recruited based on a number of characteristics. First, they had to have entry level or intermediate level positions for persons without a college degree. For two of the focus groups, employers were recruited that reported hiring someone with a criminal record in the past three years, and for the other two groups, employers were recruited that indicated that they had not hired someone with a record in the past three years. Participants represented a mix of employment sectors, city and suburban employers, and organization sizes, ranging from less than 20 employees to over 500.

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<sup>57</sup> Ibid.

<sup>58</sup> For more information on Texas' Project RIO see <http://www.twc.state.tx.us/svcs/rio.html>.

Table 1 presents the employment sectors included in the groups.<sup>59</sup> Additionally, officials from two unions were interviewed by telephone to learn more about the perspectives and roles of unions in employment of formerly incarcerated individuals.

**Table 1. Employment Sectors of Focus Group Participants**

<b>Types of employers</b>	<b>Number participating</b>
Restaurant/food service	4
Hospital (including university affiliated)	3
Hotel/hospitality	2
Retail	2
Construction	2
Temp office work	2
Real estate development or management	2
Manufacturing	2
Temp day (physical) labor	1
Transportation	1
Telephone company	1
Financial services	1
Insurance	1
Printing	1
Biotech	1
College	1
Social service	1
<b>TOTAL</b>	<b>28</b>

### ***Research Questions***

The focus groups covered the following topics:

- Skill requirements for entry level jobs;
- Hiring considerations regarding ex-offenders;
- Benefits and challenges of employing ex-offenders for those who have hired;
- Strategies and incentives to facilitate hiring ex-offenders; and
- An exploration of possible legal and policy changes to facilitate hiring.

Each group was asked a core set of questions, with additional targeted questions based on whether employers had hired someone with a criminal record or not. The groups of employers that had not hired were asked more questions about their hiring process and how they consider a criminal record, whereas the groups that have hired ex-offenders were asked about their experiences with those employees. (The focus group questions are provided in Appendix D.)

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<sup>59</sup> Employers that have not recently hired individuals with criminal records were recruited by the focus group facility, Focus on Boston, from databases of employers. For the employers that have hired former offenders, CJI recruited through professional networks, including employment intermediary agencies and industry organizations. Focus group participants were paid \$150-\$200 for their participation.



## **FOCUS GROUP FINDINGS**

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The following presents a summary of the findings from the focus groups by topic.

### ***Skill Requirements***

Although employers viewed technical skills as being important in the selection process, they reported non-technical (“soft”) skills as being most important. Many employers reported technical skills would be a bonus but indicated a willingness to train individuals who possess good communication and interpersonal skills, have the ability and willingness to learn, pay attention to detail, and consistently show up for work on time. Interpersonal skills and the ability to get along with others was the overwhelming preference for non-technical skills.

Computer knowledge was a top priority for technical skills. While administrative and data entry jobs obviously require computer proficiency, many positions that traditionally did not require technological skills now do. Such positions include hotel housekeeping, transportation and delivery; even fast food counter help requires some level of computer know-how. Applications are often required to be completed online as are other routine job functions such as completing time cards. In addition to computer skills, employers cited data entry, typing skills, and mechanical ability as important, as well as physical strength for manual labor positions.

### ***Hiring Considerations***

Prior to the focus groups, the 28 employers completed a brief survey about their application process:

- 19 employers reported receiving applications from ex-offenders;
- 20 asked about prior convictions on their application forms;
- 15 have company policies for hiring individuals with a criminal record; and
- 10 of the employers conduct criminal background checks.

During the discussion, most employers reported that a hiring decision depends on the individual circumstances of the applicant. For example, employers representing financial services reported that they would never consider a candidate with a record for embezzlement, while health services (in pharmacy and anesthesia) reported never considering a candidate with a drug conviction. Some rule out all candidates with a history of violent crime while others have hired such individuals. Additionally, many companies have legal requirements to meet. For example, the financial services industry is required to comply with Security and Exchange Commission regulations requiring criminal background checks, credit checks, and fingerprinting for all new employees. The health care and human service industry in Massachusetts is required to comply with the state’s Executive Office of Health and Human Services regulations that can disqualify broad classes of offenders from employment.

For those employers that do not regularly hire ex-offenders, a hypothetical was posed asking if they would consider hiring an individual with a prior conviction for drug

*If they put it on their resume . . . chances are they’re not going to be [considered] with the 200 [other] candidates . . . But let’s say this comes up at the second or third interview and they’re definitely the best candidate . . . that would be considered.*

*- Focus Group Participant*

possession and distribution. Some indicated they would consider the applicant if he or she posed no risk to the company or to other persons, for others it depended on length of time that had elapsed since the commission of the crime. The opportunity to the randomly drug test was attractive for others. However, one woman summarized by saying, “I think they would be considered . . . but realistically [one with a record] is not as attractive a candidate.” Another stated, “If they put it on their resume . . . chances are they’re not going to be [considered] with the 200 [other] candidates . . . But let’s say this comes up at the second or third interview and they’re definitely the best candidate . . . that would be considered.”

For companies that do hire ex-offenders, employers described benefits such as employee enthusiasm, desire to succeed, and appreciation and loyalty for being given a chance. Some employers described pre-release job seekers as the “best candidates” since they’re drug tested, in at night, and not coming in hung over in the morning. As another participant stated, “[T]hey’re dying to show up at work . . . they’re eager, on-time, and motivated.” Employers described some challenges, including restrictions on employee hours due to probation or transitional living rules, spotty attendance, and drug use and theft in some cases. However, there was no indication that these employers discontinued hiring ex-offenders as a result. As one employer stated, he has hired “maybe two bad ones out of maybe ten good ones.”

*They’re dying  
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they’re eager,  
on-time, and  
motivated.*

*- Focus Group  
Participant*

### Strategies and Incentives

Participants were given a questionnaire with a list of services or incentives and asked to rate the extent to which any of the items would increase their likelihood of hiring a formerly incarcerated individual. They were asked to rate each item from a low of one (having no impact at all) to a high of five (a very positive impact on hiring); discussion followed. Table 2 presents the employer ratings.

