

# Seeking Employment When Formerly Imprisoned: Myth Busting & Tips for the Job Hunt

By Rehana Lerandean

One of the key indicators of getting out and staying out is a person's ability to secure employment upon release. This tool is designed to support people awaiting parole to prepare for the job market once released. We debunk a few common myths about employment for formerly imprisoned people while providing helpful job seeking tips.

The data and recommendations in this resource are compiled from sources such as the Equal Opportunity Employment Commission, All of Us or None, the National Employment Law Project, the Society for Human Resource Management, and various industry experts who supported the creation of this resource. If you have further questions about anything in this resource, you can reach out to rehana@criticalresistance.org, or write to her at CR's national office.

## MYTH: EMPLOYERS CAN ALWAYS DENY MY APPLICATION BASED ON A RECORD.

**FACT** While barriers to employment do exist for certain occupations and within certain industries, blanket bans on hiring workers with records are not recommended by the Equal Employment Opportunity Committee (EEOC). The EEOC recommends that employers conduct something called a "nature-time-nature" test when assessing a job candidate's record. This asks employers to assess the nature of the conviction, the time that has passed, and the nature of the job role; if together they do not pose a "legitimate risk" the record should not be means for denying employment. For example, a Driving Under the Influence (DUI) 10 years ago would not pose a "risk" to a candidate being interviewed for a customer service role today.

**Job-Seeking Tip:** In order to give yourself the best possible chance at securing employment, research the requirements for the industries in which you're interested and don't go after jobs that have a primary function that is very related to your charges. For example, if you were convicted for data theft, don't apply for a data-analyst role, instead apply for a customer service role. Or if you were convicted for theft, don't apply to work the floor in a retail space, instead apply for a role in logistics.

## MYTH: MOST LIVING-WAGE JOBS HAVE A BAN ON FELONY CONVICTIONS.

**FACT** While there is no national ban on employing workers with criminal records, many jobs that require an occupational license (i.e., barbers, dental hygienists, some teaching roles, etc.) do have bans on felony convictions, which can be determined at the local, state, and federal levels depending on your location. However, that doesn't mean that it will be impossible for workers with felony records, or convictions of any kind, to find meaningful, living-wage work. Many open roles for which workers are qualified will not require an occupational license.

**Job-Seeking Tip:** You can check resources like the National Occupational Licensing Database to see what roles may be harder to secure with a reportable conviction. You can also use fair chance friendly job search engines like 70million Jobs, Honest Jobs, and LinkedIn's "Fair Chance Filter" to find employers who are prepared to hire workers with records.

## MYTH: AS A WORKER WITH A RECORD, I HAVE NO RIGHTS IN THE EMPLOYMENT PROCESS.

**FACT** Formerly incarcerated people and their loved ones from the grassroots organization All of Us or None (AOUN) have success-



By Roger Peet. Justseeds Artists' Cooperative.

fully won campaigns to "Ban-the-Box" in 37 states and 150 cities, which delays asking about a conviction history until later in the hiring process. This means that in these regions employers may not ask about your conviction history until your skills have been fairly assessed and a conditional offer of employment has been made. Progress has also been made on the federal level like the passing of the Fair Chance to Compete for Jobs Act of 2019 which went into effect in 2021. The law prohibits most federal agencies and contractors from requesting information on a job applicant's arrest and conviction records until after conditionally offering the job to the applicant. Additionally, even after a job offer has been made, an employer must give written notice and receive permission from the candidate to run a background check, and the employer is bound to Fair Credit Reporting Act (FCRA) laws that protect the candidate from privacy violations and discrimination.

**Job-Seeking Tip:** With policies like "Ban-the-Box" and the FCRA, if an employer asks you about your record prior to a conditional offer or runs a background check without written consent, you may have grounds for filing a discrimination suit. For example, one worker in the San Francisco Bay Area successfully filed a discrimination suit against a large and well-known tech company and won in large thanks to the city's recently passed Fair Chance Ordinance. She was able to reclaim her position, which had been denied based on her record, and has since maintained her employment and been promoted several times.

