

# Everyone Needs a Fair Chance at Employment

## Job Barriers Hurt Businesses, People with Records, and the Community

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About 1 out of every 3 adults in the U.S. have an arrest or conviction on their record. Many of them are turned away from jobs without being fully considered, despite being qualified and motivated to do the work. As a result, formerly incarcerated people are unemployed at a rate of over 27% — higher than the unemployment rate during the Great Depression. Hundreds of people come home to our community from state prison each year, and the jail has a capacity of about 1,000 people at any one time, most of whom will come home within a year. In short, thousands of our neighbors are being systematically excluded from even applying for good paying jobs.

### Removing Employment Barriers is Good for Businesses

Criminal records are not good proxies for employability. In fact, companies who are open to hiring people with records can improve their bottom line and tap into a large pool of talented, motivated workers. Research has shown that turnover among people with records is lower and they are motivated to perform because they often have fewer employment options. That's why major employers such as Starbucks, Facebook, Koch Industries, Target and Walmart have implemented fair chance hiring policies.

### Employment Reduces Re-Incarceration

People with employment are far less likely to reoffend. In fact, joblessness is the single most important predictor of recidivism. On a personal level, having a job and engaging in your community means the opportunity to continue building a new life. On a local level, it means increased public safety and more taxes coming in. On a larger scale, this means huge savings for taxpayers by keeping folks out of the criminal justice system. One study estimated that increasing employment for people released from Florida state prisons by 50% would save \$86 million annually in incarceration costs.

*"If employers had just talked to me and seen me for the person I am, I would have gotten a job and they would have gotten a great asset. Instead we both lost out."*

-Local resident with a criminal record

### Fair Chance Employment is a Racial Justice Issue

Given the pervasive racial disparities in the criminal justice system, excluding people from employment based on criminal records is an issue of racial equity. In Alachua County, black people are incarcerated at a rate 9 times higher than white people. More than 2% of the black population of Alachua County is behind bars at any given time. These individuals face permanent barriers to employment when they come home. Research has also shown that there are racial disparities in how employers consider criminal records. The negative impact of a criminal record on getting a job interview is 40% greater for blacks than for whites with similar histories.

## Fair Chance Policy FAQs

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### How would a fair chance policy help?

A fair chance policy helps ensure that each applicant is considered on an individual basis, not just their record, which increases their chances of being hired.

### What should be included in a fair chance policy?

A well-designed fair chance policy would require private employers to:

- Not ask about criminal records on the job application.
- Delay any record screening until after a conditional offer is made.
- Only look at convictions and pending prosecutions, not arrests.
- Consider the context of the conviction, including time passed since the offense, whether it is related to the job position, and evidence of rehabilitation.
- Give applicants an opportunity to review the information in the background report and have a conversation with the employer about their record.

### Is there already a fair chance policy in effect here?

No. The City of Gainesville enacted a fair chance policy in 2015, but it only covers hiring for the city itself. There is no local ordinance that covers private employers.

### Is this type of policy preempted by the state?

No. There was a bill in the 2020 legislative session that would have preempted local rules on pre-employment screenings, but it died in committee.

### Does a fair chance policy mean that employers must hire someone with a record?

No. An employer is not required to hire an applicant with a record under a fair chance policy. The employer retains full discretion to hire the most qualified candidate.

### Who has adopted fair chance policies?

36 states and over 150 cities and counties have adopted some form of fair chance policy related to public-sector employment. Of these, 14 states and 35 local jurisdictions apply their policies to private employers or government contractors.

### Where can I learn more about fair chance research and policy?

- National Employment Law Project - [Research Supports Fair-Chance Policies](#)
- American Civil Liberties Union - [Back to Business](#)
- Florida Tax Watch - [Locked Up, Then Locked Out](#)
- Equal Employment Opportunity Commission - [Enforcement Guidance](#)
- WUFT - [Locked Out: The Struggles of Securing a Job](#)

### Who can I contact to discuss this idea in more detail?

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