

## **Bexar County Economic Development Department**

### **Policy Statement on Hiring the Formerly Incarcerated:**

The Bexar County Economic Development Department believes that it is important, where appropriate, to promote the employment of people released from jail and prison, and facilitate the creation of job opportunities for this population that will benefit the community. A candidate's criminal record should only be taken into account where the conviction is relevant to the job.

### **According to the U.S. Equal Employment Opportunity Commission (EEOC):\***

“There is no Federal law that clearly prohibits an employer from asking about arrest and conviction records. However, using such records as an absolute measure to prevent an individual from being hired could limit the employment opportunities of some protected groups and thus cannot be used in this way.

Since an arrest alone does not necessarily mean that an applicant has committed a crime, the employer should not assume that the applicant committed the offense. Instead, the employer should allow him or her the opportunity to explain the circumstances of the arrest(s) and should make a reasonable effort to determine whether the explanation is reliable.

Even if the employer believes that the applicant did engage in the conduct for which he or she was arrested that information should prevent him or her from employment only to the extent that it is evident that the applicant cannot be trusted to perform the duties of the position when:

- Considering the nature of the job;
- The nature and seriousness of the offense; and,
- The length of time since it occurred.”

### **Message to the Formerly Incarcerated:**

Many employers will not consider hiring individuals with criminal records for a variety of reasons – legal restrictions, tight labor markets, concern about trustworthiness, or fear of being held liable. However, there are employers willing to hire individuals who have been incarcerated, and some industries are particularly welcoming to this population. According to the National H.I.R.E. Network, the industries most open to hiring people with criminal histories are services, manufacturing, construction, commercial food, distribution, and some transportation. Entry-level positions that require limited education but may emphasize ability and performance over criminal histories are available in the restaurant, warehouse, and production industries. Customer service, sales, and clerical positions may offer similarly appropriate starting points.

\*[www.eeoc.gov/](http://www.eeoc.gov/)