

FAIR CHANCE EMPLOYMENT POLICY FAQ

What is the Fair Chance Employment Policy?

The Fair Chance Employment Policy reduces discrimination in hiring for formerly incarcerated Idahoans by requiring employers in Idaho to eliminate blanket exclusions of people with criminal records, and delaying criminal history inquiries until later in the hiring process.

When can I ask an individual about their criminal record?

After an applicant has been selected for an interview, if interviews are offered, or after a conditional offer of employment has been given.

This will allow employers to first determine whether the applicant is otherwise qualified for the job and meets the skills and experience requirements of the available position. Employers could not consider arrests that did not lead to a conviction, participation in a diversion program, or convictions that have been sealed, dismissed, or expunged in making their hiring decisions.

What happens after an interview is scheduled or there has been a conditional job offer?

If an employer has selected an applicant for an interview or made a conditional job offer to an applicant, it may ask questions about the applicant's conviction history and may (with the applicant's permission) perform a criminal background check. If, after receiving the background check that identifies a criminal conviction record, the employer must conduct an initial assessment that *considers the age of the offense and its relevance to the job*.

What should employers consider when making the decision of hiring an individual?

- The specific duties and responsibilities of the job and the bearing, if any, of the person's conviction history on their fitness or ability to perform them;
- How long ago the offense occurred, how serious it was, and the person's age at the time;
- The person's evidence of good conduct, achievements and positive life changes;

Do employers have to hire people with criminal records?

No, the Fair Chance Employment Policy does not require employers to hire people with conviction histories, nor does it prevent employers from running background checks. It simply allows job applicants with conviction histories to compete on their merits rather than having their applications denied or not considered.

Are there resources available on best practices to hiring a person with a previous conviction?

Yes, Chambers of Commerce, the Society for Human Resources Management and others provide peer-to-peer learning opportunities that can support employers in advancing fair chance hiring best practices.

- Association of Chamber of Commerce: [Second Chance Hiring Good for Business](#)
- Society Human Resource Management (SHRM): [Getting Talent Back to Work Toolkit](#)
- U.S. Department of Labor: [Federal Bonding Program](#)
- Dave's Killer Bread: [Second Chance Playbook](#)
- ACLU Trone Center For Justice & Equality Back To Business Report: [How Hiring Formerly Incarcerated Job Seekers Benefits Your Company](#)

Did you know?

- Approximately 21 percent of Idahoans have a previous criminal conviction.
- Ninety-five percent of people in state prisons will re-enter their community and need to establish meaningful employment in order to build stability and have a successful long-term reentry.
- A number of retail businesses are major supporters of Fair Chance Hiring including Starbucks, Best Buy, CVS Health, Gap Inc., Staples, Target, and Walmart.
- 76 % of Americans feel comfortable if the business they patronize are known to give those who have a criminal record a second chance by giving them a job.

- If the employer is concerned about negligent hiring, the Federal Bonding Program can provide additional insurance at no cost. Also, the Equal Employment Opportunity Commission has developed best practices in this arena.