

A hand holding a red marker is positioned in the upper right corner, pointing towards a document. The document is out of focus but contains several checkboxes and lines of text. One prominent line of text reads "HAVE YOU BEEN CONVICTED OF A FELONY IN THE LAST 7 YEARS". Other visible text includes "PROBATION" and "ARE YOU CURRENTLY UNDER CHARGES FOR".

Going to Work *with a Criminal Record*

*Lessons from the
Fathers at Work
Initiative*

**Dee Wallace
Laura Wyckoff**

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Public/Private Ventures is a national nonprofit organization that seeks to improve the effectiveness of social policies and programs. P/PV designs, tests and studies initiatives that increase supports, skills and opportunities of residents of low-income communities; works with policymakers to see that the lessons and evidence produced are reflected in policy; and provides training, technical assistance and learning opportunities to practitioners based on documented effective practices.

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Working Ventures seeks to improve the performance of the workforce development field by providing practitioners and policymakers with the knowledge and tools needed to operate effective employment programs. We support the field by documenting effective employment strategies and practices, convening practitioner workshops and providing resources to encourage program innovation.

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Introduction

According to the Bureau of Justice Statistics, 650,000 adults are released from American prisons each year. Many of them find their way to One-Stops or community-based, faith-based and other organizations that offer employment-related services. These formerly incarcerated individuals are overwhelmingly male; they are typically poorly educated, may have serious substance abuse problems, frequently have precarious housing situations and typically face considerable difficulty finding jobs. In addition, many have children they are striving—and required—to support. Some owe arrearage, overdue payments that continued to accrue during incarceration and can now gobble up meager paychecks, making working “on the books” seem like a losing proposition.

Nationwide, a few programs specifically target former prisoners and possess extensive experience placing them with willing employers and helping them stay on the job. However, if you are a career counselor, trainer, job developer or other staff member in a more typical

workforce organization—particularly if your participants have traditionally been mostly women—you may need to better understand the constraints and complexities of successfully putting to work formerly incarcerated men, especially those who are noncustodial fathers.

Based on the experience of organizations taking part in the Fathers at Work initiative, *Going to Work with a Criminal Record* offers fundamental lessons on connecting people with criminal records to appropriate jobs and employers, as well as tools to organize your efforts. It outlines how to avoid mistakes and how to develop important relationships, including with employers, parole officers and the local child support enforcement agency. It also invites you to examine the attitude, staffing and capacity of your organization to deal with an increasing number of male job seekers who bring new challenges.

To be sure, if your doors are open to low-income individuals, the sheer number of people returning from prison makes it likely that many will seek your services.

The Lessons and Where to Find Them in This Guide

Listed below are seven lessons workforce organizations should consider as they help formerly incarcerated people move toward stable employment. A more detailed discussion of how program staff can put these lessons into practice follows. The guide also includes examples from specific Fathers at Work organizations, resources and tools. Lessons and tools can be found on the pages indicated.

Lesson One: Do No Harm

On page 8: Organizations that found success in helping formerly incarcerated people get and keep jobs indicate that a significant part of the work is avoiding setting their participants up for failure by training them for careers they cannot legally pursue or sending them to jobs from which they are barred. Tool 1: Glossary: Rap Sheet and Other Terms You Need to Know >>> page 44.

Lesson Two: Tackling the Conviction Question and Offering Support

On page 12: Employers ask questions, and they check records. Staff can make a major contribution to helping participants get and keep jobs by preparing them to speak accurately, reassuringly and as positively as possible when they need to disclose their convictions. Programs can also encourage participants to focus on employment—as opposed to their convictions—and to provide opportunities for peers to support one another as they search for jobs and become

wage earners. Tool 2: Examples: Developing a Functional Résumé >>> page 47; Tool 3: Scenarios: Thinking about Conviction Questions >>> page 48; Tool 4: Assessment: Improving Participants' Answers >>> page 50.

Lesson Three: Finding Willing Employers: Market Your Organization as Well as the Job Seeker

On page 18: Businesses may choose not to hire your program's qualified participants because of their criminal records. Successful workforce professionals know who will hire whom and convince hesitant employers that their organization will be there immediately should problems arise. Tool 5: Checklist: Knowing Who Is Ready to Work and Ready to Hire >>> page 51; Tool 6: Checklist: Providing Retention Services >>> page 52.

Lesson Four: Consider Alternative Pathways into the Labor Market

On page 26: Permanent full-time employment is the goal. But transitional or temporary jobs can be a first step to steady employment for those returning from prison and who may have scant work experience and/or few marketable skills.

Lesson Five: Make Friends with Parole

On page 30: Most recently incarcerated individuals come to a program attached to a parole or probation officer. Complying with parole can affect your participants' ability to get and keep a job. Organizations experienced in placing former prisoners know parole officers personally, share

pertinent information and work together, if possible. Tool 7: Worksheet: Reflecting and Taking Action >>> page 53.

Lesson Six: Learn to Navigate the Child Support System

On page 34: Noncustodial parents may be reluctant to respond to child support enforcement because of the system's perceived connections to courts, the legal system or potential incarceration. They may also have concerns about taking legitimate jobs knowing that their wages will be withheld to satisfy orders or pay arrearages. During the Fathers at Work initiative, employment organizations helped participants confront their child support enforcement concerns and, in some cases, negotiate arrearage payment by accompanying them to court.

Lesson Seven: Take a Close Look in the Mirror

On page 38: Organization staff members may have preconceived ideas or negative attitudes that can affect the type and quality of services they make available to their formerly incarcerated participants. Providing training during which your participants and representatives from organizations that advocate for former prisoners discuss the issues that hobble the formerly incarcerated can both educate and sensitize staff. In addition, some organizations have hired former prisoners to work with former prisoners, people who can relate to participants' circumstances and offer guidance based on their own experience with the criminal justice system.

In addition, Tool 8: Resources on page 56 offers overall guidance to better assist formerly incarcerated individuals who enroll in your employment program.

Where These Lessons Came From

Lessons are from the Fathers at Work initiative.

Going to Work with a Criminal Record contains lessons generated by six organizations during the three-year Fathers at Work initiative: Center for Employment Opportunities (CEO), New York City; Impact Services, Philadelphia; Rubicon Programs, Inc., Richmond, CA; STRIVE, Chicago; Total Action Against Poverty (TAP), Roanoke, VA; and Vocational Foundation, Inc., Brooklyn, NY. All six organizations had demonstrated expertise in providing employment services to low-income individuals with a variety of barriers; some had more experience than others with the former prisoner population, but throughout the course of the initiative, all reported important insights into helping young men with criminal records get and keep jobs. The National Center for Nonprofit Planning and Leadership (now the National Project for Community Leadership at www.npcl.org) provided the participating organizations with technical assistance on fatherhood and child support. Fathers at Work was funded by the Charles Stewart Mott Foundation and managed and evaluated by Public/Private Ventures (P/PV). P/PV worked with staff from the six programs to identify the lessons compiled here.



Fathers at Work Organizations

Center for Employment Opportunities (CEO)

Located in downtown Manhattan, CEO has provided employment and training services to people with criminal records since the late 1970s. All of CEO's participants have been convicted of nonviolent crimes, most of which are drug-related. At the core of CEO's employment strategy is a paid transitional work program. Weeklong preemployment and life skills training, individualized job development services, Responsible Fatherhood Workshops and child support advocacy are also provided.

Impact Services

Since 1974, Impact Services has provided training programs for low-income people in Philadelphia and surrounding areas. Impact's programs include the Helping Offenders Work (HOW) program, which serves people with criminal records and histories of substance abuse; the Greater Philadelphia Works welfare-to-work program; and Veteran's Services. Impact's Fathers at Work program, known as Step-Up, was created to work with two key referral sources: Philadelphia County's Work Release Program and the Pennsylvania Bureau of Probation and Parole. Impact Services offered participants life skills and job readiness training, job placement, fatherhood workshops and mediation counseling. The organization developed a relationship with the Pennsylvania Family Court, streamlining court processes for Impact's participants involved with Child Support Enforcement.

Rubicon Programs, Inc.

Located in the city of Richmond, CA, Rubicon provides a wide array of social services, including housing assistance, mental health services and other support services, to approximately 4,000 people a year. While the organization serves a diverse population, its focus has traditionally been on people who are homeless, mentally disabled or on welfare. Rubicon's Fathers at Work offerings included job readiness and skills training, job placement services, peer support groups and on-site child support assistance provided through a partnership with the Contra Costa Department of Child Support Services.

STRIVE (Support and Training Result in Valuable Employees)

STRIVE is a nonprofit job training and placement organization that serves low-income residents in Chicago. It is part of a national network of organizations, each following a similar model for employment services. STRIVE Chicago offers four weeks of classroom-based soft skills training, followed by rapid placement and two years of intensive follow-up services. The focus is on personal responsibility and attitudinal change, combined with training in job search techniques. STRIVE has an active alumni group and parenting support groups for men and women.

Total Action Against Poverty (TAP)

TAP was founded in 1965 as the designated community action agency for the Roanoke Valley in southwest Virginia. Each year, TAP serves more than 6,000 individuals in 3,000 families through more than 30 programs, from Head Start centers and housing support to transitional living services and food banks. TAP also operates a wide range of job training and educational services, known collectively as This Valley Works. TAP's Fathers at Work in Virginia program was established within its Families in Transition department. Core services include individualized job placement, fatherhood support groups and staff co-location with the child support enforcement agency.

