

Working with Ex-offenders: What Community Rehabilitation Providers Need to Know - Transcript

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Lynda Leach: Hi everybody. This is Lynda Leach at the University of Illinois in Urbana-Champaign and welcome to the monthly RSA Region V CRP-RCEP teleconference. Maria Anderson is our presenter today and she will be talking about *Ex-Offenders Employment and Rehabilitation*. If there are no other questions it is my pleasure to introduce Maria who is a national trainer and consultant and an expert in the field of ex-offender rehabilitation.

Maria Anderson: It's my pleasure to present you with some information that will hopefully make your jobs a little easier when working with the ex-offender population.

I'm going to be covering a few topics that I feel are critical to working with the ex-offenders: background checks, a little bit on off-limit jobs and the employer incentives for hiring ex-offenders.

Feel free to jot down your questions. there will be time at the end of the presentation to ask questions.

In regard to background checks, there are some common myths you may have heard from some of your clients.

Please go to SLIDE 1:

Myth 1: Employers can only check back for the past seven years.

Not true, every state is different. Some employers may only be interested in convictions for the past 3 years, 5, 7 or 10 years. How far back they can actually go depends on what the state will release. Most states release criminal history information back to age 18. However, you do have some states that release juvenile records, for instance Ohio and Delaware.

Take a look at SLIDE #2:

Fair Credit Reporting Act governs the use of criminal history records – Amended in 1998 to eliminate any restrictions on how far back conviction records could be reported. So there is no set limit. It's what each state decides it will release combined with how far back the employer wants to look.

Please go to SLIDE #3 to take a look at some more myths:

Myth 2: They need my signature to get my record:

Not true, many states release criminal history information as “public information” and don't require a signature. All of the states in Region V release some criminal history information publicly. Various methods exist – on the Internet, mail in a request, etc. For example, in Michigan, you can access criminal history information for \$10.00 with a credit card on the Internet.

Myth 3: They can't find out exactly what happened.

Not true, many counties will release the actual complaint that was filed at the time of arrest as public information. The complaint is the report a police officer fills out when they've responded to a crime or incident. It spells out what happened in detail. You can go to the county, get the case number, and request the record. You can usually get copies for a small fee.

Myth 4: Well I'll just get that taken off my record.

It's not that simple. Most states either won't remove convictions from a record or are very restrictive in allowing it. Some won't allow certain types of offenses to be removed at all. For instance in MN they won't remove certain sex offenses.

Myth 5: My record will go away after so many years.

Not true, some states maintain records indefinitely. Once again, each state is different. In Indiana, the record is maintained until the person dies or until they reach the age of 99 years and have not had another criminal act for the previous 15 years.

So these are just a few myths that typically float around the ex-offender grapevine. Hopefully, this will help you to address them better as you hear these from your client.

Moving on to the main focus of this presentation, I picked the subject of background checks because you really can't come up with a viable employment plan without conducting a background check through your state agency.

One of the things I do here in Minnesota is consult for a number of agencies including rehabilitation services. I work with counselors and ex-offender clients in a number of areas. I won't work with a client unless I have a copy of the background check and I'll give you my reasons why.

First, I've given you a handout called “Background Checks.” It lists the agencies that maintain state criminal background records for each state in Region V. You can contact them if you have questions as to how to obtain a copy of someone's record, what information is released, how you can correct a record, how much it costs, etc.

By simply going to the website, you can find most of the information you need under “Frequently Asked Questions.” Lastly, I’ve also given you the FBI web site for background checks, which I will touch on later.

My focus today is to stress the importance of why the check should be done. Let me give you Maria’s top ten reasons to do a background check.

Please go to SLIDE #4

Reason ONE: You can’t believe the client.

One of the characteristics of the ex-offender population is the fact that they can be notorious liars. It’s because of what they do and what they’re into. They have to lie to cover up their actions.

If this goes on long enough, it becomes an ingrained process and they habitually manipulate the truth. This really applies to your career criminal and not so much the one time offender. So, just because the client “says” they have no felonies, doesn’t mean that’s the case.

You have to verify your facts before you can move forward with employment, placement, and training options. The only true source of criminal history information is to obtain the record directly from the state agency that compiles it. If your client comes in with other documents, don’t settle for those as valid.

