

Austin/Travis County Reentry Roundtable



Coming Full Circle —
Building Successful Strategies
For Offender Reentry

PRELIMINARY
Review of Travis County Hiring
Practices for Persons with Criminal
Backgrounds and Preliminary
Recommendations

May 31st, 2007

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Review of Travis County Hiring Policies for Persons with Criminal Backgrounds and Preliminary Recommendations

Executive Summary

The Austin/Travis County Reentry Roundtable work for 2007 has a substantial emphasis on employment issues impacting persons with criminal backgrounds. One objective of the work plan includes reviewing the hiring policies and practices of the City of Austin and Travis County and making recommendations on changes or enhancements that may lead to more persons with criminal backgrounds successfully reintegrate into the community by securing employment with these two major employers in our area.

A/TC Reentry Roundtable Mission:

The mission of the Austin/Travis County Reentry Roundtable is to implement collaborative community-wide strategies for the effective reintegration of formerly incarcerated persons, thereby reducing recidivism, supporting victims and promoting public safety in Austin/Travis County, Texas.

April 2004

A previous report (April 30th, 2007) summarized the results of our review to date for both the City of Austin and Travis County hiring policies and practices. This report summarizes what we have learned specifically about Travis County hiring policies and practices and includes some preliminary recommendations for next steps. Final recommendations will be forthcoming after the completion of a survey of RRT Employment Committee members and adoption by the Reentry Roundtable Planning Council. A final report will be completed upon completion of final work with the City of Austin HR Work Group

The RRT thanks the following persons for their work on this project:

Bill Brice, *Downtown Austin Alliance; Past Chair RRT Planning Council*
Caryl Colburn, *Director, Travis County Counseling and Education Services*
Harve Franklin, *Travis County Human Resource Department*
Darla Gay, *Roundtable Employment Committee*
Linda Moore Smith, *Director, Travis County Human Resource Department*
Mary Moran, *Travis County Criminal Justice Planning*

Highlights of What We Have Learned To Date for Travis County HR Policies for Hiring Persons with Criminal Background

- **Travis County HR currently is working toward the development of more centralized written policies and practices regarding the hiring of persons with criminal backgrounds** including centralizing background checks.
- **Travis County's applicant tracking system does not have the capability of tracking the number of applicants or hires with criminal backgrounds.** Travis County HR would advise caution and/or consulting legal advice before instituting a formal system that tracks the number of persons with criminal backgrounds who apply for positions and/or are hired. In accordance with federal employment laws, the handling of certain demographic information on applicants could have an adverse and unintended effect on persons in protected class status.
- **The Travis County application does include a question regarding criminal backgrounds, but also states that a conviction does not necessarily mean an applicant will not be hired.** However, because Travis County's hiring and selection process is decentralized, HR does not know how departments use this information to screen candidates. HR currently does not screen out the applicants based on the response to the criminal history questions before they forward the applications to the appropriate departments.
- **Travis County HR has been specifically conducting outreach to this population to fill some job openings within Travis County departments, but they have encountered some barriers utilizing persons with criminal backgrounds,** including the need for a current driver's license and for some positions, a commercial driver's license.
- **Travis County HR can only provide policies that impact departments that are not led specifically by elected officials.** Although many of the county elected officials oversee criminal justice entities and have more sensitive employment positions, there may be opportunities to interact with them in creating a centralized policy for hiring persons with criminal backgrounds for certain positions.

Austin/Travis County Reentry Roundtable Employment Committee May 31st, 2007

Review of Travis County Hiring Policies for Persons with Criminal Backgrounds

Introduction

In April 2004, a collaboration of local and state policy leaders, correctional leaders, service providers, former offenders, family members and victim advocates kicked off the Austin/Travis County Reentry Roundtable. A mission statement for the collaboration was created and several committees were implemented to develop a full work plan for ensuring that we were creating successful reintegration strategies for returning to our community and our families with criminal backgrounds.¹

The A/TC RRT Employment Committee identified four specific goals for 2006-2007 (see Table 1) including reviewing the hiring policies and practices of the City of Austin and Travis County for employing persons with criminal backgrounds as well as researching what other governmental entities across the United States have implemented or researched to enhance their policies.

