

TIPS ON THE JOB HUNT

Finding a new job under any circumstance is rarely easy, especially for ex-offenders. Although the task is difficult, it is not impossible and the rewards are many. You will enjoy the sense of accomplishment and gradually regain your independence. This section will offer you some tips on how to get a job and keep it.

First, it is necessary to collect all your valuable documents like a Social Security card, driver's license, original raised seal birth certificate, or some form of official identification. **Please See the How to Re-establish Your Identity insert in this folder for more information.**

In addition to the above documents, you should acquire Military Discharge Papers (for veterans); Alien Registration Card (for Non-U.S. Citizens); Prison Discharge Papers (given to you upon release); and Proof of Education (high school or college transcripts or GED certificate). Also, upon release you should begin the process of obtaining either a Certificate of Relief From Disabilities or a Certificate of Good Conduct if applicable at the Judicial Process Commission. **Please see the Judicial Process Commission insert in this folder for more information.**

Second, begin to gather references. References are people that can add credibility to your work history. These are important so potential employers have a sense of your character and your rehabilitation. References should be professional; avoid using friends as references. Examples are previous work supervisors, teachers, a prison chaplain or counselor, or any prison authority that can vouch for your character. Be sure to ask the permission of any potential reference.

Third, you will need a summary of your previous work experience. Be as detailed as you can. Along with previous work history, include other skills and experiences that are relevant. Examples include leadership roles you have held, knowing more than one language, or familiarity with machinery. Be sure to include participation in recognized prison programs. If you acquired new skills in prison, they definitely count and should be written down. Anything that is a positive attribute of your character will matter to an employer.

Once you have all your important information together, put it into a folder and store it someplace where it will be protected until your interview. This way you will not lose anything important and won't have to rush around searching for papers at the last minute.

PATHS TO EMPLOYMENT FOR EX-OFFENDERS

General Information

There are two categories of jobs that a felony ex-offender is automatically barred from holding in New York State:

1. Any law enforcement position, including CO.
2. Any position that involves carrying a weapon of any type.

Also, a felony offender cannot work in an establishment which has on-site consumption of alcohol without getting a certificate of employment and an employment approval letter from the Alcohol/Beverage Commission. This is spelled out in the New York State Alcohol Beverage Control Law Section 102; Subdivision 2: *Working in an establishment with onsite consumption.*

Employment positions with what is generally referred to as working with 'vulnerable populations' (examples include but are not limited to children, the mentally disabled, the ill, and the elderly) will require fingerprint checks and heightened screening of past criminal histories. Applicants should compile information regarding their rehabilitation and review their rap sheets prior to applying. See the sections on Rap Sheets and Certificates on the following pages.

Individually speaking, each crime, whether felony or misdemeanor, is looked at specifically as it relates to the following...

1. Nature of the crime - if it was a violent offense for instance, the chances for future employment are diminished.
2. The relationship between the crime and the job - if there is a direct correlation between the nature of the crime and the potential job, the ex-offender can be barred from that job.

Any sex crime, whether felony or misdemeanor, is non-negotiable when looking for employment. Offenses that are sexual in nature stay with you for life.

Major factors in avoiding going back to jail or prison are if you have a job and/or if you are in an educational/training program. Begin these processes as soon as possible when you are released from custody. Do not let time elapse from your release date and when you begin actively looking for a job or enrolling in a program.

The bottom line is that you have to work harder to get a job than someone who does not have a criminal record. But it can be done.

Employer Rights

Employers can ask for Disposition slips from the court the ex-offender was convicted, and they can also ask for a Certificate of Conviction.

All employers have the legal right to ask an ex-offender for these records. This includes misdemeanors as well as felonies. Misdemeanor sentences are 15 days up to a year, Felony sentences are 1 year and 1 day on up.

Employers also have the right to require, as a condition to employment, that you submit to a drug test and be subjected to a background check. It is vital that you are clean of drugs and that the employer knows of your criminal history. See the following sections on Filling out the Application and Interviewing for tips on disclosing your background to a prospective employer.

Ex-Offenders Job Seeking Rights

There are a number of New York State and federal laws designed to prevent discrimination against ex-offenders looking for employment. They are:

- Article 23 and Article 23-A of the New York State Corrections Law
- New York Human Rights Law §295(15); (16)
- Criminal Procedure Law §160.55 and §160.55
- Title VII
- Federal Fair Credit and Reporting Act
- New York Fair Credit and Reporting Act
- ADA

More information on these laws can be obtained from Legal Assistance of Western New York, Inc. (Monroe County Legal Assistance Center), 1 West Main St., 4th Floor, Rochester, NY 14614. (585) 325-2520. www.lawnny.org/index.php/monroe-county-legal-assistance-center.

