

EMPLOYER PERSPECTIVES IN HIRING AND WORKING WITH JUSTICE-INVOLVED INDIVIDUALS

A Special Topic VLS Evaluation Report



ACKNOWLEDGMENTS



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EXECUTIVE SUMMARY



This report examines the challenges experienced by justice-involved individuals and their employers following release from prison. The intent is to explore the experiences of employers of justice-involved individuals to acknowledge the importance of their role and add their perspectives to reentry research. The Nebraska Center for Justice Research (NCJR) conducted this study as part of the Vocational and Life Skills (VLS) evaluation to understand employers' perspectives on the process of reentry and onboarding individuals with criminal history. Since the inception of VLS over eight years ago, nearly 10,000 participants have received hands-on vocational training, educational credits, soft skills, and mental health support through VLS grants. Talking to the employers who hire these individuals after incarceration provided valuable insight into the strengths and limitations of these life-skill trainings for their employees.

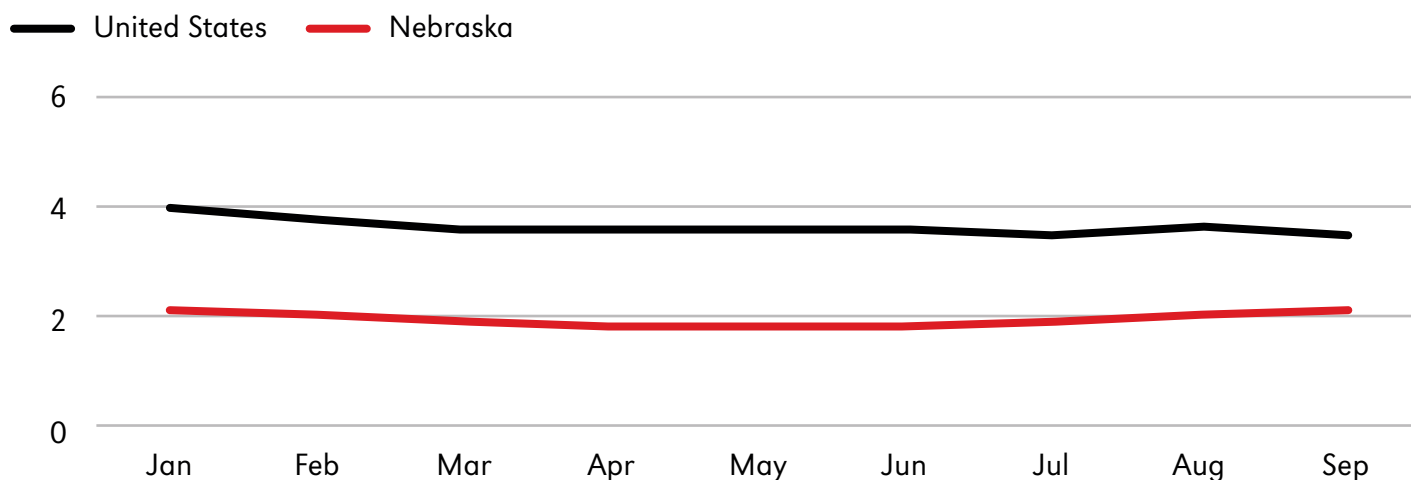
The report begins with background research and statistics about the recent status of employment in the United States. Nebraska's low unemployment rate provides a unique case study to examine this phenomenon where justice-involved employees have less competition for employment. The evaluation team interviewed 18 employers (21 individuals) from various industries. The project examined the data for patterns that the research team combined into themes. The themes most pertinent to Nebraska lawmakers and public policy are presented in this report. Themes were subsequently divided into sub-themes to improve specificity of the issue and improve the precision of recommendations.

Employers reported several benefits in working with justice-involved individuals that include being able to retain staff during the "labor shortage". Thus, the participants we interviewed recommended Nebraska employers be open to hiring justice-involved individuals if they are not already. These employees have earned a reputation for being dedicated and possessing in-demand skills the criminal justice agencies and VLS program providers help them develop. In coordinating employment with this population, employers interviewed report both positive and negative experiences working with justice-involved individuals, agencies, and programs. One of the most notable findings from the interviews would be that barriers faced by formerly incarcerated persons extend to their employers. Additionally, working with this population reduces the stigma of the justice-involved held by employers. The report concludes with a discussion of administrative and policy implications resulting from the perspectives of employers.

BACKGROUND

Over the past decade, Nebraska has held one of the lowest unemployment rates in the nation.¹ In 2022, there remains a considerable difference in unemployment between the United States as a whole and Nebraska (See Figure 1). Further, as of June 2022, the Nebraska Department of Labor (DOL) announced an unemployment rate of 1.9%, setting a record for the lowest unemployment rate in the nation's history.^{2,3}

FIGURE 1. NEBRASKA VS. UNITED STATES 2022 UNEMPLOYMENT RATES



Such low unemployment rates mean Nebraska employers often face labor shortages.⁴ At the end of 2022, there were 73,000 jobs available but only 28,000 unemployed individuals living in Nebraska.⁵ Even when facing historic labor shortages, many employers remain hesitant to consider employing a portion of the unemployed population due to their history with the criminal justice system.⁶ Although the exact percentage of unemployed Nebraskans who have a criminal record is currently unknown, one national study found that 64% of unemployed US men have been arrested at some point in their life.⁷ While studies have shown as many as one in three US adults have an arrest record,⁸ employers are legally allowed to consider criminal records if they believe the nature/seriousness of the offense and the time passed since justice-involvement is relevant to the nature of the job.⁹ Nebraska sought to reduce hiring stigma by passing the Fair Chance Law in 2014 which prohibited public employers from inquiring into criminal histories until after it has been determined the applicant meets the job requirements, but private employers are not subject to these prohibitions.¹⁰

