

SIF Take Action Tips for Workers with Criminal Records



YOUR RECORD IS NOT A LIFE SENTENCE.

You've done your time and you're ready to move on with your life. But the job search can be daunting with a record. While some employers are mandated to consider certain convictions in their hiring process, many employers are open to considering you for your experience and the work skills you have to offer.

Reentering the community can be difficult, but finding employment can aid the process and help you meet your goals. Whether your goals are to become a role model to your children, to keep commitments, to prove yourself to society, or to simply put food on the table, these goals can be supported and achieved when you have satisfying employment.

HOW CAN YOU IMPROVE YOUR CHANCES OF FINDING EMPLOYMENT?

The world is more connected than ever and people have staggering amounts of information at their fingertips. Therefore, it is safe to assume that employers can and will find out about your conviction history. Be honest on all your application materials and during the interview. Employees who misrepresent themselves on applications or during interviews can legally be fired. It can be tough to convince an employer that you are trustworthy despite your record, but here are some strategies to make you more appealing to employers.

Write a Letter of Explanation

When the application asks about past convictions, you might be tempted to write, "Will discuss during the interview." Avoid this answer. If you don't provide the employer with an immediate explanation, chances are, you won't be getting that interview.

Instead, write "Please see attached letter of explanation," and have one prepared.

Here's how to write a letter of explanation:

- Acknowledge that as an employer he/she may have concerns relating to your past.
- Describe the offense, factually (using no street or legal lingo). Be brief.
- Demonstrate the positive changes, therapy or treatment you have gone through to address the behaviors that led to the offense and any work related skills you gained from this therapy.
- Take responsibility for your actions.

- Include your relevant skills and focus on your strengths.
- Speak to your future, and why you would be a good fit for the company.
- Mention all of the efforts you are making to become a productive community member. Explain how you are a different person, a better person.
- Be proactive and mention you look forward to meeting the employer in person.

Remember the three R's: Responsibility; Rehabilitation and Remorse

Ask for Letters of Recommendation

Find people in positions of authority who will attest to your skills and character, and ask them to write you a letter of recommendation. Their testimony goes a long

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way toward convincing an employer that you will be an honest and reliable employee.

Letters of recommendation can be from anyone who is familiar with your workplace behavior or your character. This could include: previous supervisors, former coworkers, your parole officer, or past customers.

If you can get one or more letters of recommendation, refer to them in your letter of explanation, and attach copies with your application materials.

Attitude is Everything

As you prepare your application materials, keep in mind that employers want workers with positive energy and attitudes. They want employees who bring enthusiasm and dedication to the job. So project a positive attitude. Even if you're not feeling particularly positive, never let the employer see it.

- Stay positive. Your conviction is in the past; you are working toward your future.
- You applied for a job because you know you have the skills, talents, and abilities to perform the job that the employer needs. This makes you a valuable commodity.
- Stress the positive outcomes of your conviction. Highlight the education, training or treatment you have completed. You learned valuable skills through this treatment which will make you more appealing to employers.

Preparing for an Interview

The key to any job interview is anticipating likely questions, and knowing how you'll answer them.

The Job Interview section of this guide (p. 34) covers likely questions and basic interviewing techniques, but you also need to prepare to answer questions about your conviction. Here are some tips:

- Acknowledge the employer's concerns about hiring someone with a conviction history.
- Describe the offense factually. Take responsibility for your actions.
- Talk about the positive changes you have made since the offense and the lessons you learned from your mistakes.
- Emphasize the hard skills and work history you have to offer as an employee. Speak to your future!

- Invite the employer to ask more questions about:
1) Your conviction, 2) your rehabilitation, 3) the skills you have to offer, or 4) your work history.

Writing out your answers is a great way to articulate them clearly and to help commit them to memory. Compose a one-sentence statement for each of the five points listed above, and practice answering them aloud.

Emphasize both your qualifications and the financial incentives for hiring you.

During the interview, focus on your qualifications and the skills you will bring to the job. But you can also increase your appeal by mentioning the financial incentives available to those who hire returning citizens, such as the Work Opportunity Tax Credit (WOTC).