Legal Assistance of Western New York, Inc. also helps with employment rights and rights of persons with criminal records, including:

- Employment Discrimination
- Employment Clearance for Background Checks by Public Agencies
- Certificates of Relief from Disability/ Certificates of Good Conduct
- Public Benefits denials based on Criminal Record ("Fleeing Felon" and UIB Misconduct)
- Employment Discrimination based on Criminal Record (Re-entry issues)

When the ex-offender discloses to the potential employer that they have a record, and then are subsequently not hired, he or she has 30 days to ask the employer in writing why they weren't hired. The employer cannot give as a reason for not hiring you that it is their policy not to hire ex-offenders. Only the federal government and any law enforcement position requiring carrying a weapon may say this. The New York State Division of Human Rights enforces this aspect of the law.

Rap Sheets

Make sure your rap sheet is accurate. Statistics show that up to 70% of rap sheets may contain errors. This is easier to do while you're still incarcerated. It's relatively simple and free. If an employer pulls a rap sheet and you say it's wrong, which is the employer going to believe, you or the rap sheet?

Certificates

New York State issues two kinds of certificates to assist ex-offenders: Certificate of Relief From Disabilities and Certificate of Good Conduct. A Certificate of Relief From Disabilities is for those who have been convicted of no more than one felony and any number of misdemeanors, or if you have only misdemeanor convictions. A Certificate of Good Conduct is if you have been convicted of two or more felonies and any number of misdemeanors.

To get these certificates you have to apply for them. Information on how to obtain them is available from the Judicial Process Commission. **Please see the Judicial Process Commission insert in this folder for more information.** The Legal Action Center in New York City has a wealth of information to assist ex-offenders, including free publications such as *Certificates of Relief From Disabilities and Certificates of Good Conduct* and *How to Get and Clean Up Your New York State Rap Sheet*. **Please see the Legal Action Center insert in this folder for a complete list of useful publications.**

Filling out the Application

Job applications are important to the employer because they make a strong first impression. They should be printed in clear handwriting with nothing crossed out. Be sure to fill out the applications as completely as you can. As pointed out in the previous section, it is vital that you have all the information you need pertaining to work history, education, prison programs that you participated in, etc. before you begin to fill out the application. It helps if you give a follow-up call to the employer once your application has been submitted. This demonstrates your interest in the job.

It is legal for an employment application to ask you about crimes for which you have been convicted. This includes misdemeanors and felonies.

Online Applications

Many employers are requiring job seekers to fill out online applications on their websites, no matter what type of job you are applying for. This poses a new set of potential problems. How proficient are you with a computer keyboard? Can you navigate a potential employer's website? Do you have a resume that you can either download onto an application or add as an attachment? Do you have a flash drive with your resume and cover letter on it? Most online applications require the job seeker to have e-mail as well. Public libraries have the computers for your use, but most likely the librarians will not be able to help you with all the different situations that are involved with an online application. The Central Library of Rochester and Monroe County at 115 South Ave. (www.libraryweb.org) assists job seekers exclusively in the computer lab for 2 hours most weekday mornings beginning at 10:00 (Thursdays begin at 11:00).

Interviewing: Understand the Employer's Perspective

The employer is looking at the interview from the perspective of "Is this person going to make money for my company?" "Will hiring this person benefit me and my organization?" "What does this person bring to the table that is different than the other people looking for this job?" You are looking for a job for the major reasons that you need money and employment. The employer doesn't really care about that. He is going to hire or not hire you based on what you can do for him (or her). Use the interview as an opportunity to show the employer that you are the person he or she is looking for. Be honest and enthusiastic about the prospect of working for that company. Remember, anytime someone is hired regardless of past history, the employer is taking a chance on that person. Convince the employer to take a chance on you.

Interviewing Tips

Remember that the first impression you give makes a world of difference. A survey conducted online within the U.S. by Harris Interactive® on behalf of CareerBuilder among 2,201 hiring managers between November 6 and December 2, 2013 found that nearly half (49 percent) of employers know within the first five minutes of an interview whether a candidate is a good or bad fit for the position, and 87 percent know within the first 15 minutes.