**Table 2. Employer Ratings of Support Services and Incentives**

Support Service or Incentive	Impact on Hiring									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Candidate completed transitional employment program after release from prison and has built a positive employment record	0	0.0%	1	5.0%	1	5.0%	11	55.0%	7	35.0%
Specific job skill training provided appropriate to your industry	4	14.8%	1	3.7%	3	11.1%	7	25.9%	12	44.4%
General work readiness training provided prior to employment	3	10.7%	2	7.1%	5	17.9%	11	39.3%	7	25.0%
Intermediary agency helps with job screening process	4	14.3%	3	10.7%	6	21.4%	10	35.7%	5	17.9%
Greater protection from legal liability	2	7.7%	4	15.4%	7	26.9%	3	11.5%	11	42.3%
Bonding incentives (insurance against employee dishonesty/theft)	6	21.4%	4	14.3%	1	3.6%	9	32.1%	8	28.6%
Wage subsidies for ex-offender employees	8	28.6%	3	10.7%	3	10.7%	10	35.7%	4	14.3%
Tax incentives (or bigger tax incentives)	11	39.3%	3	10.7%	4	14.3%	8	28.6%	2	7.1%
Assistance accessing existing government financial incentives	6	21.4%	4	14.3%	6	21.4%	5	17.9%	7	25.0%
Third party to go to if you have problems with the employee	1	3.6%	3	10.7%	10	35.7%	10	35.7%	4	14.3%
Job retention support from employment case manager, faith-based volunteer, or parole officer	2	7.1%	5	17.9%	7	25.0%	9	32.1%	5	17.9%
Help with employee transportation	15	53.6%	3	10.7%	6	21.4%	2	7.1%	2	7.1%

\* This question was added as a result of the first focus group and therefore only reflects answers from 20 of the 28 total participants.

The top three support services or incentives that employers rated as having a positive or very positive impact on hiring (rating of 4 or 5) were: completion of a transitional employment program after release, specific job skill training and general work readiness training.

**Transitional employment program.** Completion of a transitional employment program, defined as a structured post-release program, garnered the most positive ratings by employers surveyed, with 90 percent ranking it having a positive or very positive impact on hiring decisions. Transitional employment was described by some as “evidence of rehabilitation.” As one participant put it, “I don’t want to be the first one to give them a chance.” Another responded, “[r]ight, I don’t want to be the first person at the gate . . . And maybe that’s just a comfort factor of telling myself . . . they’ve had good, steady employment so we’re safer than we may have been.”

**Work readiness and job skills training.** Seventy percent of employers rated specific job skill training for their industry as having a positive or very positive impact on hiring decisions. One employer commented that ex-offenders could improve their skills to make them more competitive in the job market. He stated, “[T]hey’re not as good as they should be, because they got a big burden. They’re cons, ex-cons, and . . . they should be a little bit better on things that they can do.” Another employer remarked, “[S]omeone that does have [training] like IDX coding will definitely have an advantage over someone that doesn’t have it,” if they are looking for work in health care. Another employer who worked in the hospitality industry enthusiastically reported that her company works with drug and alcohol rehab programs that specifically train clients for hotel work: how to make a bed, clean a room, work the front desk, etc. She recommended providing similar training to ex-offenders.

Employers felt that soft skills are critical to successful employment and believed that general work readiness training could have a positive impact on preparing ex-offenders for such things as “showing up on time, being there everyday, being presentable, following instructions, and learning how to ask questions when you’re told to do something and you really don’t understand it.” Other work readiness concerns identified by employers included ex-offenders not having appropriate identification upon release from prison and limited literacy skills prohibiting some from even filling out job applications.

**Government incentives.** The government incentives received mixed ratings on the survey, with employer ratings dispersed toward both ends of the spectrum. Half of participants viewed tax incentives as having little or no impact on their hiring decisions, while 61 percent viewed bonding incentives as having a positive or very positive impact on hiring decisions. Although the bonding incentive scored fairly high on the survey, some reported it being inapplicable or unnecessary. As one employer said, “[m]any of us in HR feel we’re in the relationship business with our hiring managers and supervisors. You know, if we can’t serve them and serve them well, our credibility is lost. And if we go give them a bad hire, even if it’s protected by bond . . . it still

*They’re not as good as they should be, because they got a big burden. They’re cons, ex-cons, and . . . they should be a little bit better on things that they can do.*

*- Focus Group*

doesn't . . . work out." Half of employers surveyed viewed wage subsidies as having a positive or very positive impact.

In every focus group, employers reported knowing little or nothing about many of these incentives. During the discussion, many of the employers said that such incentives are a bonus but not a deciding factor in hiring ex-offenders. Although assistance accessing government incentives received dispersed ratings, 42 percent of participants rated it as a positive or very positive incentive; during the discussion, many employers said that it would be helpful to have more information. One employer recommended preparing and distributing a one-page fact sheet outlining the various incentives, including contact information for further reference.

*I think that we just live in a society that if we're going to put someone in our company with a bunch of keys and, unfortunately, something happens, I don't believe that greater protection from legal liability would help the owners of that company. I don't think you could ever shift the liability off of the person [or] company that hired that person.*  
- Focus Group Participant

**Greater protection from legal liability.** Overall, 52 percent of participant employers ranked greater protection from legal liability as positive or very positive, with employers that do not hire ex-offenders ranking this of much greater importance.<sup>60</sup> For the employers that hire, 33 percent found greater protection from legal liability to be a positive or very positive impact on hiring decisions; 38 percent of this same group responded that it has little or no impact at all on hiring decisions. For the employers that do not hire ex-offenders, 67 percent reported a positive or very positive reaction to greater legal protection, while zero percent of this group found it to have no impact and 13 percent reported it as having little impact.

Although the group participants were comprised primarily of business owners, managers, and human resource directors, they were generally unfamiliar with Massachusetts law pertaining to liability regarding such issues as discrimination and negligent hiring as it relates to ex-offenders. For example, one woman who worked in the hotel industry asked if she could be liable for not conducting background checks. Many in the larger firms reported seeking guidance from in-house legal counsel or labor law attorneys when employment issues arose; others in the smaller companies often relied on their own best judgment.

Many employers felt that protection of reputation and client base was more important than protection from legal liability. Although some felt that greater legal protection would "absolutely" be helpful, many participants were skeptical that it could not be effectively implemented. As one participant stated, "I guess it would be helpful, but you know what? I think that we just live in a society that if we're going to put someone in our company with a bunch of keys and, unfortunately, something happens, I don't believe that greater protection from legal liability would help the owners of that company. I don't think you could ever shift the liability off of the person [or] company that hired that person." Another participant stated, "I'm not even sure you should." Others had mixed emotions regarding this topic. One participant stated, "I was really mixed on that one because, you know, if someone's done harm to a patient, it's a little late to be thinking about any of this stuff. It's more a moral, ethical issue than it is a legal issue . . . we don't want to expose patients to harm."

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<sup>60</sup> See Appendix E for tables on employers that hire and employers that do not hire ex-offenders.