They may be old, there may be pages removed. It may be a county record, which wouldn’t show convictions in other counties. I’ve seen this happen too many times. The client usually gets away with it because the counselor doesn’t know any different. That’s part of why I do staff training - to educate the counselors.

So let me touch on a few points in regard to the criminal record itself.

The state will have the criminal history for the entire state, through the agencies I’ve put on your handout, but the state record is only as good as what the counties report. If a county doesn’t report it to the state, the offense won’t show up on the state record, but will show up on the county record.

Sometimes the state record will list an arrest and charge - then list it as pending. That could actually be a conviction but the county didn’t report the result or disposition to the state. Ideal scenario is to check both – the state and maybe the county in which the person has been living.

As I mentioned earlier - many states release criminal history information at the county level as “public.” This means you can go to the clerk of courts and obtain information without needing a release or signature. Some counties post conviction information on their county website. Always check for the “when updated” for accuracy reasons. What is released at the county is normally information for that county only.

Another common practice at the county level is to release arrest information for that county. Typically the state agency doesn’t release arrest information, they just release conviction information. So if you

want to know if someone has been arrested, I would check the county first. Unfortunately, you would have to go to each county individually, to get the entire arrest record.

Reason TWO to do the check is to: Ensure you're not putting someone through training in a field in which they can't work.

When someone is convicted of a crime there are often "collateral sanctions to the conviction." This means there might be bars or restrictions to some employment positions or professional licenses. This is an important issue when developing the employment plan and choosing training options for your client.

Take a look at SLIDE #5: Equal Employment Opportunity Commission (EEOC)

- EEOC outlaws blanket exclusions for hiring ex-offenders (which means an employer can't simply deny someone because they have a record); However, EEOC does allow arrest or conviction records as evidence in an employment decision provided the employer considers three things:
- Nature and gravity of offense (what type and how severe) check fraud vs. assault
- The time that has passed since the arrest (6 months vs. 6 years)
- The nature of the job held or sought (what type of work) Making medical devices (hearing aids)

The specifics on bars / restrictions would be contained in your state statutes, laws, administrative codes / licensing regulations. Those can be found on the individual state websites, but would require quite a bit of research. Believe me I know I've done it for numerous state trainings and laws change every year.

Before you sponsor anyone into a training program I would highly recommend you contact the agency that might oversee or license that position. They can tell you the effect the conviction will have on someone working in that field. Unfortunately, a common response is – "we'll consider it on a case by case basis." This means there's no guarantee your client will be able to do that job.

Every state also has an agency that will oversee positions where individuals will be working with vulnerable adults. For instance in Wisconsin, it's the Department of Health and Family Services.

Take a look at SLIDE #6:

These are typically your off limit categories (elderly, sick, disabled, chemical & mental health issues, kids)

Other positions that will heavily scrutinize someone with a record include:

1. Positions of trust (banking, security jobs)
2. Some occupational licenses (varies by state)
3. Positions highly scrutinized for character or moral turpitude (police officer, teachers, psychologists)
4. Positions with access to personal information: Social security number, Date of Birth, Drivers License number (that's because of identity theft)
5. Positions where you're exposed to sensitive information: Medical information (medical records / medical transcription)

It should be noted that not all occupations flatly bar someone. Some statutes will include:

- May disqualify

- Must show evidence of rehabilitation, with each state having its own definition of what constitutes rehabilitation. Illinois actually has a certificate of rehabilitation and good conduct that they issue to certain ex-offenders.
- Laws and policies change, so it's best to contact the agency for the most up to date information.

You should also know some states do background screening for volunteer work.

Look at SLIDE #7:

October 1998: Public Law 105-251. Organizations and businesses dealing with children, elderly, and the disabled may now use national fingerprint-based criminal history checks to screen out volunteers and employees with relevant criminal records. Not all states screen volunteers, but most do and it's getting more prevalent due to concerns over sex offenders.

So back to our top ten: **Let's go to SLIDE #8**

What I've just discussed on off limit jobs leads to reason #2

Ensure you're not putting someone through training in a field in which they can't work

I've seen this happen too many times because the counselor is just accepting what the client says. We've already talked about believing what the client says. I've even seen clients show up with letters from schools saying they can work in that field. Well, remember the school wants their money and the school may not be aware of state laws barring the individual from working in that occupation.

