

PREPARE

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# Overcoming Non-Skill Barriers to Employment for Formerly Incarcerated Individuals

Important Lessons from Leaders in the Field

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# Introduction

As we entered 2014, 11 million Americans were unemployed while 4 million jobs remained unfilled. Many explanations for this have been posited by field leaders, including the popular assertion that a ‘skills gap’ exists in which employers are unable to find candidates with the right knowledge, skills and abilities to fill open positions.

Yet this is only a partial explanation. One in four U.S. adults currently has a criminal record, which significantly reduces their chances of being hired. While it’s already increasingly difficult for low-income people to find good jobs, an incarceration history only exacerbates these difficulties and often become insurmountable barriers to attaining quality careers. With one in 27 Latinos and one in 12 black males currently behind bars, this problem has a disproportionate impact on communities of color.

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At Living Cities, we seek to better understand these barriers to employment and share lessons about innovative approaches to overcoming them. To that end, we engaged national and regional leaders in a [webinar](#) earlier this year about what it takes to overcome the significant non-skill barriers to employment facing formerly incarcerated job-seekers.

In a follow-up conversation in May 2014, we spoke with 4 leaders in the field to further surface lessons learned about how to overcome these barriers. Participants included *Jason Perkins-Cohen* ([Job Opportunities Task Force](#)), *Eddie Ahn* ([Brightline Defense Project](#)), *Marta Nelson* ([Center for Employment Opportunities](#)) and *Doug Ammar* ([Georgia Justice Project](#)).

Below is a list of seven lessons framed as key questions and answers from the conversation. We hope the insights below will serve as a resource to others tackling similar issues. For more detail, you can also [access a recording of the conversation online](#).

## 7 Questions and Answers

### 1. ***What are some effective city-level and/or state-wide policies or practices?***

**Jason:** Job Opportunities Task Force focus on three pathways to removing barriers created by former incarceration:

- “Ban the box” legislation that prohibits legislators from asking about prior convictions on job applications.

- Shielding legislation that limits the public's access to .
- Expungement removes the record completely

However, non-record associated barriers that frequently become problematic include inability to keep up with child support requirements and parole fees that often represent a significant financial burden for formally incarcerated people.

**Doug:** Similarly, we at the Georgia Justice Project organize our policy advocacy work into three buckets:

- Managing access to information (expungement, shielding)
- Managing the effect information has on people (ex. "Ban the box")
- Working with public and private sector to increase incentives to hire formerly incarcerated people.

## 2. ***What are the challenges and successes of specific policies and programs? (Both in implementation & passing policy.)***

**Eddie:** One success has been improving San Francisco's local hiring policy for construction contracts. Brightline pushed public subsidies to aggressively mandate opportunities for disenfranchised populations. We often point out that if the government invests in training programs, it follows suit that city contracts should be modified so that at the end of the training, all participants are guaranteed jobs.

**Marta:** Cities aiming to make their workforce policy more effective need to figure out how to match person and program appropriately, because different programs work better for people with different risks and needs. For example, because CEO has great success with people at a high risk of reoffending, we have been matched with a high risk cohort in New York State under a social impact bond program. Social Impact Bonds are innovative because they transform how these change-making programs are funded and help to scale up programs that have evidence of success. A third party puts up the money to do the intervention. At the end, if the evaluation shows the state has saved money, the investors are paid back out of those savings.

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**Doug:** Since we see different circumstances in more conservative regions, tactics and lessons don't always translate from the Northeast to the South. Our challenge is to figure out how to make our work persuasive to the people in this region. For example, a social or racial justice lens is not very

effective in the South and will often shut down a conversation in a heartbeat. Therefore, we look to our neighboring states—Louisiana and Tennessee—for strategies and appropriate language. For example, we use terminology like "enhance the chance" instead of "ban the box" because we want to frame it as a positive instead of a negative.

Additionally, one of the biggest problems is public perception of previously incarcerated people. We challenge that by getting fact instead of perception out there, especially when it comes to guiding policy.

**Eddie:** To add to that, even in progressive San Francisco we sometimes have a struggle talking about disadvantaged populations and have to be intentional about the way we pitch new programs and policies. The keys are appropriate language and a program design that is aligned with the local political discourse.

**3. *How can we move or compel the public to support opening up opportunities to previously incarcerated people?***

**Marta:** Key messages are helpful to galvanize the public around these issues. New York ran a public education campaign around hiring people with previous convictions. It was employer focused and appealed to the bottom-line for business. The campaign did this by emphasizing points like the fact that people with records are grateful for the job opportunity so they are more motivated to hold onto jobs and become better employees. The campaign also informed employers of direct financial incentives, such as federal bonding, tax credits, etc. In Tulsa, Oklahoma, as it is more conservative, we found it helpful to align our message with the beliefs of the community. That meant emphasizing that “we don’t give them a hand out, we give them a job.” In short, it’s about using language appropriate to the community.

**4. *What does it take to continue supporting individuals after they have been placed into jobs?***

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**Marta:** This is a fairly recent addition to CEO’s services. We realized that holding a job is not necessarily intuitive and many people need continued support. We have retention specialists go meet them at the workplace and see how they are doing. Sometimes, that means they help mediating workplace conflict. Other times, they help the employee with career planning, financial counseling around debt reduction, or credit building. This holistic approach is important because holding a job can be tough, but it gets easier when viewed in the context of where you are going with your career. However, this is work that is difficult to fund. Most funding sources want you to hit milestones for retention, but won’t pay you for it. We usually rely on philanthropy for this work.

