



# **Facts & Myths:**

## **Health Care Employment Opportunities for People Who Have Criminal Records**

# **PART II**

June 18 , 2019

# Linking People with Criminal Records to Employment in the Healthcare Sector: 5 Things to Consider



Office of the Assistant Secretary for  
Planning and Evaluation



# Methodology

- Environmental scan of barriers and opportunities
  - Review of the National Inventory of Collateral Consequences of Conviction
  - Literature review
- Interviews with experts
- Stakeholder listening session

# 5 Things to Consider



Linking People with Criminal Records to  
Employment in the Healthcare Sector:  
5 Things to Consider



1. Growing demand for healthcare employees
2. Improved methods for criminal record screening
3. Occupations successfully filled by people with criminal records
4. Recent efforts to improve occupational licensing requirements
5. Opportunities to enhance the healthcare workforce



A healthcare professional, likely a physical therapist or nurse, is shown in a clinical setting, possibly a hospital or clinic. She is wearing a light blue button-down shirt and is focused on examining or treating a patient's knee. The patient is lying on a blue examination table, wearing dark shorts and white sneakers. The background shows a typical clinical environment with other staff members and patients, though they are out of focus. A semi-transparent blue rectangular box is overlaid on the center of the image, containing white text.

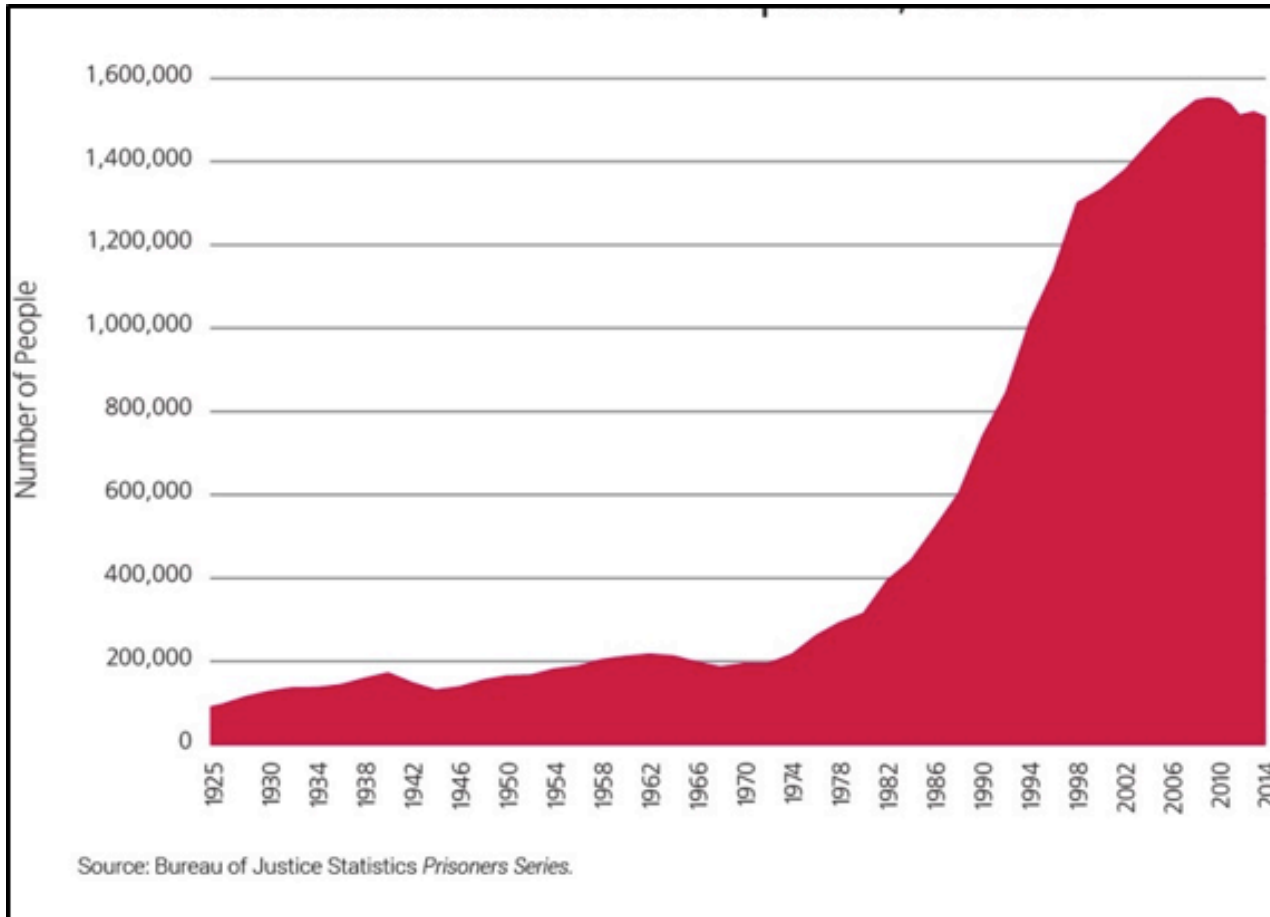
# #1 Growing Demand for Healthcare Employees