Vocational Foundation, Inc. (VFI)

VFI was founded in 1936 to help New York City's disadvantaged youth achieve educational and employment goals. VFI has operated programs for young fathers since 1984. Each participant in the Young Fathers Program is supported by a primary case manager, called a career adviser. Career advisers provide career counseling, crisis intervention and resource referrals; they conduct fatherhood workshops and coordinate with Child Support Enforcement; and they provide follow-up support after participants complete the program.

From January 2001 through June 2004, the six Fathers at Work organizations focused their efforts on low-income fathers under age 30, with the aim of increasing their participation in the labor market, earnings, parental engagement and financial support of their children. In order to accomplish this, each of the six organizations developed a formal partnership with its local child support enforcement agency.

Two organizations, CEO in New York City and Impact Services in Philadelphia, provided services exclusively to former prisoners and, in addition to collaborating with child support enforcement, developed partnerships with the appropriate criminal justice agencies. Although the other four organizations did not exclusively target formerly incarcerated people while recruiting participants for their programs, 76 percent of the young fathers across all six sites reported that they had been convicted of a crime.

Lessons are framed by P/PV's Working Ventures workshops.

Going to Work with a Criminal Record was also developed from a series of workshops offered by Working Ventures, a P/PV initiative to improve performance in the workforce development field. In keeping with its practice of drawing on the expertise of seasoned professionals, Working Ventures frequently used staff from the Fathers at Work initiative as workshop presenters. The workshops offered additional opportunities to identify information and tools valuable

to employment organizations serving formerly incarcerated people—and these are included in *Going to Work*.

Lessons incorporate basic principles of workforce development.

Though developed for program staff working with formerly incarcerated people, the lessons in *Going to Work* reflect principles of workforce development used by effective organizations serving a variety of participants. Key principles include learning about employer needs and preferences; assessing the job seekers' experience, skills and personality to make good matches; following up to ensure retention; and taking action when problems arise on the job. One increasingly accepted principle of good job development—the dual customer approach of providing services to employers as well as job seekers—seems especially relevant when placing people with criminal records. For example, employers may be convinced to hire formerly incarcerated people if they know that program staff have disclosed accurate information about the candidate and will provide continued support. Throughout *Going to Work*, you will find descriptions of resources that contain additional strategies and tools for effective workforce development.

What the Lessons Are

Lessons are broadly applicable, but not state specific.

The Fathers at Work demonstration took place in five states, all with different laws. Lessons in *Going to Work* will be useful in assisting formerly incarcerated people, but many factors related to career choices, training and employment are governed by the laws and policies of individual states. In other words, regulations governing the employment of people with convictions in Virginia may be different from those in New York State and different still from those in California. Varying regulations include those governing licensing and barring people convicted of certain crimes from specific occupations, the process for obtaining rap sheets and the questions employers may legally ask on job applications and during interviews. You need to be familiar with your state laws and local policies in order to offer accurate information to your participants and their employers. You can increase your expertise by accessing resources described in the sidebar on page 7.

In addition to regulations regarding the hiring and employment of formerly incarcerated individuals, the policies and practices of state and local child support enforcement agencies also vary—wildly. A link to all state child support enforcement agencies can be found on the homepage of the US Department of Health and Human Services Administration for Children and Families: www.acf.hhs.gov/programs/cse.

Lessons provide guidance but don't constitute legal advice.

Based on the experiences of the Fathers at Work programs, *Going to Work* addresses issues, explores strategies and provides tools to assist formerly incarcerated individuals with employment. But as you read the guide, you will come to understand that these issues are complex and play out in different ways. As mentioned throughout *Going to Work*, laws and regulations differ from state to state. Be sure to consult an attorney as needed.

Lessons address employment but don't cover all issues affecting the livelihood of people with criminal records.

Issues such as inadequate housing and substance abuse are often substantial impediments for people trying to put their lives together after incarceration; however, these issues are not covered in this guide. Also, while *Going to Work* provides useful information about how to help former prisoners obtain stable employment, it does not discuss skills training. Instead, it focuses on the interface between the organization that prepares formerly incarcerated individuals to seek jobs and the employers who may be reluctant to hire them.

The guide does touch on the issue of child support—a major element of the Fathers at Work initiative—but for additional information about child support enforcement, how it affects fathers and what your program might do, see the forthcoming P/PV report *Fathers at Work: Navigating the Child Support System*.

Who the Lessons Are For

Going to Work with a Criminal Record was developed for the staff of organizations that provide employment-related services to job seekers with criminal records. Please keep in mind that *Going to Work* is written from the perspective of program staff—which provides an important piece of the puzzle, but not the only piece. Job seekers themselves should be considered the best sources of information about their backgrounds, career aspirations, and their strengths and barriers to employment. You will be most effective in helping participants get and retain jobs when you consider them equal partners in the employment process.

Resources for People Convicted of Crimes Who Are Seeking Employment

The National H.I.R.E. Network offers a clearinghouse for state-specific resources, information and assistance for job-related and legal services related to criminal records and employment at www.hirenetwork.org.

Employment Discrimination and What to Do About It, published by Legal Action Center, contains practical guidance on how people with criminal records should handle discussions of their convictions on employment applications and during job interviews. The publication has been adapted for California, Illinois, New York, Pennsylvania and Virginia and can be downloaded at www.lac.org/pubs/pubs_top.html.

Lesson One

Do No Harm

Hippocrates told physicians to do no harm, but he could have been advising modern-day workforce professionals. For example, you may have heard the classic story of a man who received barber training in prison and then couldn't get a barber's license when he was released. Or the woman who entered health care training, later to discover that her career choices were limited by the nature of her prior convictions. In these cases, harm was done indeed—possibly by trainers or counselors with the best intentions.

Organizations and programs that have found success in helping people convicted of crimes get and keep jobs indicate that a significant part of the work is avoiding setting people up for failure by training them for careers they cannot pursue or sending them to jobs for which they are disqualified. In order to avoid disappointment, wasted time and resources and a loss of trust by employers and participants, you must know 1) whether job seekers have been convicted of a crime and 2) what constraints the conviction presents to employment.

Know That

...the Record Matters

You need to know about a person's criminal record and current supervision status to help the job seeker with occupational choices and the job application process.

...There Are Occupations That Are Not Choices

Some jobs by law or convention are out of reach for people with criminal records. For example, "occupational bars" prevent people with drug convictions from taking jobs that involve pharmaceuticals. Financial institutions, by law, cannot hire people with convictions related to theft or fraud. In addition, regulations in some states preclude people with records from obtaining a number of professional licenses.

What You Can Do

...to Avoid Setting the Job Seeker Up for Failure

Make Sure Job Seekers Have Proper Documentation

Program staff should verify that all job seekers have proper documentation for employment. Assistance obtaining documents can be particularly important for recently released prisoners whose documents frequently have been lost, misplaced or expired during incarceration. Proof of citizenship is a requirement for any legitimate job. Proof of address, a current driver's license, professional licenses, certification or diplomas are often necessary too, and getting one document is inevitably a prerequisite for getting others. When job seekers cannot afford fees, programs can help by advancing funds or paying to replace missing documents. Prior to the job search, program staff should provide job seekers with the opportunity to practice completing the I-9, a form employers must submit verifying that an employee is eligible to work in the United States.

Ask the Right Questions Up Front

Program staff members should ask thorough questions of participants during the program intake process to get as much information as possible about criminal records. Although questions might seem an invasion of privacy, staff can explain that they are not just being "nosy" but will use this information to help individuals with their career development, match them to the best job and advise them on dealing with applications and interviews—during which employers will expect straight answers.

Along with asking about convictions on the application for your program, Fathers at Work staff recommended interviewing participants and probing for clues about involvement with the justice system that could show up on a background check. Asking about "legal issues" or "court dates" can lead to information about convictions, probation and parole status. If your state allows employers to ask about arrests, program staff should ask about arrests as well to help participants form appropriate answers on application forms and during job interviews.

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Obtain specific information about convictions and about *any involvement with the justice system, including pending encounters*

Here's Why

The criminal record of a participant indicated "theft" but not "grand theft," a term that can include auto theft. A full discussion of the conviction kept a job developer from placing the man at a car dealership—a position for which he was otherwise qualified.

Another Reason

A job developer from one of the Fathers at Work organizations remembered asking a young man if he had a criminal record. "No," he replied. The job developer successfully placed him in a position, but two weeks later she received a phone call from the employer, who reported that his new employee had phoned in and said he wouldn't be at work that day—and possibly longer. That evening, the job developer called the young man and discovered that he had been in court on a charge from several months before. When the job developer reminded him that he had told her he didn't have a criminal record, he said that he had told her the truth—she hadn't asked if he had a court date coming up.

Encourage Job Seekers to Obtain Their Rap Sheets

In addition to asking about convictions on program application forms and during intake and interviews, staff can get information by obtaining their participants' rap sheets. A full picture of conviction history can minimize surprises, prevent disappointment and identify errors that need to be cleared. In fact, because employers will likely see the information when they conduct background checks, you should encourage the job seekers to obtain their own rap sheets to verify their accuracy. If employers conduct checks after hiring and the participants' disclosures conflict with the record, they could be fired for lying—even if discrepancies were unintentional.

Rap sheets can be obtained from different law enforcement agencies, depending upon the state where the conviction took place. The National H.I.R.E. Network offers information for all states, including contact information for the appropriate state agency, fees charged and an outline of the state-specific processes at www.hirenetwork.org/resource.html. Participants involved in federal offences can access their rap sheets from the Federal Bureau of Investigation at www.fbi.gov/hq/cjisd/fprequest.htm.

