

EXPLAINING A FELONY CONVICTION TO AN EMPLOYER

TIPS FOR THE EX-OFFENDER

Dealing with potential employers is never an easy task for clients with criminal records. Ex-offenders who lie on a job application may get hired, but then fired if their criminal record becomes known. Those who are honest may feel like they never even get a chance. Although there are no magic formulas for dealing with this sensitive information, the following hints may be helpful. Speak with your Probation Officer for additional information and referrals to employment resources.

To tell or not to tell. It is up to you, but we recommend honesty. On the application, write "will discuss in interview" rather than a lengthy explanation of past convictions. In an interview, keep explanations brief, and stress what you have learned from your conviction and time in prison, how you have changed, and your skills or assets. Be positive!

Gaps in employment due to time served. If you had a job in prison, list this. Under salary, write "minimum wage." After all, a dollar a day was the minimum wage. Again, be positive and stress that although you were incarcerated, you have been acquiring valuable experience and skills.

Reason for leaving. Avoid negative words like "went to jail" or "paroled." Instead put "relocated" or "Contract ended." Both are true.

The interview. Relax – be comfortable discussing the conviction. Practice ahead of time and maintain eye contact. Again, keep explanations short and focus on what you have to offer the employer. Believe in yourself and it will show.

APPLICATIONS

If you are asked about felony convictions on the application, put "Will discuss in interview." Since the purpose of an application is to get an interview for the job, putting "will discuss" instead of possibly damaging information, you are encouraging the employer to either give you an interview to get more information or to eliminate you without really knowing why. If you are a qualified applicant, most employers want to interview you.

Remember: When you fill out an application in a company's employment office, you should be groomed and dressed as if you were going for an interview. Sometimes, you may be interviewed on the spot. When you file an application, don't forget about it and hope the employer calls you. Follow-up after five to seven days. A phone call to check on the status of your application is recommended. In fact, the best advice any job seeker can get is, "Don't give up!" There will probably be many "no's" before you get a job. However, if you're willing to work at getting a job, you will be successful.

PHONE SCRIPTS

For a Classified Ad:

Hello, my name is _____. I am calling about the (JOB TITLE) position advertised in (NAME OF NEWSPAPER AND EDITION OR NAME OF ONLINE SOURCE).

I have had (# OF YEARS, OR USE “A LOT” INSTEAD OF A SPECIFIC # OF YEARS) experience in the field of (INSERT FIELD), and I would like to set up a time for us to get together to discuss the position in more detail.

For a Cold Call:

Hello, my name is (INSERT NAME). I’m calling to see if you have any opening for (JOB YOU’RE INTERESTED IN). I have had (# OF YEARS, OR USE “A LOT” INSTEAD OF A SPECIFIC # OF YEARS) experience in the field of (INSERT FIELD), and I would like to set up a time for us to get together to discuss the position in more detail.

If They Don’t Have Openings:

Would it be possible for me to come down and fill out an application in case any positions become available?
Do you know of any (JOB TITLE) openings in the area?

Remember:

- Be polite. Whether you get the results you want to not, thank the person for taking the time to speak with you.
- Be prepared to answer questions about your background and experience.
- Have a pen and paper handy to write down any notes, information provided or directions.
- Be prepared to set up an interview.

This script will give you an idea of how to talk to an employer over the phone. You should always use your own words and language you are comfortable with. Remember – every interaction with a potential employer should highlight your strengths and skills. Be polite, professional, and try not to use slang words.

EXPLAINING A FELONY CONVICTION TO AN EMPLOYER

For an ex-offender, the most dreaded part of the job search can be explaining a felony conviction to a potential employer. Many ex-offenders have never honestly answered the question, “Have you ever been convicted of a crime?” on an application. As a result, they drift in and out of employment – only staying with a job until their

employer finds out about the conviction through a background check, a call from a Probation Officer, or some other way.

Ex-offenders may be fired for falsifying information on their job application, not because they are ex-offenders. A company may hire ex-offenders, but they may have a policy of terminating anyone for lying on their job application.

It is up to you whether you tell an employer about your convictions. But, we believe that honesty is the best policy. Our experience shows that HOW you communicate this information makes the difference. You must see yourself as a worthwhile and valuable asset who has the skills and abilities an employer needs, not as an ex-convict unworthy of employment. You need a positive self-image and confidence in your skills and abilities.

The Federal Work Opportunity Tax Credit (WOTC) may be available as an incentive to hire ex-offenders and others who may have difficulty getting work. The Federal Bonding Program, in states where it is available, helps employers hire ex-offenders and bond them. These incentives, along with your positive attitude and qualifications, can make you an attractive job candidate.

HOW TO EXPLAIN A FELONY CONVICTION TO AN EMPLOYER

ROLE PLAY EXAMPLE #1

Employer: “I see from your application that you have been convicted of a felony. Will you explain this to me?”