# Healthcare Jobs are Growing

Occupation	Employment		Employment Change	
	2016	2026	Number	Percent
Personal care/Home health aides	2,927,600	4,136,400	1,208,800	41%
Registered nurses	2,955,200	3,393,300	438,100	15%
Nursing assistants and Orderlies	1,564,300	1,742,000	177,700	11%
Medical assistants	634,400	818,300	183,900	29%
Licensed practical and licensed vocational nurses	724,500	813,400	88,900	12%

# Increase in Individuals with a Criminal Record

U.S. State and Federal Prison Population, 1925–2014

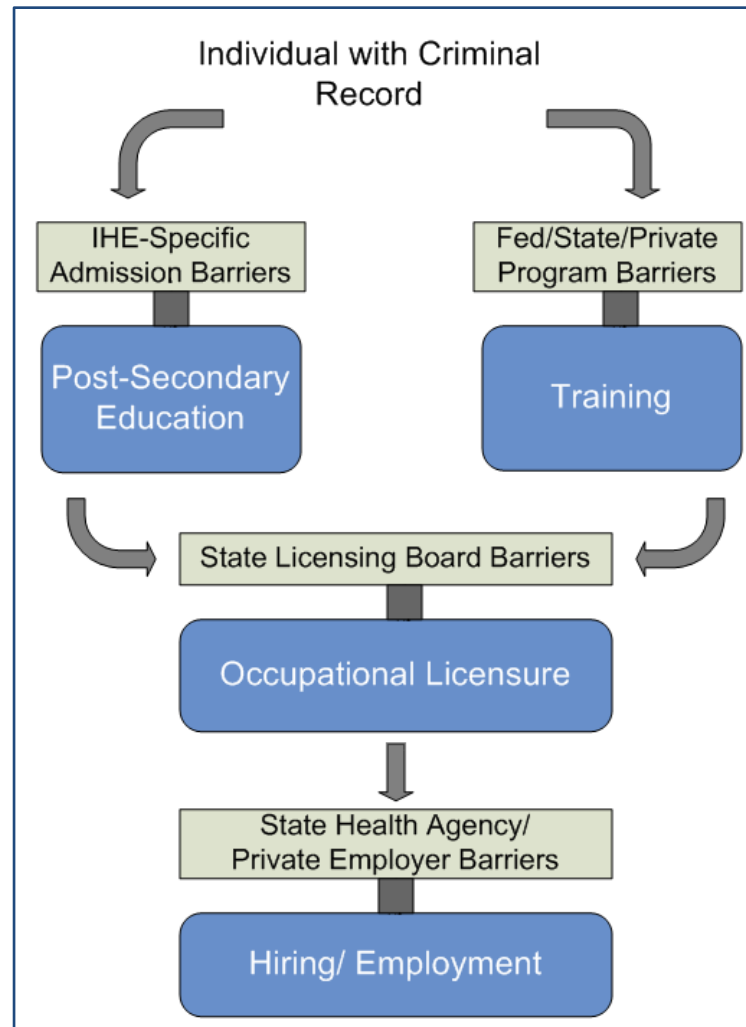




## #2 Improved Methods for Criminal Record Screening



# Points of Criminal Record Screening



# Criminal Record Screening Restrictions and Opportunities

- Federal restrictions related to employment
  - System for Award Management (SAM)
  - List of Excluded Individuals and Entities (LEIE)
  - Long Term Care Regulations
- Opportunities to improve process
  - National Background Check Program (NBCP)
  - Clearance of Criminal Records
  - State Fair Hiring Laws
  - State Litigation