Justice-involved individuals face barriers to employment from multiple sources, including cultural barriers, such as employer attitudes, and systemic barriers, such as statutes and industry regulations.^{11,12,13,14,15} Research indicates that employer attitudes, specifically fear of justice-involved individuals, are the primary barriers to employment for this population.¹⁶ For instance, the top three reported fears when hiring justice-involved individuals are risk to staff, risk to customers, and personal safety of the applicant.¹⁷ However, research indicates that such fears are likely unwarranted, as ex-offenders are no more likely than other employees to victimize organizations, coworkers, or customers.⁹ Unfortunately, although these fears lack evidence, there are tangible consequences for such attitudes. Multiple studies have demonstrated that those with a criminal record on background checks are the least desirable employees and receive the least number of callbacks.^{18,19}

Although employer attitudes are a well-studied type of barrier for justice-involved individuals, statutes and industry regulations create additional barriers for both job seekers and employers. For instance, statutes

that prevent individuals from working in specific fields are typically based on an assumption that prohibiting their employment will prevent workplace crime (e.g., prohibition from working in a financial sector due to a conviction for a financial crime).⁹ Such laws focus on one risk factor for crime (i.e., prior behavior) and overlook the plethora of other risk factors identified to contribute to criminal behavior. More broadly, such laws focus on static (i.e., factors that cannot change), rather than dynamic (i.e., factors that can change), risk factors for criminality. This narrow focus undermines a person's agency (i.e., ability to make choices such as turning their life around and wanting a career), while simultaneously punishing one for a past choice (i.e., the behavior that led to conviction), regardless of the punishment administered by the courts.

THE PRESENT STUDY



Research Questions

What are the strengths of employing justice-involved individuals in the state of Nebraska for employers?

What are the challenges faced when employing justice-involved individuals in the state of Nebraska?

While research has uncovered the many barriers to successful employment experienced by justice-involved, little is known about the challenges faced by their actual or potential employers.^{10,20} Why do these companies hire reentering individuals? What have been the benefits? What can the community or government do to mitigate the challenges? The few studies that have been conducted reported that employers often hire the justice-involved due to their belief in second chances and their desire to access individuals willing to complete hard labor tasks.¹⁰

The Nebraska Center for Justice Research (NCJR) researchers sought to understand the specific barriers faced by Nebraska employers as well as the strengths of hiring such employees identified by employers. This project is part of a larger evaluation of the Nebraska Department of Correctional Services (NDCS) Vocational and Life Skills program (VLS). VLS aims to reduce cycles of recidivism by assisting the Nebraska justice-involved population to obtain meaningful employment and refrain from criminal behavior. VLS is administered by NDCS, which provides grant funding to community service providers across eastern and central Nebraska. VLS is a multi-site, multi-intervention reentry program component designed to address the basic needs of reentering individuals (e.g., proper identification, employment/vocational training, safe and secure housing). VLS also provides other interventions designed to improve quality of life (e.g., communication skills, education, cognitive change). About 75% of services are delivered in correctional facilities and 25% are delivered in the community to participants within 18 months of release from prison.

METHOD



RECRUITMENT

In the beginning of 2022, VLS program providers were asked to refer up to five employers who had hired individuals from their programs. These referrals resulted in 27 potential employer interviewees. Additional referrals were sought from NDCS's work release program managers, and they supplied contact information for 36 additional employers. In March of 2022, NCJR conducted a multi-method, multi-wave recruitment procedure by email, phone, and First-Class Mail. Recruitment scripts are provided in Appendices B and C. Eighteen interviews (21 interview participants) were scheduled between April and June of 2022. Interviews were transcribed and NCJR then analyzed the resulting transcription data using a thematic analysis procedure.

INTERVIEWS

NCJR developed a semi-structured interview protocol for evaluators to follow during the interviews (see Appendix D). Interview topics were drawn from criminal justice literature, discussions with VLS program providers, and Industrial and Organizational Psychology literature – a field that studies the workplace. The interviewers included two NCJR staff members with a Ph.D. (one with a sociology focus and one with a criminal justice focus) and one University of Nebraska-Omaha doctoral student (industrial/organizational psychology focus). A combination of two interviewers were present in 17 interviews, and one interview was conducted by one interviewer. All interviews were audio-only recorded to ensure data accuracy during data collection. Audio-recordings were stored on a secured university database system. The semi-structured interviews were designed to examine the employers' driving motivations, experiences (positive and negative), and barriers faced when employing individuals reentering the community from the prison system. Most interviews were conducted at the participants' place of work (n = 15), and the remaining interviews were conducted via phone or video chat (n = 6), based on preference of the participant.

Prior to each interview, the interviewer reviewed the purpose of the project with each participant, which was to gather information on employer experiences with justice-involved individuals who have been or are employed at their company/organization. All participants were asked to sign a consent form (Appendix A) to verify their agreement to participate. All participants signed the consent form except one who agreed to begin audio recording and was asked for and subsequently verified their consent verbally. Interview questions were categorized into 1) Human Resources or 2) supervisor questions, based on interviewee position and responsibilities. The interviewers were contacted with a final thank you and a link for a demographic survey which was completed by 19 of the 21 interviewed. All interviews were recorded for accuracy and professionally transcribed by Rev.com.

ANALYSIS

The coding and analysis of the interviews were conducted using MaxQDA, a qualitative coding and analysis software. Two qualitative coders, trained in different social science disciplines, were instructed to engage in open coding in which every piece in the interview was coded then paired down to specific recurring codes. Coders completed three waves of coding and discussed sources of discrepancies between each round to increase intercoder reliability. After the final round of coding, discrepancies between the coders were examined by a third coder researcher who made tiebreaker decisions in finalizing code records identifying which codes were present in the interviews. Codes were then collapsed into themes to address the stated project's primary questions. The themes selected for this report are most relevant to NDCS administrators and Nebraska policy makers.

FINDINGS

Organizational descriptions are presented in Table 1. Slightly less than half of participants were referred by VLS grantees. Organizations ranged in size between two and 333 employees and represented six industries categorized by the North American Industry Classification System (NAICS). Interviewee characteristics are presented in Table 2. Interviewee job status included supervisors, human resource managers, and company owners. The majority of interviewees were women and identified as White.