See Tool 1: *Glossary: Rap Sheet and Other Terms You Need to Know (page 44)*

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Information in *rap sheets may not agree with what the job seeker has revealed*

Here's Why

- Errors in recording: Human error in documenting can result in grave mistakes. For example, a clerical error, such as typing 123 instead of 132, can change the nature of the crime recorded.
- Faulty memory or understanding: The job seeker may not remember correctly or understand the final disposition of an encounter with the corrections system. For example, charges may have been pled down, resulting in a lesser conviction, and the person failed to understand the implication or legal language. If the disposition took place when the person was under the influence of drugs or alcohol, memory and understanding could be even shakier.

Address Criminal Background Barriers to Retention and Advancement

Correcting and clearing records can make a difference not only when the employer does an initial background check but also when people with convictions are promoted or moved to another position. Even if employers don't run background checks for entry-level jobs, advanced positions may have different requirements or more stringent screens. In short-term programs, especially those emphasizing rapid placement, job seekers may not have time to clean up their rap sheets, explore having their records expunged (sealed or erased) or obtain certificates of rehabilitation. Continuing to help people take corrective actions after they are employed can lower the risk that they will be denied advancement opportunities—and become disillusioned after initial employment success.

Discuss advancement in advance

Here's Why

Rubicon staff discovered that a local biotech company could provide entry-level manufacturing positions appropriate for job seekers with criminal records. However, the more skilled and better-paying jobs in the company occurred in the life science division, where employees work with living organisms. Because people with criminal records are barred from working in these positions, the obvious route for advancement was unavailable to them. Knowing this ahead of time prevented future misunderstandings. However, an opportunity did exist at the company because it had unwanted turnover in its manufacturing jobs. The program was able to help fill those positions and offer its retention services.

Understand Probation or Parole Status

Individuals with past convictions might be on probation or parole. Understanding your participants' status and conditions of probation or parole is important. For example, participants may be required to report to a parole officer and/or attend substance abuse or anger management treatment at times that conflict with program attendance, job search and work schedules. People may be limited as to where they can work by restrictions on where they can/must live or by terms that prohibit them from being in certain locations. Curfews can mean that taking a third-shift job violates parole and could result in jail time. You can do harm if you arrange training or jobs at times or in places that cause your participants to violate their parole. (Strategies for working with parole can be found on pages 31 and 32.)

Lesson Two

Tackling the Conviction Question and Offering Support

In many ways, helping formerly incarcerated people prepare for steady employment differs little from assisting other low-income individuals. Your organization and its partners probably offer participants the opportunity to assess interests, develop soft and job-specific skills, put together a résumé and learn to interview effectively. An additional skill is required for participants with criminal records: describing their conviction accurately and discussing it in a positive manner—when asked. For organizations that target former prisoners, preparing them to answer the “conviction question” is a routine, repetitive part of their job. At other organizations, staff may need to build expertise by knowing what employers are likely to ask, how much needs to be revealed and what to advise their participants as they prepare to face down the elephant in the interview room.

Know That

...Answering the Conviction Question Is Complex

Employers ask about criminal records on job applications in many different ways, and the rules about what they are legally allowed to ask vary from state to state.

What You Can Do

...to Prepare Participants

Practice the Right Answers to Employer Questions Throughout the Job Search

Because omitting criminal record information can be construed as lying and cause for dismissal from a job, programs should encourage job seekers to give honest and accurate answers about their criminal records to both the staff and employers.

On Résumés

Program staff can help job seekers develop functional résumés that underscore the job seekers' skills rather than chronological résumés that present a series of jobs. Although a functional résumé downplays employment gaps, employers will sometimes ask how long the applicant held specific jobs and what he was doing in between them. If necessary, job seekers should be prepared to answer questions and explain their absence from the workforce.

Encourage Truth-Telling:

“I would suggest that the person be up front about gaps in a résumé when asked because nothing is more refreshing than the honest truth. At least the job seeker won't have to look over his shoulder worrying about getting fired if the company finds out he lied or withheld information.”

—Job developer, CEO

See Tool 2: *Examples: Developing a Functional Résumé (page 47)*
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On Job Applications

Experienced staff assert that leaving the space blank after the question “Have you been convicted of a crime?” is not advisable. And lying or obfuscating is not an option. Job seekers should answer the question accurately without volunteering additional information. In order to help job seekers offer accurate and honest but the least damaging answers, program staff should continuously collect and study job applications and create and update notes or “cheat sheets” specific to the individual. Job seekers can use the notes when filling out applications or practicing for interviews. Both staff and job seekers need to understand the laws in their state that govern what employers can ask on applications and during interviews and what they can consider when making hiring decisions. (See Resources for People Convicted of Crimes Who Are Seeking Employment on page 7.)

Know the Rules:

In 1995, Jane had a felony conviction—her only criminal conviction ever. In 2006, she could honestly answer “no” to the job application question “Have you been convicted of a crime in the past seven years?”

See Tool 3: *Scenarios: Thinking about Conviction Questions (page 48)*

During Interviews

Just as they should answer honestly on job applications, job seekers with criminal records should answer honestly during job interviews. However, they should offer no more information than necessary, not disclose too much and not discuss their record with just anyone. Program staff can offer practice not only in answering questions accurately but also discussing and focusing on the positives. This could include coaching jobs seekers to explain what they learned in classes during incarceration, describe the skills gained through your program and share with employers their personal goals and the goals set for their family’s future. In fact, teaching people how to honestly, positively and succinctly talk about their criminal record is a crucial element of program advocacy.

Emphasize the Positive:

“Yes, I was convicted of possession of a controlled substance, but since that time I’ve stayed away from drugs, got my GED and got my forklift certificate. I’ve reconnected with my family, and we plan to move into a little bit bigger place as soon as I get my job.”

After the Interview

Effective job developers follow up with participants after their job interviews. Through debriefing, they can increase their own knowledge about specific employers and the questions they ask, including how conviction questions are phrased and whether they ask “illegal” questions concerning criminal records. Staff can use what they learn during this teachable moment with the freshly interviewed job seeker to develop effective coaching for other applicants. In addition, discussing the interview can relieve stress during the job search, especially if the job seekers need to “vent” about their criminal-record barriers. (See *Help the Job Seeker Focus on Employment* below.)

See Tool 4: *Assessment: Improving Participants’ Answers (page 50)*

Help the Job Seeker Focus on Employment

Program staff cite instances of participants who are angry about their records or deny their guilt and use their job interviews to “try” their case again by expounding on their

innocence or unfair treatment. Others who have come to terms with their criminal history and take full responsibility sometimes tell anyone who will listen all details of their past illegal activities and redemption—much more than employers need to know.

Program staff should encourage job seekers to focus on employment—not on past criminal history—during their job search. By allowing time during the program to tell their stories to case managers and job developers or to peers during workshops and classes, people can “vent” or acknowledge culpability in an appropriate forum.

Provide a way for people to tell their stories or vent their anger

Here’s How

- Inquire about convictions during the first meeting with job seekers—without advising them what to say. Staff can then assess how they are likely to respond during a job interview.
- Encourage people convicted of crimes to tell their story in detail, listen attentively and then explain which part should—and should not be conveyed—to employers.
- Suggest to those who continue to dwell on the unfairness of the system or other aspects of their conviction that they may need to “move on.” One job developer sometimes points out to chronic “venters” that many people are convicted of crimes, they are not unique and, putting it bluntly, they need to “get over it.”

Provide a Group Setting in Which Job Seekers Can Share Experiences and Receive Support

As part of the Fathers at Work programs, organizations facilitated group meetings for participants that focused on fatherhood development and provided an opportunity for peer support and networking. Groups also allowed participants to socialize and “let off steam” among peers about their personal circumstances. CEO staff recommend gathering groups with a range of ages to capitalize on the experience of older men who can offer good advice and alternatives to younger group members.

Provide group activities that not only inform but *appeal* to the job seekers

Here’s How

Participants in the Rubicon Fathers at Work Program met on Thursdays from 6 to 8 p.m. and considered the weekly event “something to look forward to.” The group talked about topics “of interest to them, including what was happening in the hip-hop world.” According to a program case manager, “The group time was an opportunity for men to connect with other men in a positive environment. We provided food! That was really important, and the rest just followed.”

More Than the Written Curriculum

At all programs, the fatherhood development workshops were based on a curriculum developed by Public/Private Ventures and disseminated by the National Center for Nonprofit Leadership and Planning (now the National Project for Community Leadership). However, staff at VFI developed a workshop format that allowed for a support-group dynamic that encouraged participants to discuss personal experiences and coping strategies.

Here's Another Idea

As a father-child activity and motivation for meeting benchmarks and staying in touch with the program's alumni group, Impact Services in Philadelphia arranged for participants and one guest each to go on a tour of New York City. The trip included a show at the historic Apollo Theater and dinner at Sylvia's, a well-known restaurant. Traveling with the tour company's usual clients, Impact participants—many of whom had never left their neighborhoods except to be incarcerated—experienced, in the words of their job developer, a “normal familylike activity.” The other Fathers at Work organizations sponsored barbecues, a fathers festival and local field trips.

Support Group as Respite:

“We joke—some people come in just to be in an environment that is not hostile.”

—VFI participant

A survey conducted during the Fathers at Work demonstration indicated that participants had exceptionally small employment networks, people they could ask for assistance in finding a job. In fact, more than two thirds reported that they had two or fewer people who could help them secure employment. Through group activities, programs offered the potential for participants to build a network of peers engaged in finding and keeping employment, allowing them to avoid negative influences from people associated with their past criminal activities.