Reason THREE to do the check: Ensure you're not placing someone in a job that's off limits.

Knowing what a person has on their record is critical to the employment plan. There's nothing more devastating for our clients then getting a job and being let go a week later because the state won't allow them to work there.

Reason FOUR: There could be things on the record that they didn't do:

- One of my clients was having a hard time getting a job. We requested her background check and what came back was two felony convictions for injury to an unborn child. Well, she never did that.

I called the BCA (that's the Minnesota agency that maintains criminal records) and all they could say was that someone must have punched in the wrong statute number.

Apparently, that had been on her record for years. Needless to say it was corrected. Sometimes the information is just wrong.

- Another client had one DWI and wasn't getting any interviews. We requested the report. It was 7 pages long with 10 aliases listed (her friend was using her name). I could give you a ton of examples. Bottom line is the client needs to make sure the report is accurate.

Reason FIVE to do the check: Verify court orders were carried out.

- Some clients get an expungement to remove the offense from their record. But was it actually removed?

- Sometimes an individual will be convicted of a felony and if they complete certain requirements the offense will be downgraded to a misdemeanor. By reviewing the report you can verify this change was actually made and it didn't slip through the cracks.
- Both levels should be checked: the state and county.

Please go to SLIDE 9:

Reason SIX to run the check: To make sure you're not misleading the employer .

- It's not uncommon that our clients don't remember things they've done in the past. You don't want them to mislead the employer by telling them something that isn't accurate. The employer will automatically assume it's an attempt on our client's part to mislead them versus an honest mistake.
- I had a client who was marking "yes" on applications where it asked if he had a felony conviction. We got his record from Illinois and guess what? He didn't have any felonies – they were all misdemeanors. He thought he did and that's what he was telling people.

Reason SEVEN: To protect yourself, your agency and society.

- Under the heading of – "To protect yourself" I had a situation where a counselor was getting very bad vibes from her client. She asked me to find out what I could because he was making her feel very uncomfortable - she basically felt very threatened.

I got a copy of the complaints that were filed from the county. He had a history of doing some pretty violent acts against women and not just women he knew, but strangers. Based on that she changed her mode of operation when dealing with him.

- Under the heading of: "To protect your agency and society" - let's do this scenario:

A client wants to do some volunteer work. The counselor suggests maybe they can help out with some Bible study classes for kids at their church, or help out at the "Y." AND let's say that state doesn't do background checks on volunteers.

A few months later there's an incident involving that client molesting a child. Believe me, people would be asking the question - How did he get that job? Didn't they know he was a sex offender? Why didn't they check that out? Your agency could be liable. So always check to protect yourself, your agency, and society.

And remember - not all sex offenders in every state have to register or are monitored.

As a side note: if you're working with sex offenders: Always ask for permission to speak with the probation officer or parole officer to find out if there are any restrictions. For instance, a sex offender might not be able to be in the presence of minors.

- You may think a custodial job in a hotel is fine, but if they have this restriction it won't work. They could be passing kids in the hallways or on elevators.

Okay, back to our top 10: Reason EIGHT: You need to see exactly what the employer is going to see:

Some states have what we call diversion programs. This is where an individual is not convicted of the offense.

They're placed in a program and if they complete the requirements of the program, the charge is dismissed. The issue here is whether or not it shows up on the background check - each state is different.

If it does show up on the background check - the individual can mark "no" to have you ever been convicted question on the application, but I would suggest they bring it up in the interview. I've gotten tons of phone calls from staff saying their client marked "no," but it came up on the background check and the employer let them go because they weren't up front and honest about it.

Reason NINE: So you can coach your client on how to discuss their record with an employer:

Not much needs to be said on this one, it's pretty straight forward. How can you help them discuss their record if you don't know what's on it?

Reason TEN: Check offender status

Some reports will indicate if an offender is a multi-state offender. That means your client has a record in another state or has a federal record. You can use this to prompt the question when interviewing the client. "Do you have a record anywhere else?"

You might consider running a background check in states they have previously lived in to see what shows up. It's common for ex-offenders to jump from state to state, especially the sex offenders.

I often get asked how can I get a copy of someone's record from another state? I would suggest going to that state's main website and doing a search on criminal background checks. They will post how to send for one, who can get it, what is released, how much it costs, etc. Private sites on the Internet aren't always accurate.