A/TC Employment Committee Goal:

The goal of the RRT Employment Subcommittee is to link offenders to sustainable employment through effective training, education and employer development thereby meeting offender, community and employer needs.

June 2005

<i>Table 1: 2007 Austin/Travis County Reentry Roundtable Employment Goals</i>	
Goal 1:	Identify the strengths and gaps in post-release employment services and employment practices for persons with criminal backgrounds in Austin/Travis County.
Goal 2:	Research strategies and make recommendations to the city and county on hiring practices of persons with criminal backgrounds.
Goal 3:	Assess current practices of Austin/Travis County employers of persons with criminal histories and determine strategies that can be designed to encourage more employers to hire this population.
Goal 4:	Review existing literature on best practices for employing persons with criminal history and disseminate information.

¹ See www.atc-reentryroundtable.org for a copy of the full ATC Reentry Roundtable work plan published in June 2005.

This document provides a review of current Travis County policies and practices related to the hiring of persons with criminal backgrounds as well as *preliminary* recommendations for enhancing those policies and practices. Final recommendations will be issued later in June 2007.

Review of Travis County Hiring Policies and Practices For Hiring Considerations for Persons with Criminal Backgrounds

When we began working with Travis County HR officials, we discovered that there were already some efforts within the county to look at different areas that would assist with development of policies and practices that could lead to enhanced opportunities for persons with criminal backgrounds to be hired by Travis County Departments. Linda Moore Smith, the director of Travis County Human Resources Department, and her staff have been actively meeting with the RRT work group and discussing other options and ideas and we look forward to continued partnership to further our dialogue into action steps.

The following are some of the highlights of what we have learned to date about Travis County HR policies and practices for hiring persons with criminal background:

- **Travis County HR currently is working toward the development of more centralized written policies and practices regarding the hiring of persons with criminal backgrounds persons with criminal records.**

Travis County HR is currently working to complete a Background Verification for Employment policy that includes criminal history, in addition to employment, education, driving record and validity of driver's license. A centralized process for conducting background checks has been implemented. With further refinement of process and procedures that support the needs of departments, the centralized background checks may lead to more persons with criminal backgrounds being considered for hire.

- **Travis County's applicant tracking system currently lacks the capability of tracking the number of applicants or hires with criminal backgrounds.**

Travis County HR would advise caution and/or obtaining legal advice before instituting a formal system that tracks the number of persons with criminal backgrounds who apply for positions and/or are hired. In accordance with federal employment laws, the handling of certain demographic information on applicants could have an adverse and unintended affect on persons in protected class status.

- **Because Travis County does not have a centralized processes or procedures there is currently no system for collecting data around how many persons with criminal**

backgrounds have applied for positions at Travis County or how many are currently employed by a Travis County department.

- **The Travis County application does include a question regarding criminal backgrounds but also states that a conviction does not necessarily mean an applicant will not be hired.**

The question included on the Travis County application about criminal background is:

Criminal Background question on Travis County Application:

Have you ever been convicted of any crime other than a minor traffic violation? (Check yes or no)

If the applicant answers yes to this question the follow up to this question is:

Follow up to Criminal Background Question:

"If yes, list ALL such offenses: A conviction does not mean you cannot be hired. The offense and how recently you were convicted will be evaluated along with your qualifications in relation to the job for which you are applying."

- **Travis County HR forwards all applications to departments without screening for answers to the criminal background questions.**

Travis County Human Resources Department is where applications for all departments are received except for the applications for employment at the Travis County Sheriff's Department (which has their own HR department). HR then forwards the applications to the hiring department with no screening for the criminal background question. From that point, each department then screens the applications and selects those that move through the next steps of the hiring process.

- **We are not sure when the criminal background is considered during the hiring process for most departments.**

Although we do not know when all departments consider the criminal background question, there is some indication that some departments do not complete a criminal background check until the applicant screens into the interview stage of the process. If this is the process for departments, then this gives persons with criminal backgrounds enhanced opportunity to "screen into" the possible interview stage based on their own experience, education and expertise.