Lesson Three

Finding Willing Employers: Market Your Organization as Well as the Job Seeker

Program staff—especially those new to working with people convicted of crimes—routinely ask how they can obtain a copy of the list of employers who will hire their job seekers with criminal records. This list does not exist. Concerned about customer perceptions, most businesses are reluctant to publicly acknowledge that they routinely hire people with criminal records. In addition, a national “list” would likely prove irrelevant: Not only do larger companies often leave hiring decisions to local management, but most jobs in the US are generated by small- to medium-size businesses. In fact, practitioners report greater success placing job seekers in small local companies.

Know That

...You'll Need to Develop Your Own List of Willing Employers

Although there is no federal law that requires an employer to hire someone with a criminal history, the U.S. Equal Employment Opportunity Commission has issued guidelines to encourage employers to show “business justification” for excluding job applicants with criminal records from employment. Along with inquiring about job requirements and the employers’ preferences, you will need to ask whether employers will hire those with criminal records and for which jobs.

...the Employers Are Customers Too

All Fathers at Work organizations used a dual-customer approach by providing services to employers as well as to their job seekers. Aside from referring qualified job seekers for open positions, employer services included following up with new employees, helping them meet expectations, mediating and taking appropriate actions when problems occurred.

...You'll Need to Cultivate a Mix of Employers

Program staff contend that companies with poorer paying jobs, undesirable working conditions and high turnover can play an important role in helping some job seekers gain skills and experience that will lead to better employment. This can be especially true for individuals with little work experience or those who have been out of the labor market for a long period of time due to incarceration.

...Employer Incentives Can Sweeten the Deal but Won't Open the Door

Staff reported that few employers hired their participants solely on the basis of incentives. All programs used incentives, such as the Federal Bonding program or the Work Opportunities Tax Credit (WOTC). For the most part, incentives were offered to employers who were considering hiring participants but needed a bit of extra motivation. The incentives served as “deal clinchers.”

What You Can Do

...to Engage and Serve Your Business Customer

Research Industries and Employers to Build Portfolios

Whether or not they are working with formerly incarcerated people, effective job developers continuously develop their own employer lists or, more accurately, employer portfolios.

Well-developed portfolios include both employers offering less desirable jobs that allow people to gain experience and develop skills as well as those with better jobs but more stringent requirements. Because less attractive employers provide job opportunities to people with substantial barriers, program staff recommend giving them the same service,

appreciation and recognition as given to high-end companies with good wages, benefits and better work environments. In fact, in all Fathers at Work programs, staff placed job seekers in a variety of industries and businesses.

Use the so-called “bad jobs” to develop good skills

Here’s Why

Some jobs have no appeal to job seekers, including working in fast food, in meatpacking plants or—in urban areas—for messenger services that pay per delivery. However, some program staff contend that participants with no work experience and significant barriers can gain soft skills and a track record of work at these less desirable jobs.

Another Way of Looking at It

The Rubicon Fathers at Work program placed job seekers lacking work experience in entry-level positions, but they focused on jobs that offered experience relevant to industries with pathways to better positions. Using a career-ladder approach, staff identified baseline skills for these industries and worked to get people a “foot on the rung”; two examples were in the building trades and property maintenance. In keeping with this strategy, staff did not place people in some of the most obvious entry-level jobs, such as fast food crew members, because those jobs offered few advancement opportunities.

But Don’t Strand a Guy:

“I agree with the principle of using less desirable jobs to get started, but harm may come in not staying in touch with participants and stranding them in those bad jobs. It’s important that they know there is a game plan to move them to better jobs and what the timeline is for those plans.”

—Director of Fathers at Work, Impact Services

Foremost, employer portfolios include information on the skills, personality and experience necessary to produce salable products and/or deliver exemplary customer service for various positions in the company. With future placements in mind, savvy job developers usually hold in reserve those employers offering good work environments and better paying jobs with advancement opportunities until the most highly qualified candidates are available.

Understand Employer Concerns

Some businesses are legally barred from hiring people with certain types of records; for example, financial and insurance institutions and some health care businesses. In addition, businesses not prevented by law from hiring people with these convictions may have

Resource for Engaging Employers

Job Development Essentials

With a strong emphasis on engaging employers, providing services to the business community and involving businesspeople as resources and advocates for an organization, *Job Development Essentials* offers practical advice for making initial contacts, determining employer needs, handling objections, following up on problems and building mutually beneficial relationships. It also includes strategies for learning about the job seeker, fostering self-reliance, making good matches and helping people maintain stable employment. For more information, go to www.ppv.org.

Resources on Employers and Former Prisoners

Look for research and articles by Harry J. Holzer, Steven Raphael and Michael A. Stoll, experts in the field of employment of the formerly incarcerated. Their work includes “Employment Barriers Facing Ex-Offenders,” published as a discussion paper by The Urban Institute Reentry Roundtable, and “Will Employers Hire Ex-Offenders? Employer Checks, Background Checks, and Their Determinants,” a working paper from the University of California, Berkeley, Institute of Business and Economic Research, Berkeley Program on Housing and Urban Policy. All are available online.

very legitimate concerns. A company providing services that require a great deal of public trust, such as in-home installation services or exposure to customers’ personal or financial information, can be reluctant to hire those who have been convicted of crimes.

Even when employers are personally convinced of the job seeker’s trustworthiness, they may be concerned about perceptions and attitudes of the public if their workforce includes individuals with criminal records. Other employers cite liability, including issues connected with responsible hiring, should an employee with a criminal record harm customers or other employees. (See the National HIRE Network website for an explanation of the Negligent Hiring Doctrine: www.hirenetwork.org/negligent_hiring.html.) To clarify concerns and decide on a strategy for convincing reluctant employers, program staff should first determine both company policy and practice regarding hiring. Offering access to the Federal Bonding Program, which provides free insurance against monetary loss in case of employee dishonesty, and/or the Work Opportunity Tax Credits (WOTC), a federal tax-credit incentive, can help you offset employer trepidation. Find your state coordinator for Federal Bonding and the WOTC at www.hirenetwork.org/resource.

Don’t Take “No” for the Final Answer

Seasoned staff in programs that work exclusively with formerly incarcerated people, such as CEO, have little problem asking employers whether they hire people with criminal records. On the other hand, less experienced job developers often dread inquiring, “Do you hire people who have been convicted of crimes?” Indeed, many business representatives will say “no,” a response that should not end the conversation. Program staff should ask additional questions that will provide an opening to explain the program’s services. For example, “Is your position on people with convictions a policy, or do you make exceptions?” “Does the company have a written policy that hiring managers may not violate, or is there some leeway depending on the applicant?” “Does your policy rule out certain convictions or only convictions within a certain time period?” Further probing can reveal whether the company conducts background checks on all applicants or only on new hires. If employers say that they don’t hire people who have been convicted but they do not routinely conduct criminal background checks, staff can emphasize that hiring from the program is advantageous because its referrals will come with disclosure of convictions—unlike walk-in applicants, who might simply lie on their applications. (See *Market Your Program Services* below.)

Consider Documenting Willing Employers

Here's Why

In the planning for Fathers at Work, Impact Services conducted a labor market survey of local employers. The job development team contacted businesses in sectors where appropriate jobs likely existed. As well as asking typical questions about entry-level positions, such as skills requirements, staff asked whether the business hired people with criminal records. The employment staff then used the employer profiles in their job development efforts. When interviewers expressed misgivings, the Impact job developers were able to refer to specific dates, times and people at the company who had indicated willingness to hire job seekers with convictions.

Encourage a Yes:

“The way I approach new employers is to say, ‘I know you are an equal opportunity employer, but I should ask you if you are open to employing people with a conviction.’”

—Job developer, CEO

Some programs have found success by identifying a champion within the business, perhaps someone with a family member who has been to prison or someone who is committed to giving people a second chance. In addition, programs that also place people without criminal records may intentionally build a pathway by first sending to employers good workers who don't have convictions.

Blaze the Trail:

“The first two guys we sent worked out well, so when the company has openings, it's interested in our referrals.”

—Director, TAP

Even the most tenacious Fathers at Work program staff conceded that some business operators had a deep-seated bias against people with criminal records and no amount of logic or convincing would change their minds. In these cases, staff simply moved on to other employers.

Market Your Program Services

More and more workforce organizations are offering retention services to all their business customers, and this approach seems especially valuable when employers express trepidation about hiring former prisoners. Fathers at Work staff “sold” the program's services and support rather than the job applicant. Services included the promise to respond immediately if problems occurred on the job.

Sell Your Services, Not the Job Seeker:

“When I talk to one of my employer contacts about a job opening, I remind them that I’m just a phone call away if there are any issues on the job—what kind of support like that comes with someone they might consider from ‘off the street’? My candidate comes with a team of people from TAP behind him—buy one, get four free.”

—Employment specialist, TAP

Consider Another Reason to Hire:

One employer interviewed during the Fathers at Work demonstration indicated that her company liked hiring men on parole from the local program. “They have even more incentive to hold on to a job because being employed is part of their parole requirement.”

Focus on the Job Requirements When Describing the Applicant, Not the Conviction

In addition, programs should closely focus on the participant’s abilities when marketing to employers.

Don’t Bleed:

“I’m surprised at how many job developers I meet who approach employers with, ‘I know he doesn’t have this or that and he has a record but, please, won’t you give him a chance?’ I keep attention focused on what the employer told me the job requirements are and how my candidate meets or exceeds those expectations.”

—Director of marketing services,
Impact Services

See Tool 5: Checklist: Knowing Who Is Ready to Work and Ready to Hire (page 51)

Be Prepared and Proactive If Things Go Wrong After Hiring

Things will go wrong. Staff members of any workforce program know this, whether they place former prisoners, former welfare recipients, displaced workers or recent college graduates. What is most important is for staff to respond immediately when employers contact them about problems. A tardy response, a brush-off or a tepid attempt to right the situation often means the employer will not only end up firing the problematic employee but will no longer hire your referrals and could “bad-mouth” you and your organization to other businesses.

