

9. Finding a Job

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What You Can Do Before Leaving Prison ¹

Take Advantage of Pre-Release Programs in Your Facility

Many of the pre-release units in prisons have specially-trained staff to help you plan your re-entry into outside society. Most pre-release units maintain updated listings of governmental and community-based agencies which can be of help to you in finding a job, locating an appropriate drug program, or addressing any of a multitude of needs. You might also encourage your pre-release center to invite in, as some already do, representatives from community agencies or private companies that do a large amount of hiring, to give presentations.

Gather Together the Documents That You Will Need

in order to apply for jobs and be eligible for most private or governmental programs, it is mandatory that you have available certain types of documentation. If you begin to collect what you need now, a lot of valuable time and much frustration will be saved. At the very least, be sure to have a Social Security Card (sometimes a number alone is not sufficient) and proof of identification (a Birth Certificate, Baptismal Papers, Driver's License or Non-Driver's Photo I D, for example) Each agency has its own requirements as to documentation, but the following are commonly required, or may help in increasing your chances for eligibility:

- Military Discharge Papers
- Alien Registration Card (for Non-U.S. Citizens)
- Prison Discharge Papers (Given to you upon release)
- Proof of Education (college transcripts, or GED certificate, for example)
- Working Papers (required by persons under 18 years of age) Proof

¹ "Connections," A guide for ex-inmates to information sources in New York City, by Correctional Library Services, The New York Public Library, New York City.

of Functional Disability
Certificate of Relief from Disabilities
Certificate of Good Conduct

Of course, not all of these documents can be obtained easily, if at all, while you are in prison, but collect what you can, and remember that, in some cases, a family member or friend on tile outside may be of help.

Personal references are also required in applying for many jobs, or getting back in school. So, start building yourself a file of recommendations from persons for whom you have worked in the past, or of people who can testify to your character. A letter from a prison chaplain, counselor, or teacher' may one day prove valuable in providing the necessary proof to a prospective employer that your have been rehabilitated and are ready to take on the responsibilities of a job.

What You Can Do Upon Release

Preparing a Job Plan ²

Finding a job can be a challenge. It often requires lots of hard work, time and patience Many people find employment or job counseling to be an important first step. An employment counselor can be expected to help you evaluate your skills and past job experience, fill out sample job application forms, and suggest places where you can look for jobs. An employment counselor will also look over your job resume and give you helpful hints on how to handle yourself in job interviews.

There are many sources for job information. The Public Libraries, for example, have centers where current job listings, civil service information, books on how to write resumes, and much else can be found. Employment Agencies, which may or may not charge fees, offer job placement, as do placement services, which do not charge fees. Union offices are another

² "Connections," A guide for ex-inmates to information sources in New York City, by Correctional Library Services, The New York Public Library, New York City.

important source of information, as are community bulletin boards—the one at your local supermarket, for example. And, of course, there are the classified ads (help wanted ads) which appear in the daily and Sunday papers, and in certain trade periodicals. Lastly, don't underestimate the importance of notifying your friends, neighbors and relatives that you are in the market for a job. A personal connection is often very helpful when an opening occurs.

Good counseling will advise you of your rights when filing out job applications. It is not legal, for example, for an employer to ask you about any arrest that did not lead to conviction. Nor can an employer legally ask you anything about an alcohol or drug addiction you might have had or still have, unless it could interfere with your performing the job.

Remember that when you leave prison you will, in most cases, be "income eligible" for registration into any number of special programs to help you in job preparation, training, or placement. Take advantage whenever you can.

Avoiding Employment Discrimination ³

There is no federal statute designed to specifically protect people with criminal convictions from employment discrimination. But policies that specifically deny people jobs on the basis of arrests not followed by conviction, or policies that automatically bar those with a criminal record from employment, have been ruled illegal under federal civil rights laws. Since ethnic minorities are arrested and convicted at a greater rate than whites, courts have found that such policies have a racially discriminatory effect. Therefore, in some cases a refusal to hire on the basis of a criminal record may be illegal race discrimination under federal law.