**Jason:** The Job Opportunities Task Force actually works with retention before placement, as part of our workforce preparation. In addition, we have a thriving alumni association so that program graduates can stay in contact to help each other and maintain networks that can lead to better job opportunities and other support while they are working.

**5. *What are some useful tactics for implementing policies and programs, particularly when in collaboration with the public sector?***

**Jason:** Having the local power structure caring about something, or needing something, is a pre-requisite. The public sector needs to care and be willing to make the policy or program a priority.

**Doug:** Couching efforts around a focus on getting people into jobs and how it benefits government has been a key approach for us. We don't make it about charity. Most people that come in and ask for legal help with their record are doing it because they are trying to get jobs.

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**Eddie:** It depends on the stakeholders in the arena you are working with. With community, labor unions and government stakeholders, we found that we need to research and assess the cities financing plan so that whatever we achieved could be sustained for several years.

**Marta:** I think it depends on the jurisdiction. We work in ten different ones and we don't talk about our work the same way in any of them. Sometimes it's about inequality, sometimes it is in terms of cost-reduction, or an area-specific policy they are trying to solve. The framing of our problem adapts accordingly.

**6. *How have the lessons you've learned through your programmatic work been incorporated into your current practices?***

**Doug:** On the programmatic side, we know that sometimes the reason a person comes to us to ask for help with managing their record, it's not the only barrier the person has to getting a job. Sometimes there is an assumption that people are ready to get hired but in fact they need things like basic interviewing skills and to know how to talk about their conviction. To be proactive, we encourage them to write a three paragraph story about what happened, who they were then, who they are now and why they are ready to be a good employee. At the same time, one issue we have talked about is the tension between public and private records. The issue is not the public records, but the private background-check companies that private employers use when screening. That's why the Georgia Justice Project now focuses on advocacy on that front. In sum, the positive of engaging with programs as well as policy is that the objectives can be aligned.

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**Marta:** We mostly get into advocacy when we find that a law in the books severely and unfairly impacts many people's ability to find even entry level work. For example, restaurants with liquor licenses in New York were previously banned from hiring anyone with a conviction, even to work in the kitchen or the dish room. In response, CEO lobbied the state legislature, framing it as reducing employer choice of employees, and the law was changed.

**7. *What are some of your strategies for engaging private sector employers?***

**Eddie:** In the construction sector in San Francisco, it really came down to the multiplicity of stakeholders. There is an established pool of contractors involved in

securing government contracts. Among these, we invited the actors that weren't disruptive for our goals to push for new legislation and practices. In terms of actual implementation, we found labor unions to be a powerful ally in helping the private sector comply with the new employment policies.

**Marta:** This is a challenge for CEO as a provider. While we do want to engage employers to hire more formerly incarcerated people, we don't want to antagonize them by pushing them to advocate for hiring equality issues. There is always a give and take.

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**Jason:** Part of our challenge was that private employers' perception of who would have that background of a conviction felony was not grounded in reality. In response, Job Opportunities Task Force asked the potential employers what could address their concerns and they indicated they wanted to hear directly from other employers and from working individuals with a record. As a result we created a

project highlighting people with a record who had been successful in order to encourage a change in the employers' perspectives. We are aiming to emphasize that it is not a handout, and are making the case that it is good business. For example, we had a Vice President from Johns Hopkins Hospital speak about their positive experience hiring, which empowers us when talking to other hospitals that don't (see more on this project at [www.pastforwardmd.org/](http://www.pastforwardmd.org/)).

## Key Themes

From this rich and informative discussion, we distilled five highly interconnected lessons that can inform similar efforts on the ground:

- 1. Align policy and programmatic efforts:** In order to effectively reach lasting systems change, programs (such as supporting formerly incarcerated job applicants with interviewing skills and resume writing) and policies (such as ‘ban the box’ legislation) need to align around the same goals. [Collective Impact](#) is one potentially useful framework for aligning cross-sector efforts around the common goal of helping formerly incarcerated job-seekers access quality jobs.
- 2. Explore innovative financing solutions:** With worsening municipal budget constraints, finding more effective ways to use government dollars is a necessary condition for achieving large scale results. One promising approach can already be seen in Pay for Success initiatives (also known as Social Impact Bonds), which redirect public spending by encouraging innovation and rewarding initiatives that show results.
- 3. Frame the problem appropriately:** Given that local policy and programmatic efforts take place in varying social and political contexts, language needs to be adjusted accordingly. The language used to change the hearts and minds of politicians and other citizens must be framed differently, for example, in progressive San Francisco than in the more conservative Tulsa. Appropriate framing that is sensitive to local discourses is critical to successful efforts in this field.
- 4. Make the business case for hiring formerly incarcerated people:** Another significant challenge is that private sector hiring practices are often shaped by misinformed perceptions. By reaching out to potential employers to understand their concerns, channels to the business community can be opened for more accurate information sharing. This type of employer engagement is critical for understanding and eventually influencing actual hiring decisions to help formerly incarcerated job-seekers gain access to good jobs.
- 5. Challenge perceptions:** Ultimately, systems change requires changing the hearts and minds of people. One way to accomplish this is to humanize the current impact of the status quo by elevating the stories of job-seekers struggling to find employment because of criminal records despite being otherwise qualified.

### **JOIN THE CONVERSATION**

We invite you to revisit the [recording](#) of this conversation and join the discussion. Please contact us at [jarias@livingcities.org](mailto:jarias@livingcities.org) or on Twitter with [@Living\\_Cities](https://twitter.com/Living_Cities) using [#access2jobs](https://twitter.com/hashtag/access2jobs) to share your experiences and provide any feedback.