## MYTH: ONCE I LAND THE JOB, I HAVE TO DISCLOSE MY RECORD TO MANAGEMENT AND MY PEERS.

**FACT** When you do make it through the interview process, and are hired and on-boarded as an employee, the Human Resources (HR) team that ran your background check may keep your results for between 1-5 years depending on their policies. However, those results must be kept in a locked compartment, must be kept confidential, and must be completely destroyed after the waiting period is over. Outside of the initial background screening process (if they have one) it is your decision to disclose your conviction or not.

**Job-Seeking Tip:** You may want to share with your manager so that they can support any conditions of parole/probation that could affect your work or share your history with a trusted peer who is helping you get acclimated. The important thing to remember is that your history is yours to share (or not) and should not

be discussed without your consent, and sharing should not lead to additional monitoring in the workplace.

## MYTH: BECAUSE I HAVE A REPORTABLE CONVICTION, NO ONE IS GOING TO WANT TO HIRE ME OR BELIEVE I'LL DO WELL ON THE JOB.

**FACT** We are still in the fight to dismantle the stigma, stereotyping, and discrimination seen in employment for workers with records, but we are also in an exciting moment in our organizing for full rights and access to work for workers with records. In addition to an overall ideology shift happening, more and more employers are taking up banners of "fair chance hiring", and we have achieved important policy wins. The Society for Human Resource Management has shared that "82% of managers and 67% of HR professionals think that the value new employees with records bring to the organization is as high as or higher than that of workers without records." All things considered, now is a better time to be a job seeker with a record and many efforts are out there to create ease in the process.

**Job-Seeking Tip:** Remember, good employers for formerly imprisoned people and people with records do exist. Don't get discouraged! Despite your record, you have so many skills and strengths that would make you a great employee. Demonstrate your self-awareness, eagerness to learn and grow, and ability to follow through and be accountable for any job you apply for.

## MORE TIPS & STEPS TO PREPARE FOR JOB SEEKING

1. **When you're preparing for job interviews, find out the employer's practices around considering conviction histories, and know what would come up on your record if they do run a background check.** Most employers fall somewhere on a spectrum between "open hiring" and "highly regulated" screening processes. "Open hiring" is a process, used by employers like Greystone Bakery, that doesn't require candidates to interview or consent to a background check. Instead, there is an open pool of roles and candidates and it's a first come, first employed process. A more highly regulated industry, like working in an elementary school, might have strict requirements in both skill set and conviction history. But most employers will fall somewhere in the middle, and it will be helpful to know the nature of their business and if your reportable convictions pose a risk.

**What to do:** To prepare, consider using [www.betterfuture.com](http://www.betterfuture.com) to run a free basic background check on yourself and see what convictions still come up before the interview process. *This basic check may not pick up all possible reportable convictions.*

2. **Identify your strengths and skills.** One of the biggest perceived barriers for folks looking for work after a long stint inside is a "gap in the resume". However, you can consider sharing all the things you've been doing during your period of imprisonment as transferable skills. Whether you have held jobs while imprisoned, or have been working on your education, or counseling peers, what you've been doing has provided you with valuable skill sets for the workforce.

**What to do:** You can choose to be fully transparent in the interview process, or list those skill-sets as being employed by "The State of [wherever you spent time inside]".

3. **As you're searching for work, consider breaking up your goals into short-term, me-**

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**dium-term, and long-term goals.** Right when you get out, you might need to get easily accessible work quickly to start generating income and meet potential conditions of parole. Once you have that, you can spend a certain portion of every week job searching for something more attuned to what you'd like to be doing in the medium term if you're not already on that career path. Once you have a sustainable living wage job in the medium term, you can really set your sights on the career you'd like to develop long term. Don't be discouraged if it takes you a few years to get to where you'd like to be ultimately -- everyone, formerly incarcerated or not, is on an employment path that doesn't lead straight to where they want to be right away without a journey. Have patience with yourself and think strategically about how to sustainably meet your goals over time.

