



“This could be the moment for us to make an ideological shift – for employers to see fair chance hiring as a source of pride rather than shame.”

- Fair Chance Employer

Opportunity for Every Worker: Toward a Fair Chance Workforce in the Bay Area

EXECUTIVE SUMMARY



We are deeply grateful to the funders
and key partners who made this project possible,

Thank You

and who believe in the right of every individual to
secure quality sustainable employment.

This project is supported by:

Kaiser Permanente Northern California Community Benefit Programs
The San Francisco Foundation
Y&H Soda Foundation
United Way Bay Area

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Fair Chance Workforce Facts

8
Million

California RESIDENTS

More than 8 million Californians have criminal records. Approximately 814,000 people across Contra Costa, Alameda, and Solano counties have a criminal or arrest record.



The struggle for SERVICES

In addition to the individual effects of incarceration and justice system contact, people with criminal records encounter barriers to accessing health benefits, child care, and other resources needed to support themselves and their loved ones.



What does this mean LOCALLY?

Across these three counties, nearly 1 of 3 Blacks of working age and nearly a quarter of Latinx of working age have felony records. Those with felony records earn about \$30,000 less than those without.



Barriers to HOUSING

The country's two biggest housing assistance programs, Public Housing and Section 8, automatically ban individuals with certain convictions. Blanket bans and other exclusionary housing policies faced by people with criminal records disproportionately harm Black and Latinx applicants.



Race matters IN THE BAY AREA

When comparing the average earnings of individuals with felony records in Bay Area, for every one dollar earned by Whites, Blacks earn 51 cents and Latinx earn 74 cents. Justice-involved Black applicants are 40 percent less likely to get a job interview when compared to Whites with similar histories.



Impact on EMPLOYMENT

Due to barriers like these, justice-impacted people's unemployment rate is five times higher than that of the United States' general population.

Project Overview

The Fair Chance Workforce System project was initiated by Rise Together, the Insight Center for Community Economic Development and Urban Strategies Council through a shared commitment to ensuring all people in the Bay Area have the opportunity to provide for themselves and their family, regardless of race, gender or status. Identified as a priority by Rise Together’s Opportunity for Every Worker workgroup, the project focuses on increasing the availability and accessibility of *proven workforce development and employment opportunities for individuals with a criminal record in order to improve their economic stability and well-being*, with a focus on Alameda, Contra Costa, and Solano Counties. The resulting report and recommendations are designed to be a guide for philanthropy, government, and local communities seeking to increase employment for individuals with a criminal record.

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When justice-impacted people are hired, they perform just as – if not better than – their workplace peers. Economic and employment research confirm that employees with records have better retention rates, more loyalty, and lower turnover (ACLU/Trone, 2017). Despite these potential gains for employers and businesses, systemic barriers to employment for the justice-impacted persist. The harms of policies, practices, and narratives discriminating against individuals with records are even greater for people of color. The collective cost of these barriers is stunning: In addition to losing an estimated \$87 billion per year in gross domestic production nationwide, more than half a million capable, qualified people are left out of the national workforce – and, as a result, are more susceptible to poverty, homelessness, and cycles of debt. In recent years, reforms such as California’s Ban the Box policy have emerged from a groundswell of advocacy to improve outcomes for justice-impacted workers. Nonetheless, much still needs to be done to ensure that all Bay Area residents have a true “Fair Chance,” regardless of race, gender, or record status.

“Once you’ve done your time, you’ve completed your penal obligation, you shouldn’t be held hostage for a lifetime with this dark cloud over your head.”

- Returning Resident



Enacted in 2018, California's statewide Ban the Box (BTB) policy delays any use of a background check or inquiry into conviction history until later in the hiring process – after a candidate has met job qualifications. Despite the passage of BTB, and even with the Bay Area's currently low unemployment rate of 3 percent, persistent obstacles to stable employment remain for people with criminal records. At virtually every stage of the hiring process, justice-impacted applicants can be denied a job based on their record alone – either through employer practice, licensing restrictions, or both. In California, over 4,800 laws impose collateral consequences on people with arrest or criminal records, most of which have no benefit or relationship to public safety. Many of these laws exist solely to make it harder for people to get good jobs, or any job at all.

Employers are more likely to perceive that Black and Latinx applicants have a criminal record, compared to White applicants. This is particularly the case for Black and Latinx men, age 25 to 34 – even if they have no criminal record.

- Insight Center Fair Chance
Hiring Landscape

The report examines: 1) what is currently working both locally and nationally to improve employment outcomes for individuals with criminal records; 2) where these individuals are currently situated in the local workforce; 3) where gaps exist in local programs and policies; and 4) what workforce development, employer, advocacy, and client stakeholders recommend to improve outcomes.

This research was structured around three areas:



COLLECTING DATA

about how individuals with criminal records are currently situated in the Bay Area workforce.