New York State has two laws that protect persons with criminal records from discrimination by employers and occupational licensing agencies: Article 23-A of the Correction Law (§§750-755) and the Human Rights Law (Exec.L. §296(15), (16)).

³ "On Your Own, Information and Resources for Persons formerly incarcerated, the Convicted and their Families in the [New York State] Capital District," produced by the Center for Law and Justice, Albany, NY.

A. Discrimination Based on Arrest

The New York State Human Rights Law prohibits public and private employers and occupational licensing agencies from denying any individual a job or license (or otherwise discriminating against that person) because of any arrest that did not result in conviction (Exec. Law. §296(16)). This law also makes it illegal for most employers and licensing agencies to ask applicants to disclose or discuss any arrest that did not lead to conviction. The law does not apply to police or "peace officer" jobs.

Additionally, the Human Rights Law also makes it illegal for employers to inquire about an applicant's disabilities, including his or her treatment for alcoholism or drug addiction.

B. Discrimination Based on Conviction

Although it is legal for employers and licensing agencies to ask individuals about past convictions for criminal offenses, Article 23-A of the Correction Law (§§750-755) protects people from being unfairly denied jobs or occupational licenses solely because of criminal convictions. This law, which applies to all New York State occupational licensing authorities, public employers (except for positions involving members of law enforcement agencies), and private employers of more than 10 employees, makes it illegal to deny any person a job or license because of his or her past conviction(s) unless that person's conviction(s) are "directly related" to the job in question, or hiring or licensing that person would create an "unreasonable risk" to the safety of people or property.

The factors which must be considered in determining job-relatedness and risk to the public and to property include:

1. New York's public policy to encourage the licensing and employment of persons previously convicted of one or more criminal offenses;
2. The specific duties and responsibilities necessarily related to the license or employment being applied for, and the bearing, if any, that a person's criminal history will have on his or her fitness to perform these duties and responsibilities;
3. The time which has elapsed since the person's criminal conduct, and the person's age at the time of its occurrence;

4. The seriousness of the individual's offense or offenses;
5. The legitimate interest of the employer or licensing agency in protecting property, specific persons, or the general public; and
6. Any evidence of rehabilitation that a person with a criminal history presents, including a Certificate of Relief from Disabilities or Certificate of Good Conduct.

Whether a particular conviction is "job-related" must be determined on a case-by-case basis. The meaning of "job-relatedness" and standards for implementing the law are still being developed. However, New York law does offer persons with a criminal conviction(s) protection against arbitrary discrimination.

C. Where to Get Help with Problems of Discrimination Based on Arrest or Conviction:

Legal Action Center
 153 Waverly Place
 New York, NY 10014
Telephone: (212) 243-1313
www.lac.org

Restoring Your Rights ^{4, 5}

As a result of a felony, or certain misdemeanor convictions, you may have lost your right to engage in certain types of employment, or apply for certain types of licenses. In some cases, you may be prohibited then, legally, from applying for certain Civil Service positions, which are classified as public office, such as fire fighter, also working in a liquor establishment, or being licensed as a real estate salesperson, pharmacist, notary public, etc.

⁴ "Connections," A guide for ex-inmates to information sources in New York City, by Correctional Library Services, The New York Public Library, New York City.