TABLE 1. EMPLOYER CHARACTERISTICS

Organization Characteristics		N	Percentage
Referral source	VLS program provider	8	44.4%
	Work release	10	55.6%
Industry	Construction	6	33.3%
	Food services	4	22.2%
	Manufacturing	4	22.2%
	Professional and business services	1	5.6%
	Retail	2	11.1%
	Telecommunications	1	5.6%

TABLE 2. INTERVIEWEE CHARACTERISTICS

Interviewee Characteristics		N	Percentage
Interviewee role	Human resource managers	7	33.3%
	Owners	4	19.0%
	Supervisors	10	42.9%
Gender	Men	6	31.5%
	Women	13	68.4%
Race/ethnicity	Asian	1	5.3%
	White	15	78.9%
	Two or more	1	5.3%
	Other	1	5.3%
	Null	1	5.3%
Age range	25-34 years	2	10.5%
	35-44 years	6	31.6%
	45-54 years	5	26.3%
	55-64 years	6	31.6%
Education level	High school or equivalent	3	15.8%
	Some college	4	21.1%
	Trade school	1	5.3%
	Associate degree	3	15.8%
	Bachelor's degree	3	15.8%
	Master's degree	4	21.1%
	Null	1	5.3%

Note. N = 21 individuals were interviewed, however only 19 individuals provided demographic data.

The themes that emerged from these interviews are presented in Table 3. Due to the nature of the interview process, themes vaguely resemble the semi-structured interview guide that was developed by the research team whereas the sub-themes emerged during data analysis.



TABLE 3. THEMES THAT EMERGED FROM EMPLOYER INTERVIEWS

Main themes	Sub-themes	Frequency (n=18)	Percentage
The benefits of employing justice-involved	Benefits	13	72.2%
	Labor shortage	13	72.2%
	Advice to other employers	18	100.0%
Justice-involved skillsets	Skills developed through agencies	12	66.7%
	Skill gaps	15	83.3%
Pros and cons on justice-involved employment collaboration	Positive experiences with agencies	12	66.7%
	Negative experiences with agencies	11	61.1%
	Positive experiences with grantees	7	38.9%
Rippling barriers to successful reentry	Institutional barriers	14	77.8%
	Societal barriers	16	88.9%
Stigma among clients and coworkers	Stigma	8	44.4%
	A changed perspective	12	66.7%
Improvement recommendations	Recommendations for CJ system	15	83.3%
	Ban the box	16	88.9%

THE BENEFITS OF EMPLOYING JUSTICE-INVOLVED

Seventy-two percent of participants discussed the variety of benefits they receive when employing justice-involved individuals. Employers described the justice-involved population generally as dependable, eager to work, happy to be employed, and interested in learning new things. These characteristics were viewed as beneficial to employers' workplace culture and productivity. Most employers describing these benefits revealed a preference for hiring justice-involved individuals over individuals who had never been incarcerated because they were *more* mature, *more* dedicated to the employer, *more* reliable, and work *harder*. One employer believed justice-involved employees were very loyal because they seek to prove themselves (see quote to the right) while another suggested their loyalty was due to a lack of other employment options.

Employers believed another benefit of hiring from this population was that these employees would take positions that are typically difficult to fill. They felt that the challenge of filling difficult hard-labor jobs was multiplied by the COVID-19 pandemic labor shortage and Nebraska's overall low unemployment rate. While a few employers stated the labor shortage did not change their hiring practices with respect to the justice-involved, others reported more flexibility with justice-involved hiring practices so they may broaden their pool of potential candidates. Employers also reported reaching out to VLS program providers and the work release centers directly to recruit justice-involved individuals.



In summary, employers we talked with typically described justice-involved employees as their "best employees". Our results are consistent with previous research that found justice-involved individuals previously convicted of a felony were more likely to get promoted relative to other enlistees in the military.²¹ Although not all employers explicitly described the benefits of hiring justice-involved employees, all participants claimed they would recommend hiring from this population.

JUSTICE-INVOLVED SKILLSETS

Employers across several different industries were included in the sample. As such, there was considerable variability in the skills required for successful employment. Sixty-seven percent of employers discussed skills they thought NDCS and program providers equipped the justice-involved population with well, while eighty-three percent also noted additional training opportunities to improve employability. Multiple employers claimed that skills are not important because they can train “ready to work” employees on anything, but others stated that employees can be more difficult to train the longer they have been incarcerated. Indeed, some research has pointed to the loss of skills, experiences, and general human capital during incarceration that can result in a decrease of employment opportunities post incarceration.^{22,23,24} Skill deficit examples mentioned by the study participants are provided in Table 4. The employer quoted to the left described how some formerly incarcerated employees struggle to navigate a computer which is essential for many employment opportunities because applications, HR forms, and requesting time off are often completed through computers.

“ Sometimes computer skills. Pretty much, you need to be able to at least maneuver around the computer, know what a mouse is, the keyboard, being able to type, sometimes that might come into play, but that’s really, I mean the computer skills and maybe the typing skills.

**TELECOMMUNICATIONS INDUSTRY,
HUMAN RESOURCES AND SUPERVISOR,
50 EMPLOYEES**

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The top three transferable competences employers recommended the justice-involved population ought to have to be successful include interviewing skills, OSHA credentials, and technical skills. These skills do not include the motivation to work, which all employers indicated was essential to enable a successful career in their field. Regarding transferable competencies, employers believed the above-average interview skills they observed were developed when participants worked with VLS reentry programs. They appreciated that these programs improved resume writing and interview techniques like maintaining eye contact or sharing the classes they took while incarcerated that made them more marketable job candidates. Many employers indicated that most individuals leaving the work release center had OSHA certifications, which streamlined onboarding and cut company costs. Employers also appreciated applicants who had experience working with Cornhusker State Industries (CSI), an in-facility manufacturer who provides products to state-funded agencies for a modest cost, because they gain experience welding and operating forklifts and other types of machinery.²⁵

“ Almost all of the guys that come to us from the center (CCCL) already have like their OSHA 10, which is huge.