REVIEWING EXISTING LITERATURE

to synthesize research into reducing barriers to sustainable employment for people with records.



COLLECTING QUALITATIVE INFORMATION

from a range of employer, workforce development, and justice-impacted stakeholders with regards to best practices, challenges, and gaps in current policy and practice.

Through community-driven qualitative and quantitative research, this report recommends: 1) scaling best practices to successfully serve and employ workers with a criminal record, and 2) strengthening policies and practices within local jurisdictions to help build an equitable workforce system. Encompassing a broad range of strategies and tools, the recommendations in this report are first steps. Together with the task force convened to inform this project, we will support employers, workforce development service providers, impacted individuals, and advocates to implement change. We hope you will join us in this effort.

The Fair Chance Workforce report examines what is currently working both locally and nationally to improve employment outcomes for individuals with criminal records, where these individuals are currently situated in the local workforce, where gaps exist in local systems, and what workforce development, employer and client stakeholders recommend to improve outcomes.

Fair Chance Workforce Recommendations

SYSTEMS & POLICIES

- Support statewide occupational licensing reform to reduce barriers to employment opportunities
- Build awareness and support for the implementation of existing Fair Chance policies
- Address barriers to getting Transportation Worker Identification Credential (TWIC)
- Advocate for CA to expand, streamline, and make automatic the criminal record clearance process to remove a significant barrier to jobs, housing and education for millions statewide
- Pursue clear and sensible probation and parole standards that support employment
- Address the stigma of having a criminal record and mass incarceration of communities of color by formally identifying individuals with a criminal record as a protected class
- Mobilize at the local level to reduce or eliminate mandated fees and fines and discretionary wage garnishment
- Engage philanthropy to prioritize and support long term strategies to increase employment opportunities for individuals with a criminal record

SERVICES

- Work with employers, community colleges, labor programs, and industry leaders to match employment, training, and certification available during incarceration with optimal post-release employment (e.g., jobs with clear pathways to advancement)
- Work with Courts, Parole and Probation to provide individualized and flexible reporting requirements
- Expand peer networks and peer counseling to build social capital, share information about opportunities and provide mutual support and mentoring
- Increase professional development for workforce development service providers on the specific needs, obstacles, legal rights, and opportunities for serving individuals with a criminal record as a critical population
- Integrate criminal justice-informed housing assistance into all services and programming, and scale Fair Chance Housing policy
- Expand Know Your Rights training and outreach for returning residents to know their rights regarding employment, programs and services (e.g., Clean Slate)
- Increase access to affordable transportation options to expand employment opportunities
- Invest in intensive workforce services and paid transitional jobs for the highest risk individuals

EMPLOYERS

- Scale pre-release training programs and post-release outreach and relationship-building between returning residents, service providers and employers in high growth sectors
- Scale industry-specific Fair Chance Employer Networks to serve as peer-to-peer support
- Increase employer training on Ban the Box, racial and justice-involvement bias, and how to change hiring practices to get in compliance. Consider strategies and assessments for employers to go above and beyond compliance to become a true Second Chance Employer
- Increase employers' knowledge and use of hiring incentives, bonding, and other resources
- Partner strategically with Consumer Reporting Agencies (CRAs) to conduct fair assessments of candidates during the background check process
- Encourage internal employer programs to accommodate individuals with probation, parole or other special requirements related to having a criminal record
- Pilot a pro-bono legal aid program for employers on compliance with changing labor laws in relation to criminal records and the benefits of hiring people with barriers

WORKFORCE DEVELOPMENT

- Increase information and training for workforce development programs, stakeholders, and employers on the specific needs of individuals with a criminal record
- Improve coordination and communication among leadership and program staff across agencies and service providers
- Expand focus on labor apprenticeship programs and community college districts as a pathway for living wage employment in high-growth sectors
- Address the financial and performance disincentives of current workforce development program outcomes reporting requirements
- Require that contracts for funded workforce development programs focus on evidence-based services in order to obtain and sustain employment



For a complete list of recommendations, please see the full report:

 RiseTogetherBayArea.org/FairChance

“The best thing we can possibly do is to set adjudication criteria up front, then employers are Fair Chance employers and don’t even know.”

- Background Check Service



The Next Steps

Individuals with a criminal record face collateral consequences that often do not allow them to adequately provide for themselves and their family. And yet, throughout the research and input performed to inform this report, our task force was able to lay out practical and realistic solutions that can help generate economic opportunity for the millions of individuals with a criminal record in the Bay Area.

The insights and recommendations in this report

are designed to be a step toward implementation of systemic and legislative change at the local, regional, and state level to ensure every individual has access to quality employment. We are emboldened by the committed individuals working toward this change in the Bay Area and beyond. We look forward to partnering with impacted individuals, employers, workforce development boards, service providers, and other stakeholders who want to move these recommendations into action in their communities. **We invite you to join us.**

For more information and to read the full report:

 RiseTogetherBayArea.org/FairChance