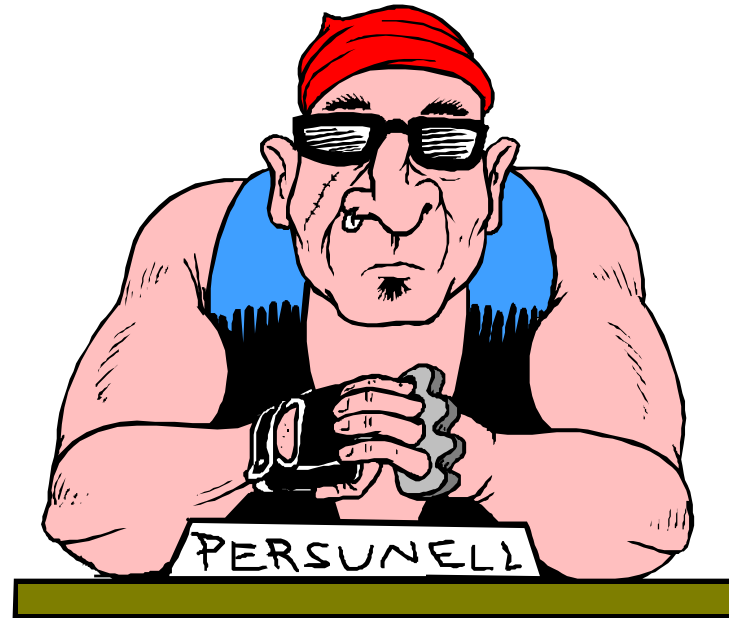


# Issues in Hiring Ex-cons



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Paper presented at the annual meeting of the International Public Management Association Assessment Council (IPMAAC), June 2003, Baltimore, MD

# Why the Interest?

- Client looking for ways to reduce turnover
  - 17% of employees last one year
  - 50% don't last one month
- Warehouse job
  - Lift 1,200 boxes per night
    - Average = 50 pounds
    - Maximum = 100 pounds
  - Temperature
    - 90 degrees in dry goods section in summer
    - 30 degrees in freezer
  - Excessive overtime (no notice)
  - Relatively low pay

# Potential Interventions

- Why are they leaving?
  - No exit interviews done
  - Comments: tough job with low pay
- Realistic job preview
- Better screening and selection methods
- Better employee orientation & training
- Supervisor training (in the future)
- Substantially raise pay (no chance!)
- Actively recruit employees who are used to hard work or bad conditions for relatively little pay
  - Military
  - Ex-cons

# Inmates & Ex-Cons as Employees

- Prison Labor
  - Furniture in Virginia
  - Crafts in Maine
- Inmates working for private companies and public agencies while in prison
  - Reservations at Best Western Hotels
  - New Mexico State Tourism Board
- Ex-cons working after release
- Targeted recruitment of ex-cons
  - Job fairs for ex-cons
  - Agencies specializing in placing ex-cons
  - Organizations seeking ex-cons

# Benefits of Hiring Ex-Cons

- **Societal Benefits**

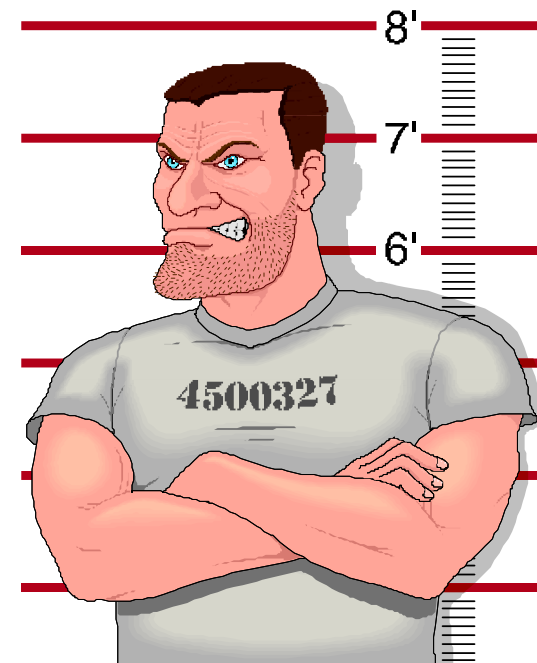
- Only 50% of ex-cons with jobs re-offend compared to 80% without jobs (Marshall, 2002)