## #3 Occupations Successfully Filled by People with Criminal Records

# Entry-Level Pathways to Careers in Healthcare



Certified  
Nursing  
Assistant



Community  
Health  
Worker



Emergency  
Medical  
Technician

# Training and Education Considerations

- Barriers to Post-Secondary Education
  - Admissions
  - Financial Aid
- Opportunities in Campuses
  - ED *Beyond the Box* Guidance
- Opportunities in Prisons
  - Second Chance Pell Pilot program

# Federal Job Training Programs

- Health Profession Specific Grants
  - Health Profession Opportunity Grants
  - Community Health Worker Training
- Reentry Employment Specific Grants
  - DOJ Second Chance Act
  - DOL Reentry Employment Opportunities
  - DOL Linking to Employment Activities Pre-Release
  - Training to Work Grants
  - Workforce Innovation and Opportunity Act



A man with long dreadlocks is sitting in a hospital bed. He is wearing a dark green long-sleeved shirt and is looking down at a green bag on his lap. The bag is open, and he appears to be organizing or checking items inside. The hospital room background includes medical equipment, a blue oxygen mask hanging on the wall, and a white bucket on a table to the right. A semi-transparent blue box with white text is overlaid on the center of the image.

# #4 Recent Efforts to Improve Occupational Licensing Requirements

# Strategies to Eliminate Unnecessary Barriers in Licensing

- Clearly state criminal record restrictions
- Make sure restrictions are not overly broad
  - DOL provided 2018 grants for states to review and streamline occupational licensing rules
- Apply EEOC guidance
  - Done by the National Council of State Boards of Nursing
- Establish a background check program that includes waivers and appeals processes

A healthcare professional, likely a nurse, wearing patterned scrubs and a stethoscope, is standing and interacting with a male patient who is seated in a wheelchair. The patient is wearing a maroon shirt and looking up at the professional. The background shows a hospital hallway with a sign that reads "Sterile Corridor".

## #5 Opportunities to enhance the healthcare workforce

# Benefits of Considering Hiring Individuals with a Criminal Record

- Ability to increase workforce quality with the proper screening. Some studies have shown:
  - Lower turnover rates
  - Increased productivity
- Financial Incentives
  - Work Opportunity Tax Credit
  - State programs
- Reducing liability through Federal Bonding

# Contact Information

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# Resource: Healthcare Employer Guide to Hiring People with Arrest & Conviction Records

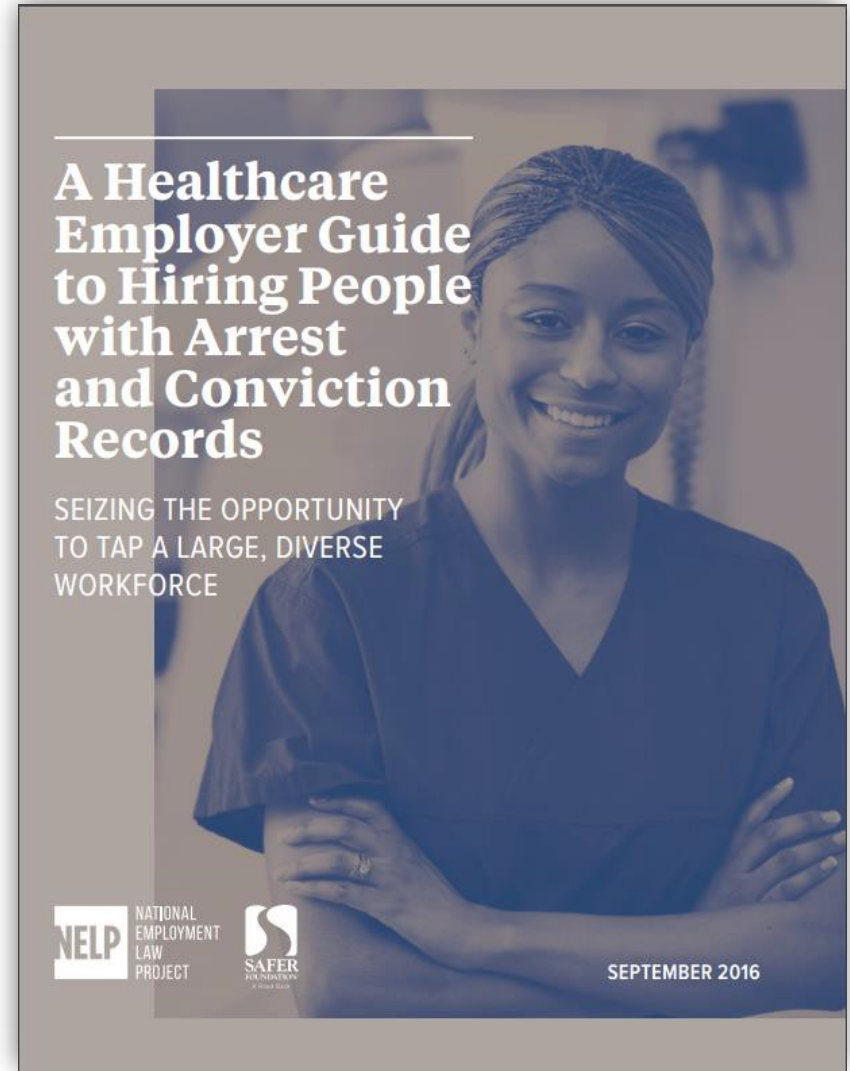
Sodiqa Williams  
Vice President, External Affairs  
Safer Foundation