*You can't have someone being babysat. If they don't want to come to work and they don't want to do the job, they're not going to do it regardless if they have someone else on the other end.*

*- Focus Group Participant*

*I think that's more support on the employee end of it than the employer end of it. They'd be better employees if they had stuff, like a network, somebody to help them.*

*- Focus Group Participant*

**Job screening and retention support services.** The employment screening and support services scored relatively high on the survey. These included help from an intermediary agency with screening candidates, job retention support for employees (e.g., from employment case manager, faith-based volunteer, or parole officer), and having a third party to go to if there are problems with the employee. However, the discussion brought out some reservations about the possible role of a third party in providing job retention support. Although some viewed these third party contacts and job retention support people as providing a support system for ex-offenders and potential resource to employers, others felt that these collateral sources could be a burden to the employers if they had to work through a third party in dealing with employees. One participant stated, “[y]ou can’t have someone being babysat. If they don’t want to come to work and they don’t want to do the job, they’re not going to do it regardless if they have someone else on the other end.” Another stated, “If the person doesn’t work out . . . I don’t want to have to sit across the table with someone else and explain why someone doesn’t deserve to keep their job.” Yet another participant stated, “I think that’s more support on the employee end of it than the employer end of it. They’d be better employees if they had stuff, like a network, somebody to help them.” Generally, employers had positive reactions to programs or services that could provide aid to an ex-offender but they didn’t necessarily want to know about it or have to negotiate with a third party at the work place.

**Employee transportation assistance.** Employee transportation fell low on the list of hiring incentives, with over 50 percent of employers surveyed reporting it having no impact at all.

### Job References

Participants were given a second questionnaire and asked to rate how different sources of references for ex-offenders may influence their hiring decisions. Again, they were asked to rate each item from a low of one (having no influence at all) to a high of five (a very positive influence on hiring). Table 3 presents the employer ratings.

**Table 3. Employer Ratings of Influence of Different Sources of References**

Source of Reference	Influence									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Workforce Development Agency (provides some job readiness coaching & support in addition to job placement)	4	14.3%	4	14.3%	5	17.9%	5	17.9%	10	35.7%
Parole or Probation Agency	5	17.9%	7	25.0%	3	10.7%	8	28.6%	5	17.9%
Job Placement Agency*	6.5	24.1%	5.5	20.4%	4	14.8%	8	29.6%	3	11.1%
Faith-Based (Religious) Organization	10.5	37.5%	6.5	23.2%	5.5	19.6%	3.5	12.5%	2	7.1%
Prison or Jail	16	57.1%	6	21.4%	4	14.3%	2	7.1%	0	0.0%

\*1 Missing

*[Such laws] are kind of eroding the at-will status . . . someone else is telling us how to run our business. I have a strong reaction to one more law that's going to tell us what's okay and not okay. I would not want to see a state law that does this.*

- Focus Group Participant

Employers rated references from workforce development agencies and probation or parole agencies as having the greatest positive influence on hiring, while references from faith-based organizations and prisons or jails had the least positive influence. Participants had many different perspectives regarding the sources and impact of references. What was predominantly echoed throughout the groups was that references carried little weight unless they came from someone who had personal and direct knowledge of the ex-offender. Some felt that faith-based organizations may issue references just to be helpful and may not really know the ex-offender. Many felt that prisons or jails were not in a position to know each and every inmate well enough to provide an accurate reference, but felt that parole and/or probation officers were in such a position.

### Possible Legal and Policy Changes

Participants were asked additional questions relating to changes in law and policy, including: prohibiting discrimination against individuals with a criminal record if the offense does not pertain to the job; prohibiting employers from receiving criminal history records until after an offer of hire has been made; and whether issuance of certificates of rehabilitation from prison officials would increase employers' comfort levels in hiring ex-offenders.

Not many participants had favorable views of the possible legal changes referenced above. Proposed laws prohibiting discrimination and withholding access to criminal records until an offer is made were not well received by most. As one participant stated, "[Such laws] are kind of eroding the at-will status . . . someone else is telling us how to run our business. I have a strong reaction to one more law that's going to tell us what's okay and not okay. I would not want to see a state law that does this." In

*I'd be adverse to it . . . because while the offense may not be related to the job or the position they're going to be in, if it's a lengthy record and shows a criminal history, it might sway me that I don't want to hire this person, in comparison to somebody who hasn't.*

*- Focus Group Participant*

*If they're released from prison they're supposed to be rehabilitated, that's why they're released, right?*

*- Focus Group Participant*

reference to these same proposed laws another participant stated, "I'd be adverse to it . . . because while the offense may not be related to the job or the position they're going to be in, if it's a lengthy record and shows a criminal history, it might sway me that I don't want to hire this person, in comparison to somebody who hasn't." Another participant reported, "I'd probably find reasons other than the crime to not hire." One participant responded that he worried about retaliation, such as property damage, if a prospective applicant was denied employment based on review of his criminal record. Others reported wanting to be able to help ex-offenders who have served their time, but reported their main priority is to their company.

In reference to a certificate of rehabilitation, one participant thought it might be helpful, another thought it was better than nothing, another referred to it as a small plus, but more than one participant responded that it "wouldn't hurt but it wouldn't help." As one participant noted, "[I]f they're released from prison they're supposed to be rehabilitated, that's why they're released, right?"

### ***Employers' Number One Recommendation***

In conclusion, focus group participants were asked what single most important factor would make it easier for them to hire ex-offenders. Many responded that training and completion of a transitional employment program would serve as hiring incentives due to prospective applicants having acquired skills and an employment track record. Others indicated that ex-offenders need assistance in obtaining state issued identification in order to complete a 1099 employment form. Others reported the difficulty in contacting applicants when they are living in shelters or transitional living residences and recommended providing them with pre-paid cell phones (or some means of reaching them) until employment is secured. Two participants reported that they would very much like to hire individuals in pre-release programs but are unaware of how to contact such places, recommending a "marketing" campaign for employers that may be willing to hire such employees.

## **UNION REPRESENTATIVE INTERVIEWS**

During the same time frame as the focus groups, two union representatives were interviewed, one representing healthcare workers and one representing the transportation industry.

### ***Healthcare Union:***

The representative from the healthcare union reported that they represent a variety of positions in the health care field from registered nurses to housekeeping crews. She reported that the union does not hire employees directly, nor do they make recommendations to employers. Their employees work in hospital and nursing home settings, as well as in private homes providing individual care.

All workers, with the exception of housekeeping and home health aides, require some level of certification. Even less-skilled hospital employees, such as lab and x-ray technicians, require certificates or degrees. While housekeeping positions do not



require certification, they are considered very good entry level positions with career ladder potential. Thus, these jobs are highly competitive and rarely filled by someone with a criminal record.