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Help Solve the Problems That Threaten Retention

Here's One Example

When a Fathers at Work staff member at TAP checked on a recent placement, he discovered that, although the employer reported that the worker was doing great otherwise, the hire was having difficulty getting to work on time. Staff contacted the participant and found he lacked reliable transportation. A staff member began giving him a ride to work. This time together allowed the staff member to counsel him one-on-one, including emphasizing the need to solve his transportation problem. The man did. And kept his job.

Here's Another

TAP's staff received a call from another employer, who reported that a program participant was showing up late and leaving work early. A staff member immediately checked with the young man, who blamed his mother for not waking him in time to get to the job. After assessing his commitment to the job, the staff member called the employer and said that he believed the worker was not serious and should be let go. The program sent the employer a more reliable replacement.

On Call for Retention:

"If I find a job and have a problem at work, and I don't know how to deal with this problem, I can call somebody at STRIVE and then ask them about this problem that I have and whatnot. And I'll ask them could they help me, because I don't wanna get fired."

—Participant, STRIVE

According to program staff, tardiness and absenteeism are major threats to retention, and it's important to emphasize employer expectations and to encourage job seekers to be realistic about their ability to show up on time every day.

Encourage Participants to Be Realistic:

"A \$14 per hour job sounds really great, and participants without transportation will say they are willing to walk back and forth. Reality sets in when they get the second shift, work 8 or 9 hours, and it's pitch dark when they get off work and need to start walking."

—Employment specialist, TAP

See Tool 6: Checklist: Providing Retention Services (page 52)
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Resource for Helping Employees Retain Their Jobs

Employment Retention Essentials

This guide offers concrete tools for keeping people working, including tips on how to involve employers, build relationships and stay in contact with the job seekers after they have begun work. Available at www.ppv.org.

Lesson Four

Consider Alternative Pathways into the Labor Market

Often program operators and job seekers with criminal records yearn for income options that minimize the complications that a record can present during the job search. Transitional jobs programs provide a bridge to jobs by combining time-limited subsidized employment with services to help job seekers overcome barriers and build skills. These programs aim to put participants to work quickly, an important consideration for those recently released from prison who need to begin earning an income. In addition, transitional employment programs often offer a more forgiving work environment—especially for people with geographic constraints and curfews and who must periodically report to their parole officer. They also offer the opportunity to build skills and gain experience as well as to access additional services that help people succeed in the labor market. (See information about CEO on page 4.) Temporary employment, through a program or staffing agencies, can also offer a pathway into the labor market. Jobs through staffing agencies are often entry level and readily available. People can take days off to settle legal matters, prepare for better jobs and conduct the job search.

Know That

...Transitional Jobs May Be an Option but Not a Long-term Solution

Fathers at Work program staff agree that transitional and temporary jobs are just that—transitional and temporary. The stability that full-time employment offers can be especially important to formerly incarcerated men who may find life on “the outside” complex and chaotic.

What You Can Do

...to Provide Pathways to Stable Employment

Use Transitional or Temporary Jobs as a Strategy for Stable Employment

Transitional employment, such as the program offered by CEO in New York City, provides a structure and routine, a paycheck and the opportunity to develop and demonstrate skills and work habits. Along with earning a paycheck, participants receive life skills training, career interest assessment and job preparation, including help with their résumés and interviewing. Program staff develop appropriate jobs, match participants to employers and offer follow-up services. Receiving an initial chance to work without the stress of a job search—and the dreaded conviction question—can be motivation to participate in accompanying activities that result in a regular job.

Couple Transitional Employment with Training:

“Transitional employment offers an opportunity for learning occupational skills as well as basic skills in the context of work. It also gives participants the time to address legal obligations such as initial meetings with their probation or parole officer and attending court dates. However, transitional employment should be only part-time for a specific amount of time and coupled with academic training, such as developing basic skills or obtaining a GED. Otherwise people can get comfortable with transitional, or even temporary, employment and don’t want to leave those jobs.”

—Director, Rubicon Fathers at Work

Encouraging formerly incarcerated individuals to sign up with staffing agencies seemed to be a choice of last resort for the Fathers at Work programs. If participants needed to take a temp job, one program administrator recommended developing a relationship with staffing agencies and asking them to have people placed at a single worksite through contract work. Participants then needed to show up for the job every day.

Another entry point into the labor market for participants is staffing agencies run by nonprofits with the dual mission of earning revenue and helping disadvantaged people get jobs. Alternative staffing agencies often provide other social supports and have an interest in helping people find permanent employment. You can read about an alternative staffing demonstration at www.altstaffing.org.

Although many staffing agencies do background checks, one program referred participants needing immediate employment to an agency that did not run a background check. In the meantime, staff continued to work toward verifying and clarifying their rap sheets and matching the temp workers to permanent jobs. According to program staff, an additional reason to use temporary employment is that “finding a job is easier when a person already has one.”

Finally, while owning one’s own business may seem the answer to employer discrimination, the irregular hours, sporadic income and lack of second-party verification usually makes self-employment a poor initial choice for people with convictions. A side business could generate a bit of supplementary income, and owning a business might be an ultimate goal, but job seekers who must satisfy parole conditions and child support obligations need verifiable employment.

About Self-Employment:

“My P/O ain’t trying to hear that.”

—Fathers at Work participant

Lesson Five

Make Friends with Parole

For people recently released from prison or jail, the officers who ensure compliance with parole or probation are a dominating force in daily life. Officers supervise through personal contact and by monitoring the parolee's activities. They perform scheduled and unscheduled visits and can conduct searches of the parolee's home, vehicle and possessions. If conditions of parole require attending drug or alcohol treatment or finding a job, the officer checks for compliance. Parole has the authority to dictate where the parolee can live, what geographic area he or she must keep to and when he or she must be off the streets. Officers report on compliance and efforts at rehabilitation during hearings that are scheduled at the court's convenience—not around the parolee's job. In fact, many times the conditions of parole or probation are at odds with holding down a job. Regardless, parole and workforce development organizations have interconnected objectives for the same people, including the goal of having them obtain legitimate employment.

Know That

...Parole Is about Compliance

Although parole or probation may require people to work, their primary focus is to ensure public safety by making certain parolees adhere to the rules of release. It is not the parole officer's job to get people what they need to sustain employment.

...It Is Important to Communicate with Parole

Parole or probation can unknowingly derail your efforts to help people get and keep jobs if parole supervision requirements conflict with job requirements.

What You Can Do

...to Work with Parole

Make Yourself Known

Fathers at Work organizations offered information about their program to parole officers and their supervisors, often during meetings at the parole division offices. In addition, they encouraged participants to inform their parole officers about the program. Staff members let job seekers know that they were willing to provide information about the job seeker's participation directly to their parole officers in compliance with the organization's policy on release of information. In some programs, staff accompanied participants to court dates where parole and other law enforcement officers, attorneys and judges could observe that the parolee was participating in a program and receiving support from its staff members. In a number of cases, parole and probation systems became a source of referrals for program participants.

Parole as Recruiter:

"Well, I heard about it through my parole guy. When I first got out of jail, he told me—this is what brought me up—you got to find a job, you know, basically to stay out of trouble, so he gave me a list of different things like STRIVE that help you get a job."

—Participant, STRIVE

Let Parole Know What You Do

Here's Why

In Richmond, CA, staff members of Rubicon's Fathers at Work program met with local parole and probation officers to introduce the team, present the program's services and discuss what was needed to cooperate. Rubicon developed a release form so staff could share information. For example, Rubicon informed parole officers when the participant found work; parole cooperated by scheduling check-in times around the participant's job. The partnership was made easier because parole's management had been informed about the program and approved of its efforts to help parolees find employment. The two organizations had regularly scheduled meetings, and as the relationship developed, parole began to recruit and refer people to Rubicon's program.

Build Relationships with Individual Parole Officers

Program staff developed close relations with individual parole officers, who could then pick up the phone and intervene with their colleagues on behalf of other program participants. Persistence can be important when officers manage large caseloads and don't make themselves available on a consistent basis.

Involve Parole in Your Program

In order to celebrate participants' success in getting and keeping jobs, parole and probation officers were invited to graduations and other program events.

See Tool 7: *Worksheet: Reflecting and Taking Action (page 53)*

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Lesson Six

Learn to Navigate the Child Support System

Although the Child Support Enforcement Program is defined by federal statute, child support enforcement laws and procedures vary from state to state. This includes how child support orders—court orders that assert when, how often and how much parents must pay to support their children—are handled when someone is incarcerated. Most states will not put child support on hold, and arrearage grows unless the parent petitions successfully to have the support order modified. According to Fathers at Work program staff, many prisoners misunderstand their orders, thinking that the child support enforcement agency knows they are incarcerated and unable to work and that payment will be suspended. Others simply resign themselves to having significant debts, including back payments with interest, upon their release. Enthusiasm to seek legitimate employment is often dampened because employers are required to report new hires, wages are withheld and tax refunds are used to offset debt. An additional disincentive for working a legitimate job and connecting to the child support system occurs because the custodial parent, if she is on welfare, receives only the pass-through amount of the payment, typically \$50 per month. Why pay on the books when the child could receive more money if the father makes informal payments? Child support, especially arrearage, can be a significant issue for formerly incarcerated fathers—and for the workforce programs that train and place them.

Know That

...Child Support Is Obligatory and Action Can Be Taken to Enforce Orders

Once paternity is established and orders issued, parents are obligated by law to pay support. Along with wage withholding, child support enforcement can try to bring recalcitrant parents into compliance by seizing and selling property, suspending driver's licenses and in some states jailing support evaders.