# Best Practices to Champion the Cause

- Use this toolkit to become a champion within your organization for expanding opportunities for people with records.
- Dispel myths and build critical top-down support within your organization.



# Myths & The Numbers

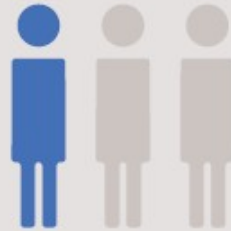
**MYTH #1:** I will be exposed to substantial negligent-hiring liability if I hire someone with a record.

**MYTH #2:** People with records won't be reliable employees.

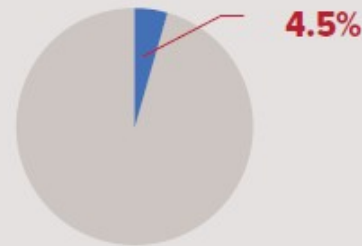
**MYTH #3:** Federal and state laws regulating healthcare employment prevent me from hiring people with records.

## A Look at the Numbers

70 MILLION PEOPLE in the U.S. have a record. That's nearly **1 IN 3 ADULTS**.

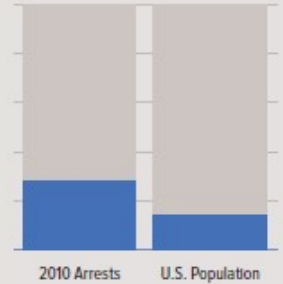


**ONLY 4.5%** of U.S. arrests involved violent crimes in 2014.



**28% of ALL 2010 ARRESTS** were of **AFRICAN AMERICANS**, despite African Americans comprising **ONLY 14%** of the U.S. POPULATION.

**28%**      **14%**



**MORE PRODUCTIVE**

Studies have found workers with records to be **MORE** productive than other workers and have **LESS** job turnover.

Harvard researchers observed that **MILITARY MEMBERS** with felony convictions are promoted **FASTER** and were **NO MORE** likely to be discharged.



Employment is the **#1** most important factor for decreasing recidivism.



**BETTER RETENTION**

A 2009 study at John Hopkins of about 500 hires of people with records showed their **RETENTION RATE OUTMATCHED** that of **NON-OFFENDERS** after 40 months.

# Bottom-Line Results



Enlarge Your Local Talent Pool with Qualified Candidates

Reduce Recruiting Costs

Advance Your Corporate Social Responsibility, Diversity & Compliance with Employment Laws

Reduce Turnover & Increase Productivity by Hiring Loyal, Committed Personnel

Improve Quality of Care & Health Outcomes

Access Significant Tax Credits & Cost-Free Employee Insurance

# A Step-by-Step Guide to Hiring People with Records

- **STEP 1:** Adopt humanizing language when describing people with records.
- **STEP 2:** Eliminate blanket bans against hiring people with records and adopt fair screening standards.
- **STEP 3:** Eliminate criminal history inquiries from job applications (“ban the box”).
- **STEP 4:** Avoid making suitability decisions based on self-disclosure.
- **STEP 5:** If a background check is necessary, use a reliable screening firm and provide the applicant an opportunity to verify the accuracy of the information.
- **STEP 6:** Send a “pre-adverse action” notice with a copy of the background report and allow the applicant to produce evidence of rehabilitation.



# Model Employer Practices



## A Hiring Manager's Key for Hiring People with an Arrest or Conviction Record

**DURING** policy review on the use of background checks, consider:

- Who will have access to the record?
- Who will provide the record? If a consumer reporting agency:
  - \* How careful and accurate is their process?
  - \* What and how many pieces of information do they match before issuing a positive report? (Name and date of birth should be the baseline.)