- **Travis County HR has been specifically conducting outreach to this population to fill some job openings within Travis County departments, particularly for road crew positions with Transportation and Natural Resources.**

Travis County HR personnel have attended the Travis State Jail Resource Fairs, which are held once a month for those confinees at that facility who will be released within the next 30-60 days. They have also attended other job fairs or made their applications available at those job fairs they cannot attend that focus specifically on recruiting former offender applicants.

They have run into some barriers/obstacles for hiring persons with criminal backgrounds but do not currently have a process in place that helps them to assess those barriers and determine if there are ways to navigate around them.

For example, when they heavily recruited persons with criminal backgrounds to fill some of the hard-to-fill job openings for road crew positions, department managers at TNR found that many of the applicants either did not have current drivers licenses or commercial drivers licenses that are required for many of these positions. The individuals may have held the appropriate licenses in the past but the documents had lapsed during their period of incarceration.

- **Travis County HR may only provide policy direction for departments not lead by elected officials.**

Travis County Human Resource department may only provide HR policies for departments that report directly to the Travis County Commissioners Court. Each elected official in Travis County government is responsible for setting his/her own personnel policies including their hiring processes. These departments include:

Constables (five offices)	County Justice of Peace's (five offices)
County Attorney's Office	County Treasurer
County Auditor	District Attorney's Office
County Civil Court Judges (ten courts)	District Clerk
County Clerk	District Judges (six courts)
County Courts at Law Judges (seven courts)	Sheriff's Office

- **There are current efforts by Travis County HR to examine how departments are considering criminal backgrounds during the application and hiring process.**

Travis County HR Department has recently begun several efforts associated with criminal back ground checks:

1. They recently completed a survey to determine which Travis County departments are completing criminal background checks. There were several who indicated they were not completing criminal background checks.

2. They have recently begun offering to complete criminal background reviews for Travis County departments but no formalized policy has been created.
 3. They are currently working with the County Attorney's Office to develop a county policy for verifying the background of applicants for employment. This policy will include guidelines for verifying criminal background. The first draft of the policy does encourage hiring managers/supervisors to consider issues such as:
 - Nature of the position being filled;
 - Nature, frequency and severity of offense;
 - Resolution of the offense; and
 - Evidence of successful rehabilitation.
- **Travis County HR is interested in creating a centralized process and policy for hiring persons with criminal backgrounds.**

As mentioned previously, Travis County HR is already working on creating a centralized policy for background verification, which will include a section on verifying and considering criminal backgrounds. They are interested in looking at other ways they can centralize this process including how we can collect data around this issue.

Preliminary Recommendations for Enhancing Travis County HR Policies and Practices for Hiring Persons with Criminal Backgrounds

Recommendation 1:

The A/TC Reentry Roundtable and Travis County Human Resource Department should survey each county department about their current hiring policies/practices for persons with criminal backgrounds to help understand the current practices and policies.

Currently, each county department has the ability to adopt their own policies and practices for hiring persons with criminal backgrounds. The Travis County HR Department may not be included in the development of those policies; in fact, they are often unaware of most of the policies and practices of each department. Determining the current practices – and identifying challenges and barriers departments have with hiring persons with criminal backgrounds – would assist the HR Department in drafting county-wide policies, as well as provide support for departments who will/are hiring persons with criminal backgrounds.

Recommendation 2:

Travis County Human Resource Department should continue developing a more centralized County hiring policy for persons with criminal backgrounds.

Travis County Human Resource Department has already begun working on creating a centralized policy on background investigations on applicants for county employment, including criminal background reviews. They have shared preliminary work with the RRT work group and have asked for additional input into this document.

Creating a centralized County hiring policy for persons with criminal backgrounds will ensure that all County departments are supported appropriately in dealing with the difficult issue of recruiting, hiring and managing persons with criminal backgrounds. In addition, a centralized hiring policy provides additional protection to the safety of the all county employees as well as the community.