Work Opportunity Tax Credit Program

The Work Opportunity Tax Credit (WOTC) program helps those facing barriers to employment by offering a tax credit that can save Montana employers up to \$9,600 per qualifying new hire. The credit is available during the qualifying worker's first year of employment. The number of qualifying new hires is unlimited and is available to both for-profit and tax-exempt organizations.

Visit wsd.dli.mt.gov/employers/wotc for further details.

Federal Bonding Program

The Federal Bonding Program helps hard-to-place job seekers by issuing bonds that insure business owners against monetary and property losses due to employee dishonesty, eliminating the perceived "risk" of hiring workers with a conviction history.

Sponsored by the U.S. Department of Labor, these bonds are available at no cost to job applicants or employers.

Bonds cover the first six months of employment, with continued coverage available for purchase if the worker has exhibited job honesty under the program's bond.

The program covers the following groups:

- Job seekers with a record of arrest, conviction or imprisonment; and anyone who has ever been on parole or probation, or has any police record
- Ex-addicts who have completed treatment for alcohol or drug abuse

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- Job seekers with a poor credit record or have declared bankruptcy
- Applicants without a work history who also have families with low income
- Those dishonorably discharged from the military

For more information, visit bonds4jobs.com.
To find out how to apply for a bond, please contact your local Job Service.

Montana Reentry Resources

The Montana Department of Corrections' Reentry Initiative is a multi-agency effort to help ex-offenders reenter the workforce successfully.

A list of Reentry Resources is available at: [Reentry Resources: Montana - PROBATION INFORMATION NETWORK](http://ReentryResources:Montana-PROBATIONINFORMATIONNETWORK)

JOB SEEKERS...KNOW YOUR LEGAL RIGHTS.

Can employers consider an applicant's convictions?

In some cases. Federal statutes may prohibit people with certain felony convictions from employment in certain jobs. In these cases, employers are required to run background checks due to the nature of the work.

However, returning citizens have the right to be employed in spite of their records. Several states have laws that limit how and under what circumstances an employer may consider an applicant's criminal record. These laws make it illegal for an employer to discriminate against an ex-offender unless his or her conviction record is related to the duties of the job. Factors considered include the seriousness of the offense, how long ago it happened, the offender's age at the time of the crime, efforts toward rehabilitation, and the conditions and demands of the workplace.

To find out if there are legal restrictions on an occupation you are interested in pursuing, visit abacollateralconsequences.org, or ask a Workforce Consultant at your local Job Service to help you find the answers.

What do I need to know about background checks?

While some employers run background checks, it is more common to do an informal search on Google or conweb (app.mt.gov/conweb).

Employers must get your written permission before getting a formal credit report or criminal background report. If an employer runs a background check without your permission, contact the Federal Trade Commission at www.ftc.gov, or by calling 877-FTC-HELP.

If an employer uses something in the report to disqualify you for a position, the employer must give you a copy of

the report and a "notice of rights" that includes contact information for the reporting company. If the report contains inaccuracies or misinformation, contact the reporting company requesting a correction. Also make sure to inform the employer about the mistake.

Using criminal background checks to exclude individuals with criminal backgrounds could be in violation of the Equal Employment Act. If you feel that this has occurred please contact your local Job Service Center.

Will my record prevent me from getting licensed?

Section 37-1-203 of the Montana Code Annotated prohibits professional and occupational licensing boards from using criminal convictions as the sole basis for denial of professional or occupational licensure.

Each application is considered on a case-by-case basis, so there are no absolute rules dictating which types of convictions bar licensure in certain occupations. As you select a career to pursue, it is essential to research and contact the specific state licensing boards. However, don't assume you cannot enter a particular career because of a conviction.

For more information on occupational licensing:

Business Standards Division

301 South Park - P.O. Box 200513
Helena, MT 59620-0513
(406) 841-2300 - bsd.dli.mt.gov

Business and Occupational Licensing Bureau

bsd.dli.mt.gov/license/bus_index.asp

Healthcare Licensing Bureau

bsd.dli.mt.gov/license/hc_index.asp