

## **Criminal Records and Getting Back into the Workforce: Six Critical Steps for Ex-offenders Trying to Get Back into the Workforce**

<http://www.privacyrights.org/ar/rosencrim.htm>

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For an ex-offender, a job search can become a frustrating Catch-22. Nearly every employment application will ask in some fashion if a person has a criminal record. If a person lies, then they are always at risk of being terminated upon such a criminal record being discovered. If a person is honest and admits the past misconduct, there is a risk of not getting the job.

There is no perfect answer. A person with a criminal record is going to face greater challenges in getting employment. There are certain jobs where an employer will justifiably not hire an ex-offender. However, challenging is not the same as impossible. The key is the right attitude and getting and keeping that first job, so that as time goes by, a person has developed a successful job history that outweighs past problems.

**Here are six approaches a person with a past criminal record can take:**

### **One: Understand your rights:**

A person who has a criminal record and is looking for employment must understand their rights. There are instances where an applicant can legally and ethically answer NO on a question about a past offense. This may occur in some of the following situations:

- In many states, there is no obligation to report arrests not resulting in a conviction or that are not currently pending.
- There are limitations on reporting pre-trial adjudications where the conduct by statute is not considered a criminal offense. Some states have pre-trial diversion or delayed entry of judgment.
- Some states have procedures to judicially "erase" a criminal offense..

Also keep in mind that most employment applications also contain language that the conviction of a crime will not automatically result in a denial of employment. Automatic disqualification could be a violation of state and federal discrimination laws. However, an employer may deny employment if the employer can establish a business-related reason for the refusal to hire.

### **Two: See an attorney to explore if you are eligible to get your conviction sealed, expunged, or legally minimized and to make sure you understand your rights.**

This is critical. Ask an attorney if the criminal record can be expunged or set aside by going back to court, or whether it is the type of offense that an employer may legally ask about or consider. Each state has different rules, but in all states there is a mechanism for going back to court to try to seal or expunge certain offenses. Make sure you have explored your options. The attorney who represented you, or the local Public Defender or Probation Office should be able to assist.

### **Three: Seek professional assistance.**

There are also organizations that assist past offenders. Some of these organizations have relationships with employers who are willing to give an ex-offender a chance. In addition, these organizations can help a person prepare a resume and practice interview techniques that deals honestly with the past offense, but helps a job applicant put their best foot forward by explaining why they can perform the job and why the employer should hire them. Various re-entry or training program will help ex-offenders develop new skills, or teach job search techniques.

#### **Four: Honesty is the best policy.**

In applying for a job, honesty is always the best policy. A criminal matter honestly explained during an interview may have much less negative impact than hiding it and having an employer discover it later. If an employer discovers an applicant was dishonest, the denial of a job could be based upon a lack of honesty, regardless of the nature of the offense. However, a person who has made a mistake and is now motivated to do well at a job may be of great interest to some employers.

#### **Five: Start to rebuild your résumé one step at a time, even if it is not the "perfect" job.**

All employers know that the best indicator of future job performance is past job performance. If a person with a criminal record can obtain whatever job they can, hold that job and do well, the next job become much easier. It is the building block approach--one block at a time.

It is critical to seek to rebuild your resume by finding any employment you can to rebuild your resume. You should first seek employment with people you know. Ask everyone that likes you if they know someone who might be willing to hire you. Yes, mention your conviction, but stress your strengths and how much you learned from your past. Someone who knows you personally is more likely than a stranger to give you a chance.

If that does not work, then consider starting at the bottom. A few months of good work in an entry-level position can yield a good reference, which can start your career back upward.

Eventually, what a new employer sees is a person with great recommendations and an excellent job history. As the criminal conviction gets older, and the job history become stronger, a person who has made a mistake the past will eventually find that the criminal record is less of an issue. It cannot be stressed enough that the best way to get a great job in the future is to get any job you can right now, and perform well.

#### **Six: Take the long-term view.**

This is the most difficult advice to follow. An ex-offender is anxious to get back into the workforce to start making a living. They may also be anxious to have their old life back. Yet, the decks are stacked against a person with a criminal record. The jobs that are available may not be the ones that you want. You may be qualified for something a great deal better. Doors may slam in your face, and you may very well be subject to unfair assumptions. The frustration level could easily build with each disappointment encountered.

What it comes down to is that an ex-offender needs to take the long view and have the faith and patience that the criminal matter will eventually be put behind them. As frustrating as it is, the basic rule still applies-a person must rebuild their résumé over time. And as time goes by, the criminal offense becomes less of a factor in a person's life. But it is going to take time.

Look at it this way-even if it takes five years to rebuild your resume and get the job you want, five years will still go by. Five years later, what would you rather have-a new life with a good job or still be living in frustration because you couldn't get what you wanted right away