

Felons need not apply

Having a criminal record creates roadblocks for jobseekers

BY APRIL CORBIN

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Honey Dozier readily admits prison didn't scare her straight. When she found herself unable to find a job after completing her felony sentence for using stolen credit cards, she fell back into illegal activities, driven by the need for quick money to support her single-parent family. She had a hunch, as many felons do, that her criminal past was turning off potential employers. Printed on too many initial applications she came across was the loaded question, "Have you ever been convicted of a felony?"

It's a hurdle known as "the box."

Eventually Dozier got a break at an office job. She worked hard. When coworkers began bailing over signs the business was going belly up, she buckled down, terrified of facing that dreaded box in another job search. She took on additional duties, which included access to credit card information. Nervous, she reminded her manager of her past conviction, but he told her he trusted her. Dozier was ecstatic, hopeful the experience would cement her status as a law-abiding citizen.

The hope was misplaced. The FBI began investigating the company for fraud.

"Now I see why they trusted me," says Dozier.

Now 39, Dozier has been unemployed for more than two years. This year she will graduate with an associate's degree and has scholarship offers to attend four-year universities. She hopes a degree will overshadow her two-decade-old conviction, but for any application that asks about it right away, she'll have her fears.

You never get used to the feeling you're going into something disadvantaged, Dozier says. When it comes to being a felon, with every new application, it's like you're 18 and convicted all over again.

Dozier isn't alone. An estimated 180,984 Kentuckians have completed felony sentences as of 2010. On a broader scale, more than a quarter of the adult population in Louisville has some kind of criminal record, whether felony or misdemeanor.

No federal law prohibits employers from asking about arrests and convictions.

However, the Equal Employment Opportunity Commission acknowledges that, because arrests and felonies happen in disproportionate numbers in low-income and minority communities, using such records as an absolute measure to prevent hiring individuals can limit employment opportunities for protected groups.

There is no way to tell which employers cross this line. Measurable data is scarce. The Department of Labor doesn't track joblessness among the convicted, but a 2010 Center for Economic and Policy Research report noted a history of incarceration reduces a worker's chances of being hired by 15 to 30 percent, with minorities and the under-educated affected most. The report estimated lost economic output at \$57 to \$65 billion annually.

Last year, the Citizens of Louisville Organized and United Together identified ex-offender jobs as a major local issue. They are pushing for fair hiring practices within Louisville Metro and its contracted vendors. Such measures include removing conviction history questions from initial applications and allowing questions and background checks later in the hiring process, perhaps only after a conditional job offer. One step further would be declaring that a candidate can only be denied the job if the criminal offense would directly relate to job duties.

Kentucky Jobs With Justice, which has long advocated for voting rights restoration, recently launched their own Ban the Box campaign with similar goals.

Metro already voluntarily follows the first of the proposed fair hiring guidelines. It does not ask about convictions on initial applications. Formalizing the practice and requiring vendors to follow suit is a logical next step, argues the Rev. Larry Sykes, co-chair of CLOUT's jobs committee.

"It's good that we stand behind what we're declaring, which is that we are a compassionate city," he says.

Sykes says once employers realize a Ban the Box ordinance wouldn't force companies to hire felons over non-felons, and certain jobs would be exempt, they are more apt to support the cause. Nobody's trying to get sex offenders into classrooms or violent convicts onto the police force.

More than 50 U.S. cities and counties

have instilled aspects of fair hiring practices for felons. According to the National Employment Law Project, nine states had adopted legislation as of April, with most passed within the last four years. Last week, Rhode Island became the latest. Kentucky remains one of 20-something states with no statewide, countywide or citywide ordinances or laws.

In April, at one of its "action assemblies," CLOUT asked Metro council members David James, Rick Blackwell, Attica Scott and Cheri Bryant Hamilton, as well as Jefferson County Attorney Mike O'Connell, to support a Ban the Box ordinance by the end of the year. All council members agreed. According to Bonifacio Aleman, executive director of Kentucky Jobs With Justice, local government officials from a range of political leanings and constituencies embrace the idea.

"No matter what side of the tracks you're on, reducing recidivism (in prisons) is important," says Aleman. "Housing and jobs are a big part of this."

Activists believe enacting such legislation will result in felons being less reliant on tax dollars. Incarceration costs a lot. So do assistance programs like food stamps.

Ban the Box legislation also paves the way for future changes to housing policies. Property management companies often ask applicants about conviction histories, and discrimination against felons is believed to be widespread.

"It's been so difficult to fight that prejudice," says Tyonda Hill, whose felony conviction 15 years ago still defines much of her life today. "We all change and mature. To hold against them something from so long ago..."

A self-described "typical foster care statistic" who aged out of the system, Hill served eight years for gun and drug charges. Since then, she and her children have battled homelessness and poverty, largely due to the inability to find full-time work. She even endured domestic violence because she couldn't afford independence.

"I'd learned too much to go back to that," she says, "but there was nowhere to go except back." ▲

"He tried to make love to the Tea Party, and they didn't"

—Sen. Harry Reid, D-NV, referring to Sen. Mitch McConnell's failed attempt to launch the Tea Party and prevent a primary challenger against him in 2014

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