Poor Answer: “Well, I was using drugs at the time, so I wasn’t thinking right. My boyfriend was selling drugs. He asked me to hold some drugs for him. The police said I was part of a conspiracy to sell drugs. But I didn’t do anything except trust the wrong person. They free-cased me and gave me two years.”

(This response will not impress an employer. They will believe the applicant takes no responsibility for his or her own actions.)

Better Answer: “I’m glad you asked me, because I want you to feel comfortable hiring me. I want to assure you that it had nothing to do with my previous employers. In my past, I was involved with drugs. I made some poor decisions. As a result, I was convicted of distribution of a controlled substance. While I was incarcerated, I took the opportunity to enroll in a drug treatment program. I took several classes and maintained employment in food service. I now have a total of two years experience in food service. I want to stay in the industry, and learn as much as possible. As a result of my past, when you hire me, your company may be eligible for the Work Opportunity Tax Credit Program, which can save you up to \$2,400. Are you familiar with this program?”

(This response shows the applicant takes responsibility and does not blame others. The second half of the response focuses on the positives. As you consider your own response, be sure to use your own situation to shape your explanation, skills, and positives.)

ROLE PLAY EXAMPLE #2

Employer: “How can I be assured your legal and drug addiction troubles are behind you?”

Poor Answer: “Oh, I don’t use drugs anymore. I don’t hang around those people at all. IO refuse to return to that lifestyle.”

(This response lacks assurance and a plan for the future.)

Better Answer: “As I sad, I completed a drug treatment program while I was incarcerated, I am sober now and I intend to maintain this lifestyle. I continue to attend support groups. As noted on my application, I am on a two year term of supervision with a Probation Officer. She is also there to assist me in maintaining this productive lifestyle. If you have any concerns about dishonesty, I can obtain Federal bonding insurance, which would protect you as my employer. Are you familiar with this program?”

(This response tells the employer the positive things the applicant did to overcome a problem, that the applicant has a plan in place, and that there is third-party support.)

(If you do not have drug use history, talk about the positive things you did to overcome the illegal issue and what you plan to do to remain productive. Tell the employer about any third-party support you may have, such as your Probation Officer.)

ADDITIONAL RESPONSE EXAMPLES

Interviewer: “I see from your application that you have been convicted of a crime. Will you explain this to me?”

Response #1: “I’m glad you asked because I want you to feel comfortable hiring me. I want to assure you it had nothing to do with my previous employers. I took some things that didn’t belong to me, and as a result, I spent some time in jail. I used that time to improve myself, and to decide what field I wanted to get into. I enrolled in clerical courses and can type 50 wpm. I am familiar with several word processing and software programs, and have excellent phone skills. I am very interested in learning all I can about this industry and I know I would be an asset to this organization.”

(In this example, the applicant has spent very little time explaining the conviction in comparison to the time talking about her skills and abilities.)

Adapted from the U.S. Department of Labor publication, “Tips for Finding the Right Job.”

Response #2: “When I was young, I got mixed up with the wrong crowd and I got into trouble for breaking into cars. We all do things when we are young that we regret. I used the time to my advantage by completing a training program in air conditioning and heating, and I have received my certification. I’ve researched several air conditioning companies in the area and yours is well-respected. I would really like to be a part of your team.

Response #3: “In my past, I was involved in drugs, but that is all behind me and I’ve taken control of my life. I have two years of experience in food service and want to stay in this industry and learn as much as possible. As a result of my past, when you hire me, your company may be eligible for the Work Opportunity Tax Credit, which can save you up to \$2400. Are you familiar with this program?”

(In this example, the applicant uses the WOTC as an added incentive for the employer to hire him.)

CLOSING THE INTERVIEW

- If the employer does not offer you a job, or say when you can expect to hear about it, as when you may call to find out about the decision.
- If the employer asks you to call or return for another interview, make a written note of the time, date and place.
- Thank the employer for the interview and reaffirm your interest and qualifications for the job.

AFTER THE INTERVIEW

Make each interview a learning experience. After it is over, ask yourself the following questions:

- What points did I make that seemed to interest the employer?
- Did I present my qualifications well? Did I overlook qualifications that were important for the job?
- Did I learn all that I needed to know about the job?
- Did I ask questions that I had about the job?
- Did I talk too much? Too little?
- Was I too tense? Too relaxed?
- Was I too aggressive? Not aggressive enough?
- Was I dressed appropriately?
- Did I effectively close the interview?

Make a list of specific ways you can improve for your next interview. Remember, practice makes perfect. The more you interview, the better you will get at it. If you plan carefully and stay motivated, you can market your job talents. You will get a job that uses your skills and pays you well.