Another option: obtain a check for the entire country. Have the individual send for an FBI background report and have the results sent to you. Instructions are on the FBI web site I gave you. This will show the person's entire record throughout the United States to include any federal offenses. Unfortunately, it can take three to four months to get the report.

FBI checks are done by certain state agencies. For example, if someone is applying to be a child care provider or CNA - your state may require the FBI check. That goes back to what I was mentioning in off limit jobs / careers.

Something to keep in mind: You may find contradictory information. The county might show one thing, the state something else, the FBI something different.

Many people go to private agencies to run the check. Sometimes their information doesn't match. All you can do is obtain whatever information you can for the 10 reasons I gave you.

Sometimes I get asked - what if the information is wrong.

If an individual finds the information on a report is incorrect, there is always an avenue to get it corrected. I know of many cases where a private agency reported incorrect information.

When the individual contacted them to correct it, they did take action to change it. Unfortunately, by then the company was no longer interested in hiring the individual even though they proved the record was wrong.

If the state data is incorrect, sometimes the state agency will attempt to clarify it - other states may want the county that reported it - to notify them of the error. Your client might have to obtain some form of documentation to prove it. Once again, check your state web site. It should have the correct procedures to follow.

What if your agency doesn't support doing background checks on clients?

I would suggest you use the ten reasons I gave you to justify why it's imperative to do the check. I have seen agencies put people through training in a field in which they couldn't work.

I've seen counselors go with the clients "word" and get burned. I've seen things on people's records they didn't do. I could go on and on. It happens and it shouldn't.

With some individuals, this is a major safety issue. I feel we have a moral obligation to ensure we're not setting up a scenario where we're putting others at risk.

As I mentioned earlier, I won't work with a client unless I have the report. How can I advise properly, without having all the facts? You should have all the facts too.

I understand this topic might be uncomfortable for some people. You may be thinking your client will get defensive if you ask for their permission to run the check. I would suggest you approach it from this perspective:

You could say:

- We need to get the background check to make sure the information is correct.
- You know sometimes people use other people's names and you could have something on your record you didn't even do.
- We also need to see what the employer is going to see, so we'll know how to address it.

In other words, come from the perspective of you're trying to help them. That way you're coming across as trying to protect the client vs. being nosy or threatening.

If they don't want to cooperate in obtaining the record, that should tell you something. I've had rehabilitation clients who suddenly disappeared from services when they were told we needed to run the check.

I hope I've made it clear the importance of doing a background check. It's a serious issue that needs to be addressed and implemented by all agencies who work with employment and training issues. I feel it's a necessary step to protect the client, yourself, your agency, and the public.

Now I'd like to talk about something a little more positive and that would be the employer incentives. There are two programs available. The Federal Bonding Program and the Work Opportunity Tax Credit Program.

I've given you a handout entitled Bonding and WOTC. The handout has the web site for each state and the phone number for questions. I did indicate if there's a handout the client can use. This is included in the handouts posted for this training. I also gave you the Federal Bonding Web Site and a link to how agencies can purchase bonds on their own.

First of all let's cover the Bonding Program.

Please go to Slide 10:

- Federally Funded Program (available to all states, but some states don't participate) States go to the government to purchase the bonds and then distribute them to clients.

I need to mention currently Indiana has not funded the bonding program. Your state does get a few free ones each year from the government, but that's about it. As an agency or organization, you might consider purchasing some on your own to help your clients.

You can go to the website to see the prices. Cost right now is 25 bonds for \$2,450 (\$98.00 per bond). They're cheaper if they're bought in bigger packages.

Point #2: Any offender can use this. It doesn't matter what type of offense or level of offense: misdemeanor / felony, DWI / assault, prostitution - doesn't matter.

- The bond protects the employer against theft of money or property only.
- The client is covered for six months. Some states will extend an additional six months (IL).
- After six months Travelers Property Casualty will cover (someone has to pay either the employer or the client). The first six months of coverage is free to the employer and the client.
- The client has to be convicted of the crime in order to file against the bond (they can't just accuse them).

