For the nearly 11.5 million people who cycle in and out of prison and jail every year, employment is key to becoming a productive, taxpaying member of the community. But a criminal record, combined with spotty experience or little training, can make finding and securing a meaningful job difficult.

State lawmakers, corrections agencies and the business community are teaming up to provide in-prison and post-release educational and vocational training so that offenders can learn the skills they need to land jobs. A trio of policies designed to level the playing field for former inmates has been enacted in a growing number of states over the last couple years.

Certificate of employability laws in at least 20 states authorize courts or parole boards to issue certificates that serve as proof of rehabilitation for employment purposes or allow some occupational disqualifications to be lifted.

Some of these laws also carry employer liability protection for hiring ex-offenders who have been granted certificates. In cases where a certified employee causes injury or damages, the policies protect employers from lawsuits for negligent hiring or for a failure to adequately supervise an employee solely because of a previous criminal conviction. At least 12 states have laws that protect employers who hire people with criminal records.

“Ban the box” is a term used to describe policies that prohibit employers from asking about an applicant’s criminal record on an initial employment application. Currently, 20 states and the District of Columbia, along with many localities and some governors, regulate at what point in the hiring process an employer can ask about an applicant’s criminal history. Most of these laws apply only to public employers and licensing boards.

Many private employers are instituting their own fair-chance hiring policies such as banning the box, providing specialized human resources training and hosting targeted job fairs. Some, such as Koch Industries and Google, also have taken the lead on local community and national education campaigns. Google is working with other Silicon Valley tech companies to recruit, train and support those re-entering the community. Koch Industries and the Charles Koch Institute are hosting educational forums with some of the country’s top experts.

—Alison Lawrence

States with laws that:
- Offer certificates of employability
- Protect employers from liability
- Offer certificates and liability protection
- Limit when employers can ask about an applicant’s criminal record (ban the box)

Source: NCSL, 2017