⁵ "Certificates of Relief From Disabilities and Certificates of Good Conduct, Legal Action Center pamphlet, 2003. <http://www.lac.org/pubs/gratis.html>

To restore your rights, it is necessary to obtain:

- A *Certificate of Relief From Disabilities*, for which you are eligible if you have been convicted of only misdemeanors and not more than one felony, or one felony only. You must apply for and get a separate Certificate of Relief from Disabilities for each conviction. You can get a temporary Certificate of Relief from Disabilities even while you are on probation or parole.
- A *Certificate of Good Conduct*, for which you are eligible if you have been convicted of more than one felony. You only need to apply for one Certificate of Good Conduct, which will cover all your felony and misdemeanor convictions. However, there is a waiting period (of 3-5 years) and your application for a Certificate of Good Conduct will be considered only if a sufficient period of time has passed since your last conviction.
- A *Certificate of Good Conduct* (even if you have only one felony, or only misdemeanor convictions) if you are applying for a "public office," (like police officer and firefighter). You must tell the Parole Board why you need a Certificate of Good Conduct.

What Certificates Can Do

Certificates have the power of removing any legal bar or disability imposed on you as a result of having been convicted of the crime(s) specified on the Certificate. When you apply for a job or a license and you have a Certificate, an employer or licensing agency must consider it as evidence that you are "rehabilitated." This means that your conviction should not result in your being rejected for employment or refused a license unless there is other evidence that you are not qualified. Although an employer must take your Certificate into account in deciding whether to hire you, the law still permits an employer or licensing agency to refuse to hire or license you if your convictions are "job related."

Remember that under State law, it is illegal for an employer to deny someone a job based on his or her conviction, unless the employer can demonstrate it is Job related. The law says that in deciding whether or not a

conviction is Job related, the employer must consider such facts as evidence of rehabilitation (a Certificate). With a Certificate, then, the burden of proof is on the employer to demonstrate that hiring you would be a risk to people or property, or that your conviction is directly related to the job for which you are applying (A former bank embezzler, once released, would have difficulty getting a job handling cash at a bank, for example).

Where to Apply for a Certificate of Relief:

A. Convicted of a misdemeanor or convicted of a felony but served no time in state orison:

- Apply to the court in which you were convicted. The court can issue the Certificate any time after you are sentenced. You should contact the clerk of the court to learn what steps are required.

B. Convicted of a felony and served time in a state prison:

- Apply to the New York State Board of Parole. If you are on parole, you should make the request for the Certificate to your parole officer.
- You cannot apply if you are still incarcerated, but the Board of Parole will automatically consider giving you a Certificate when it considers you for early release.

C. Convicted of a federal or out-of-state misdemeanor or felony:

- Apply to the New York State Board of Parole.

Where to apply for a Certificate of Good Conduct:

- Once the required waiting period of either three or five years has passed, apply to the New York State Board of Parole.

NYS Board of Parole Address:

To request application forms from the Board of Parole for either certificate (Certificate of Relief or Certificate of Good Conduct), write to:

Certificate Review Unit

New York State Division of Parole

845 Central Avenue

Albany, NY 12206

Phone: (518) 485-8953

Complete the forms and have them notarized.

Cleaning Up Your Rap Sheet ⁶

All too often, arrests that should be sealed (arrests not leading to convictions, youthful offender adjudications, or convictions for non-criminal offenses) remain open (unsealed) on your record, and available for potential employers to see.

You should assume that every employer will ask you questions about your arrest and conviction record. Employers who can legally fingerprint you and get from New York State a copy of your rap sheet are: Civil Service employers; banks and financial institutions; bonding agencies; hospitals; museums; child care agencies; home care agencies; school bus driving companies; and law enforcement agencies (who are entitled to seeing sealed information as well).

It is to your advantage, then, to clean up your record, and to have sealed whatever errors or unnecessary information, that may appear on it. Try to correct these mistakes before you begin to apply for jobs.

Reviewing Your Rap Sheet

To review your rap sheet while you are incarcerated, contact:

New York State Division of Criminal Justice

Services, Records Review Unit

4 Tower Place

Albany, NY 12203

Telephone: (518) 485-7675

⁶ "Connections," A guide for ex-inmates to information sources in New York City, by Correctional Library Services, The New York Public Library, New York City.

