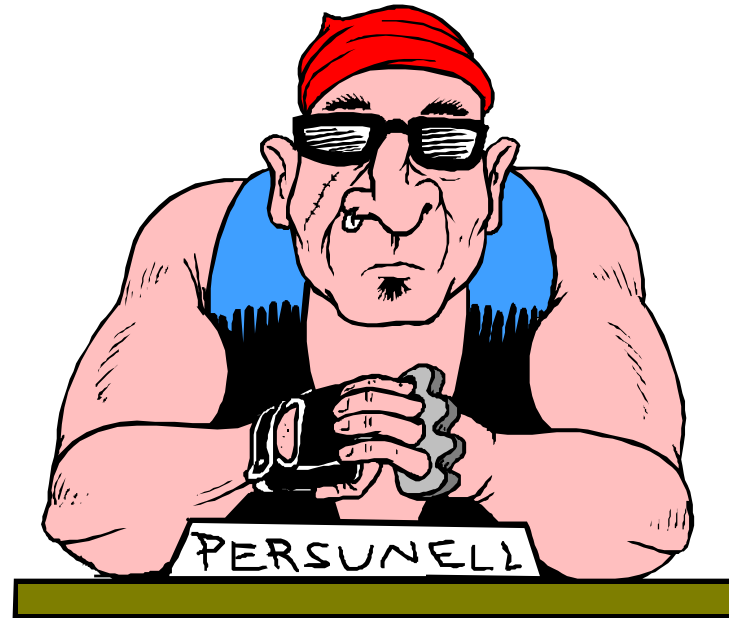


# Issues in Hiring Ex-cons



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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**

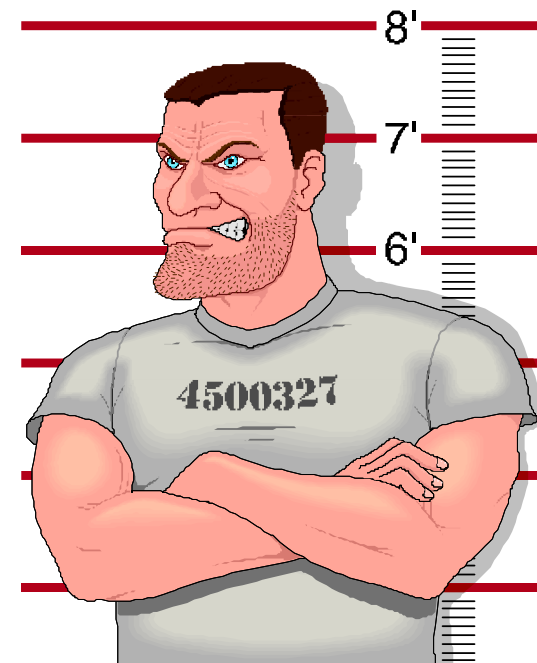
- Only 50% of ex-cons with jobs re-offend compared to 80% without jobs (Marshall, 2002)

- **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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