

# Fact Sheet Series for Native nations and Alaska Native Villages Planning for Reentry - Employment

Employment is a crucial component of successful reentry. Research shows that recidivism is substantially decreased for those able to find and maintain employment, especially for individuals earning more than minimum wage. Because people in reentry face unique, and unnecessary, barriers to employment; this fact sheet is designed to provide practical tips and resources that can be used by Native nations and their programs to remove employment barriers for American Indian and Alaska Native people in reentry. By removing employment barriers, Native nations will not only improve the lives of individuals and families impacted by reentry, but may also reduce strain on tribal justice systems and social services.

## EMPLOYMENT BARRIERS FOR PEOPLE IN REENTRY

**\*Legal Identification:** Generally, all employers require a formal photo identification card (ID) to process an application. This is a significant barrier to people in reentry who deal with issues of lost, impounded, or otherwise expired ID cards as a result of incarceration. This is especially true for those who have court-ordered debt that must be paid before they can acquire their license.

**\*Access to Job Interviews:** Many employment applications include questions about former arrests and convictions. For people in reentry, revealing an arrest or conviction history on an initial application greatly reduces the chances of receiving an interview. One study revealed that 50% of employers were unwilling to consider qualified applicants because they had a criminal record. Indeed, research also shows that employers sometimes improperly rely on arrest and conviction records when making employment decisions.

**\*Employer Misinformation on Reentry:** Research shows that many employers are: reluctant to hire people in reentry, misuse arrest and conviction records, and are not always aware of the incentives and protections for hiring people

**\*Disincentives for Employment:** As a result of being in reentry, people can have a variety of disincentives to seek and/or maintain employment. In addition to the barriers discussed earlier—court ordered debt and limited earning potential can de-incentivize employment. Even for those able to gain employment, parole and probation requirements—such as mandatory appointments, meetings, drug testing, etc. can be difficult to maintain when job hours vary significantly from week to week. Finally, lack of job readiness is a significant disincentive. Lack of “soft skills”—from different interpersonal expectations to computer and other technology skills; lack of housing and transportation stability; are all barriers to seeking and gaining employment.

## ELIMINATING BARRIERS

- While federal law 42 USC 666(a) (16) requires that state child support programs have mechanisms to suspend licenses; states and tribes have the flexibility to allow reinstatement or issues provisional licenses for employment
- The Social Security Administration can issue a replacement card for many inmates nearing release even if they do not have a current drivers' license or U.S. passport.

- “Ban-the-box” and “fair chance” hiring initiatives have removed and/or delay such questions until an applicant is further in the hiring process.
- Proactive attempts to interview and hire people in reentry
- Create and enforce clear policies on acceptable and restricted questions related to prior arrests and convictions

- People with criminal records are eligible to compete for the vast majority of tribal, state, and federal jobs
- Employers can save money on their federal income taxes in the form of a tax credit incentive through the Work Opportunity Tax Credit (WOTC) program
- Employers should follow the U.S. Equal Employment Opportunity Commission Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964,
- Federal and state bonding programs can insure an employer against financial loss if an employee with a criminal record steals or damages property

- Courts have discretion to waive or reduce fines and fees
- Parole/probation plans can be designed to complement employment searches
- Reentry and employment programs can enhance “soft skills”

## POSSIBLE TRIBAL APPROACHES

1. Fast-track driver's licenses and other legal identification for people in reentry, preferably while still in detention facilities.
2. Reduce or eliminate court fines and fees where feasible and use a payment plan formula based on an individual's current income.
3. Create laws that prohibit the practice of suspending licenses until court-ordered debt is paid.
4. Enact a fair hiring law.
5. Create or enhance expungement processes and programs in order to increase access to employment.
6. Incorporate the principles of the EEOC criminal record guidance: no consideration of arrest; no across-the-board exclusions of people with criminal records; evaluation of the time since conviction, the nature and gravity of the offense, and the nature of the job; and individualized assessment of each job seeker's qualifications
7. Implement a custom fair-chance hiring criteria and criminal record guidance for tribal enterprises
8. Create subsidized job or internship positions for people with criminal records
9. Amended the Tribal Law & Order Code around employment restrictions for tribal enterprises (casinos, gas stations, etc.) to affirmatively state which tribal positions people can hold, even with misdemeanor and/or felony convictions.
10. Revise tribal housing codes and policies where applicable/feasible.
11. Create a holistic reentry program for people in reentry and encourage other tribal programs and/or agencies to collaborate with reentry programs.