There is a \$50 fee for processing your request. Only U.S. Postal Service, American Express, or Traveler's Express money orders will be accepted. Money orders must be made out to "N.Y. State Division of Criminal Justice Services". Do not send cash or any other form of payment. The \$50 fee may be waived if you can supply proof of financial hardship, such as evidence that you currently receive Public Assistance.

If you are incarcerated in a county or city jail, a representative may be sent to review your rap sheet with you. If you write to the State of New York address above, mention that you have a right to this information under the Freedom of Information Act. Your attorney may request this information for you; however, you must supply written, notarized authorization for him or her to do so.

In order to process your request, a full set of fingerprints will be required. There may be (about) a \$15 fee for finger printing, in addition to the \$50 processing fee. Also required will be your Social Security number, date of birth, and a list of aliases you may have used. You should also ask for an application blank for challenging possible errors which you may find on your rap sheet.

Your local office of The Legal Aid Society can also assist you in obtaining your rap sheet. Contact:

Legal Aid Society of Westchester
1 North Broadway - 9th floor
White Plains, NY 10601
Phone: 682-3400

To obtain a federal rap sheet, you must write the Federal Bureau of Investigation and request a copy under the Freedom of Information Act. With your request, send 1) your current home address, 2) a full set of prints, and 3) a money order or certified check for \$18 made payable to the US Treasury Dept. Send all of the above to:

FBI Attn. Record Request
1000 Custer Hollow Rd.
Clarksburg, West Va. 26306
Phone: (304) 625 3878

The FBI charges \$18 for processing. Payments may be made by US Postal

money order. Remember that all of these procedures (obtaining and cleaning up errors on your rap sheet, sealing arrests not leading to convictions, etc.) will take time. So, start the process before release, and you will be ensured that prospective employers do not see any unnecessary information or errors when obtaining access to your record.

In a like manner, upgrading a less-than-honorable military discharge can be advantageous to your future. To obtain counseling and an application form, call the Department of Veterans Affairs at (212) 807-7229.

Tax Credits for Hiring Ex-Felons ⁷

Taken from the U.S. Department of Labor brochure entitled 10 Ways To Earn Federal Income Tax Credits For Your Company

The Work Opportunity Tax Credit (WOTC) is a federal tax credit available to employers upon the hiring of individuals from target groups. One of these target groups are economically disadvantaged ex-felons hired within one year of conviction date or release from prison. This program requires annual Congressional approval. Check its current status.

- Employers make the hiring decision
- There is no limit to the number of new hires who can qualify an employer for tax savings

Amount of the Credit

The Work Opportunity Tax Credit for hiring all target groups is up to \$2,400 for each new hire.

- 40% of qualified first-year wages for those employed 400 hours or more;
- 25% for those employed at least 120 hours.

Qualified wages are capped at \$6,000.

How To Apply For WOTC

⁷ "Hiring People With Criminal Records," pamphlet by the Center for Law and Justice, Albany, NY.

Employers must apply for and receive certification that their new hire qualifies as an economically disadvantaged ex-felon. To apply for certification, employers must:

1. Complete the one-page IRS Form 8850, "Pre Screening Notice and Certification Request for the Work Opportunity and Welfare-to- Work Credits," by the date of the job offer, and
2. Complete one of the following one-page U.S. Department of Labor forms, as appropriate:
 - ETA Form 9061, "Individual Characteristics Form," if the new hire has not been given a conditional certification, or
 - ETA Form 9062, "Conditional Certification Form," if provided to the job seeker by a participating agency.
3. Mail the signed and dated IRS and ETA for to the State Workforce Agency's WOTC Coordinator, in your state, not later than 21 days after the new hire's employment-start date.

The forms are available as follows:

IRS 8850 - call 1-800-829-3676 or visit

www.irs.gov/prod/forms_pubs/forms.html

ETA 9061 www.ows.doleta.gov/employ.tax.asp

Federal Bonding Program ⁸

The U.S. Department of Labor Federal Bonding Program provides individual fidelity bonds for job applicants who cannot be bonded by an employer's private bonding company because of a record of arrest, conviction or imprisonment.