To help make a good first impression, avoid these common initial mistakes when meeting the interviewer (with the percentage of employers who cited these mistakes):

- Failure to make eye contact – 70 percent
- Failure to smile – 44 percent
- Bad posture – 35 percent
- Fidgeting too much in one's seat – 35 percent
- Playing with something on the table – 29 percent
- Handshake that is too weak or too strong – 27 percent
- Crossing one's arms over one's chest - 24 percent
- Playing with one's hair or touching one's face – 24 percent

The top most detrimental blunders candidates make during the interview are often the most common, according to the same survey, followed by the percentage of employers who cited these errors:

- Appearing disinterested – 55 percent
- Dressing inappropriately – 53 percent
- Appearing arrogant – 53 percent
- Talking negatively about current or previous employers – 50 percent
- Answering a cell phone or texting during the interview – 49 percent

The point here is that **almost all of these common pitfalls are easily avoidable.** Avoid these and you will already be placing yourself ahead of the other people looking for the same job.

The above focused on not what to do. The following checklist focuses on what you should do:

- ✓ Dress for success! Look professional.
- ✓ Go alone and arrive on time, or a little early. Be courteous and patient.
- ✓ Know your qualifications, as well as your strengths and weaknesses.
- ✓ Learn about the company. Do some research on where you will be interviewing. Be able to talk with an employer about the specifics of the job in question. Ask relevant questions about the job.
- ✓ Bring all your important documents including release papers and certificates, a list of programs completed, etc.
- ✓ Bring a pen and extra copies of your resume.
- ✓ As an ex-offender, you have to stand out in your interview. Emphasize the positive aspects of your incarceration, such as earning a GED or other programs you completed. State how you have learned from your past mistakes.

If you have limited work experience or training, sell yourself on your character. Express your willingness to...

- work hard
- come in early
- stay late
- take a course or learn all that you need to in order to do the job.
- become bonded (See the Federal Bonding Program and Work Opportunity Tax Credit section further ahead)

Remember to be upfront and honest. You are not going to fool an employer about what you know (or what you don't know).

Examples of how to come clean to the interviewer would be:

- 1) You made a mistake
- 2) You took responsibility for that mistake
- 3) You've done several things to change your life
- 4) You want a chance to prove yourself
- 5) You are positive and enthusiastic, ready to perform the job beyond the employer's expectations

Some Phrases to Say in an Interview About Your History

Not all of these suggestions will apply to everyone. Look them over and see which ones might apply to you. You can always start your response with something like:

"I'm glad you are asking me about my history. I want you to feel confident about hiring me."

Then try some of the following phrases that might apply to your situation to fill out the rest of the answer.

"If hired, I would like to be bonded to ensure that you are comfortable taking a chance with me". Please see the Federal Bonding Program and Work Opportunity Tax Credit section further ahead.

"My crime resulted from an extreme lack of judgment on my part. I have grown up a lot since then, and I believe serving time helped me turn my life around".

"While incarcerated I took advantage of the opportunity to earn my GED."

"I'm not proud of what I did, but I'm proud of who I am now".

"The person I am now is not the same person who committed that crime."

"That was a stupid mistake I made that will never be repeated."

"The name of my parole (or probation) officer is..., and his (or her) number is..."

How to answer the question “Have you ever been convicted of a crime?”

Technically, the employment application is a legal document in a court of law. You have to fill it out correctly. The purpose of the application is to get you an interview. However, the application can also get you fired if it comes out that you lied on it after you've been hired. Be aware that most companies perform background checks on job applicants. Therefore, you must fill out the application completely and honestly listing all your convictions. It will help your credibility by being upfront and honest about your history. **Disclose all this early on in the interview.** Don't sit there wondering “When should I bring up my criminal history?”

Keeping A Job

You are hired - you have succeeded! The adjustment will be difficult, as the real world is very different than being in jail or prison. Here are some ways to develop good work habits and stay employed.

- ✓ Responsibility is crucial. Arrive at work on time every day. If there is a problem with transportation, illness, or another emergency, call your supervisor as soon as possible.
- ✓ You are new to the job, and you may feel lost and out of place. Keep a positive attitude. Remember, your attitude helped you land the job; don't make your employer think it was false.
- ✓ Be sure your work is being done correctly and in a suitable way.
- ✓ Be on good terms with your supervisor and coworkers. If a problem with a coworker develops, inform your supervisor. Do not take matters into your own hands.
- ✓ Being communicative and chatty are different things. Socializing has its rightful place and time. Too much talking can jeopardize your job. Remember that your employer is watching your performance.
- ✓ Don't let personal problems interfere with the job. Remember that everyone has problems, however work is not the place to discuss them.
- ✓ Performing job tasks will require the art of listening. You must do as you are told which means you must follow directions. If you don't understand what you are asked to do, do not hesitate to ask questions. Remember that it is important to know and understand your duties.
- ✓ Feedback about job performance is not a personal attack. When your work is being evaluated, expect to hear both negative and positive things. Do not take this criticism personally. It may frustrate and embarrass you, but it is meant to help you succeed.
- ✓ Anger can be hard to control but you must keep your cool. If you feel things are getting out of hand go see any supervisor immediately. You must control your temper at all costs! If a supervisor does not help, make arrangements to meet with someone else in management.
- ✓ You may have accepted a job you do not love doing. Keep in mind that it is a much-needed source of income right now and that you can look for something else later.