The representative reported that ex-offenders have difficulty obtaining employment within health care facilities due to regulations and fear of liability; however, she reported that many clients in the disabled community want the right to make their own hiring decisions on home health aides and oppose regulations that would disqualify ex-offenders from obtaining employment in this field.

The representative reported that employment in home health aide positions may be available to ex-offenders if they can develop a positive working relationship with the client. Her specific recommendations included the following:

- Specific training programs to improve ex-offenders' skills and qualifications for the industry, especially training in the home healthcare field;
- Soft skill training, including appropriate dress and attitude for the workplace; and
- Educational training for a GED, English as a second language when applicable, and computer skills—all of which are vital. (She reported that even housekeepers use computers every day in their work.)

*The resumes of most ex-offenders are lacking even the most basic skills.*

*- Focus Group Participant*

### ***Transportation Union:***

The transportation industry representative reported that while they do not directly hire ex-offenders, they do operate a “storefront” in which they screen and interview job applicants and make appropriate hiring recommendations to employers. Because many of the non-skilled jobs involve warehouse work, requiring no contact with the public, ex-offenders can be placed in these positions, provided they are reliable and able-bodied. Skill requirements are few, such as the ability to load and unload delivery trucks; however, if driving is required, the applicant usually needs a commercial license.

The representative reported that the union operates in a structured manner, with rigorous rules and regulations. Employees are supervised not only under the employer's chain of command, they are also supervised on site by the union's shop steward. In the union representative's opinion, such a structured environment is closely aligned with the structure of a prison setting and works well for many ex-offenders.

The representative reported that ex-offenders provide a much needed labor pool and are usually good workers since “they have so much to lose.” He stressed that physical labor is hard on the body and wears employees out quickly. Further, he reported that there is no room for upward mobility without specific skills, so many employees become quickly frustrated.

The representative reported that bonding, tax, and wage incentives have not been useful in convincing employers to hire ex-offenders. He used an analogy of a package delivery worker, stating, “If an ex-offender steals a package while working, while the

*If an ex-offender steals a package while working, while the cost of the contents of the package might be low, the cost of the bad faith and the loss of a client can be significantly more.*

*- Focus Group Participant*

*Many were sympathetic to the difficulties faced by job-seeking ex-offenders yet, at the same time, employers were vocal about the paramount need to protect company safety and reputation.*

cost of the contents of the package might be low, the cost of the bad faith and the loss of a client can be significantly more.” His concerns in this regard were very similar to the focus group participants. He also reported concern about ex-offenders lack of employment preparation, job readiness, and stable housing. His specific recommendations included the following:

- Corrections should bring industry representatives and unions into the prisons to help with training and licensing.
- Released offenders should obtain a GED and be proficient in English.
- Computer training is essential for almost all jobs, including computerized testing, which is required for all skilled positions.
- Every ex-offender should leave prison with a resume, a copy of his or her criminal history record, a current driver’s license, and a social security card.
- Ex-offenders should be provided with the tools or equipment necessary for employment. He specifically referred to the requirement of workers needing steel-toe boots that cost \$120.00.

## **SUMMARY AND CONCLUSIONS**

Improving employment opportunities for ex-offenders is not an easy task. Research has shown that this population is the least desirable of all disadvantaged workers, primarily due to employer concerns regarding lack of skills and experience, untrustworthiness, and fear of negligent hiring. The focus group participants shared these same concerns but were also cognizant of the fact that employment opportunities must be made available to ex-offenders who have paid their debt to society. Many were sympathetic to the difficulties faced by job-seeking ex-offenders yet, at the same time, employers were vocal about the paramount need to protect company safety and reputation.

Employers expressed unanimous desire for employees with strong soft skills such as communication and interpersonal skills, and many identified hard skills as increasing marketability. Showing up on time, in appropriate attire, with good work ethic were threshold requirements, while specific training or skills in data entry, IDX coding, cooking, or carpentry allowed a candidate to be competitive in the marketplace.

With few, if any, exceptions, all participants made hiring decisions of ex-offender candidates on a case-by-case basis. Most felt more comfortable if a significant length of time had passed between the commission of the crime and time of hiring, and if the applicant had at least some work experience since release. Employers viewed applicants with such history as having some evidence of rehabilitation.

Employer concerns focused on potential harm ex-offenders could cause to the workplace, including theft of company property, physical harm to other employees, and damage to client relationships—all of which could result in legal liability to the employer and injury to company reputation. They described a tension between wanting to believe in rehabilitation and second chances, and not wanting to jeopardize workplace safety or business image.

Information received from focus group participants and union representatives suggests that the following strategies could help to alleviate some employer concerns and foster better connection between employers seeking to hire and ex-offenders seeking to work:

- Facilitate transitional employment, including increasing pre-release and work-release programs and public-private partnerships. Ex-offenders need to build experience and strong references both during and after release.
- Increase and strengthen training in both soft and hard skills and create more partnerships with employers to match technical training with their industry needs. Good soft and technical skills can help ex-offenders stand out.
- Create a marketing campaign to educate employers about how and where to hire qualified ex-offenders, and highlight successes experienced by employers that have hired.
- Create an education and outreach campaign to better inform employers about government incentives.
- Examine whether anything can be done to mitigate employers' concerns about legal liability, i.e., examine current laws that affect liability for hiring ex-offenders, and educate employers about current laws.
- Promote opportunities for relationship building between employers, ex-offenders, and intermediary employment agencies.

Although the research revealed many strong themes—including the importance of soft and hard skills and transitional employment experience—it also found significant variation in how employers make hiring decisions. Based on the diversity of employer perspectives and needs, a one-dimensional approach to facilitating employment of ex-offenders would be inadequate. By reaching out to employers and creating a myriad of strategies to address their differing priorities and concerns, Massachusetts could go far towards increasing employment rates and decreasing recidivism rates.

## **Recommendations of Advisors and Stakeholders**

On October 19, 2006, the Crime and Justice Institute convened a meeting with the project advisory group and additional stakeholders to share and discuss research findings and identify priorities and strategies to increase employment of ex-offenders in Massachusetts. The meeting included representation from corrections, local and state government, the legislature, employer organizations and employers, workforce development and social service organizations, and community leaders.

The group explored the following themes that were identified from the focus groups:

- Soft and hard skills;
- Transitional employment experience;
- Education and marketing to employers (e.g., tax incentives, bonding, employer successes hiring ex-offenders);
- Use of intermediary organizations;
- Protection from liability (e.g., legal, reputation, work environment/safety); and
- Basic tools for transitioning inmates, such as identification, social security cards, etc.

The group was asked to consider which of the above issues are most important to address, as well as which are most feasible to advance. For both importance and feasibility, skills enhancement garnered by far the most support, followed by education and marketing to employers, and basic tools for ex-offenders.