**CONSTRUCTION INDUSTRY,
HUMAN RESOURCES
ADMINISTRATOR,
92 EMPLOYEES**

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TABLE 4. JUSTICE-INVOLVED SKILL GAPS

	<p>INTERPERSONAL SKILLS:</p> <ul style="list-style-type: none"> • HONESTY • SOCIAL SKILLS • COMMUNICATION SKILLS • BE ABLE TO WORK INDEPENDENTLY • BE ABLE TO TAKE CONSTRUCTIVE CRITICISM • BASIC WRITING SKILLS TO FILL OUT APPLICATION
	<p>INTERVIEWING SKILLS:</p> <ul style="list-style-type: none"> • SOME DO NOT KNOW HOW TO DRESS PROFESSIONALLY. EXAMPLE: SHOWING UP TO AN INTERVIEW IN PAJAMA PANTS • SOME STRUGGLE TO ANSWER THE QUESTION, “SO TELL ME ABOUT YOURSELF”, THE EMPLOYERS WANT TO HEAR ABOUT WHAT THEY HAVE DONE FOR WORK, BUT SOME PARTICIPANTS GO DIRECTLY INTO THEIR INCARCERATION STORY
	<p>LIFE SKILLS:</p> <ul style="list-style-type: none"> • HYGIENE • FINANCIAL MANAGEMENT <ul style="list-style-type: none"> ○ BUDGET FOR GROCERIES ○ SAVING TAX RETURN
	<p>PROFESSIONALISM:</p> <ul style="list-style-type: none"> • CONSISTENT WORK ETHIC • SOME ARE UNRELIABLE AND HAVE SEVERAL EXCUSES • PROFESSIONAL LANGUAGE, SOME STRUGGLE WITH REMEMBERING NOT TO USE INAPPROPRIATE LANGUAGE IN FRONT OF CUSTOMERS
	<p>TECHNICAL SKILLS:</p> <ul style="list-style-type: none"> • MATH • TYPING • WELDING • MEASUREMENT • COMPUTER BASICS • ABILITY TO WORK WITH MACHINERY • NAVIGATING ONLINE RESOURCES (EMPLOYEE BENEFITS ARE ONLINE) • EQUIPMENT TRAINING (SKID LOADER, BACKHOE, TELEHANDLER)

PROS & CONS OF JUSTICE-INVOLVED EMPLOYMENT COLLABORATION

Often, potential job candidates in this population are still involved with state agencies or VLS program providers when first setting up an interview with potential employers. From the employer's perspective, there are both pros and cons to interacting both directly and indirectly with these entities. Pros/benefits were mentioned in 66% of the interviews, while cons/challenges were mentioned in 61% of the interviews.

Common benefits to working with justice-involved individuals residing at one of the Work Release Centers (WRC), as reported by employers, is that they like to work long hours to avoid going back to the facility. A few employers also collaborate with CSI to train incarcerated persons and appreciate when those individuals seek employment with them upon release. Employers spoke of positive communications with parole officers, VLS programs, and even some unit managers at NDCS facilities. Some employers also reported more confidence in hiring individuals who completed VLS program curriculum because it showed dedication, regardless of whether or not they learned or could utilize a preferred skillset. Many employers reported they have come to trust hiring recommendations from the programs who have referred great employees to them in the past. Lastly, employers appreciated the VLS programs that provide transportation to program participants during the hiring process.

“ The case manager that he had at the time, at the center here in Lincoln, was extremely helpful in facilitating everything that I needed to be able to get him in for the interview and everything like that.

**CONSTRUCTION INDUSTRY,
HUMAN RESOURCES ADMINISTRATOR,
92 EMPLOYEES**

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“ It was just, “We like him. Jane, just call the center (CCCO) and see what we need to do.” And when I originally talked to his case manager, it was like, “Well, you just need this and that.” And then when I submitted those and he's like, “Oh, I talked to this department. We also need that.” Okay. And then I submitted and he's like, “Oh. Actually, when we got that, we actually need the increased version of that.” And I'm like, “Damn.”

**MANUFACTURING INDUSTRY,
HUMAN RESOURCES MANAGER,
140 EMPLOYEES**


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Working with this population and state agencies does not come without challenges. The most common issue employers had in hiring the justice-involved population was communicating and interacting with their local work release centers. For example, employers reported needing to call several times when trying to schedule interviews – a common issue when onboarding employees. When interacting with case managers, employers are frequently recontacted for clarification on information requested or forgotten altogether. Further, lack of communication from the WRC contact or parole officer was frequently a concern. For example, employers were typically not informed of disciplinary proceedings with individuals at the work release center and report not knowing why great employees do not show up for work. The story told by the employee later is often that their housing unit was being investigated, or they lost their work-release privileges – whether this is true or not is often never known by the employer.

RIPLING BARRIERS TO SUCCESSFUL REENTRY

Most people working with returning citizens are familiar with what some call “reentry barriers” or the challenges returnees face when trying to successfully integrate after incarceration. Common barriers noted in previous research include employment, housing, transportation, social support, and education.^{26,27} It was unanticipated, however, to hear how these barriers also inhibit employers from operating and staffing their companies and organizations. Examples of these employer barriers are provided in Table 5. Seventy-seven percent of employers described institutional barriers while 88% described broader societal barriers that limit their ability to employ justice-involved individuals.

TABLE 5. BARRIER EXAMPLES FOR EMPLOYERS

	No email communication permitted in facilities
	The cost of food handler permits for employees
	Drug test scheduling conflicts with work schedules
	Cannot drive for company due to missing driver’s license
	Facility rules keep changing and are hard to keep up with
	Must be W2 employee vs. subcontractors in construction
	Many lack identification needed for hiring coming out of facilities

Institutional barriers, in this sense relate, to justice system procedures. For example, a few employers discussed how only giving individuals at the WRC two weeks to find employment sets them up for failure. Employers emphatically stated they believed this policy forces releasees to take low-paying opportunities instead of waiting a few additional weeks for better opportunities, such as their employment offerings. As stated earlier, employers also reported major communication challenges when trying to get in touch with individuals at the WRC during the hiring process. To alleviate challenges due to WRC policies that restrict communication and transportation options, some employers conducted interviews at the WRC. They regretted that, even post-onboarding, laws that restrict those with a felony conviction from getting a liquor license prevent employers from promoting exemplary employees to assistant manager or keyholder positions that would allow them to sell liquor without supervision in the convenience store industry. A food handlers permit is also needed for the food service industry more generally, and is costly for those with limited funds preparing for release.