Take a look at Slide 11:

These are some areas where states will vary on how they administer the program:

- Coverage Amount: Unlimited to - some will only do \$5,000
- Full time only (some say 40 hours is full time, others say 30 hours); some say part time is okay); Temp to Perm (some say Yes, No, It depends)
- If they can use for Promotional Purposes (the purpose of the bond is to obtain employment, but if they're working and need it for a promotion they may be able to get it)
- Whether or not they can use the program more than once, varies

- Who they should contact to obtain coverage (One stop, Work One Center, Workforce Center, State Rep, etc.
- Who should do the contacting (employer or client)

Please go to Slide 12:

This slide depicts the categories of people who will typically be denied bonding coverage from an employer or insurance carrier because they're considered high risk. The first category: that's our clients - for purposes of this presentation: record of arrest, conviction, or imprisonment.

Under the Federal Bonding Program all of these categories are covered. However, you need to check with your state rep or refer to the state website to make sure you know how it works in your state.

The people who really need to push this program to an employer are clients who have theft, drug, or prostitution offenses. Employers associate these types of crimes with: you're going to steal from me. What better way to put an employer's mind at ease by having them explain they're covered and it doesn't cost the employer anything.

You should get a copy of a brochure / handout your client can use to show the employer. The handouts I've given you were taken off the Internet and something better may be available.

Have your client carry the handout to the interview and when they're done talking about what's on their record, they should explain the program to the employer and show them the handout.

It's very important that they show the employer the handout, as many employers don't know about this program and will insist they're not bondable.

When the employer makes the client a job offer is when action to obtain the coverage should start. They don't get bonded ahead of time. They get the coverage when the job offer is made and BEFORE they start working.

Having worked with thousands of ex-offenders, I can tell you this program really makes a difference in their being able to obtain employment. I had a guy with an aggravated robbery who got hired once he told them he was bondable and it was free.

If your clients with theft, drug, prostitution offenses aren't pushing this they should be - that's part of why they're not getting hired.

The second employer incentive is the Work Opportunity Tax Credit. You should already be familiar with this program.

On the Bonding and WOTC Handout I gave you, I listed your state web site and the Federal Website and some of the changes that took effect this year.

Some of the states in Region V have updated their information/handout on their web site - others haven't. So you'll have to go to your state web site and check it out. I didn't want to point fingers at

states that haven't updated their info.

I'd like to explain the fourth bullet on the slide in a little more detail: that's the - within one year from last conviction of release from incarceration.

If I get convicted of a crime today and all I get is probation, then starting today, I would have one year and one year only that I could push this program to an employer.

If I get convicted of a crime today and get six months in a workhouse or five years in prison (doesn't matter, I get incarcerated), then the day I'm released from incarceration starts the one year and one year only that I can push this program.

If I have a probation violation and I get sent back again to workhouse / prison again for the same case, that doesn't start the clock again.

You can also see on slide 14: other categories are covered under this program. Rehab Client is one of the categories. So if your client doesn't have a record, they would be able to use this program under that heading.

Slide 15: Shows a new category that just became available: Disabled Veterans.

Employers can get up to \$4800 in tax credits for hiring them. I gave you the criteria on the slide. A disability rating of zero qualifies.

Slide 16: Some other important facts about WOTC.

You should contact your state coordinator and get a copy of the brochure your client can use. You need to make sure your handout has the new changes on it. Look for the Disabled Veteran Category and that should tell you.

So once again, clients talk about what's on their record, then hits the employer with the bonding and tax credit programs as a way to say – here are two good reasons to hire me even though I have a record.

Based on the time - I'll wrap this up and give you an opportunity to ask me some questions.

I'd like to reiterate the importance of running the background check and hopefully I've given you sufficient justification for why you should. It is critical.

I would also stress the importance of the Bonding and Tax Credit Programs. I've seen these two programs make the difference in someone getting a job with a record, tons of times. In particular, the Bonding Program.

So now let's open it up to see if you have any questions:

Lynda Leach: I have received one e-mail question. This person asks, "Can you give us some advice on how to coach our clients as to what to tell employers about their criminal backgrounds? What

should they say or how should they explain it? Also, how do they list it on the application when it asks to explain.”