...Child Support Enforcement Agencies Focus on the Needs of Children

Although strict enforcement of policies concerning arrearage may seem counter-productive, it is meant to assure that children receive financial and medical support regardless of their parents' circumstances.

What You Can Do

...to Work with Child Support Enforcement

Help Participants Resolve Child Support Issues

Program staff reported that many of their formerly incarcerated fathers have complex child support obligations; for example, support orders issued for multiple children or orders enforced in different locations. Participants were often uncomfortable dealing with child support enforcement in part because of past court experiences that may have led to their incarceration but also because they did not understand the process and felt they would be treated as “deadbeats,” “the enemy” and “offenders” once again. By encouraging participants to establish paternity, receive support orders and take steps to make regular payments, Fathers at Work programs helped demystify the process and set participants on a course to meet their rightful obligations.

A Show of Support:

“VFI helped me a lot because they called to find out how much you owe or they’ll go with you to court and present you right here in the courthouse. It’s really good to have somebody come with you from your school just to be by your side and help you through it.”

—Participant, VFI

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Offer Information and Assistance on Dealing with Child Support Enforcement

Here’s How

As did all Fathers at Work programs, CEO offered classes to educate participants about child support and its ultimate goal to benefit their children. Using some of its Fathers at Work grant, the program also hired staff to help participants fill out support-order petitions and to correct rumors among the fathers about what child support enforcement could do or demand of them. Once the relationship between CEO and child support enforcement was established, participants received more timely action on their orders and did not have to “sit around for three or four hours waiting to talk with a clerk.” Staff also prepared participants for court hearings, including how to dress, what to expect and how to respond to questions—as well as to the mother of their children if exchanges were likely to be hostile. The court came to recognize that staff members were there to provide support and to encourage fathers to take responsibility.

Inform Child Support Enforcement about Your Program Services

As some Fathers at Work programs demonstrated, the goal of the programs and the participants to gain stable employment intersected with the goal of child support enforcement to obtain financial support for the participants’ children. As with parole agencies, staff from programs seeking partnerships with child support enforcement made presentations about their services and arranged, with participant permission, to share information. Child support enforcement provided information concerning the participants’ obligations, including liens and waivers; the programs shared who enrolled in the program, where they were employed and what they were paid.

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Establish a Relationship with Child Support Enforcement

Here’s Why

As part of its relationship with Impact Services, the Family Court in Philadelphia accommodated the needs of Impact participants by “bundling” orders and facilitating efficient court appearances. This way, fathers who had multiple child support orders or petitions with the court could come in for a single appointment rather than have to make multiple appearances in court as they would have otherwise. Program staff reported that this was important for participants who needed to take time away from jobs again and again to appear in court. It was also significant for individuals coming in from residential supervision settings such as halfway houses, who had to wear handcuffs or restraints to appear in court multiple times.

Lesson Seven

Take a Close Look in the Mirror

The large number of people released from prison each year affects many of us. Nowadays most of us know people with criminal records, we are related to people with records, and in some communities many formerly incarcerated people live among us. Regardless of these increased personal connections, preconceived ideas about people who have been convicted of crimes and how they are likely to behave can influence the treatment and services they receive from our workforce programs. Personal bias can influence where job developers place people with records, but negative attitudes of other staff members—and administrators too—can also affect the educational opportunities, career counseling and support services offered to formerly incarcerated individuals seeking jobs. You may want to step back and examine your own attitude and the decisions you and your staff make regarding your participants with criminal records.

Know That

...You Are Likely Working with People with Criminal Records Already

Although four of the six Fathers at Work programs did not exclusively recruit former prisoners, 76 percent of the young, low-income fathers who enrolled across the demonstration reported having criminal records. Your organization may be likely to have a similar experience, depending on your location and ability to recruit low-income males. Even if your organization serves mostly women, you may be seeing more and more participants with convictions, as the number of women with criminal records is on the rise.

...There May Be Certain Types of Convictions Your Organization Can Best Serve

Overwhelmingly, people leaving prison have been convicted of nonviolent crimes—property and drug offenses, according to the October 2004 Bureau of Justice Statistics Fact Sheet. However, certain convictions—and some formerly incarcerated individuals—may require expertise your staff does not possess, such as working with people convicted of violent crimes or sex offenses. Programs often refer individuals they are unable to assist to programs that can.

What You Can Do

...to Effectively Work with Formerly Incarcerated People

Consider Hiring Staff Who Can Identify Directly with the Circumstances of Participants

Fathers at Work programs learned that their services were strengthened by having staff who could identify with the circumstances of participants. These staff members included men who were noncustodial fathers themselves, men with criminal records and former program participants.

Walk the Walk:

“Our organization works hard to get its participants with criminal records into other industries, so I’m a strong advocate for our ‘industry’ hiring them also.”

—Director, Rubicon Fathers at Work

Although some people with backgrounds similar to participants may lack professional credentials, they can possess special insight and a willingness to interact with participants in ways other staff members do not understand or know how to do. Programs hired staff “who had been there” to do outreach, intake and troubleshooting as well as to teach participants how to access job information on the computer. According to program administrators, these staff members offered a high level of commitment.

Someone Who Cares:

“Can you hear it in my voice? I’m passionate about my job.”

—Staff member with a conviction

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Find Ways for Participants to Work in the Program

Here’s One Way

Rubicon Programs recruited and paid \$25 per session to young men as pilot/planning team members during the Fathers at Work start-up. Once the program was launched, the planners enrolled and offered feedback on services, led groups of fathers and acted as role models for participants.

Although staff who are themselves noncustodial fathers and/or who have been incarcerated can offer authenticity to the program and empathy to participants, Fathers at Work staff recommend hiring individuals with the ability to engage participants and serve as a bridge to employers.

Look for the Right Skill Set:

“It’s important to hire people with a combination of both “street” and professional skills. Staff working with noncustodial fathers all need to have a working knowledge of the child support system so they can partner with child support enforcement.”

—Director of participant services, CEO

Look for Potential:

“I worked with a couple of guys in a group setting and could tell that they wanted to make a change and were able to motivate others. And they could market our program. We hired them, and one is now a case manager, and the other one, who went back to college, is training to be a job developer.”

—Director of marketing services, Impact Services

One program manager also pointed out that staff members must be unafraid to interact with former prisoners. He suggested that staff concentrate on building relationships and that they allow participants to talk instead of “being the authority on everything.”

See TOOL 7: *Worksheet: Reflecting and Taking Action (page 53)*
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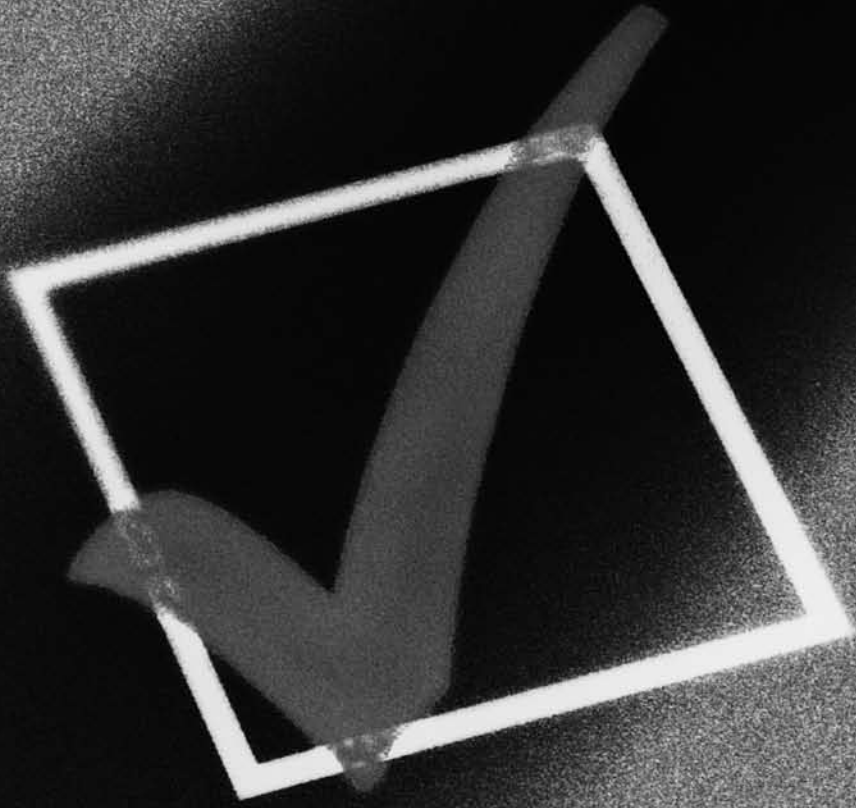
Conclusion

Underlying all lessons in *Going to Work with a Criminal Record* are two important but contradictory realities. First, although laws and policies affecting people with criminal records vary from state to state, most are not aimed at giving individuals a second chance. Instead, they are about public safety, compliance and meeting obligations. Efforts of workforce development organizations to assist the job seekers and to engage employers may be constrained, for example, by laws barring people with convictions from specific occupations, curfews or geographical restrictions imposed on parolees, or policies that require significant withdrawal of wages in order to repay child support arrearages. Other regulations and policies affecting employment not specifically discussed in the guide include those preventing individuals with convictions from receiving public assistance or food stamps, living in public housing or obtaining Pell Grants for further education.

Second, few citizens object to people who have been incarcerated getting jobs, paying child support and paying taxes. Former prisoners with jobs are less likely to commit crimes and return to prison—where the general public pays dearly for their upkeep. This second reality offers opportunity.