**Draft**



## TRIBAL PROGRAM SPOTLIGHT

### Port Gamble S'Klallam Re-Entry Program

The Port Gamble S'Klallam Tribe's ("PGST") Re-entry Program began in 2013 in order to help PGST members and other community members with criminal backgrounds overcome barriers to employment. The program provides career counseling, job skill trainings, resume writing, and computer training. The program has also included, money management classes that help participants devise plans to pay off past-due debt, fines, and/or child support, and classes on tribal cultural and heritage. The program focuses on Native clients by stressing culture and family connection.

Those who complete the program requirements and employment services are eligible for up to six months of subsidized part-time work. If three violations occur during the six-month subsidized period, the participant may be removed from the program. Violations include testing positive for any banned substances, being late or absent without an excuse, or failing to address troublesome behavior issues. This encourages employers to hire participants at the end of the subsidized period because participants have already demonstrated their skills and commitment to the job. Additionally, participant graduates can receive a one-time payment to relieve "barriers to employment," designed to assist with obtaining a driver's license, paying outstanding fines, and purchasing work clothes and/or uniforms.

The Re-entry Program is funded in large part by the U.S. Department of Interior's 477 Program and also funding from the Tribal Council. As of April 2016, 56% of the Re-entry Program's participants have graduated, maintained full-time employment, and have not relapsed into past criminal and/or drug behavior. For a more detailed list of the step required to graduate, please click [here](#).

## ADDITIONAL RESOURCES

**Integrated Reentry and Employment Strategies: Reducing Recidivism and Promoting Job Readiness:** [www.bja.gov/Publications/CSG-Reentry-and-Employment.pdf](http://www.bja.gov/Publications/CSG-Reentry-and-Employment.pdf)  
Created to help policymakers and practitioners to improve the public safety and employment outcomes for people in reentry.

**Best Practices and Model Policies: Creating a Fair Chance Policy:** [www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Best-Practices-Models.pdf](http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Best-Practices-Models.pdf)  
Outlines ten principles for creating a fair chance policy. Includes a model resolution, state executive order, and legislation.

**Fair Chance-Ban the Box Toolkit: Opening Job Opportunities for People with Records:** [www.nelp.org/content/uploads/NELP-Fair-Chance-Ban-the-Box-Toolkit.pdf](http://www.nelp.org/content/uploads/NELP-Fair-Chance-Ban-the-Box-Toolkit.pdf)  
This resource contains sections on why and how to start a fair chance campaign, best practices, and samplings of relevant local and state laws.  
**Tax Credits and Federal Bonding:** [www.csosa.gov/partnerships/hiring/tax-credits-bonding.aspx](http://www.csosa.gov/partnerships/hiring/tax-credits-bonding.aspx)

**Preparing to Return Home: Tribal and State Reentry Collaborations Webinar:** [www.ncja.org/sites/default/files/documents/Preparing-to-Return-Webinar-Slides.pdf](http://www.ncja.org/sites/default/files/documents/Preparing-to-Return-Webinar-Slides.pdf)  
Webinar that provides an overview of reentry and potential tribal/state collaborations.

**Strategies for Creating Offender Reentry Programs in Indian Country:** [www.aidainc.net/Publications/Full\\_Prisoner\\_Reentry.pdf](http://www.aidainc.net/Publications/Full_Prisoner_Reentry.pdf)  
Provides an overview of tribal reentry and guidance on promising practices and strategies related to offender reentry in Indian Country.

**EEOC Enforcement Guidelines: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964:** [www.eeoc.gov/laws/guidance/arrest\\_conviction.cfm](http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm)  
Summary and background on EEOC Enforcement Guidelines.

## REFERENCES

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- X. Safer Foundation, <http://www.saferfoundation.org/> (last visited Nov. 7, 2016) (a staffing agency that provides placement services for individuals with criminal records through the use of job development and coaching strategies, which include a performance-based approach to creating or identifying positions, supplemental services for its program participants,

- such as transportation assistance, career development services, and retention support groups, and screening individuals for job readiness and drug use.)
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- XIV. TRIBAL ACCESS TO JUSTICE INNOVATION, RE-ENTRY PROGRAM: PORT GAMBLE S'KLALLAM TRIBE, <http://www.tribaljustice.org/program-profiles/re-entry-program>, (last visited on Nov. 7, 2016).