### **1. Enhance Skills of Ex-Offenders**

Similar to the focus group participants, the advisory group felt that while hard skills are important, soft skills are an absolute requirement and therefore of paramount importance. Some noted that many ex-offenders do not possess basic job skills such as showing up for work on time, dressing appropriately, and following directions. Others expressed concern about ex-offender employees being unable to accept constructive criticism, lack of interpersonal and conflict resolution skills, and overall difficulty with effective communication. The group felt that offenders should begin to develop soft skills while incarcerated but, in order for these skills to relate to the workplace, skills training should continue after release. Ideally ex-offenders would receive on-the-job training in a controlled environment, such as apprenticeship programs in the prisons followed by organized transitional employment that is part of a pre-release program or provided in the community.

Other group participants also acknowledged the importance of hard skill training. One suggestion in this area involved institutions offering industry training and certifications to inmates prior to release. One participant noted that a local youth development organization in Chelsea—Roca—has built a small business for the purpose of teaching hands-on employment skills including both hard and soft skills, to at-risk youth. The participant felt that something similar should be created, or made available, to inmates

immediately after release, along with the necessary training and support services. He stressed the importance of a holistic approach to training since the needs of ex-offenders are multi-faceted and interdependent.

***Suggested Strategies:***

- Strengthen collaboration between employers, intermediaries, and correctional administrators in order to better prepare offenders for reentry;
  - Provide (or increase) apprenticeship programs in correctional facilities;
  - Provide industry training and certifications to inmates prior to release;
  - Provide greater linkages between inmates and employers;
- Provide structured employment and training opportunities immediate after release, such as through an intermediary organization. Consider developing a model program and identify pathways used successfully by returning offenders;
- Identify necessary soft skills and provide training programs both pre- and post-release. In addition to working with institutions to fill gaps, focus on the transitional period after release when former inmates may be better able to develop the soft skills that are essential in community life.

**2. Increase Education and Marketing Outreach to Employers**

Although former prisoners need to have the necessary soft and hard skills to make them marketable to employers, to increase hiring, employers also need to be willing to consider hiring individuals with criminal records who have the right skills (provided their criminal histories do not pose an undue safety risk for the particular job).

Three of the roundtable participants who work to improve the employment prospects of returning offenders described some of the services available to both help ex-offenders transitioning to the community and to assist employers who are interested in hiring ex-offenders. While these services have been helpful to both constituencies, there was general agreement that not enough employers are aware of potential benefits of hiring ex-offenders and available support services and incentives. The group agreed that there is a great need to broaden educational efforts to attract new industries and employers. Employers need to be educated about such things as government hiring incentives including tax credits, wage subsidies, and bonding provisions; criminal offender record information (CORI) checks, including how to read and interpret them; the services offered by intermediary organizations; and the process for linking qualified ex-offender applicants with employers who have staffing needs.

The group discussed both the need to reach a broad base of employers, through such means as publishing information in the newspapers, for example, as well as the need for one-to-one outreach to employers. Recommendations included appealing to small business owners by providing individual assistance in such areas as securing bonding, applying for tax credit or wage subsidies, or understanding CORI issues. Some members of the advisory group already share such information through employer breakfasts, chamber of commerce meetings, and other outreach. Increasing exposure and reaching larger audiences requires devising additional strategies.

There was also discussion about information sharing and building on successes. One participant talked about documenting the experience of employers who have successfully employed ex-offenders and sharing such “letters of support” with other employers who may consider doing the same. The group identified education, communication, and relationship building as important considerations in better facilitating, or marketing, employment of ex-offenders.

***Suggested Strategies:***

- Develop a marketing campaign to reach a broad base of employers;
- Identify and recruit employers, associations, and other types of influential spokespeople who can champion this issue;
- Create communications materials to inform employers about hiring ex-offenders, including accessing government incentives, available support services, success stories, and contact information for employers interested in hiring ex-offenders or individuals in pre-release programs.
  - Create a “how to” brochure and/or website that would provide information and answer employer questions regarding hiring ex-offenders.
  - Create generic presentations on the topics identified above that can be broadly used to make presentations to a variety of stakeholders, including employers, associations, and civic and community groups.

**3. Provide Ex-Offenders with Basic Tools**

Roundtable participants briefly discussed the barriers and delays posed by lack of practical necessities. One participant who works with ex-offenders reported that it often takes up to a month before an individual is able to secure the necessary documentation to obtain employment. Lack of stable housing and limited access to phone service also presents difficulty in securing work.

***Suggested Strategies:***

- Create a reentry package for all inmates prior to release, including:
  - a current identification card and/or social security card,
  - insurance coverage through MassHealth (where this is not currently done),
  - a resume including completed educational and skill training programs, and
  - licenses or certifications received;
- Link offenders with intermediary agencies that can assist with reentry needs, including provision of voicemail so that employers have current contact information.

## **Appendix A: State Ex-Offender Programs**

Source: Buck M.L. (2000, Fall). *Getting Back to Work: Employment Programs for Ex-Offenders*. Public/Private Ventures, 9-10.

[http://www.ppv.org/ppv/publications/assets/94\\_publication.pdf](http://www.ppv.org/ppv/publications/assets/94_publication.pdf)

### **Georgia—Operation TOPSTEP**

In Georgia, a collaboration between the Departments of Parole and Labor has created Operation TOPSTEP. Initiated in 1998, the program progresses in three steps with clear pre- and post-release components.

In Step 1, inmates collect necessary documentation, such as birth certificates and Social Security cards, in preparation for release. A revamped prison-industries program offers inmates opportunities for work experience in fields that are in demand. In the Mobile Construction Unit, for example, inmates learn a trade and gain experience in one of the most in-demand occupations in the state.

Step 2 also occurs in prison. Department of Labor staff conducts job preparedness workshops that assess inmates' job readiness, review programs completed while in prison, and design resumes. This packet of information is then forwarded to an inmate's parole officer upon release.

Once released, ex-offenders enter Step 3. At their first meeting with their parole officer, they are assigned to one or more of four tracks: employment, education, substance abuse or cognitive skills training. All ex-offenders are initially placed in the employment track, with simultaneous enrollment in other tracks as necessary. Ex-offenders are then referred to local Department of Labor offices for employment services.

Previously, parole had operated as a "bean counting" function; parole officers were expected to make a certain number of contacts with ex-offenders each month. Now, parole is shifting its performance measures for officers to coincide with the goals of the four-track system. Since the program has been operational for just over a year, it is too early to judge its success, although Director Joe McAdoo stated that the changes in mindset of parole officers as well as the collaboration between the parole and labor departments were "monumental" successes.

