

## Contractor Guidelines for Evaluating Job Applicants with Criminal Convictions

Unless otherwise required by law, a criminal record alone does not automatically disqualify an applicant for employment on a HANO-funded project at a HANO job site or on HANO premises. When determining whether an applicant's criminal conviction(s) will be a bar to employment, contractors should only consider a conviction that is for conduct directly related to the particular position sought and only as part of an individualized assessment. Such individualized assessment, using Attachment A: "Applicant Criminal History Evaluation Form," should **not** consider any arrest not leading to a conviction, unless the case is still pending. It **should** include a consideration of:

- The relevance of the conviction(s) to the position sought;

*This will help determine whether the conviction(s) directly bear on the applicant's ability to successfully perform the job. For example, a conviction for fraud would be directly relevant to a position with significant budget oversight and minimal supervision.*

- The nature of the work to be performed;

*Consider the nature of the job's duties, its essential functions, the circumstances under which it is performed (the level of supervision, oversight of other employees, access to sensitive information, and interaction with vulnerable individuals), and the environment in which the job is performed.*

- The time since the conviction(s);

*The amount of time that has passed since the conviction(s) may help you to evaluate the risk that the applicant poses in the specific position. Research has shown that the risk of recidivism decreases over time. After seven years, the risk of a new offense for a person with a criminal record is equal to that of a person without a criminal record.*

- Age of the applicant at the time of the offense(s);

*Recidivism rates tend to decline as ex-offenders age. For example, a 26-year-old with no prior convictions has a 19.6% chance of reoffending in the first year after conviction, compared to 35-year-olds, who have an 8.8% chance, and 46-year-olds, who have a 5.3% chance.*

- The seriousness and specific circumstances of the offense(s);

*To determine whether a specific crime may be relevant to concerns about risks in a particular position, consider the harm caused by the crime and the elements of the crime. Misdemeanor offenses are less serious than felonies.*

- The number of convictions;

*This may indicate a pattern of behavior that is of concern, or indicate that it was a one-time indiscretion.*

- Evidence that the individual performed the same type of work, post-conviction, with no

known incidents of criminal conduct;

*This can show that the applicant is able to successfully perform this type of job without incident, despite his or her criminal history.*

- Any relevant evidence submitted by the applicant regarding his or her conduct post-conviction.

*Research has shown that factors associated with personal rehabilitation and social stability, such as stable employment, family and community involvement, and recovery from substance abuse, are correlated with a decreased risk of recidivism.*