“ You know, they must be a W-2 employee, which whatever, that’s fine... And I’ve been hiring out of that work release center for, well, since I opened in 2008, and I would say lately they’ve made it harder. And I don’t know if it’s just the staff down there or what it is, but they make it pretty darn hard to get somebody to come out of there.

**CONSTRUCTION INDUSTRY,
BUSINESS OWNER,
40 EMPLOYEES**”

“ Transportation. Consistent transportation is the biggest one. We have two locations that aren’t on the bus line and one you must walk a mile or two from the last bus stop. And that’s just the breaking point for most of them, they don’t want to walk 12 blocks to a job. And another one’s a lot farther than 12 blocks.

**FOOD SERVICES INDUSTRY,
DIRECTOR OF OPERATIONS,
200 EMPLOYEES**”

Societal barriers extend beyond the justice system and prohibit successful reentry in the broader communities. These barriers could be addressed by policy changes at the state and local levels of government. The most common issue employers discussed that prevented justice-involved workers from showing up to work is transportation. When justice-involved persons are leaving correctional facilities, they seldom have a vehicle and driver's license, although NDCS currently has a policy requiring everyone releasing to at minimum have a state ID. This means employees must rely on city bus systems that may not have good area or time coverage. Employers reported some of their employees needing to walk miles to work and turn down overtime or entire shifts due to public transportation shutting down too early (or not operating early enough).

“ And I do recall one time where...
So, they have to use public transportation, which means they cannot work second shift at all at our plant because the transportation line does not run on those hours. So, they either must be on day shift, or they have to be on third shift. Now, we're a union facility, which means you get your shift based on your seniority or your time with the company.

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**MANUFACTURING INDUSTRY,
HUMAN RESOURCES MANAGER,
140 EMPLOYEES**

“ That's housing somewhere out of the neighborhood they grew up in, that's a reliable form of transportation that they can afford where their car payment isn't more expensive than their house, and they're not making a \$250 car payment once a week at a buy here, pay here place, and they only make \$350 a week. Who helps them transition that? If my managers or I can help them, they're going to succeed. But it's like, we're just trying to get you to work and provide you opportunity..

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**FOOD SERVICES INDUSTRY,
DIRECTOR OF OPERATIONS,
200 EMPLOYEES**

Employers also described several grievances with halfway houses that charge a hefty price for rent while housing multiple distracting roommates not chosen by their employee. They realize these justice-friendly homes are some of the only options for this population due to the stigma of their background, but wished there were more affordable, safer, and more pro-social options available to them. An unexpected recommendation from more than one employer was for the state to ensure every releasee had a mattress and pillow that provided enough back and neck support so that their employee could come to work without avoidable back or neck pain. One expanded to claim such simple policy changes might improve employee retention and reduce substance abuse used as a pain reliever.

STIGMA AND CHANGING PERSPECTIVES

Reentering individuals commonly navigate social stigma that in its purest form suggests no amount of incarceration served can compensate society enough for any crime. Similarly, our interviews revealed that companies and organizations hiring reentering individuals need to navigate such stigma as well. Approximately 44% of our employers discussed how they have had to deal with justice-involved stigma from customers/clients and their own employees. In response, some of these employers developed plans to educate their employees on criminal backgrounds. It was also common for the employer's coworkers to question their hiring selections of justice-involved individuals. However, 67% reported witnessing coworkers change perspectives from questionable to favorable after having positive working experiences with their justice-involved employees. Some employers revealed that their perspectives on justice-involved individuals improved even further. For example, one employer claimed, "it *surprises me* that they're the ones that are here every day on time and their whole shift", while another admitted, "they turn out to be the best employees that we have, *actually*."

“ In one case, a victim's family member came in and saw somebody working there. They made note of that and I think it's happened two or three times total in my time here. It's something that we have to deal with and Jane was real helpful in coming out and dealing with that situation and actually calling the customer to make the point, he's on probation. We know where he is versus at home... And then she taught us how to deal with that situation if it would come up again.

**FOOD SERVICES INDUSTRY,
HUMAN RESOURCES DIRECTOR,
333 EMPLOYEES** **”**

“ I needed to get his go-ahead to hire (company president), bring in somebody from the center. But I never told him who it was. And I had three or four guys doing orientation that week. And when he met my first individual from the center, he was like, "He seems like a really nice guy." And I was like, "Yeah, he does." And then since then, the president has frequently asked me to reach out to this individual and see if he can refer anybody else to us from the center. I've had several supervisors who were originally very leery be a lot more welcoming to the justice-involved individuals.

**CONSTRUCTION INDUSTRY,
HUMAN RESOURCES ADMINISTRATOR,
92 EMPLOYEES** **”**

Although employers were willing to hire justice-involved individuals, it became apparent that certain types of criminal offenses excluded individuals from an employment opportunity with their company. Examples of these crimes include individuals with mental health problems, drug or alcohol addictions, or a history of domestic violence or sex offending. Other employers would hire individuals with specific criminal backgrounds, but then place them in roles or positions that would not tempt them to commit the crime they had served time for. Although this might seem somewhat restrictive, previous research has revealed most employers prefer not to hire justice-involved individuals regardless of position or offense.²⁸

IMPROVEMENT RECOMMENDATIONS

Several recommendations can be inferred from the data presented above. For example, trainings could be created or expanded to address skill deficits listed in Table 4. Justice agencies could also work to create internal solutions for challenges and institutional barriers employers face when working with the justice-involved population. Lastly, state and community leaders might draft legislation to address the societal barriers that impede employer hiring and employment retention that haunt the justice-involved on their path to success. In total, 83% of the interview respondents discussed ideas they had regarding what would make it easier to hire and retain justice-involved individuals. These recommendations are summarized in Table 6.



