

New EEOC Guidelines...

In April 2012, the Equal Employment Opportunity Commission issued new enforcement guidelines for the “*Consideration of Arrest and Conviction Records in Hiring and Employment.*”

These new guidelines make it clear that an employer’s use of criminal history in making employment decisions may violate Title VII of the Civil Rights Act of 1964.

To view the complete guidelines visit:
http://www.eeoc.gov/laws/guidance/arrest_conviction.cfm

The Elliott-Larson Civil Rights Act

Although many EEOC requirements apply only to businesses with more than 15 employees, in 1976 Michigan adopted the *Elliott – Larson Civil Rights Act*. This state law expands the scope of EEOC protections to *ALL* Michigan employers, including those with fewer than 15 employees.

For more information on the Elliot-Larson Civil Rights Act visit:
<http://www.michigan.gov/mdcr>



To support employers in responsibly and legally using conviction and arrest records in hiring and employment decisions, the EEOC has made the following recommendations.

Hiring and employment policies:

- Eliminate blanket policies that deny employment based on any criminal record.
- Record and justify your company’s hiring policies.
- Train decision-makers about the Civil Rights Act and EEOC recommendations.
- Maintain the confidentiality of applicants’ records.

Did you know...

Criminal background checks are not always complete or accurate. A 1997 study found that 1 in 20 “named-based” background checks produces a *false criminal record.*

As time goes by...

Statistics show that four years after release, individuals who have been convicted of burglary are no more likely to offend than the general population.

When screening applicants the EEOC recommends that employers take into account:

- The nature of the job and the tasks performed
- The nature of the offense and its relation to job duties
- The time elapsed since the offense
AND...
- Leave questions about a person’s criminal background off of application forms.

When interviewing applicants the EEOC recommends that employers:

- Bring up questions regarding an applicant’s criminal background towards the end of the interview.
- Make sure questions about convictions and offenses are related to specific job duties.



Returning Citizens make **GREAT EMPLOYEES!**

Several State and Federal programs provide financial incentives to employers who hire returning citizens.

Work Opportunity Tax Credit

- Employers may apply on-line for a Federal program that allows up to \$2,400 in tax credit for eligible returning citizen employees.

Visit: www.doleta.gov/business/incentives/opptax/forms.cfm

Fidelity Bonding

- Employers may apply for this *no cost* insurance program offered by the Federal Government for up to \$25,000 in coverage.

Visit: www.bonds4jobs.com



An arrest is not proof that criminal conduct has occurred.

The EEOC firmly states that arrest records, standing alone, are not justifiable grounds for an employer to exclude applicants from employment.

For more information you may contact the EEOC directly:

EEOC Small Business Liaison
for SE Michigan
(313) 226-4607

www.eeoc.gov



If you would like to arrange a presentation on the EEOC Guidelines for your business or another local community group, please contact:

Washtenaw Prisoner Reentry
Community Coordinator at:
(734) 327-9717

www.washtenawprisonerreentry.org



EEOC Guidelines

*An Overview of
Best Practices
for the
Use of Arrest
and Conviction Records in
Employment Decisions*

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Community Coordinator
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