A fidelity bond insures employers against any loss resulting from employee's dishonesty. Because many employers will not hire people who

are not bondable, the Federal Bonding Program allows people with criminal records to be bonded at no cost to the employer.

- insurance to protect employer against employee dishonesty
- covers any type of stealing: theft, forgery, larceny, and embezzlement
- in effect, a guarantee of worker job honesty
- incentive to the employer to hire an at-risk applicant
- unique tool for marketing applicants to employers
- DOES NOT cover "liability" due to poor workmanship, job injuries, work accidents, etc.

Why Is Fidelity Bonding Needed For Job Placement?

- employers may view ex-offenders, welfare recipients and other at-risk job applicants as potentially untrustworthy workers, thereby, denying them job-hire
- insurance companies will not cover risky job applicants under commercial Fidelity Bonds purchased by employers to protect themselves against employee dishonesty
- anyone who has ever "committed a fraudulent or dishonest act" is deemed NOT BONDABLE by insurance companies, a situation leading to routine denial of employment opportunities for such persons
- being NOT BONDABLE is a significant barrier to employment possessed by the hardest-to-place job applicants; this barrier can be eliminated by only the Federal Bonding Program
- job bonding enables employer to "obtain worker skills without taking risk"
- persons who are NOT BONDABLE can ultimately become commercially BONDABLE for life by demonstrating job honesty during the 6 months of bond coverage under the Federal Bonding Program (such commercial bonding will be made available by the TRAVELERS insurance Company.)

Who Is Eligible For Bonding Services?

⁸ Federal Bonding program website <http://www.bonds4jobs.com/>

- any at-risk job applicant is eligible for bonding services, including: ex-offenders, ex-addicts (alcohol and/or drugs), welfare recipients and other persons having poor credit, poor youth who lack a work history, individuals dishonorably discharged from the military, and others
- bonds can be issued to cover already employed worker who needs bonding in order to (a) prevent being laid off, or (b) secure a promotion to a new job at the company
- bonding coverage can apply to any job at any employer in any State

For more information: www.Bonds4Jobs.com.

Westchester County Job Services ⁹

The Workforce Development Act of 1998 requires among other things a One-Stop Center that is the core of its operation. This One Stop Career Center houses all employment staff and partners.

Each Center is equipped with modern, state of the art equipment and other resources that are available to businesses and job seekers. Businesses use the center to recruit, screen and interview candidates for openings in their respective companies and to gather labor market information.

Job seekers use the center to prepare for, find and keep their jobs. Among the resources available are: computers and the internet, labor market information, job preparation workshops and individual employment counselors to help guide customers through the job search process.

Preferences may be given to those customers who reside in the county in which the One Stop Office is located. Customers must be either citizens or have the legal right to work in the United States. Males born after December 31, 1959, must register for Selective Service

Normal business hours in the five centers are from 9:00 a.m. to 5:00 p.m. Monday to Friday each week, except holidays. Orientations at the Westchester One Stop Employment Center are as follows: Monday: 9:30 am; Tuesday 9:30 am; Wednesday 9:30 am Friday 9:30 am. One Stop Career Center Services can be found at the following locations:

Service Provided	Service Location
Full Service Centers	Westchester One Stop Employment Center 143 Grand Street White Plains, NY 10601 (914) 995-3910
	Carmel Career Center 110 Old Route 6 Center Carmel, NY 10512 (914) 225-7043
New York State Department of Labor Satellite Offices	120 Bloomingdale Road White Plains, NY 10605 (914) 997-9535
Employment Centers	201 James Street Peekskill, NY 10566 (914) 737-3490
	Mt. Vernon Employment Center 100 East First Street Mt. Vernon, NY 10550 (914) 813-6555
	Yonkers Employment Center: 20 So. Broadway, Suite 1209 Yonkers, NY 10550 (914) 964-0105 Resource Room Hours 9 - 4 www.yonkersemploymentcenter.com