TABLE 6. RECOMMENDATIONS TO IMPROVE JUSTICE-INVOLVED EMPLOYMENT

Educate incarcerated persons
Provide transportation to returning citizens during reentry
Provide incarcerated persons more work experience opportunities
Implement laws that prevent housing discrimination of justice-involved individuals
Provide trainings on employer expectations regarding communication and requesting time off
Develop a streamlined process with resources for employers wanting to hire the justice-involved
Let incarcerated persons save more money by working to prepare for the expenses upon release
Ensure returning citizens have essential documentation, housing, and transportation upon release
Reduce incarceration lengths because institutionalized individuals have trouble learning new things
Case managers should help the justice-involved assess work abilities and steer them toward careers

Employers were also asked whether they take advantage of tax incentives that encourage employing formerly incarcerated persons. Both Nebraska and the federal government provide tax incentives for hiring justice-involved individuals. Only two of the 18 employers reported using tax incentives, and most were not aware that any existed. Accordingly, another recommendation for the state is to better promote potential tax benefits for employers willing to hire this population and fidelity bonds that can protect employers in the event of a loss from employee theft or damages.²⁹

“ I would support it (ban the box). I don’t think my business partner would. ”

MANUFACTURING INDUSTRY, VICE PRESIDENT, 14 EMPLOYEES

Employers may also feel more confident in hiring justice-involved individuals if Nebraska were to join the 16 states that have implemented laws limiting employer liability based on employee criminal history in the event of a negligence lawsuit.³⁰

State leaders might be interested to know that participants were asked about their thoughts and practices regarding “*Ban the Box*”, a legislative topic that generally seeks to prevent employers

“ We have the information on it, but we didn’t really know how to go about it, so we haven’t used it (tax incentives). ”

BUSINESS SERVICES INDUSTRY, OFFICE MANAGER, SEVEN EMPLOYEES

from asking job candidates about their criminal background on initial job applications. Multiple states have this policy in place, but none have a policy banning criminal background checks altogether. Nebraska limits public employers from asking about criminal history until it is determined the applicant meets minimum employment qualifications (see Neb. Rev. Stat. § 48-202). There is no such restriction on private employers in Nebraska. Our data revealed that the majority of our employers not only use and prefer to keep the box, but also conduct additional internet searches and integrity tests on job candidates. Multiple employers claimed they do their own informal risk assessments at interviews and in-the-moment decide if the applicant is worthy of employment. Therefore, although banning the box might reduce some stigma of this population in the hiring process, other forms of stigma will likely persist.

“ I think sometimes it serves a useful purpose, especially if it’s... I mean, if there’s a certain program that we’d like to use them on, we can go back and look at their applications, say, okay, well, this is what they said, then we can’t really use them on that program. So, I think it... I mean, it’s 50/50. I mean, it could be useful. I think it could be useful depending on the program that we would want to put them on.

TELECOMMUNICATIONS INDUSTRY,
HUMAN RESOURCES AND SUPERVISOR,
50 EMPLOYEES ”

DISCUSSION



In the U.S. overall, there are nearly twice as many employment opportunities as there are working-aged people to fill them.³¹ Nebraska employers provided a unique sounding-board, given that the state has one of the lowest unemployment rates in the country. Moreover, this situation very likely positions Nebraskan justice-involved persons in a better position of being hired, compared to their counterparts in other states. The evaluation team examined the experiences, preferences, and beliefs of employers of justice-involved individuals to gauge their successes and the challenges they face, as well as the potential impact VLS programming has on these participants and their workplaces more broadly. Employer perspectives provide crucial information on the strengths and limitations of the program’s ability to prepare justice-involved individuals for work after incarceration. While several other studies have examined how criminal records can impede a job candidate’s chances of getting hired,^{32,33} only a few studies have considered the unique perspectives of employers who do hire these individuals.^{34,35}

Our Nebraska employers who hire justice-involved individuals described benefits to hiring this population, and say they are some of their best employees. In fact, some employers stated they do not know what they would do without them, given the labor shortage. The employers we spoke with highly recommended all employers give justice-involved employment opportunities if not currently doing so.

NDCS and VLS programs equip individuals returning to the community from prison with several marketable skills to increase their chances of employment. For example, employers know and appreciate that most individuals coming from NDCS will arrive ready for work with their OSHA certification. This does not mean the population does not have skills that could still be developed prior to or during employment. Indeed, 15 of employers interviewed reported skills they wished the population had or that they need to help them develop. Prior work on this population has pointed out that incarceration limits the professional development and skill acquisition that non-incarcerated individuals usually obtain in early to mid-adulthood – the same period one is more likely to be incarcerated.^{36,37}

Study participants identified both pros and cons to working with the justice-involved. Employers liked working with this population because they “work hard”. Employers also felt more confident in hiring when individuals are referred to them by a VLS program staff they have learned to trust. Our previous evaluation work interviewing program participants also revealed program participants appreciate the social assets gained from these program-facilitated relationships.³⁸ In the absence of program assistance however, communicating and hiring incarcerated individuals soon to be released from NDCS facilities was reported to be very challenging. Developing communication plans with NDCS for interested employers may help increase reentry success among the justice-involved returning to NE communities.

Barriers experienced by the justice-involved population throughout the reentry process have long been documented, but we wanted to know if these barriers extend to their employers upon release. Our interviews produced evidence that both institutional and societal barriers prevent employers from hiring or retaining employees. For example, some employers could not promote individuals who committed certain crimes because statute bars these individuals from selling alcohol. Another example focuses on how public transportation has limited hours, preventing some without vehicles from taking extra or late shifts. We suggest that reducing these barriers will not only help formerly incarcerated persons secure employment, but will also help their employers fill vacancies, increase productivity, and provide a better service or product to customers (in addition to potential benefits for tax bases).