### **Montgomery County Pre-release Center, Maryland**

For the past 25 years, Montgomery County, Maryland, has been operating a 500-bed jail that focuses on post-release. Officials have recognized the two greatest factors in recidivism—unemployment and substance abuse—and have designed a program to address both in a holistic manner.

What began as a work-release center for the county jail has developed into a holistic treatment center for employment services, substance abuse counseling and life skills training. The program recruits inmates with at least six months left on their sentence in county jail and transfers them to the facility. The program requires inmates to obtain fulltime employment or training, while also participating in a rigorous schedule of group counseling, life skills and addiction recovery seminars. Emphasis is placed on inmates evaluating their lifestyles, determining the necessary changes and practicing workable

strategies in a supportive environment. Cited by the U.S. Department of Justice as an exemplary model, one of the keys to Montgomery's success is addressing issues that can affect recidivism of ex-offenders, like substance abuse and domestic violence, while maintaining a focus on employment and re-entry into the community.

The work-release coordinators play an integral role in the program, through aggressive job development and placement in the community to job readiness and retention courses for inmates. Their efforts have placed ex-offenders in positions with starting wages averaging almost \$9 an hour, and the majority in semi-skilled and skilled positions, including construction and website design. The program has a policy of not placing more than two ex-offenders at the same job site. Program data reveal that 96 percent of inmates were employed when released from the facility and 95 percent had cash savings (Seleznow, 2000).

### **Ohio—Offender Job Linkage**

Ohio began Offender Job Linkage in 1997 as a response to Truth in Sentencing initiatives and to an escalating prison population, ranked fifth in the nation. In an effort to lower recidivism rates and thus prison populations and their expenses, the state began coordinating prison job fairs to educate employers and address their concerns about hiring ex-offenders. Director James Mayer contends that many employers have legitimate concerns about theft and the safety of other employees if they hire an ex-offender. However, bringing employers into prisons helped put these concerns into a realistic perspective.

Offender Job Linkage also recognizes the pre-existing agencies and community-based organizations (CBOs) involved with workforce development issues and tries to make connections between these groups and ex-offenders, instead of reinventing the wheel. Of the 32 prisons in Ohio, 27 have a three-week pre-release seminar with a contracted community agency, such as Goodwill Industries, a local community college or the local Private Industry Council (PIC). However, the development of these partnerships has not always been easy. Some community-based organizations believed that ex-offenders are harder to work with than other groups and did not want to get involved. And ex-offenders had little knowledge about the resources available to them for finding employment or further training once released.

Ohio has also been able to address the geographical mismatch between where inmates are incarcerated and where they expect to be released. Almost 80 percent of inmates in Ohio plan to return to the Cleveland area but are in prisons around the state. To address this issue, Job Linkage uses video conferencing for inmates to interview for positions while they are still incarcerated.



## **Appendix B: Community-Based Ex-Offender Programs**

Source: Source: Buck M.L. (2000, Fall). *Getting Back to Work: Employment Programs for Ex-Offenders*. Public/Private Ventures, 12-13.

[http://www.ppv.org/ppv/publications/assets/94\\_publication.pdf](http://www.ppv.org/ppv/publications/assets/94_publication.pdf)

**Better People**— A Portland, Oregon, program focuses on changing the way ex-offenders think, through moral reconnection therapy (MRT), cognitive behavioral model, in conjunction with job placement and retention services, to achieve the goal of reduced recidivism. The program only places participants in “living wage” jobs, paying at least \$8 an hour with benefits. Started in 1998 and funded entirely with private funds, Better People enrolled 153 participants during its first year of operations and reports a 59 percent retention rate through 180 days.

**Center for Employment Opportunities (CEO)**— A New York City program serves nearly 1,800 work releasees, parolees and probationers each year. Its two-pronged approach provides immediate employment opportunities through the Neighborhood Work Project as well as job preparation skills and job development assistance through the Vocational Development Program. With over 20 years of experience, CEO reports a 65 percent placement rate and works with over 300 companies.

Based in Chicago, the **Safer Foundation** is the largest community-based ex-offender program in the country, serving 2,800 ex-offenders with job assessment, support services and job placement assistance. Safer focuses attention on those ex-offenders who are not job ready by providing an innovative educational program to prepare clients for the GED. Safer also runs several in-prison components, including educational courses in the Cook County jail and management of the largest work-release center in Illinois. Safer has achieved a 41 percent placement rate, which it defines as employment for 30 days.

**South Forty Corporation**— Over the past 30 years, South Forty has worked with a variety of ex-offender populations in New York City, including work releasees, probationers, parolees and parents of juvenile offenders. Through an aggressive, systematic program of job preparation and job development, South Forty works with over 2,000 ex-offenders per year, with placement rates ranging from 70 to 85 percent, depending on the program. Through its Private Sector Advisory Committee, South Forty has developed strong relationships with employers, who provide not only job openings but also other resources for the organization. South Forty also offers prerelease services for inmates in some New York City jails.

**Virginia CARES (Community Action Re-Entry System)** — This statewide collaboration of community action agencies combines life skills seminars in 27 correctional facilities with post-release services in 39 cities and counties throughout the state. Job-readiness seminars, placement assistance and retention are the cornerstones of the program, with additional emergency services (housing, clothing and food). The Roanoke office, operated by Total Action Against Poverty (TAP), was visited for this report. It serves 200 inmates in local correctional facilities and an additional 200 ex-offenders with post-release services. TAP also operates an innovative fatherhood program for ex-offenders.

## Appendix C: Summaries of State Bills Signed into Law this Year Relating to Returning Offenders and Employment

**Illinois** – passed legislation (Senate Bill 1279) designed to encourage employers to hire returning offenders:

- Requires that each notice of a contract contain a statement to encourage prospective vendors to hire residents discharged from any Illinois adult correctional center
- Requires Department of Central Management Services to submit an annual report concerning the hiring of residents discharged from any Illinois adult correctional center
- Creates income tax credits for wages paid to eligible offenders
- Provides that the Department of Correction has the power to provide a pre-release job preparation program for inmates at Illinois adult correctional centers
- Expands the definition of “eligible offender” for receiving a certificate of relief (relief from disabilities for the issuance of a license or certificate) to include persons convicted of a felony not more than two times.

**Tennessee** – passed legislation (Senate Bill 2557) that provides incentives for inmates to participate in education and employment training programs while incarcerated.