As you incorporate the lessons in *Going to Work* into your program, you are in a unique position to advocate for changes that reflect the public's values—changes that will allow people with criminal convictions to more readily stabilize their lives, improve their skills, take jobs and support themselves and their families.

The Tools



TOOL 1: *Glossary: Rap Sheet and Other Terms You Need to Know*

Arrearages: a legal term for debt that is overdue.

What this means to you: Incarcerated parents with orders for child support can leave prison with significant arrearage—in some cases in the six digits. Once the parent starts working, child support enforcement will collect the debt through wage withholding of up to 65 percent per paycheck—a distinct disincentive for some people to take the legitimate employment your program tries to facilitate.

Barred Occupations: specific types of employment from which individuals with criminal records are excluded by statute or by administrative decision.

What this means to you: Program staff should know which occupations are barred to job seekers based on their convictions. This varies from state to state and often includes occupations requiring licensing. It is obviously counterproductive and harmful to provide training for or refer people to jobs that they are legally barred from taking.

Certificates of Rehabilitation: documents issued by a few states that restore rights to former prisoners who are deemed rehabilitated. Rights include those affecting employment, housing and voting.

What this means to you: If your participants can obtain a certificate of rehabilitation, they may no longer be barred from certain occupations solely because they have a criminal record and may have a wider range of jobs from which to choose—potentially better paying or more satisfying jobs. You could offer information and may be able to help individuals gain a certificate. You could also educate employers about what the certificate means or to advocate for your state to offer certificates.

Child Support Enforcement: a federally authorized program that ensures that parents with custody of children receive assistance from noncustodial parents. Child support enforcement is carried out by state and local agencies, whose policies and practices vary. Agencies focus on locating parents, establishing paternity and support obligations and enforcing support orders.

What this means to you: Child support enforcement policies can include withholding wages for arrearage (see above), suspending driver's and occupational licenses and, in some states if the obligated parent is not paying the required support, taking legal action that could result in a jail sentence. You

may be able to partner with your local child support enforcement agency to share information and discuss actions that encourage participants to seek employment and meet their rightful obligations.

Conviction: a legal judgment finding a defendant guilty of the crime.

What this means to you: Being convicted of a crime puts your participants at a distinct disadvantage when seeking employment. They may be barred from certain occupations; businesses may be cautious about hiring them because of public perceptions; and some employers may discriminate because of personal bias against those who have committed crimes. Most states do not prohibit this type of bias. Among other actions, you can assist by seeking out employers willing to hire individuals with convictions as well as helping your participants answer questions about their convictions honestly and with a positive attitude.

Criminal Record: See Rap Sheet.

Expungement: a sealing or erasing of records about a person's arrest, detention, trial or disposition of an offense. Guidelines for which records can be expunged differ from state to state.

What this means to you: If your job seekers are able to have their records expunged, with some exceptions, they can truthfully tell employers that they have not been arrested, charged or accused of a crime. However, regulations governing expungement varies from state to state; factors include the amount of time passed since imprisonment and probation have been completed and what type of crime was committed. Staff can inform themselves about the issues surrounding expungement and refer participants to organizations that provide advice and legal assistance.

Federal Bonding Program: a program sponsored by the Department of Labor that provides free insurance to protect an employer in case of loss of money or property due to employee dishonesty.

What this means to you: By providing free bonding through the program, you can offer an incentive to employers to hire former prisoners who are often perceived as more likely than other applicants to steal or otherwise cause loss to the business.

Parole: serving part of a sentencing outside of prison, in the community, under supervision.

What this means to you: Your participants who are on parole must comply with certain conditions, including checking in with a parole officer. Not doing so could result in being sent back to jail. Parole officers may require parolees to meet with them at times that conflict with training, job search or employment. Sticking to curfews and staying within designated areas also adversely affect employment possibilities. Your program may be able to partner with parole to share information about compliance issues and program participation and to jointly encourage former prisoners to find legitimate employment.

Probation: conditional freedom granted by the court after conviction or a guilty plea with requirements regarding behavior. Violation of requirements can result in a person having probation revoked and being sent to jail or prison. Supervision is usually by a probation officer.

What this means to you: Just as compliance with parole can affect employment for your participants (see above), so can meeting the conditions of probation. By contacting and partnering with probation officers, you may be able to help job seekers obtain employment while still complying with conditions—which sometimes include getting a job.

Rap Sheet (Record of Arrest and Prosecution): an official record of arrests and convictions.

What this means to you: Because some employers who conduct background checks will see information on rap sheets, you should encourage participants to verify that the information is accurate, have it corrected if necessary and then make certain their answers to employers' questions don't contradict what is recorded. Most employers, however, use commercial background check companies to obtain criminal record information. You may want to obtain the rap sheets and commercial reports on their behalf in order to confirm that the information your participants give you is accurate so you do not misrepresent them to employers. Also, by knowing about their record, you can help them practice providing appropriate answers to employers' questions about convictions.

Work Opportunity Tax Credits (WOTC): a federal tax-credit incentive for employers who hire individuals who qualify as members of nine different target groups, including formerly incarcerated people.

What this means to you: Because businesses that employ individuals less than a year after their conviction or release from prison are eligible for a tax credit, your program can use WOTC as an incentive for employers to hire your participants.

TOOL 2: *Examples: Developing a Functional Résumé*

Instructions: The two examples demonstrate the difference between a chronological résumé that could raise questions about employment gaps and a functional résumé that focuses on skills. Use the examples to understand the difference. Then help job seekers develop a functional résumé if gaps or a lack of job history are likely to affect their employment.

Chronological

Leandro Caslon
65 Center Ave
Urbcit, NY 00000
Message Phone (000) 000-000

Objective: Gain a position in building maintenance

Experience
Maintenance Assistant, Urbcit Jobs Program
11/07 - present

- Maintain public areas and offices, including sweeping and mopping floors
- Recycle materials and dispose of waste
- Make minor repairs, including plumbing and carpentry
- Clean up safety hazards

Construction Worker, TF Construction, Inc.
01/07 - 06/07

- Installed siding
- Cleaned up work site

Assembler, Bagbet Industries
09/03 – 01/05

- Assembled furniture, including trimming, sanding and gluing joints

Education
GED, 07/04

References
On request

Functional

Leandro Caslon
65 Center Ave
Urbcit, NY 00000
Message Phone (000) 000-000

Objective: Gain a position in building maintenance

Outline of Skills

- Use construction and cleaning tools safely, including hand tools, power tools, measuring devices, ladders and floor polishers
- Follow oral and written instructions well
- Perform inventories and submit reports
- Perform accurate calculations and estimates for ordering supplies
- Work well as a team member and problem solver
- Speak, read and write English and speak Spanish

Maintenance/Construction Experience

- Performed routine cleaning and maintenance for 4000 sq. ft. building, including kitchen and restrooms
- Installed metal siding/windows in new homes
- Worked as a team member on a conveyor line to assemble furniture, including trimming, sanding and gluing joints, attaching glue blocks and metal brackets and inspecting to assure product met standards

Employment History
Maintenance Assistant, Urbcity Jobs Program
Construction Worker, TF Construction
Assembler, Bagbet Industries

Education: GED, July 2004

References: On request

TOOL 3: *Scenarios: Thinking about Conviction Questions*

Instructions: Use this tool to prepare yourself to advise job seekers on how to answer questions about arrests and convictions. Decide whether the five example job seekers should answer “yes” or “no” to the various questions. Also consider whether the jobs described are appropriate for the job seekers. Answers appear on the following page.

	Conviction questions		
	1.	2.	3.
Example participants	1. Have you ever been arrested? If so, explain.	2. Have you ever been convicted of a crime, offense or violation of the law? If so, explain.	3. Have you been convicted of a crime in the past seven years? If so, explain.
Jane , according to her rap sheet, served six years after a felony drug conviction in 1995. She’s applying for a job as an administrative assistant at a warehouse.			
John , according to his intake interview, was arrested on suspicion of drug trafficking in 2001 but was never convicted. He’s applying for a job as an aide at a nursing home.			
Terry was just referred to your program from a residential substance abuse treatment center. He is proud that he has “never done time for anything,” though a serious addiction made it impossible for him to hold a job.			
Jack , according to his rap sheet, served six years after a felony theft conviction in 2000. He’s applying for a job as a teller trainee in a bank.			

Scenarios:
Thinking about Conviction Questions

Answers to the questions

Jane:

1. yes; 2. yes; 3. no. To explain her conviction, Jane might say: “In 1995 I was convicted of a nonviolent offense. I completed my sentence without any further problems, and I’m committed to making the negative experience become a positive reinforcement in my life. I have completed my (secondary education, got my GED, started taking college courses, successfully completed training for...). I’m in recovery for (however long), and I have a strong support system. I have the following goals.... I will be an asset to your company because....”

John:

On the basis of the interview only and because John claims he has never been convicted, the answer to Question 1 is yes. The answers to Questions 2 and 3 are no.

However, some states prohibit employers from asking about and considering arrests that did not lead to conviction in employment decisions. For example, in New York, asking about arrests that didn’t lead to conviction is prohibited and, if John lives in New York, he can say “no” to that question. Consult with an employment attorney in your state or visit www.lac.org/lac, the Legal Action Center’s website for a state-by-state analysis of reentry laws. Also, be aware that certain industries may require the

disclosure and consideration of arrests that did not lead to conviction, for example, the nursing home/home healthcare industry.

To explain his arrest, John might say: “In 2001, I was charged and not convicted for a nonviolent offense. I have not had any further contact with the criminal justice system and have accomplished several things since then, such as (furthering my education, being a positive role model to my children and in the community, getting vocational training, holding down a job). I will be an asset to your company because....”