Our study also revealed that employers sometimes felt the need to navigate the stigma of hiring formerly incarcerated persons. Clients, customers, and fellow coworkers were identified as sources of bias who can sometimes complicate the hiring and onboarding process for justice-involved persons. Employers sought to understand these different points of view, despite the seemingly unreasonable obstacles they caused. Even though most employers reported justice-involved individuals to be some of the best employees, a stance which helped reduce stigma among fellow coworkers, many we talked with still held their own stigma for certain types of offenders (i.e., sex offenders, domestic violence, drugs and/or mental health concerns). Other than sex offenders, we did not find much consistency in the types of offenders for which employers were found to hold stigma.

In conclusion, our findings suggest that making it easier for justice-involved to *fully* integrate back to Nebraska communities will help employers and their customers increase productivity by filling vacant positions. However, solutions may still involve some critical reflections on the barriers and stigma that negates integration. By failing to reflect on how attitudes, barriers, policies, and laws are punishing after time is served, we impede the success of justice-involved individuals and the communities to which they return. Consequently, this report represents one example of such reflection, with the ultimate goal of promoting reentry success, stable employment, and public safety for Nebraska communities.

As a final note, this report would not have been possible without the employers who volunteered their time to spend with our research team and shared these valuable insights, so we sincerely thank them for their time and investment in our research project. We would also like to thank our readers for their interest in this topic and improving the quality of life for Nebraskans.

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APPENDIX A:

CONSENT TO PARTICIPATE



Consent to Participate in Reentry Program Interview

Nebraska Department of Correctional Services Vocational and Life Skills Program

Title: Employers' Perspectives of Reentry Programs: Challenges and Recommendations

Purpose: The purpose of this interview is to gather information on your experiences with justice-involved individuals who have been or are employed at your company/organization.

Deliverable: The Nebraska Center for Justice Research (NCJR), housed at the University of Nebraska at Omaha (UNO), will write a report for the Nebraska Department of Correctional Services (NDCS). The report will describe current barriers to employment and provide recommendations on how the state can better prepare individuals for employment success.

Who we are at NCJR: NCJR is a multidisciplinary non-partisan research center housed at UNO and is comprised of researchers with backgrounds in program evaluation, the justice system, and Sociology. NCJR's mission is to develop and sustain research capacity internal to the State of Nebraska, assist the Legislature in research, evaluation, and policymaking to reduce recidivism, promote the use of evidence-based practices in corrections, and improve public safety.

Recruitment: You have been referred to NCJR as an employer who hired individuals that participated in one of nine prisoner reentry programs designated "Vocational and Life Skills" programs. We want to hear from you regarding your experience with hiring and/or employing individuals with criminal records.

Time Commitment: 20 to 90 minutes, virtual or in-person (your preference)

Action Steps: If you agree to participate, here is what will happen next:

- Sign this form and
 - return to NCJR as a scanned email attachment to ncjr@unomaha.edu
 - or
 - return to NCJR as a hardcopy using the postage-stamped envelope provided.
- We will contact you to schedule an in-person or virtual interview. This interview will be facilitated by one of the investigators and audio recorded. A second, observer investigator may be present to take notes. The recording will then be transcribed and analyzed by the investigators.
- You will not be asked about any specific employee – their identity will not be linked to your interview.
- Your responses to the interview will be kept confidential. Only investigators at UNO will know your individual responses to the interview. Your individual name and company name will never be reported or released to any entity unless ordered by a court of law.
- Interview responses may be used in evaluation reports on reentry programs or future publications and research, but your identity will never be revealed.

Your Rights: Please understand that:

- Your participation in this interview is completely voluntary. That means:
 - You may choose not to participate.
 - You may stop participating at any time.
 - You may choose not to answer specific questions.
- Investigators make no guarantees or assurances about the results of this study.
- There are no serious risks involved in this study.

If you have questions or concerns about the research, you may contact:

Principal Investigator:

Michael F. Campagna, PhD.
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I have read the above conditions for participating in this study. I give consent to my voluntary participation in the study. I understand that I will receive a copy of this consent form.

Signature of Participant

Date

Printed Name of Participant

APPENDIX B:

EMAIL RECRUITMENT SCRIPT



Hello, [Contact name].

[grantee contact name] at [grantee organization] referred you to participate in a study seeking to improve workforce skillsets such as resilience, conscientiousness, and working on a team.

My name is Dr. Michael Campagna, and I work for a research center at the University of Nebraska at Omaha. We are assisting the prison system (Nebraska Department of Correctional Services-NDCS) to evaluate their major statewide reentry program. The program uses state dollars to prepare justice-involved individuals for employment upon expiration of their prison sentence.

We would like to talk with you (20-90 mins) about how Nebraska programs are faring in preparing the reentry population for employment. This means answering questions about your experiences hiring and employing justice-involved individuals, however no identifying information on any employee will be requested (we do not know the identity of your employees). No need to leave your office, the interview will be scheduled at your convenience in-person or virtually! We expect to speak with about 15 employers for this study.

Your feedback is extremely valuable to Nebraska. An employer's perspective will inform policy changes to improve the state's reentry program. These changes should fill skill gaps for people who are trying to turn their lives around. We also want to make sure the state maximizes its return on investing in justice-involved individuals. If you can provide your insights, please reply to this email that you are interested.

If you have questions or concerns about the project, we are more than willing to describe it, along with any potential risks and potential benefits in more detail via a phone call or email.

Thank you very much for your time and consideration,

For this project, we aim to answer two questions:

- What individual factors or skillsets prepare formerly incarcerated persons for successful employment?
- What challenges do employers face when employing or trying to employ formerly incarcerated persons?

Neither your organization nor your employees will be publicly identified. All data is confidential and will be stored on a secure UNO server. You will retain a copy of a signed consent form that ensures your identity will never be released to program providers, the NDCS, or any other entity unless ordered to do so by a court of law.

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APPENDIX C: PHONE AND VOICEMAIL RECRUITMENT SCRIPT



Phone Script:

Hello, [name].