- Awards credits that reduce the period of imprisonment for receiving a GED or a two or four year college degree program
- Awards credits for satisfactory program performance
- Gives priority in enrolling in educational and vocational programs to inmates who “will be eligible for parole or release upon completion of their sentence and who can reasonably be expected to re-enter the workforce. “

**Virginia** – passed legislation (House Bill 691) that requires the Director of the Department of Corrections to provide each prisoner with the following documents upon discharge:

- Verification of the prisoner's work history while in custody; and
- Verification of all educational and treatment programs completed by the prisoner while in custody.

**Florida** – created the Governor’s Ex-Offender Task Force (Executive Order No. 05-28) to make recommendations for improving the process of reentry in Florida. The goals and preliminary recommendations of the Task Force include identifying ways to:

- Ensure that no one leaves prison without the immediate ability to secure employment, and if necessary, housing and reentry services
  - Recommendations – develop and implement a plan wherein, at intake, the DOC:
    - ❖ Determines what identification papers the inmate has in his possession or will be available and unexpired after release
    - ❖ Facilitates the inmate in applying for documents necessary for success upon release, including either a valid driver’s license or state photo ID card, a SS card, military discharge papers and in the case of people born outside the US, naturalization, residency and work papers authorizing work within the US and a birth certificate

- Screen returning inmates for benefits eligibility. Make eligibility determinations prior to release so that benefits are in-hand upon release
  - Recommendation – at the time of admission and contemporaneous with the determination of what kind of identification papers the person has, the inmate would be assessed to determine their prior receipt of benefits, their prior living situation, prior income and assets, child support obligations and opportunities to file for modifications, eligibility for benefits upon release.
- Remove unnecessary employment disqualifications and penalties imposed because of a criminal conviction
  - Recommendations –
    - ❖ Signal to the private sector that ex-offenders should be disqualified from employment only when the offense is related to the safety, trust and responsibility required of the job,
    - ❖ Provide an opportunity for a second chance through case-by-case reviews for ex-offenders to prove they should not be disqualified
    - ❖ Issue an Executive Order for a justification review of state agencies' laws, policies, and practices that disqualify individuals from employment in state jobs, licensed jobs, regulated and funded entities.
- Create and implement a coaching/mentoring program that incorporates DOC resources in collaboration with faith and community-based organizations. Create a marketing campaign to recruit organizations to participate. Pilot the model in two facilities and establish an advisory committee to partner with the DOC to develop outcomes and interim benchmarks to guide the pilot programs.
- Expand job opportunities for ex-offenders –
  - Recommendations –
    - ❖ Determine the key employment sectors and employers in each major county
    - ❖ Identify and profile 10 – 20 business leaders who currently hire ex-offenders and are willing to do peer-to-peer presentations to recruit other businesses.

## Appendix D: Employer Focus Group Guide

### A. Skill requirements for entry level jobs

1. Job readiness skills
  - What are most important skills for the entry level jobs and jobs that are one or two steps above entry level? Let's talk about both hard skills and soft skills. [Hard skills are the technical requirements of the job. Soft skills relate to the non-technical requirements of the job, such as a person's work habits/work ethic, personality traits, and basic abilities...]

### B. Hiring considerations for ex-offenders

2. Formal policies (*Discuss pre-group survey relating to screening and hiring policies*)
3. Decision-making factors [*for employers that have not hired ex-offenders*]
  - Case scenario: Suppose an applicant for an entry-level position indicates on his application, or you see through records check, that he has served time in jail for a conviction for drug possession and distribution.
  - How would you take this into account in your assessment of the candidate?
    - Are there particular issues or concerns you might need to consider about hiring former prisoner, such as this one? If so, what might some of those issues be?
4. Is there any information about the applicant who served time for a drug crime that would increase your comfort level? If so, what?

### C. Benefits/challenges hiring ex-offenders [*for employers that have hired ex-offenders*]

5. [For employers that knowingly hired former prisoners], why did you hire them?
6. What has been your experience?
  - a. First let's explore any possible benefits you may have realized in hiring these employees. Then we'll explore any challenges/problems. (e.g., good worker, loyalty, motivation, good corporate citizen, tax credit)
  - b. Let's move on to explore whether you have encountered any particular challenges or problems.
  - c. Were their basic skills good enough?
    - Are the former prisoners adequately prepared for your industry?
  - d. Are they coming to work with basic job readiness skills?
    - Any problems with absenteeism, getting there on time, appropriate appearance, attitudes, honesty, sobriety?
  - e. Have you had employees with criminal records leave their position? Did they quit or were they discharged?
  - f. Are there gaps that you think need to be addressed to better prepare former prisoners for employment? Where are there gaps that need to be addressed?
  - g. Would you consider ex-offenders for career ladders/increased responsibility in your organization? (Limits?)

### D. Strategies and incentives to reduce barriers

7. What would make you more comfortable about hiring people who have been incarcerated? Are there ways to increase the ease or appeal of hiring ex-offenders?

8. *Hand out Survey #1* – rating strategies and incentives. Would any of the following services or incentives increase the likelihood of your hiring someone who was formerly incarcerated?

For each item on the list below, please rate the extent to which that service or incentive would increase the likelihood of your hiring someone with a criminal record. Circle your answer based on a 1 to 5 scale. (1 means it would not affect hiring decision at all, 5 means it would have a very positive impact on hiring decision)

- a. Intermediary agency helps with job screening process
  - b. General work readiness training provided prior to employment
  - c. Specific job skill training provided appropriate to your industry
  - d. Candidate completed transitional employment program after release from prison and has built a positive employment record
  - e. Tax incentives (or bigger tax incentives)
  - f. Government wage subsidies for ex-offender employees
  - g. Bonding incentives
    - Are you aware of tax credits (WOTC), bonding, or other financial incentives from the government?
  - h. Assistance accessing existing government financial incentives
  - i. Greater protection from legal liability
  - j. Job retention support from employment case manager, faith-based volunteer, or parole officer
  - k. Third party to go to if you have problems with the employee
  - l. Help with employee transportation
9. Let's take a few minutes to talk about the services or incentives you would find most compelling out of the list you just rated.
- What services or incentives would be most helpful in increasing the likelihood of your hiring someone who was formerly incarcerated? And why?
10. How does a recommendation of intermediary agency affect your decision to hire? (An intermediary agency might be...)
- Does a letter of recommendation help? What else can an intermediary do to help you?
11. *Hand out Survey #2* – Rating of sources of references. Following is a list of organizations that could serve as a reference for a former prisoner. For each organization below, please rate its influence as a reference in your hiring process. Circle your rating based on a 1 to 5 scale, where 1 means that a reference from that organization would not have a positive impact and 5 means that it would have a very positive influence on your hiring process:
- a. Job placement agency
  - b. Workforce development agency that provides some job readiness coaching and support in addition to job placement
  - c. Religious organization
  - d. Parole/probation agency
  - e. Prison/jail

### **E. Possible legal changes**

Another possible way to make it easier to hire ex-offenders could be legal changes.