Maria Anderson: Okay, as far as how to discuss their conviction records, that is something that takes me over an hour to do. It’s not a simple answer because there are “do’s” and “don’ts” as far as circumstances of the offense. That is not really something I can give you a cut and dry answer. As far as the application, where it states, “Have you ever been convicted of . . .” they should mark “yes” and always be honest. I tell them to write, “Will discuss in the interview.” Don’t write down what the offense is. Aggravated assault is not going to get an interview and neither is robbery. So, just put, “Will discuss in the interview.” Make sure to say, “In the interview.” If you just say “Will discuss,” you will talk to anybody about it. The other part of that is that it protects you from that application floating all over that office and everybody and their brother seeing what you’ve done. You don’t want that out there. Another little tip I’ll give you that I do with my clients is if the offense happened a long time ago, put it down there. So, it’ll say something like, “Will discuss in interview (6 years ago),” (five years ago). I mean, that’s a plus, that’s in their favor. So, if I’m an employer and I’m looking at applications and one says felony, application two has a felony six years ago I’m going to lean towards the guy who was six years ago. So, that’s something else to consider. If your state releases juvenile records then I would mark, “Yes, will discuss in interview” and I’m going to put “juvenile record” to indicate, “Hey! That happened when I was a juvenile.” Anything to make it appear more positive.

Caller: I have a quick question. I missed something. You said an employer can deny an ex-offender when these three things exist—I got the one about character is in question, what are the other two?

Maria Anderson: It’s slide number five—nature and gravity of the offense, time that has passed since it has happened (6 years ago, 2 years ago, 2 months ago), and the nature of the job (type of work they are going to be doing). It doesn’t have to be all three. It can be one of those.

Caller: I have a question. We have had a lot of people who have been coming through from state penitentiaries and have been in for quite some time. They are being trained to put employment experience on their application. They are being instructed to put down state employment—State of Wisconsin, wage—minimum, and on resumes for dummies it also lists it and reason for leaving was “relocation.”

Maria Anderson: Basically what they are doing is what I do. It sounds like someone has been to my training. I would put, “State of Wisconsin” as the employer. Technically, it’s the state that is paying them their wages when they are working their job in that facility. This is where you have to think out of the box here a little bit. When you are working with this population you can’t do things the way we do it with everybody else. It’s not going to work because they have gaps in employment. So you have to be creative. Keeping in mind this is all going to come out in the interview so you are not misleading the employer, you are being technically correct. I am going to say, “Hey, here is my guy, he is working for the State of Wisconsin because that’s who paid him when he was doing that job.” I would give him a job title. I’m going to write up a job description. The wage—put minimum. Typically, you’re probably not going to do this, I would put the average. Let’s say he is in the kitchen. I’m going to write him up as a prep-cook. I would probably put down \$10 an hour. What’s the average wage for prep-cook in the area? That’s what you put because they are not giving them all the money that they make. They only

give them, \$2 a day or 45 cents/hour. Whatever it is. The rest goes toward room and board, so you technically don't know how much they make until you find out how much it costs to incarcerate one person in that facility for one day.

Caller: I'm on board for everything you said so far, until we get to this because technically it's ticking off a lot of employers in our area. I guess I agree in that it is a misrepresentation. I'm all for trying to find new ways of having people tell the truth in a positive light so they get their foot in that door and especially if they are able to present themselves well once they can meet somebody.

Maria Anderson: Okay, let me finish this and understand too, this is an issue and if you're uncomfortable or your client is uncomfortable you don't do it. But I'm telling you, it's been working wonders for anyone I have given this to who has used it because what it is doing is getting your client into an interview. If you just leave a giant gap sitting there or you write down, "You're in prison during that time," you're not going to get an interview. At least my guy is getting face-to-face. He's going to walk in and say, "Mr. Johnson, if you notice I did put down I was working for the State of Wisconsin. That was during the time I was incarcerated for the bad choices I made. As you can see, I did volunteer work while I was there." He is going to explain it that way after he is done talking about what is on his record. This is all part of the interview process. Yes, I have a record, he discusses the record, he does the bonding/tax credits, then he explains that is on his application and why it's there. Basically saying, this is who I was working for, this is what I did, and this is where I was. And relocated works, so technically he relocated, he moved! He was in one physical location and then he moves to another one. Those are the techniques that I use, some people are uncomfortable with it, and that's okay. That's just where I say, take what you want, leave the rest. If you're uncomfortable, don't do it! At least my clients get interviewed and they are getting jobs so I can at least offer that out to you!