My name is [Laura Brooks Dueland] with University of Nebraska at Omaha. The warden over at Work Release said you have been a great resource in hiring formerly incarcerated persons. We're trying to improve employer experiences with justice-involved individuals. Would you be interested in talking to us more about your experience? Could I grab a time on your calendar to have a more in depth chat? What's a good email address?

1. **If now is not a good time:** Not a problem. Your feedback as an employer is extremely valuable to our evaluation of Nebraska's statewide reentry program. When is a good time that I could call you back? I would need just a couple of minutes to schedule a time.
 - a. If they do not want to participate refer to bullet 2a

2. **If now works:**

Wonderful, thank you so much. Just to give you a little bit of background, we're currently assisting the Nebraska Department of Correctional Services to evaluate their major statewide reentry program. We believe your thoughts and viewpoints as an employer are extremely valuable. This program uses state dollars to prepare justice-involved individuals for employment when they get back to the community. [Grantee organization] is one employment program provided funds through the statewide initiative. Is there any chance we could schedule a 30-90-minute meeting, either in-person or virtually, to ask you questions regarding your experiences with hiring and employing justice-involved individuals? No identifying information about your employees will be requested.

- a. **If no:**

I understand. Thank you so much for your time today. Please let us know if you change your mind, or if you have any suggestions for people we may consider reaching out to.

- b. **If yes:**

Would you prefer that we come to your office for the interview, or that we schedule a zoom call? Great! What date and time works best for you to meet?

1. **In-office:** That sounds great. Is there an email address that we can send over the consent form we will be reviewing the day of the meeting? (in that email, we can ask if there are any special instructions for parking and locating the meeting room).
2. **Zoom:** That sounds great. Is there an email address that we can send the meeting invite to?

Thank you so much for your time today [name]. Please be on the lookout for an email from us in the next 24 hours. We look forward to chatting with you on [date decided on during call]. Have a great rest of your day!

Voicemail:

Hello, [name].

My name is [Laura Brooks Dueland] with University of Nebraska at Omaha. [Grantee name] at [Grantee organization] referred you as a participant for our study seeking to improve the workforce skillsets for justice-involved individuals. Just to give you a little bit of background, our research center is currently assisting the Nebraska Department of Correctional Services to evaluate their major statewide reentry program. We believe your thoughts and viewpoints as an employer are extremely valuable. We also sent out a packet with more details, so keep an eye out from a large manilla envelope from UNO.

If you are interested and have a couple of minutes to chat about the purpose of our study and whether you are available to participate, please call our office at 402-554-3794.

APPENDIX D:

INTERVIEW PROTOCOL



1. Explain the consent form and give the respondent a chance to ask questions. Ask them to sign if they agree. Make sure they know they can stop at any time and do not have to answer questions if they do not want to.
2. Ask their permission to record and remind them that their responses will be de-identified.
3. Ask questions listed on protocol: Company Characteristics, Sections A or B for Employer, Respondent Characteristics.
4. Thank them and ask if they have any questions. If none, turn the recorder off.

Company Characteristics

1. What industry would you consider your organization in?
2. How many individuals are employed by your company/organization?
What is your current title?
 - a. If a manager or small business owner, proceed to section A.
 - b. If supervisor, proceed to section B.

Employer Interview Questions for Interview Study

A. HR Manager questions:

RECRUITMENT

3. Approximately how many of your employees have a criminal record?
4. Do you know of a catalyst that started your organization to hire justice-involved individuals?
5. Are there specific roles/positions that individuals with criminal records are most often recruited for?
6. Has the recent labor shortage changed your recruitment practices regarding individuals with criminal records?
7. Are there any government incentives you use when hiring justice-involved individuals?

HIRING

8. What is your company/organization's formal or informal policy on hiring individuals with criminal records?
9. Do you favor the "ban-the-box" policy initiative? Do you need the information that they have a criminal record in the hiring process?
10. What additional information would you want to review for a justice-involved applicant?
11. Do you coordinate with anyone helping a potential employee? If so, please describe that process and your overall thoughts on effectiveness.
12. Are there roles/positions that justice-involved individuals cannot be hired for?
 - a. Is type of offense or time since conviction or release taken into account?
13. What reentry programming makes you more likely to hire and have successful employment with justice-involved individuals?

ONBOARDING

14. What skills do you find lacking in this population when they apply for your positions?
15. What skills do you think are being trained well by the state's vocational programs?
16. Does your organization have diversity, equity, and inclusion goals and/or initiatives?
 - a. How does hiring justice involved individuals complement (or not complement) these goals?
 - b. Has employing from this population changed your perspective on individuals with a criminal record?
17. What would you tell another employer who is considering working with justice-involved individuals?

B. Supervisor questions:

EXPERIENCE

18. How long have you been with this company? How long have you supervised in this role?
19. How many individuals do you typically supervise at one time?
20. Approximately how many justice-involved individuals have you managed? Justice-involved means those with criminal records and those on parole or probation.
21. What has been your experience in supervising these individuals?
22. Have you seen any benefits for your company/organization in hiring justice-involved individuals? Any detriments?

SUCCESSFUL INTEGRATION

23. As a whole, what additional skills do these individuals need to assist your company/organization?
24. Do these individuals typically integrate successfully into the company culture?
25. Are employees generally open about their involvement in the justice system with other employees?
26. How do other team members treat these individuals? Is that different than they generally treat non-justice-involved?

BARRIERS/ADJUSTMENTS

27. Does your company facilitate team-building? To what extent do those activities change if you know that someone is justice involved?
28. What barriers to employment success do you see for justice-involved individuals?
29. How can the transition to employment be improved for justice-involved individuals?
30. Do you adjust your coaching style for this population?
31. Has working with justice-involved individuals changed your perspective on individuals with a criminal record?
32. Do you favor "ban-the-box" policy? Do you need to know they have a criminal record to supervise properly? What additional information would you want to review for a justice-involved applicant?
33. What would you tell another supervisor who is considering working with justice-involved individuals?



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