Employer Services provided in the One Stop Center are:

⁹ Westchester One Stop Jobs website
<http://www.westchestergov.com/onestopemploymentcenter/>

- Job openings
- Access to local labor market information
- Skills assessments
- Employee screening
- Employer training
- Skills upgrading
- Tax credits
- Interviewing space
- Job Fairs
- Job Pre-Screening

Job Seeker Services provided in the One Stop Centers are:

- Job Search
- Job Placement
- Labor Market Info
- Introduction to Computers Workshop
 - MS Excel Workshop
 - MS Word Basics
- Placing Resume on the Internet Workshop
- Job Search on the Internet Workshop
- Job/Office Etiquette
- Computer Lab
- Fax Machine
- Internet access
- Telephone Bank
- Copier
- Support Services
- Resource Referrals
- Career Counseling
- Assessments
- Case Management
- Small Business Initiatives
- All Services available at all locations are FREE

The NYS Department of Labor (local address above) can help with unemployment insurance, job placement, counseling, and training programs more. They also make available, free on request, a booklet "Guide to Preparing a Resume," and a brochure entitled "How to Prepare

Yourself for a Job Interview," and "The Prime Objective : A Guide in Preparing the Job Seeking Ex-Offender."

Other Job Search Resources ¹⁰

Center for Employment Opportunities (CEO)

32 Broadway
New York, NY 10004.

Telephone: (212) 422-4430

www.ceoworks.org

Services provided: on-the -job work experience for persons on parole, probation or in work-release programs. Must be referred by parole or probation officer. Call/Walk-in Mon.-Fri. 9-5. Spanish also spoken. Accessible to people with disabilities.

Greyston Foundation

21 Park Avenue
Yonkers, NY 10703

Phone: 914 376-3900

www.greyston.org

Eligibility: For low income Yonkers residents.

Fees: Variable; Some programs are free.

Description: Beginning in 1982 as a small bakery to employ Zen Buddhist students, Greyston is now a \$14 million organization of 180 employees (many entry level) that provides jobs, housing, social services and health care to low-income residents of southwest Yonkers and surrounding areas.

<http://careerpath.com>

Job ads from major newspapers across the country, including the *New York Times*.

¹⁰ "Connections," A guide for ex-inmates to information sources in New York City, by Correctional Library Services, The New York Public Library, New York City.

<http://www.ajb.org>

America's Job Bank helps you find the job that's right for you. Thousands of new jobs are posted daily by employers

www.labor.state.ny.us

Search for job openings in private companies as well as publicly funded organizations. Information provided on apprenticeship training and opportunities.

<http://www.bls.gov/oco/>

The *Occupational Outlook Handbook* describes what workers do on the job, working conditions, the training and education needed, earnings, and expected job prospects in a wide range of occupations.

<http://www.westchestergov.com/personnel/>

It is the mission of the Department of Human Resources for Westchester County to recruit, train, support and retain the most capable and productive workforce for Westchester County. How do I get a job in Westchester County?

<http://www.rileyguide.com/>

The Riley Guide is a directory of employment and career information sources and services on the Internet. It is primarily intended to provide instruction for job seekers on how to use the Internet to their best advantage.

<http://www.monster.com/>

Search hundreds of thousands of jobs. Apply on-line. Get tips to help you find a job. Network with members.

<http://www.jobhuntersbible.com/>

Find which are the best sites. Also learn what are the limitations of all job-opening sites on the Internet. Find out, also, which are the best sites for getting further career-counseling or other help

Check out the job references and search guides at your local library listed in Chapter 17, Consumer and Library Information.

For more information on Employment Opportunities and Employment Counseling, see also Chapter 4, General Service Organizations.