Lynda Leach: Are there any other questions for Maria? We have a few minutes.

Caller: Yes. Maria this is Louanne from Hillsboro, OH. I would like to take us back to slide five, please. On the EEOC law where it outlaws blanket of exclusions for hiring. We frequently hear from HR managers that a number of big manufacturing companies around us don't hire anyone with a felony record.

Maria Anderson: If your companies are doing that you have the right to go back and ask what the justification is for not hiring people with records. If they don't have a rationale, as the one I mentioned earlier regarding hearing aids, then remind them they are in violation of the law.

Caller: One of the things that we are hearing is "We employ a large number of women so, we're not hiring anyone with a felony record. We can't take that chance. We can't take that risk of being sued if something happens."

Maria Anderson: If I have a theft offense how is that a threat to women? With a sex offender as an employee, this would be a different story! If I have domestic assault, different story! They should be reviewing on an individual basis based on the nature and gravity of the offense. They have to look at that. Okay, just because it's a felony and you have women working there, that doesn't mean that this person is violent. It could be felony drug offense.

Caller: We do hear that a lot though.

Maria Anderson: Give your attorney general a phone call and say, “Hey, this employer here is excluding all ex-offenders, and I don’t think they’re within the law.”

Caller: Okay, thank you!

Maria Anderson: You’re welcome!

Caller: I have a question! We work with people with developmental disabilities with criminal/sexual histories. We not only find the jobs, we actually have staff who stay on site with them and supervise. We run into situations where we feel comfortable that it’s a safe situation, but the question comes up at what point and how do we disclose that to the perspective employer without scaring them away?

Maria Anderson: Well, I really hate to ask this question, do you have to disclose it?

Caller: I guess. If they have a felony conviction, we will put that down that there is one. Sometimes people get placed on a contract basis where the company contracts with us and then we pay the worker. So, it may be a situation where it’s not a legal obligation, but a moral obligation to disclose. If they find out somehow after the fact, then we look really bad for trying to hide it.

Maria Anderson: Exactly! I would tell them before you placed the person. I mean, why have the person working there and then tell the person and the guy loses his job? I would just be up front right away and say, this person has a felony but we’d like to tell you the nature of the offense was sexual. Don’t go into specifics, just say it was sexual, and they will be supervised 100% of the time. Is that acceptable?

Caller: In your experience, when is the best time to have that conversation? During the initial conversation, after they showed some interest and are prepared to offer or wait till there is an offer? When do you do that?

Maria Anderson: Okay, so at some point you’re saying your client actually interviews with this person?

Caller: They may interview or we may interview on their behalf. It would be different case-to-case.

Maria Anderson: Don’t waste peoples’ time. If you are going to try to do that whether you interview with the client or you approach it, right off the bat you hit them with it. Otherwise, you are wasting your time, you are wasting their time. You know, sell all your good points and then say, “By the way...” And let them know right there because if they are going to cut it off you want to have that done sooner than later. Does that make sense?

Caller: Yep, thank you!

Lynda Leach: Any other questions for Maria? We're about out of time, Maria will be doing some workshops on this very same topic in 2008 and we will be letting everyone know via our listserv when these are going to happen. This teleconference was just a preview of part of her day-long workshop. So, we'll let you know when that's coming, but in the mean time please check her website at www.anderson-training.com, if you're interested in future trainings with Maria and/or have questions. Her contact information is on there, too. Feel free to contact us with any questions. Before we go I'd just like to remind everyone that our next teleconference is on January 22, 2008, with SueAnn Morrow talking about "Supporting Employers on the Job." So I hope you can join us for that one too. I want to thank everybody for being on today. The weather has been bad all around us and that's why telephones are so great! Maria, thank you so much for your informative presentation. There is just so much people need to know!

Maria Anderson: If I could just mention one thing. If anyone on the line wants to e-mail me their questions that's fine, the only thing I ask is please don't give my contact information out to your clients. I'd be more than happy to answer your questions, it's maria@andersonstraining.com, or you could even give me a call, (612)599-2852.

Lynda Leach: Great – that was very gracious! So thank you. I want to wish everybody a happy holiday and we'll talk to you in 2008! Take care everybody and thanks for being on!