Terry:

Before you advise Terry about answering any questions, you must review his criminal record history on paper. Terry may not remember or may be confused about his case dispositions, not only because of his addiction history, but because the criminal court process is often fast and bewildering. Have Terry obtain his rap sheet for review. This is what an employer will base the decision on; you should do the same when advising any job seekers.

Jack:

1. yes, 2. yes, and 3. no, if he is applying for the job after 2007. However, because of the nature of his conviction, Jack may be barred from working in a bank or other financial institution.

TOOL 4: *Assessment: Improving Participants' Answers*

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Instructions: Use this tool to assess—and then discuss with job seekers—their responses to: “Tell me about your conviction.” Consider using the tool during training sessions, workshops or support groups by having participants listen as their peers explain their conviction, discuss appropriate answers and offer their own interview experiences.

Assess how the job seeker answered “Tell me about your conviction.”

1. Did the applicant offer the *right amount* of information?

- Not enough information
- Too much information
- Right amount of information

Comments:

2. Did the applicant speak *positively*?

- Answered in a negative way
- Didn't talk about what he/she learned or accomplished during the experience
- Yes, spoke positively about what he/she learned and accomplished.

Comments:

3. Did the applicant sound *sincere*?

- No, sounded as if he/she had something to hide
- Yes, seemed sorry about the crime and ready to move ahead

Comments:

TOOL 5: Checklist: Knowing Who Is Ready to Work and Ready to Hire

Instructions: All of the basic principles for effectively matching any job applicant to an employer apply to participants who have criminal records. However, there may be additional considerations for job developers seeking to find the right job and the right employee when a criminal record is part of the mix. As you determine whether to refer a particular job seeker to a particular employer, use this tool to help you make a good match.

Employer/Job: *DM Supply*

- Offers employment that meets the participant's needs or provides experience and training that makes it possible to move to a job that does
- Will consider hiring the applicant with his specific conviction and would be comfortable employing him
- Provides supervision that is fair, nondiscriminatory, accepting of those from the participant's background and would be sensitive to his circumstances
- Offers a work environment and schedule that would encourage/allow the participant to keep his job
- Provides a workplace with minimal influences likely to cause the participant to violate parole or commit another crime
- Will allow staff to contact the appropriate person to check on the participant's progress, offer support and help solve problems should they arise
- Other reasons this employer/job would be a good match for the participant:
DM hired our guys before

Participant: *Tony Jamison*

- Has the skills and experience the job requires
- Knows what the job requires and either wants—or is willing—to do it
- Can meet the employer's expectations for punctuality, attendance and productivity
Employer subsidizes monthly bus pass
- Will fit in well with coworkers
- Is amenable to training and supervision, including corrective feedback
- Will accurately answer questions this employer is likely to ask, including those about convictions
- Has dealt with legal and other obligations that could affect doing the job well
- Is certain that taking the job will not violate parole, probation or other court mandates
- Is committed to staying on the job a reasonable amount of time
- Will stay in touch for regular check-in, in case of problems on the job or for help with advancement when ready
Need to discuss this!!!

Other reasons this participant would be a good match for the employer/job:

TOOL 6: Checklist: Providing Retention Services

Instructions: Use this checklist to consider how you might improve your retention services for formerly incarcerated people once they have been hired.

Does Your Organization:	Yes	No	If no, what could you do to provide or improve this support?
<p>Continue to offer employed participants support and assistance to deal successfully with parole and child support enforcement?</p> <p><i>For example: verifying employment status, wages or continued involvement in the program.</i></p>			
<p>Have a process for keeping in touch with employers concerning participants' performance and needs?</p> <p><i>For example: arranging regular check-ins at the employers' convenience until new employees are meeting expectations.</i></p>			
<p>Help solve problems and/or mediate with participants, their employers and others about concerns related to convictions?</p> <p><i>For example: the need to arrange time off work for court appointments, withholding wages for fines or child support arrearage or complying with parole/probation.</i></p>			
<p>Provide referrals to others who can help with challenges that can cause people with criminal records to quit or lose their jobs or limit advancement opportunities?</p> <p><i>For example: legal advice, housing and/or substance abuse treatment.</i></p>			
<p>Sponsor peer alumni groups that meet regularly to discuss and offer support on issues of concern?</p> <p><i>For example, feeling singled out, isolated or the first suspected of misdeeds on the job.</i></p>			
<p>Offer assistance with promotion and advancement?</p> <p><i>For example: help accessing skill training or help expunging convictions or gaining certificates of rehabilitation that would allow participants to take better paying, more satisfying jobs.</i></p>			

TOOL 7: *Worksheet: Reflecting and Taking Action*

Instructions: Under the middle column, record what your program does well and what you did not know about the key areas listed in the column on the left prior to reading Going to Work. Then decide and record in the right-hand column short- and long-term actions you could take to better assist formerly incarcerated people who enroll in your program. Use the worksheet during program planning.

Reflection and Action Worksheet		
Key Areas	Reflection such as "We're good at..." "I never realized..."	Actions "Next week, I will..." "Next quarter, our program will..."
<p>Preparing People for the Job Search</p> <ul style="list-style-type: none"> • Understanding the job seeker's criminal record/supervision status and what it means related to employment • Knowing which occupations are unavailable to people with certain convictions • Making sure job seekers have proper documentation • Encouraging job seekers to obtain/correct their rap sheets • Helping job seekers develop functional rather than chronological résumés when appropriate • Understanding the complexity and legal aspects of asking and answering questions about convictions • Providing opportunities for job seekers to practice answering questions about their conviction on job applications and during interviews • Helping the job seeker focus on employment, not on their convictions • Providing opportunities for job seekers to share experiences and receive support from peers 	<p>Example: <i>We could probably do a better job at the beginning identifying any legal obligation likely to affect the job search.</i></p>	<p><i>Add question about pending court dates to intake interview questions, starting with next week's group</i></p>

TOOL 7: *Worksheet: Reflecting and Taking Action* CONTINUED

Reflection and Action Worksheet		
Key Areas	Reflection	Actions
<p>Engaging Employers</p> <ul style="list-style-type: none"> • Developing a portfolio of employers willing to hire people with criminal records • Focusing on the job seekers' skills rather than their conviction when making referrals to employers • Understanding and meeting employer concerns • Treating employers as valued customers, including those with less than ideal jobs • Marketing services that will help employers retain your referrals, including problem-solving and mediation when necessary • Following up immediately when problems arise on the job with people you have referred • Offering employers incentives such as federal bonding or WOTC when appropriate • Exploring alternatives, such as transitional or temporary jobs, that can lead to permanent, stable employment 		
<p>Forming Relationships With Parole</p> <ul style="list-style-type: none"> • Understanding the need for job seekers to comply with parole • Informing parole about your program • Building relationships by identifying/working toward similar goals, if possible 		

TOOL 7: *Worksheet: Reflecting and Taking Action* CONTINUED

Reflection and Action Worksheet		
Key Areas	Reflection	Actions
<p>Forming Relationships with Child Support Enforcement</p> <ul style="list-style-type: none"> • Understanding the need for job seekers to comply with child support enforcement orders and how this affects their employment • Informing child support enforcement about your program • Building relationships by identifying/working toward similar goals, if possible 		
<p>Preparing Yourself and Your Organization</p> <ul style="list-style-type: none"> • Understanding that you will be working with formerly incarcerated people and may need to develop special expertise to serve them effectively • Knowing where to refer people who, because of their type of conviction, can be better served elsewhere • Having staff who can identify with the circumstances of people with criminal records 		

TOOL 8: Resources

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On Employment for People with Criminal Records

The National H.I.R.E. Network offers a clearinghouse for state-specific resources, information and assistance for job-related and legal services related to criminal records and employment. www.hirenetwork.org.

Employment Discrimination and What to Do About It, published by Legal Action Center, contains practical guidance on how people with criminal records should handle discussions of their convictions on employment applications and during job interviews. The publication has been adapted for California, Illinois, New York, Pennsylvania and Virginia and can be downloaded. www.lac.org/pubs/pubs_top.html.

For Engaging Employers

Job Development Essentials offers practical advice for making initial contacts, determining employer needs, handling objections, following up on problems and building mutually beneficial relationships. It also includes strategies for learning about the job seeker, fostering self-reliance, making good matches and helping people maintain stable employment. Available at www.ppv.org.

About Employers and Former Prisoners

Look for research and articles by Harry J. Holzer, Steven Raphael and Michael A. Stoll, experts in the field of employment of the formerly incarcerated. Their work includes “Employment Barriers Facing Ex-Offenders,” published as a discussion paper by The Urban Institute Reentry Roundtable, and “Will Employers Hire Ex-Offenders? Employer Checks, Background Checks, and Their Determinants,” a working paper from the University of California, Berkeley, Institute of Business and Economic Research, Berkeley Program on Housing and Urban Policy. All are available online.

For Helping People Retain Their Jobs

Employment Retention Essentials offers concrete tools for keeping people working, including tips on how to involve employers, build relationships and stay in contact with the job seekers after they have begun work. Available at www.ppv.org.



Public/Private Ventures

2000 Market Street, Suite 600

Philadelphia, PA 19103

Tel: (215) 557-4400

Fax: (215) 557-4469

New York Office

The Chanin Building

122 East 42nd Street, 42nd Floor

New York, NY 10168

Tel: (212) 822-2400

Fax: (212) 949-0439

California Office

Lake Merritt Plaza, Suite 1550

1999 Harrison Street

Oakland, CA 94612

Tel: (510) 273-4600

Fax: (510) 273-4619

www.ppv.org