**BEFORE** including a record-based exclusion on a job posting, consider:

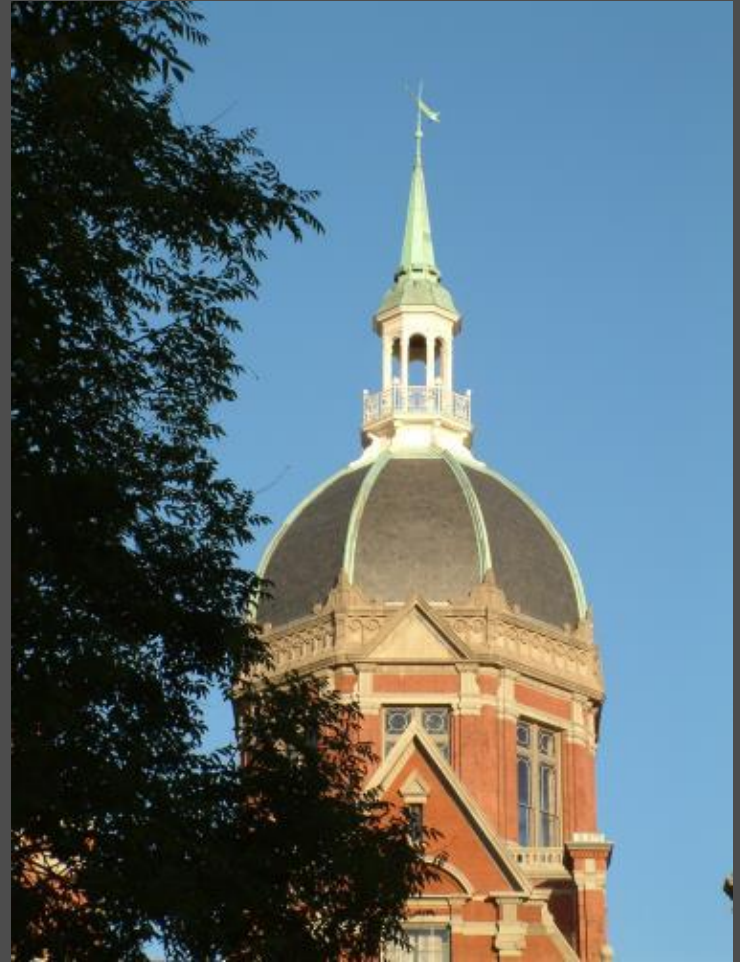
- Is the disqualifying offense directly related to the position?
- For the particular position, are there any statutory bars to hiring people with a certain conviction? If so:
  - \* Are they lifetime bars?
  - \* Are they mandatory or discretionary, i.e., does the law require that employers not hire people with a disqualifying offense, or can hiring managers exercise discretion?

**AFTER** extending a conditional offer of employment and receiving the applicant's background history, consider:

- Does the nature of an offense have any bearing on the job sought?
  - \* Will the nature of the job sought, such as easy access to medications or patient information or direct patient-care responsibilities, allow a particular past offense to recur?
- If the conviction is related to the nature of the job, how long ago did the offense occur?
  - \* Have a few years passed without incident? (The likelihood of re-offending declines significantly with time; a person who has not committed an offense over the past several years is no more likely to commit a crime than anyone else in the general population.)
- Has the person taken rehabilitative steps since the conviction? (For instance, did she obtain an education or gain work experience?) And are those rehabilitative steps reflected in the way she explains her history of arrest or conviction?

# Johns Hopkins Medicine

- Largest private employer in Maryland (200+ applications per year)
  - For FY 2016, 50% of workers hired by Johns Hopkins Health System for targeted entry-level jobs were from focus-area neighborhoods.
  - 115 individuals with conviction backgrounds were hired by Johns Hopkins at Baltimore City locations.

