

SECOND CHANCE HIRING: *Benefits, Dispelling Myths & Practical Considerations*

Georgia Justice Project works to reduce barriers to opportunity for people with criminal records through direct representation and policy change. For more than a decade, we have engaged employers to learn about their interest in, and concerns about, second chance hiring. **Employer resources, including this handout with hyperlinks to the data and researched cited below, and information from past employer events, can be found at [GJP.org/employers](https://www.gjp.org/employers).**

Second Chance Hiring Can Help your Company

- Employers are experiencing an unprecedented labor shortage. Yet, there is a large pool of untapped talent in the 4.5 million people who have a Georgia criminal record.
- Research shows employees with criminal records often have [better retention](#), [less turnover](#), are [promoted faster](#), and are more [motivated](#) than their counterparts.
- Second chance hiring [benefits all Georgians](#) by strengthening the economy, increasing public safety, and providing economic opportunity.

Concerned about Risk? Consider the Data

- The stigma of a record does not match the data
 - Research about [desistance and recidivism](#) shows that most recidivism happens within 3 years of an arrest, and almost all occurs within 5 years.
 - Employment is the best antidote to recidivism. Individuals with a job are more likely to avoid arrest than their unemployed counterparts.
- Georgia has very strong [employer liability protection](#) for criminal records that are:
 - Restricted, sealed (“expunged”) or pardoned, *or*
 - The record was an arrest that did not lead to conviction, *or*
 - The nature of the record is unrelated to the facts giving rise to a lawsuit, *or*
 - The employee has been issued a Program and Treatment Completion certificate from DCS or DOC.

Dispelling Myths about Criminal Records

- “Felony records” often conjure up a troublesome image for employers, but they are not always what you think they are.
 - Felonies encompass a very wide range of behaviors—from murder to shoplifting to writing a bad check to possession of marijuana.
 - Only 10% of felony convictions in Georgia are for serious violent or sexual offenses.
 - The same behavior can be categorized differently state by state or county by county. A felony in one place may be a misdemeanor in another.
 - Some charges (such as terroristic threats, public indecency, cruelty to children 3rd degree) sound much, much worse than the facts of a case. No matter the charge, let it be the start of a conversation.
 - Georgia [has very long prison sentences, and the longest probation sentences in the country](#), so someone may still be on probation for an offense that occurred many, many years in the past.
 - Court backlogs caused by the pandemic can mean that a person still has a pending case for something that occurred several years ago.

- If you find old convictions on a person’s record -- this doesn’t mean a court denied them expungement.
 - 40% of adults in Georgia have a criminal record, yet Georgia’s [expungement law](#) is very limited and difficult to access.
 - Job applicants are often unaware of their eligibility or unable to access an attorney. Less than 1% of people who are eligible for expungement of a conviction in Georgia have gotten their records expunged.

Suggestions for Expanding your Talent Pool through Second Chance Hiring

- Don’t use a background check as an honesty test.
 - Background checks often contain [incorrect information](#), and applicants often do not understand what is on their record or what they need to report.
 - If an applicant doesn’t self-report something found on a background check, they may not be trying to mislead you.
- Conduct individual assessments and consider each applicant holistically.
 - Follow [EEOC guidance](#) and consider gravity of the offense, time that has passed, and whether the offense is related to the person’s ability to perform the job.
 - If something appears on a background check that you have questions or concerns about, talk to the applicant to hear their explanation of what happened.
 - Learn about what they have done since that time and consider who they are today.
- Communicate directly and regularly with your Credit Reporting Agency (CRA) so they tailor your background check reports to the needs of your company and to each position you post.
 - Limit to what you need to know – do you really need all arrests? Convictions from years ago? Or are only certain recent convictions relevant?
 - You don’t need the same background check for a driver as you do for an accountant, or as you do for a warehouse employee.
- Review your job posting templates and recruitment strategies to make sure they don’t unintentionally discourage qualified applicants.
 - Communicate up front your willingness to consider applicants with a criminal history.
 - Does your job application still ask about criminal history? If you must ask on the application, consider limiting what you ask about to what you absolutely need to know up front.
- Partner with non-profit organizations that provide support services to returning citizens—this can help ensure that second chance hiring is a success for both the employee and the employer.

Communicate with your CRA about what you really need in a background check for each job posting. Don’t use a one-size-fits-all background check.

More resources can be found at: GJP.org/employers

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