12. Are there any legal restrictions that you know of that affect your hiring of ex-offenders?
13. Do you feel you have sufficient legal protection from liability for hiring ex-offenders?
  - How would you feel about legal changes that would provide greater protection of employers from liability for hiring of ex-offenders? Would you favor that or not, and why?
  - Are you familiar with current Mass law relating to liability?
    - *[Possible probes]* Would you go to someone (e.g., attorney or HR director) to find out about potential legal concerns relating to hiring an ex-offender? Or would you rely on your own understanding of potential risk relating to hiring an ex-offender? Is this perceived risk a significant barrier to hiring an ex-offender?
14. Some states have laws that prohibit discrimination against individuals with criminal records if the criminal history does not relate to the position. How would you feel about this?
15. How would you feel about a law that only permits employers to receive criminal history reports after they have made an offer to hire (e.g., Vermont)?
16. Would state-issued Certificates of Rehabilitation for offenders who have met certain rehabilitative criteria increase your comfort level?

### **F. Close**

17. The purpose of these interviews is to learn more about employers' perspectives on hiring ex-offenders and how former prisoners can be more employable to you. We talked about many issues. To conclude our discussion, I'd like each of you to take just a minute to comment:
  - From your perspective, what is the single most important factor that would make it easier to hire someone who was previously incarcerated? (Can be something we discussed or something we missed.)

## Appendix E. Breakout of Employer Ratings of Incentives and Strategies

### Employers that Hired Ex-Offenders (n=12)

Support Service or Incentive	Impact on Hiring									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Specific job skill training provided appropriate to your industry	1	8.3%	0	0.0%	0	0.0%	5	41.7%	6	50.0%
Candidate completed transitional employment program after release from prison and has built a positive employment record	0	0.0%	1	8.3%	0	0.0%	6	50.0%	5	41.7%
General work readiness training provided prior to employment	1	8.3%	0	0.0%	3	25.0%	6	50.0%	2	16.7%
Third party to go to if you have problems with the employee	1	8.3%	1	8.3%	3	25.0%	6	50.0%	1	8.3%
Intermediary agency helps with job screening process	0	0.0%	2	16.7%	3	25.0%	4	33.3%	3	25.0%
Bonding incentives (insurance against employee dishonesty/theft)	4	33.3%	1	8.3%	0	0.0%	4	33.3%	3	25.0%
Tax incentives (or bigger tax incentives)	4	33.3%	1	8.3%	1	8.3%	5	41.7%	1	8.3%
Wage subsidies for ex-offender employees	3	25.0%	1	8.3%	2	16.7%	5	41.7%	1	8.3%
Job retention support from employment case manager, faith-based volunteer, or parole officer	1	8.3%	4	33.3%	1	8.3%	5	41.7%	1	8.3%
Assistance accessing existing government financial incentives	2	16.7%	1	8.3%	3	25.0%	3	25.0%	3	25.0%
Greater protection from legal liability	2	16.7%	2.5	20.8%	3.5	29.2%	2	16.7%	2	16.7%
Help with employee transportation	6	50.0%	1	8.3%	3	25.0%	2	16.7%	0	0.0%

### Employers that Hired Ex-Offenders (n=12)

Source of Reference	Influence									
	No Positive Influence								Very Positive Influence	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Job Placement Agency	3.5	29.2%	1.5	12.5%	0	0.0%	5	41.7%	2	16.7%
Workforce Development Agency (provides some job readiness coaching & support in addition to job placement)	2	18.2%	1	9.1%	2	18.2%	4	36.4%	2	18.2%
Parole or Probation Agency	4	33.3%	3	25.0%	2	16.7%	2	16.7%	1	8.3%
Faith-Based (Religious) Organization	4.5	37.5%	3.5	29.2%	2.5	20.8%	0.5	4.2%	1	8.3%
Prison or Jail	7	58.3%	3	25.0%	2	16.7%	0	0.0%	0	0.0%

***Employers that Did Not Hire Ex-Offenders (n=16)***

Support Service or Incentive	Impact on Hiring									
	No impact at all								Very positive impact	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Candidate completed transitional employment program after release from prison and has built a positive employment record	0	0.0%	0	0.0%	1	12.5%	5	62.5%	2	25.0%
Greater protection from legal liability*	0	0.0%	2	13.3%	3	20.0%	1	6.7%	9	60.0%
General work readiness training provided prior to employment	2	12.5%	2	12.5%	2	12.5%	5	31.3%	5	31.3%
Bonding incentives (insurance against employee dishonesty/theft)	2	12.5%	3	18.8%	1	6.3%	4	25.0%	6	37.5%
Specific job skill training provided appropriate to your industry*	3	20.0%	1	6.7%	3	20.0%	2	13.3%	6	40.0%
Intermediary agency helps with job screening process	4	25.0%	1	6.3%	3	18.8%	6	37.5%	2	12.5%
Wage subsidies for ex-offender employees	5	31.3%	2	12.5%	1	6.3%	5	31.3%	3	18.8%
Job retention support from employment case manager, faith-based volunteer, or parole officer	1	6.3%	1	6.3%	6	37.5%	4	25.0%	4	25.0%
Third party to go to if you have problems with the employee	0	0.0%	2	12.5%	7	43.8%	4	25.0%	3	18.8%
Assistance accessing existing government financial incentives	4	25.0%	3	18.8%	3	18.8%	2	12.5%	4	25.0%
Tax incentives (or bigger tax incentives)	7	43.8%	2	12.5%	3	18.8%	3	18.8%	1	6.3%
Help with employee transportation	9	56.3%	2	12.5%	3	18.8%	0	0.0%	2	12.5%

***Employers that Did Not Hire Ex-Offenders (n=16)***

Source of Reference	Influence									
	No Positive Influence								Very Positive Influence	
	1		2		3		4		5	
	N	%	N	%	N	%	N	%	N	%
Parole or Probation Agency	1	6.3%	4	25.0%	1	6.3%	6	37.5%	4	25.0%
Workforce Development Agency (provides some job readiness coaching & support in addition to job placement)	2	12.5%	3	18.8%	3	18.8%	1	6.3%	7	43.8%
Job Placement Agency*	3	20.0%	4	26.7%	4	26.7%	3	20.0%	1	6.7%
Faith-Based (Religious) Organization	6	37.5%	3	18.8%	3	18.8%	3	18.8%	1	6.3%
Prison or Jail	9	56.3%	3	18.8%	2	12.5%	2	12.5%	0	0.0%