



GENERAL TIPS FOR FAIR CHANCE HIRING

Fair chance (often referred to as second chance) hiring is founded on the basic idea that everyone - regardless of identity and background, including criminal history - has a right to apply and be fairly assessed for jobs they are qualified to fill.

There are many advantages to this approach, including creating a competitive advantage through diversity of workforce.



TIPS FOR SUCCESS

Don't Let Perfection be the Enemy of Progress

- ❑ Fair chance hiring does not have to be overly complicated, but often employers overthink it. If you are a new fair chance employer, approach it as you would any new initiative - start small with one or two positions, maybe a predetermined number of new hires (e.g. 3-5), and innovate.
- ❑ There are important considerations to plan for, so do your due diligence, but then dive in, learn and improve as you go!
- ❑ Build into your planning time and resources for prototypes, learning in real time, adaptations, and [fast fails](#). Don't create a process that has to be a huge success right away or is abandoned if it's not.

Consult the Experts

- ❑ Stand up an advisory committee of formerly incarcerated individuals to provide consultation and personal insight to the candidate experience throughout all steps of your process.

Work with the Individual

- ❑ Assess each candidate individually based on their qualifications and fit for the job, not on blanket policies, background checks, or specific application questions.
- ❑ Do your due diligence to understand relevant laws and regulations, and invest in appropriate risk prevention - but don't go further than necessary. Remember that *everyone* has challenges in the workplace. Don't assume that your employees with criminal records will have more issues than their counterparts. There is no magic formula for screening or predicting every issue that might come up; treat each employee as the unique individual they are and address real issues.
- ❑ Make resources such as an [Employee Assistance Program](#) available to all employees, and avoid predetermining who may need extra support.

MOTIVATION AND READINESS

The first step is to clarify and articulate your motivation - *why* you are going to be a fair chance employer, and how you are going to message your intention. Articulate your reasons clearly, and then build the culture accordingly.

- A common motivation is that fair chance hiring makes good business sense. People involved in the criminal legal system are customers, future customers, family members of employees, etcetera. This under-tapped portion of the labor market offers critical diversity in the workplace, and [research](#) indicates that formerly incarcerated individuals have lower absenteeism and less turnover compared to their counterparts.

TIP: Create an advisory council made up of at least 50% of formerly incarcerated employees to advise and inform, and also to be responsible for aspects of implementation including helping develop human resource policies.

Readiness is about preparing the company and all stakeholders (shareholders, board members, employees at all levels) to embrace fair chance hiring. This requires intentionally investing in and building company culture; it is more than just training employees to avoid microaggressions.

- Talk about fair chance hiring in advance of doing it. Establish buy-in from leadership as well as those with less authority within the company.
- Determine the company vision from the beginning, then develop and implement practices and policies that support the vision and are fully aligned with the values underlying the vision.
- Readiness and building culture also requires assessing and mitigating potential risks. How your company manages potential risk should reflect and align with its underlying values and beliefs. With a strong culture based on values, you will be able to hear concerns without them derailing the ultimate goal.



TALENT ACQUISITION AND HIRING

Determine which positions can and will be part of your fair chance hiring, how you will source candidates, and how you will assess qualifications and fit. Create a process that sends the message that all are welcome to apply and will be considered, instead of the message that formerly incarcerated individuals *can* apply and *might* be considered.

- Consider where you advertise and post open positions. It can be helpful to target sources that specifically tailor to formerly incarcerated job seekers.

Develop your talent assessment, which often includes some form of interviewing, to screen for fit with company culture and the qualifications for the specific position. Create a process that focuses on assessing each candidate's skills, interests and personality - not their criminal history or labels (criminal, ex-felon, ex-inmate).

- In many cases, someone's criminal history is irrelevant to their ability to excel in the position and at your company.
- The flip side to consistency is individual assessment. While you want each candidate to have similar experiences in the hiring process, you also must assess each candidate individually. [Companies risk being sued](#) when they do not assess candidates individually, and instead rely too heavily on context-free information, such as background checks.

Background checks are a very common part of many hiring processes, but can create significant and unfair challenges for candidates with criminal records. This disparity is exacerbated for people who have served juvenile life without parole because their charges are often violent felonies, despite occurring decades ago.

- Remember, you do not *have* to use background checks to screen out candidates. It can be a useful tool for collecting certain kinds of information, but must be coupled with a thorough *individual* assessment and opportunities for conversation, context and explanation from the candidate.
- The [Equal Employment Opportunity Commission](#) and the [Fair Credit Reporting Act](#) provide guidance on how to use background checks lawfully.

TIP: Avoid a "one size fits all" approach to policies. For example, instead of excluding people with certain types of criminal records, assess each candidate individually. And, as with all hiring practices, understand the applicable laws and nondiscriminatory practices.

TIP: Use the same assessment processes and tools for all candidates; do not differentiate the process based on a person's past. Consistency is crucial - each candidate should have as similar an assessment experience as possible.

TIP: It's more important to understand the context of the crime, than the crime itself. Best practices urge using the "Nature-Time-Nature" approach:

- The nature of the offense
- How long ago it happened (which should also include the candidate's age at the time of the crime)
- The nature of the job you're filling

ONBOARDING

Congratulations, you've hired excellent candidates as part of your fair chance hiring commitment! The next step is to onboard them, which is an important opportunity for relationship building and investment in your new employees.

- Providing a meaningful onboarding experience (orienting to culture, policies, practices and the specific position) signals that your company believes in the employee and that they are worth investing in. This is the foundation for increased loyalty, and reduced absenteeism and turnover.

PROFESSIONAL DEVELOPMENT AND MOBILITY

Every new employee can benefit from coaching, professional development, and [OJT](#). And all employees should be afforded opportunities to seek promotions, lateral moves, and increased compensation.

- These practices take on increased meaning for formerly incarcerated individuals who face [additional barriers to economic prosperity and career growth](#).
- Further, the criminal legal system unjustly incarcerates people of color, particularly Black people, at overwhelmingly disproportionate rates compared to White people. Engaging in intentional pathways for upward mobility for employees with records is an important racial justice strategy.
- Companies sometimes inadvertently promote the old adage “beggars can’t be choosers”, or “any job is better than none”. People who are formerly incarcerated, and especially those unconstitutionally imprisoned as children for extreme sentences, deserve a real fair (second) chance - not a handout. This means liveable wages, healthy work environments, and opportunities for mobility, careers, and leadership roles.

TIP: Establish a mentor or "buddy" system between more seasoned employees and new hires for their first six months of employment.

The world changes so quickly; having a buddy to help orient to technology, norms around language, interpersonal interactions in the workplace, etcetera, can be a critical element of success, particularly for individuals who have been in prison more than 10 years and/or were children when imprisoned. This is a low-cost way of ensuring new employees have someone to ask questions, check their assumptions or understanding, and are equipped to be successful in the 21st century workplace.



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