Training and Licensing

There are many local career training opportunities that you can take advantage of. Anyone that is unemployed or under employed should investigate applying for free vocational training grants at Rochester Works, 255 North Goodman St., Rochester, NY 14607. See the Rochester Works flyer in this folder for more information.

Here is a partial list of other organizations that offer courses in areas such as welding, HVAC, office skills, carpentry, electrical, CDL, cosmetology, and more. There are costs associated with the BOCES courses. The Rochester Educational Opportunity Center (REOC) offers tuition-free courses, but there are fees for these courses. Financial aid may be available for qualified students for both BOCES and REOC

Center For Workforce Development - BOCES 2

Rochester Tech Park
160 Wallace Way, Bldg. 9
Rochester, NY 14624
(585) 349-9100
www.monroe2boces.org/CWD.cfm?subpage=2142

Adult Career and Continuing Education Services - BOCES 1

41 O'Connor Rd.
Fairport, NY 14450
Phone: (Career Training) 585-383-2293
Phone: (Literacy) 585-383-2250
www.monroe.edu/CommunityEd.cfm?subpage=323

Rochester Educational Opportunity Center

161 Chestnut Street, Rochester, NY 14604

(585) 232-2730

www.reoc.brockport.edu/

If you are interested in pursuing an occupation that requires licensing, the first step is to talk to your probation or parole officer. Have them call an investigator in the state department that issues the license to find out if you should enter a particular training program. Get information on employment restrictions and special conditions for your entire criminal history. Also get information on your plea bargain if there was one. **You want to make sure that you would be eligible for employment in that particular field before embarking on the training.**

Additionally, the Legal Action Center in New York City (225 Varick St., New York, NY 10014, 1-800-223-4044, www.lac.org) publishes a free brochure titled *New York State Occupational Licensing Survey*. This is a comprehensive list of occupations that require some type of New York State licensing and what, if any, criminal record restrictions apply. **Please see the Legal Action Center insert in this folder for more information.**

Obtain a letter from the licensing agency that confirms if you successfully complete a training program you can get a license with your criminal background. Here is where your character can help you. What did you do to better yourself when you were incarcerated? What have you done since you've been released? This becomes important because a stated requirement for many licensed professions is "good moral character". And that "good moral character" is determined by the department of licensing. Other factors for licensure are how old you were when the crime was committed, how old are you now, and what have you done in the interim to change.

More information on this can be found in New York State Corrections Law Article 23-A: *Licensure and Employment of Persons Previously Convicted of One or More Criminal Offenses*.

Other lists of occupations that require licensure in New York State and their requirements can be found on the following websites. Each of these agencies list different occupations.

New York State Department of Labor

www.labor.ny.gov

Click on the arrow next to "Individuals", then click on [Occupational Licenses and Certifications](#) under Career Development.

New York State Department of Education

www.nysed.gov

Scroll down and click on "Licensed Professions". Then click on the link [50 professions](#).

New York State Department of State

www.dos.state.ny.us

Scroll to the bottom of the page, click on "Licensing", then click on the occupation.

New York State Federal Bonding Program and Work Opportunity Tax Credit

The New York State Federal Bonding Program is an important issue to consider, both during the job search process and after you are hired. The bond is basically an insurance policy that protects an employer guaranteeing your job honesty. Bonds are usually issued in the amount of \$5,000 and are free to the employer for the first 6 months of your employment. In order for you and your employer to participate in the bonding program, you first must have an offer of a job. The job can be full or part time as well as long-term temporary and temporary-to-permanent positions. **Please see the New York State Federal Bonding Program Fact Sheet in this folder for more information.**

The Work Opportunity Tax Credit (WOTC) is designed to encourage employers to hire job seekers with barriers to employment by providing tax credits. For an employer to receive a tax credit for hiring an ex-felon, the ex-felon needs to be hired or have a hiring date no later than one year after the date of conviction or release from prison. In addition, the employee must be certified eligible for WOTC, and must perform a minimum of 120 hours of service for partial WOTC credit and over 400 hours for the full credit. More information about this program can be obtained from the New York State Department of Labor's website: www.labor.ny.gov. Click on the arrow next to "Businesses", then under Hiring Incentives click on [Work Opportunity Tax Credit](#).