

Carver County Workforce Services

Employment Handbook for Those With a Criminal Record

The views expressed are not legal advice. Please contact your personal attorney for legal assistance. Information is subject to Minnesota laws and regulations. Statutes are subject to change.

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This handbook corresponds with an expanded version that offers each topic in much greater detail than what is offered here. If you wish to obtain more information on a topic, please contact the Carver County Workforce Center at 952-361-1711, or your case manager with the corresponding page numbers in the Extended Handbook.

Disqualifications and Bars from Employment

(Pages 3, 4 in Expanded Handbook)

Depending on your conviction, you may be barred or disqualified from working in direct care positions with vulnerable people per Minnesota state law, statute §245C.1

There are many offenses which can disqualify you from working in direct care positions. A few, but not all, of these charges are: any controlled substance crime, assault, theft, check forgery. The entire list can be found at:

www.revisor.mn.gov/statutes/?id=245C.15

Generally you are barred:

- 7 years for a misdemeanor charge
- 10 years for a gross misdemeanor charge
- 15 years for a felony charge
- Permanent bar for aggravated robbery, sexual conduct, arson, among others.

Employer's Discretion

For positions which do not require working in direct care, employers are not required to complete DHS background checks. However, they are able to not hire you for a position depending on how they see your offense relates to the position you are applying for. Some examples are:

- DWI: Unlikely to be hired for a position which requires any driving
- Assault: Unlikely to be hired in a position working directly with people.
- Theft: Unlikely to be hired in a position handling money.

Job Search with a Criminal Record

(Pages 5-12 in Expanded Handbook)

- *Be realistic:* Do not waste time and money on education or job search in a field that you cannot get a job in because of your conviction.
- *Look for jobs with a small to medium sized employer:* These employers are less likely to have a Human Resources department whose job it is to screen out applicants.
- *Apply for as many jobs as possible:* The more jobs you apply for, the higher chance you have of getting an interview, and eventually landing a job!

Free Resources for Job Search Assistance

- Carver County Workforce Services
- www.minnesotaworks.net
- <http://www.careerwise.mnscu.edu/exoffenders>

Things to Know

Ban the Box: Applications can no longer ask if you have been convicted of a crime, for most types of jobs. An employer can only do a background check after they offer an interview or conditional job offer.

Work Opportunity Tax Credit (WOTC): A tax credit offered to employers who hire qualified ex – felons. The ex - felon must be hired within one year of conviction date or release date from incarceration.

Minnesota Federal Bonding Service: Free insurance to employers to bond at – risk job seekers up to \$5,000 for six months.

Access to Criminal Records

(Pages 13-16 in Expanded Handbook)

Employers who perform background checks look in different places:

- Minnesota Bureau of Criminal Apprehension (BCA): contains any misdemeanor, gross misdemeanor, or felony *convictions*. Accessible online or through mail.
- Minnesota Trial Courts Public Access (MNCIS): contains all charges, including any that resulted in dismissal or conviction. Court proceedings are also included. Accessible online, or at public access terminals in court facilities.
- Credit Reporting Agencies (CRA): private data miners who collect any public information they can find, including arrests, charges resulting in dismissals, or convictions. Information is published online, and employers pay a fee to access.

A future employer must receive written permission from you to perform a background check.

Expungement (Minn. Stat. §609A.02)

If you are law abiding for a specific amount of time after you complete probation, you may be able to expunge your record. This means your record would be sealed not destroyed.

A new expungement law went into effect January 1st 2015, and allows for a much broader range of convictions at all levels to be expunged. There are specifics to eligibility, so you should contact a lawyer to understand if you are now eligible under the new law.

An Expungement Hotline is available to have specific questions answered: 612-353-3024.

The Carver County Law Library in the lower level of the courthouse also offers expungement clinics periodically. Contact 952-361-1564 for further information.

Gaps in Employment

(Pages 17, 18 in Expanded Handbook)

If you have gaps in your employment, highlight positive activities you participated in. This can include treatment, therapy, AA meetings, mentoring, work readiness programs, etc.

Resumes

Hide gaps in your employment with a Functional Resume instead of a Chronological Resume.

A Functional Resume focuses on various skills, qualifications, and talents that you have acquired not necessarily from employment. It focuses less on your direct work experience.

If you had a job while you were incarcerated, you could list that on your resume to cover up a gap. However, do not blatantly state that you were in prison or jail. Use the county or state that you were incarcerated in. Here is an example: "Cook, Carver County, September 2014 – April 2015."

Transferrable Skills

Be able to identify skills you have acquired in past jobs or other life experiences that can transfer to other jobs to utilize on your resume or in an interview.

A few examples are: interpersonal skills, time management skills, budgeting skills, organizing skills, etc.

Discussing Your Conviction in an Interview

(Pages 19-21 in Expanded Handbook)

Employers look for truthfulness and honesty in an employee. They would prefer that you disclose your criminal history, since doing so exhibits those qualities.

Formulate Your Statement

1. Acknowledge your conviction and take responsibility, but do not go into too much detail about what happened. Try not to use the term “felony”, and try to soften what your conviction was. For example, if your conviction was Felony 5th Degree Possession of a Controlled Substance, say something like “I had illegal substances in my possession.” If you were convicted of Domestic Assault, say something like “I was in the wrong mind set, and I let a heated situation escalate too far.” This describes what you were truly convicted of, without going into too much detail, and does not explicitly say you were convicted of a felony.
2. Let the employer know you understand they see risks in hiring someone with criminal history, but “sell” them on the changes you have made, the steps you have taken to correct past negative behaviors, and how you plan to maintain your new set of behaviors. If you qualify for the Work Opportunity Tax Credit, or MN Federal Bonding Service, mention those here.
3. Clearly state positive changes you have made in your life. Some examples are: treatment, support groups, obtaining your GED, volunteering, surrounding yourself with a positive network, among others.

4. End on a positive note. Tell the employer why they need you, and how your skills will benefit their company.

Your statement should be a couple minutes long, with the shortest part being about your conviction.

Try to offer your disclosure statement in the middle of the interview, since employers are more likely to remember the beginning and end of an interview.

Always focus on the positives and your strengths!

Conclusion

Finding a job with a criminal conviction may take a while, but it is important to not get too frustrated and give up.

Depending on when you were convicted, you may only be able to find a type of work that you do not fully enjoy. Sometimes you may need to take these positions to allow some time to pass after your conviction, when you will be more likely to find a position in a field you truly want to be in.

When you are not employed, it is important to participate in activities that you can add to your resume to continue to be marketable to employers.

While there is assistance for you in your job search, you are the only person who can convince the employer to hire you. You truly need to advocate for yourself, and prove to them that you are willing to work hard to correct any mistakes you have made in the past.