**4. Look for jobs across industries and sectors, in addition to your interests.** As you prepare to parole, you may be feeling stumped about what jobs to look for in the first place. Of course, your interests and skill sets play a major role in what work you look for once you're out, but it may also be worthwhile to think about what industries are accessible and growing in their labor force.

Potential industries to search for work in:

**Healthcare** - Healthcare support occupations are projected to grow the fastest of all occupational groups. Projected fast-growing occupations in this group include physical therapy assistants, home health and personal care aides, and occupational therapy assistants. This sector is projected to gain approximately 924,000 jobs, reaching an employment level of 4.6 million in 2031, which would make it the largest occupational group in the economy. Demand for caregiving services and therapy services is expected to rise rapidly in response to the growing elderly

population, which typically has elevated healthcare needs compared to younger groups.

Projected # of jobs (2021-2031): 924,000.  
Salary range: \$48k-\$160k.

**Computer & Mathematical** - The computer and mathematical occupational group is projected to experience much faster than average employment growth of 15.4% through 2031. Expected strong demand for IT services, including cybersecurity services and cloud computing, will fuel demand for computer occupations. For mathematical occupations, expected robust growth in data and demand for data to be collected and analyzed are main factors behind strong projected employment growth. Three computer and mathematical occupations are featured among the ten fastest growing occupations: data scientists, information security analysts, and statisticians. In addition, software developers are expected to see the third-largest increase in jobs of any occupation over the 2021-31 decade.

Salary range: \$50k-\$220k.

**Green Jobs** - Green jobs, or occupations with a focus on the environment, are projected to rapidly expand over the next decade with an above average growth rate of up to 50% for certain roles. These roles include environmental specialists, environmental protection technicians, environmental engineers, solar installers, and more.

Projected # of jobs (2019-2029): 405,500.  
Salary range: \$45k-\$96k.

**Manufacturing** - These jobs typically require some level of technical training or applied skills. Examples include computer numerical control (CNC) machinists, welders, and maintenance technicians. At the higher end of experience, some of these jobs require more specialized skills. Unlike the first category, these jobs can-

not typically be filled immediately with someone from another industry or recently graduated from high school. Rather, they often require a hands-on, applied training program that can take between several months to more than a year. Some also require licensing and certification.

Projected # of jobs (2020-2030): 4 million.  
Salary range: \$28k-\$120k.

**Transportation, Distribution, and Logistics** - The Transportation, Distribution, and Logistics cluster is all about moving people and things from one location to another quickly, safely, and at a low cost. Workers in this industry design transportation systems, operate or repair equipment, plan how to move materials, and take care of storing products. Transportation systems included in this cluster include aircraft, railroad, waterways, over the road, and pipelines. Careers in this cluster include the following: Aircraft cargo handling Supervisors, ambulance drivers, bus drivers, freight forwarders, mechanics, truck drivers, and many others. Careers that involve more advanced training include logistics analysts and supply chain managers.

Projected # of jobs (2020-2030): 4 million.  
Salary range: \$28k-\$162k.

Most importantly, take time to reflect on yourself, all that you've already accomplished, and your right to living-wage employment and everything that comes with it. Go with confidence into the crucial process of securing meaningful work, and remember that you have rights along the way! ♦

**About the Author:** A former CR Oakland member and now CR's National Membership Coordinator, *Rehana Lerandau* is a member of *The Abolitionist Editorial Collective* based out of Atlanta, GA. Before working with CR, Rehana worked with several non-profits supporting formerly imprisoned people with employment

FEATURES ACTION

# Terrains of Labor Struggle: A Roundtable on Union Organizing

With Jessica Suarez Nieto, Clarence Thomas, and Ana Laura Gamardo

by Dylan

**Editor:** The Abolitionist views labor as a site of struggle and political discussion. We discuss and promote the struggles of industrial workers, like the Chicago Teachers Union and the International Union of Marine and Shipbuilding Workers of America. We have a long history of discussing racism and anti-racism in the workplace. We have a long history of discussing the struggles of the United States and the international community. We have a long history of discussing the struggles of the community. We have a long history of discussing the struggles of the community.

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