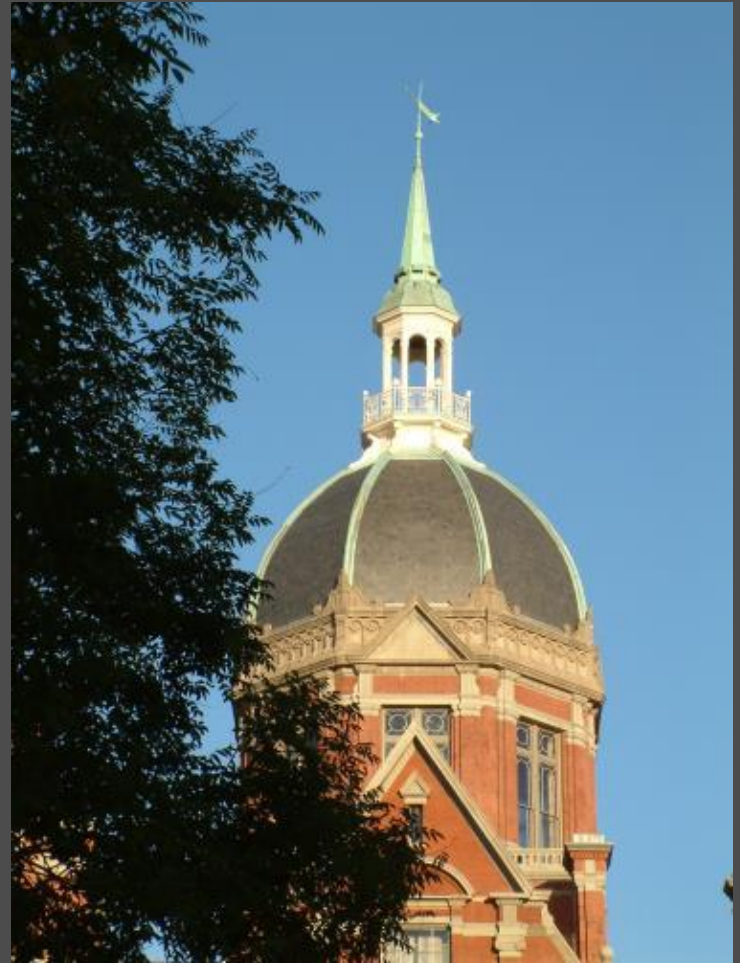




# Johns Hopkins Medicine

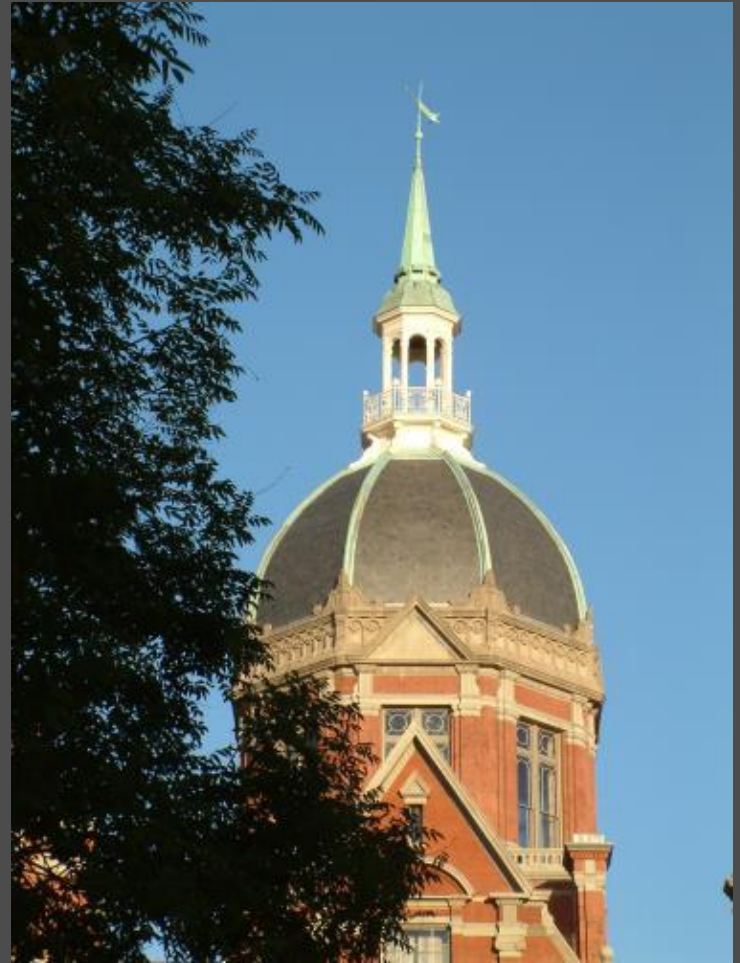
## Factors for Success

1. Obtain support of your executive/leadership
2. Screen carefully for success
3. Help referrer/intermediaries build pre-hire curriculum to meet specific needs
4. Interview candidates prior to internships and training programs
5. Using paid internships as trial employment