Recommendation 3:

Travis County should consider moving the question(s) about an applicant's criminal background from the initial application to a later stage of the application process to allow applicants to be screened into the hiring process based on skills, knowledge and qualifications.

(NOTE: The exception should be for those positions that require criminal background restrictions by law or by nature of the position. See next recommendation.)

Recommendation 4:

Travis County should review all employment positions in their departments and identify which positions: 1) would NOT require a criminal background review, 2) would require a minimum level of criminal background review or 3) would require an extensive criminal background review (those positions where required by law or work in sensitive positions including working with children, the elderly and other at-risk populations).

Recommendation 5:

A Travis County criminal background review policy should include consideration for the age at the time of offense, seriousness of offense, evidence of rehabilitation and other mitigating factors.

Recommendation 6:

Travis County should create a document/handout/brochure that clearly explains Travis County's policies for hiring persons with criminal backgrounds that can be made available to potential applicants (available at Human Resources, posted on-line, provided at job fairs, posted/placed at workforce development centers, etc.). This document will allow persons with criminal backgrounds to apply for County positions that they would be eligible for based on criminal background review policies.

Recommendation 7:

The A/TC Reentry Roundtable should collaborate with Travis County Human Resources Department to assist in identification of training opportunities for County managers/supervisors who make hiring/supervision decisions on issues related to recruiting and managing persons with criminal backgrounds.

Recommendation 8:

Travis County Human Resource Department should develop data collection strategies and performance measures around hiring practices/policies of persons with criminal backgrounds. The data and measures collected should be reported to the Travis County' Commissioners Court on a yearly basis.

Recommendation 9:

Travis County Human Resources Department and Travis County Criminal Justice Planning should develop a partnership to leverage the Offender Workforce Development Specialist assigned to CJP to assist HR and other county departments work on issues and barriers that arise for County hiring of persons with criminal backgrounds.

Recommendation 10:

Travis County Human Resource Department should partner with Travis County Health and Human Services Research and Planning Department to determine how the Rapid Employment Training Project (funded by Travis County) can be utilized to recruit persons with criminal backgrounds for County job openings.

Recommendation 11:

The A/TC Reentry Roundtable and the Travis County Human Resource Department should continue our partnership and work together to move approved recommendations forward.

Next Steps

The following are the next steps for this project:

Travis County:

- The **Reentry Roundtable Employment Committee is scheduled to meet on Thursday, June 7th, 2007**, to review the preliminary recommendations for Travis County hiring policies and practices and reach consensus on final recommendations.
- The **Reentry Roundtable Planning Council will approve all final recommendations** and include them in a final report.
- The **RRT Ad Hoc Work Group of the Employment Committee will continue working with Travis County HR officials to draft and implement a survey of county departments to ascertain existing policies and practices for hiring persons with criminal backgrounds.**
- The **Ad Hoc work group will make suggestions for the “Background Verification Policy” that Travis County HRD is currently drafting.** The Director of Travis County HRD has requested that we submit suggestions for language in the draft document they are working on.
- **Request to update the Commissioners Court on work to date and ask for support for the survey and feedback on additional research.**

City of Austin:

- **Continue meeting with the City of Austin HRD officials to review current hiring policies and practices for persons with criminal backgrounds.**
- **Develop a similar report for review of City of Austin policies, as well as make recommendations.**

In General:

- **Create final document that merges the two above reports into one.**

- Inform decision makers about the policies and practices of other governmental entities' policies and practices on hiring persons with criminal records.
- Create opportunities to share results of the review and recommendations with various community groups.

Summary

The Travis County Reentry Roundtable has found that the both the City of Austin and Travis County are interested in finding ways for hiring persons with criminal records. The recommendations found in this report are offered to Travis County officials as opportunities to create partnerships to increase the hiring of persons with criminal backgrounds for county employment, focusing more on their actual skills and qualifications rather than just their past criminal actions. Creating solid policies and practices for hiring persons with criminal backgrounds help ensure that Travis County's invests in the safety of our community.