

Ex-Offenders and Employment

Fact Sheet #6

Introduction

A job can be the spark of hope that changes the path for a homeless veteran and his or her family. Many homeless veterans, who are accustomed to living on the street, have had altercations with the law. Now their struggle to secure employment has just gotten more difficult because they will not pass an employers criminal background search. Ex-offenders do face a unique set of challenges but with proper support and guidance these challenges can lead to competitive employment success.

One of the main barriers facing ex-offender in gaining employment after serving their sentence is identifying employers who are willing to take a risk. It can be scary for employers to hire an ex-offender and often companies have rules and policies which restrict the employment of individuals with specific criminal backgrounds. However, this does not mean that individuals with a criminal background will not be able to find employment but it makes it harder and may take more time and incentives to be successful in the job market.

Key Point

Assisting employers to reduce their risk and provide incentives for hiring ex-offenders has proven to work. Any program which helps the employers to feel better regarding a decision to hire someone with a criminal background may open doors for many ex-offenders seeking to secure employment. One program which has proven to be successful for the hiring of ex-offenders is the Federal Bonding Program. This program was created in 1966 by the U. S. Department of Labor (USDOL) as an employer job-hire incentive that guaranteed the job honesty of at risk job seekers. Federal financing of Fidelity Bond Insurance, issued free of charge to employers, enabled the bonding services as a unique job placement tool to assist ex-offenders and other at risk hard to placement individuals (e.g. recovering substance abusers,

Characteristics of the Program

Federal Bonding Program for Ex-Offenders

Individuals who have in the past committed a fraudulent or dishonest act, or who have demonstrated other past behavior which casts doubt upon their credibility or honesty, often have a difficult time securing employment due to their previous activities. These individuals are considered as "at risk" job applicants by the employer community. The Federal Bonding Program can help increase the ex-offenders chances of getting employment because it creates an incentive for the employer to hire. The employer will reduce his risks by utilizing the Federal binding program when hiring ex-offenders.

What Is The Federal Bonding Program? It is an insurance policy to protect the employer against employee dishonesty. It is like a "guarantee" to the employer that the person hired will be an honest person. It covers any type of stealing, forgery, larceny, or embezzlement. It does not cover such things as job injuries, poor workmanship, or work accidents. Also, it does not act as a bail bond or court bond for legal issues. It is not a license bond needed for self-employment, nor a contract bond.

How Does The Bond Help Someone Get a Job? The bond is given to the employer free of charge and serves as an incentive to the company to hire potential workers who are ex-offenders or has some other at risk factor in their background which makes it difficult for them to secure employment. The employer is able to access someone with good skill sets with a promise of honesty on the job. Indi-



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Individuals who are considered not bondable can ultimately become commercially bondable by demonstrating job honesty during the 6 months of bond coverage under the Federal Bonding Program.

Who is Eligible for the Bonding Service? Anyone who is considered an “at risk” job candidate is eligible for bonding services, including ex-offenders, recovering substance abusers, welfare recipients, individuals with poor credit, economically disadvantaged youth and adults who lack a work history, individuals dishonorably discharged from the military, and others. Bonds can be issued to cover already employed workers who need bonding in order to prevent being laid off or secure a transfer or promotion to a new job at the company. Bonding coverage can apply to any job at any employer in any state. Issuance of the bond for job placement can be requested by the employer or the job applicant. The request is made to the local agency certified by the Federal Bonding Program. For the bond to be issued the employer must make the applicant an offer and set a date for the individual to start work. The job start date will be effective date of the bond insurance which will terminate six months later. After the six months, continued coverage will be made available for purchase if the worker has exhibited job honesty.

What restrictions exist in the Federal Binding Program? Workers must meet the State’s legal age for working. The job usually is to be for at least 30 hours per week. Workers must be paid wages with Federal Tax automatically deducted from their paycheck. Self employed persons cannot be covered. A total of \$5,000.00 bond coverage is usually issued, with no deductible amount for the employer. The employer gets 100% insurance coverage. Larger bond amounts can be issued if the certified agency issuing the bonds has acquired a special bond package and has determined a larger bond amounts are appropriate.

Strategies for Working with Ex-offenders and Employers

Expungement

Expungement is the removal of police and court records which are available for viewing by the public. It may be worthwhile and assist with successful job placement if the crime was eligible to be expunged. Application for expungement can be made by filling out a form available at any District Court. If a crime has been committed, including a traffic violation for which a term of imprisonment was imposed, a petition may be filed for expungement if one of the following are met:

- ▶ Found not guilty
- ▶ The charge was dismissed
- ▶ The charge resulted in probation before judgement (excluding charges of driving while under the influence or driving while impaired).
- ▶ The State’s Attorney did not prosecute the charge.
- ▶ The Court indefinitely postponed the case
- ▶ The case was settled, or
- ▶ Conviction occurred for only one non-violent criminal act and the Governor granted a full and unconditional pardon.

Transitional Employment Program

Completion of a transitional employment program (a structured post-release program) will be helpful in assisting an ex-offender to secure employment. Employers will view the success in a transition program as a gauge of successful rehabilitation. This can be a selling tool for placement efforts by the rehabilitation professional.

Work Ethics and Job Skills Training

Employers are more welcoming of potential candidates if they have good work ethics and some job skills which reduces training time. The HVRP should assist veterans with criminal backgrounds with resume writing, soft skills, identify transferable skills, and explore additional specific skill training. Employers express the desire to have job candidates who show up on time, follow instructions, and who are personable and friendly. These traits will assist veterans with a criminal background have a better chance at securing employment.

Other Government Incentives

Work Opportunity Tax Credit (WOTC) is a federal tax credit that can reduce employer’s federal tax liability when hiring job seekers who have faced significant barriers to employment. Veterans convicted of a felony and hired within one year of their release date and are participating in a “Work Release” program are eligible for WOTC.

Job Screening & Retention Services

Employers value programs whose services offer job screening, background checks, assistance with job training and assistance once the person has been hired. HVRPs should develop quality job support services to include long term follow-up to create a positive impact for success. Ex-offenders will require lots of supports on and off the job. Employers don’t have the time, or a requirement to monitor the employee. Therefore, coaching support and rehabilitation programs should provide supports and aid for the ex-offender and they become are key resources for businesses.

Summary Key Points

- ▶ Develop an outreach program to businesses and educate them on the Federal Bonding Program
- ▶ Secure WOTC for employers who work with your HVRP.
- ▶ Ensure ex-offender have transitional employment opportunities prior to applying for employment
- ▶ Create a business-to-business resource of successful veterans employed to share their success stories.
- ▶ Provide veterans who are ex-offenders with solid soft skills training.
- ▶ Help employers understand the benefits of job coach services on/off the job and how they assist with job retention.

Additional Resources and References

On-line Resources:

- ▶ <http://www.bonds4jobs.com/individual-seeking-bonding.html>
- ▶ <http://www.bonds4jobs.com/state-coordinators.html>
- ▶ <http://www.clasp.org/publications.php?id=10#0>
- ▶ <http://www.crjustice.org/cji/cjipublications.html>
- ▶ www.worksupport.com
- ▶ www.adata.org

References:

- ▶ <http://www.bonds4jobs.com>
- ▶ <http://www.uses.doleta.gov/wotcdata.cfm>
- ▶ <http://www.crjustice.org/cji/cjipublications.html>
- ▶ Farley, J., Roberts, C., & Engel, L. Crime and Justice Institute, Employment of Ex-offenders: Employer Perspectives, October 31, 2006, Final Report

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