# Factors for Success – Johns Hopkins Medicine

- **Career Coaching & Advancement Opportunities**
  - Johns Hopkins provides case management type services to employees, as requested
  - Acts as a liaison between employee and department management when needed
  - Provides job retention services
  - Coordinates skills upgrading and occupational education and training needed for promotional opportunities



# Safer Foundation Demand Skills Collaborative<sup>®</sup> (SDSC)

## What is the Safer Demand Skills Collaborative<sup>®</sup> (SDSC) Outcomes

- Employer-driven initiative
- Vocational training (industry recognized credentials)
- Sector specific
- Career-pathway oriented



# Safer Foundation Demand Skills Collaborative<sup>®</sup> (SDSC)

## Safer Demand Skills Collaborative<sup>®</sup> (SDSC) - Healthcare

146 placed in clinical and non-clinical positions including:

- Certified Nursing Assistant
- Medical Assistant (or CMA)
- Registered Nurse
- Treatment Counselor
- Transporter
- Dietary Technician
- Environmental Service Technician

## Outcomes

- 40 trained
- \$14.27 Average Wage
- 91% Retention Rate
- 100% Waiver Approval

# Recent policy changes in Illinois

## Removal of Barriers for the Healthcare Industry

### Licensing Reform

- Prevents agencies from using sealed and expunged records to deny a license
- Ensures that individuals are not automatically disqualified from getting a license solely on the basis of having a conviction background on the grounds of good moral character.
- Requires agencies to accept Certificates of Rehabilitation as evidence of rehabilitation.
- Changed existing statutory restrictions for specific convictions
- If an individual gets a probationary status license from Illinois Department of Financial and Professional Regulation (IDFPR) because of your background, the new law will let individuals ask IDFPR to make the probationary status confidential.
- If you've spent **5 years crime-free** after a felony conviction or **3 years crime-free** after you were released from incarceration for this conviction, agencies will consider it in your favor.

# Pending legislation

## Removal of Barriers in the Healthcare Industry

- If signed into law, SB 1965 will amend the Health Care Worker Background Check by expanding the list of eligible organizations- including workforce intermediaries and pro bono legal service organizations - that can request healthcare registry waivers **before** candidates receive job offers. This creates a direct pathway for individuals seeking positions in the healthcare industry.



# Questions?

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**Workforce Development**  
**Diversity and Inclusion**  
**Mission-based Recruiting**



**AMITA**  
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[AMITHealth.org](https://AMITHealth.org)



we are now one  
healthcare family

**AMITA**

## About AMITA Health

AMITA Health is an award-winning health system committed to delivering compassionate care to nearly 6.6 million residents in Chicago and its surrounding suburbs.

As a faith-based health system in the respective Catholic and Adventist traditions, AMITA Health is committed to delivering inclusive and compassionate care, communicating clearly with patients and their families, respecting the faith traditions of all people, and honoring the dignity of everyone we serve. When people come to AMITA Health, they can expect to receive the very best care — and to be treated like family.



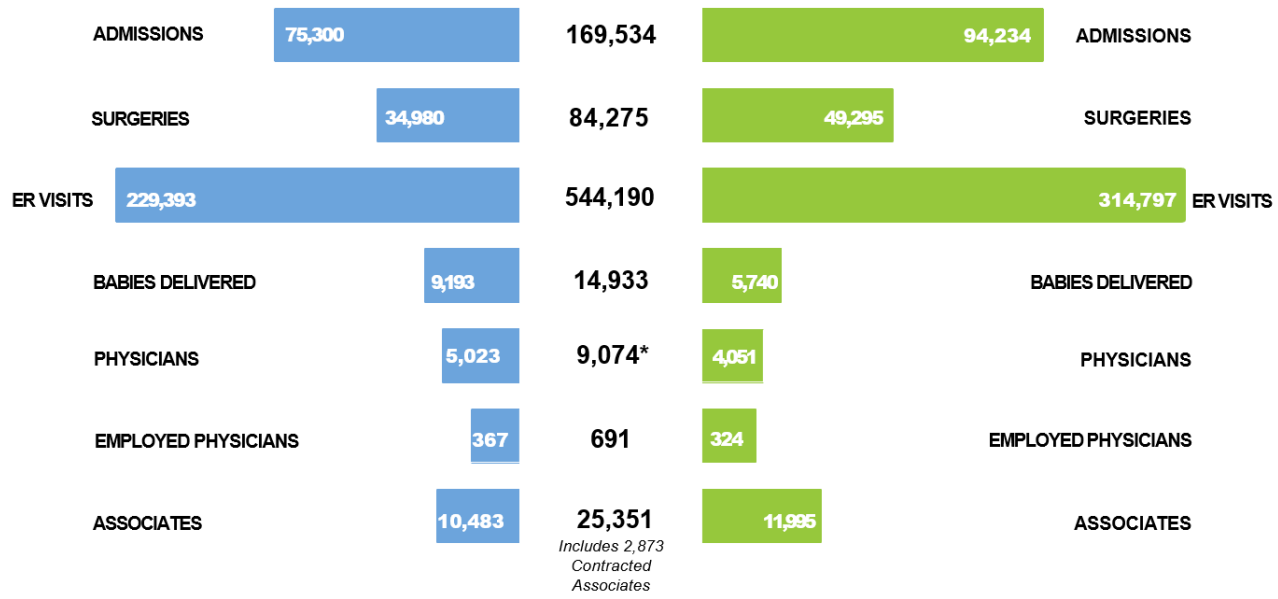
[AMITHealth.org](https://AMITHealth.org)