- **Employer Benefits**

- Tax breaks in many states
- Work Opportunity Tax Credit
  - Fed pays \$2,400 max per ex-felon hired within a year of release (felon must come from economically disadvantaged family)
  - Expires December 31, 2003
- Lower wages in many states
- Federal Bonding Program
  - Government issues \$5,000 fidelity bond for first six months
  - Over 40,000 issued – 99% of ex-cons were “honest employees”

# Three Key Questions

- Can employers consider an applicant's criminal record?
- What are the legal issues associated with hiring ex-cons?
- How do ex-cons perform as employees?



# Can Employers Consider an Applicant's Criminal Record?



# Criminal Records

- Use of convictions limited in New York & Wisconsin
- Use of arrests not prohibited, but difficult to justify
- Only convictions should be used (EEOC Decision No. 72-1460)
  - “Reasonable amount of time” between release and decision to hire
  - In using convictions, employer must consider
    - Nature and gravity of offense
    - Amount of time that has passed since the conviction and/or completion of the sentence
    - The nature of the job held or being sought
  - Gousie and Aamodt (1993) Study



| Type of Crime               | Lawyers/HR Managers | State Supreme Court Justices |
|-----------------------------|---------------------|------------------------------|
| <b>Violent Crime</b>        |                     |                              |
| More severe/related to job  | > 10 years          | Never hire                   |
| Less severe, related to job | 4-7 years           | 5 years                      |
| More severe, not related    | 2 years             | 5 years                      |
| Less severe, not related    | No waiting          | No waiting                   |
| <b>Property Crime</b>       |                     |                              |
| More severe/related to job  | 7-10 years          | Never hire                   |
| Less severe, related to job | 4-7 years           | 1 year                       |
| More severe, not related    | No waiting          | 5 years                      |
| Less severe, not related    | No waiting          | No waiting                   |
| <b>Moral Crime</b>          |                     |                              |
| More severe/related to job  | No waiting          | Never hire                   |
| Less severe, related to job | No waiting          | 1 year                       |
| More severe, not related    | No waiting          | 10 years                     |
| Less severe, not related    | No waiting          | No waiting                   |

# Other EEOC Recommended Considerations

- How long ago did the conviction take place?
- What were the circumstances of the event?
- How many convictions were there?
- What is the applicant's employment record since the conviction?
- What rehabilitation has the applicant been through?

What are the Legal Issues  
Associated with hiring  
Ex-cons?



# Legal Issues

Potential Employer

Previous Employer

Under  
Aggressive

Negligent  
Hiring

Negligent  
Reference

Over  
Aggressive

Invasion of Privacy  
Discrimination

Defamation

# How do Ex-cons Perform as Employees?

**Our Study**

# Sample

| Characteristic     | Machine Operator | Warehouse |
|--------------------|------------------|-----------|
| N                  | 118              | 201       |
| % male             | 94               | 96        |
| % white            | 85               | ?         |
| % with convictions | 11               | 26        |
| % tenure > 1year   | 53               | 17        |

# Correlations Between Criminal Record and Job Performance

| Criterion                    | Position          |                     |
|------------------------------|-------------------|---------------------|
|                              | Machine Operators | Warehouse Personnel |
| Performance ratings          | - .05             |                     |
| Fired? (0=no, 1=yes)         | .27*              | .25*                |
| Disciplinary actions         | .20*              | .22*                |
| Tenure                       | - .08             | - .10               |
| Avg. tenure at previous jobs | - .08             | - .14               |

# Terminated from Job

|                           | n  | % Fired |
|---------------------------|----|---------|
| Warehouse                 |    |         |
| No conviction             | 84 | 8.3     |
| Criminal conviction       | 29 | 27.6    |
| $X^2 (1) = 6.94, p < .02$ |    |         |
| Machine Operator          |    |         |
| No conviction             | 83 | 19.3    |
| Criminal conviction       | 11 | 54.5    |
| $X^2 (1) = 6.74, p < .02$ |    |         |



# Questions about this Presentation?

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