# We Are Stronger Together

## AMITA HEALTH

## PRESENCE HEALTH

### COMBINED TOTAL



\*number may include duplicates





## Our Awards & Recognition

AMITA Health and its individual hospitals have garnered numerous awards for its exceptional care, including but not limited to:

BlueCross® BlueShield® of Illinois Blue Distinction®  
Chicago Magazine  
19 Top Cardiologists

2018 Award for Improved Care for Underserved Populations  
Partnership for a Connected Illinois (PCI), in partnership with the American Telemedicine Association

Centers for Medicare and Medicaid Services Five-Star Rating

2018 Pioneers in Quality™ Solution Contributor  
The Joint Commission

2018 Quality Excellence Achievement Award in Behavioral Health  
Illinois Health and Hospital Association (IHA)

Magnet®-Recognition  
American Nurses Credentialing Center (ANCC)



[AMITAhealth.org](http://AMITAhealth.org)

AMITA Health (Presence Health) has worked with SDSC for nearly two years.

## Safer Foundation Demand Skills Collaborative® (SDSC)

### Safer Demand Skills Collaborative® (SDSC) - Healthcare

146 placed in clinical and non-clinical positions including:

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## Other areas of hire:

- Logistics (Distribution Tech)
- Anesthesia Tech
- Food Service (Cooks, Cashiers, etc.)
- Patient Care Tech
- Patience Service Rep
- Nursing (in process)
- Always looking for new opportunities

## Factors for Success at AMITA:

1. Obtaining the support of our executive/leadership. Our relationship with Safer was driven by our Chairman of the Board and was supported by the entire executive team.
2. “Road Show” within the entire organization to engage and educate sourcers, recruiters, hiring managers, onboarding agents, etc.
3. Work closely with Safer representatives so that they fully understand our needs as to help them properly match and screen every candidate carefully to increase chances for success
4. Actively engage with candidates through onsite presentations at Safer, pre-screening events, etc.
5. Creating a recruiting process internally to serve Safer candidates (waiver is crucial)
6. Partner with Safer to provide continued support for hired candidates throughout their 1<sup>st</sup> year of employment.
7. Reference the Toolkit often!



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# A Healthcare Employer Guide to Hiring People with Arrest and Conviction Records

SEIZING THE OPPORTUNITY TO TAP A LARGE, DIVERSE WORKFORCE

**NELP** NATIONAL EMPLOYMENT LAW PROJECT

**SAFER** HEALTHCARE  
A Good Work

SEPTEMBER 2016

**AMITA**

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# Questions?

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# Resources

- Clean Slate Clearinghouse (<http://cleanslateclearinghouse.org>)
- National Inventory of Collateral Consequences of Conviction (<http://niccc.csgjusticecenter.org>)
- SAFER Foundation & NELP, *A Healthcare Employer Guide to Hiring People with Arrest and Conviction Records* (<https://www.nelp.org/wp-content/uploads/NELP-Safer-Toolkit-Healthcare-Employer-Guide-Hiring-People-with-Arrest-Conviction-Records.pdf>)
- U.S. Department of Health and Human Services, *Linking People with Criminal Records to Employment in the Healthcare Sector: 5 Things To Consider* (<https://aspe.hhs.gov/pdf-report/linking-people-criminal-records-employment-healthcare-sector-5-things-consider>)



# Thank you!

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For more information, contact:

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