

Snapshot of Employment Related Collateral Consequences

December 2, 2019



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Nationally, about 70 million adults in the U.S. have a criminal record, which creates barriers to employment.



87% of employers conduct criminal background checks

A criminal record reduces the likelihood of receiving a job offer by nearly **50 percent**

SOURCES: National Employment Law Project (2017); Society for Human Resource Management. *Background Checking – The Use of Criminal Background Checks in Hiring Decisions* (2012). Pager, Devah, *Investigating Prisoner Reentry: The Impact of Conviction Status on the Employment Prospects of Young Men* (2009). Schmitt, John, *Ex-offenders and the Labor Market* (2010).

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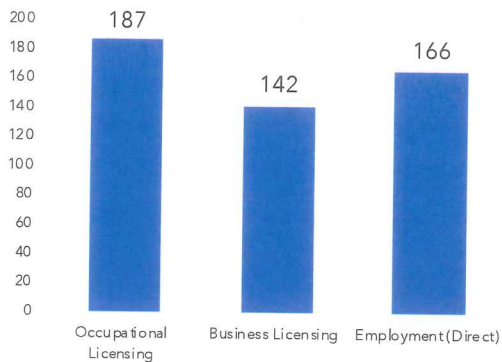
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As of 2019, there were 589 provisions of Iowa law that limit or prohibit people convicted of crimes from accessing various rights, benefits, and opportunities.

Percentage of total consequences related to employment



Number of employment-related consequences by type

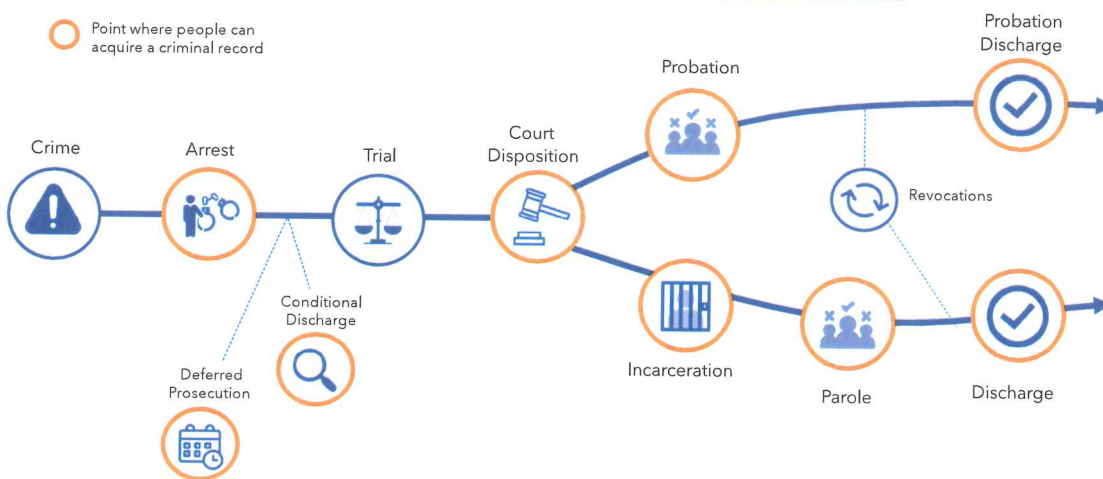


Source: The National Inventory of Collateral Consequences of Conviction, Iowa Snapshot of Employment-Related Collateral Consequences (New York: The Council of State Governments Justice Center, 2019). 3

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People can acquire a criminal record at multiple points in the criminal justice system.

○ Point where people can acquire a criminal record



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Reforms can mitigate the impact of criminal records.

Access to State Identification after Release

- State-issued identification is frequently required to access social services, secure housing, and apply for jobs.
- Implementing state, interagency, local policies, or legislation to ensure people receive identification will help alleviate some barriers.

Fair Chance Hiring

- 2012 EEOC guidelines:
- Consider the nature of the offense.
 - Consider how much time has passed since the offense.
 - Consider whether the offense is related to the job.
 - Give applicants a chance to explain their criminal record.

Certificates of Rehabilitation

- State or local agencies issue certificates affirming that a person has met rehabilitation and training standards.
- Certificates may include provisions that shield employers from negligent hiring claims.

Bob cert of employability

Criminal Record Clearance

- To seal, expunge, vacate, dismiss, set aside, shield, annul, or destroy a criminal record
- Record clearance policies may relieve a person from disclosing the existence of a criminal record when seeking employment.

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Iowa

Snapshot of Employment-Related Collateral Consequences

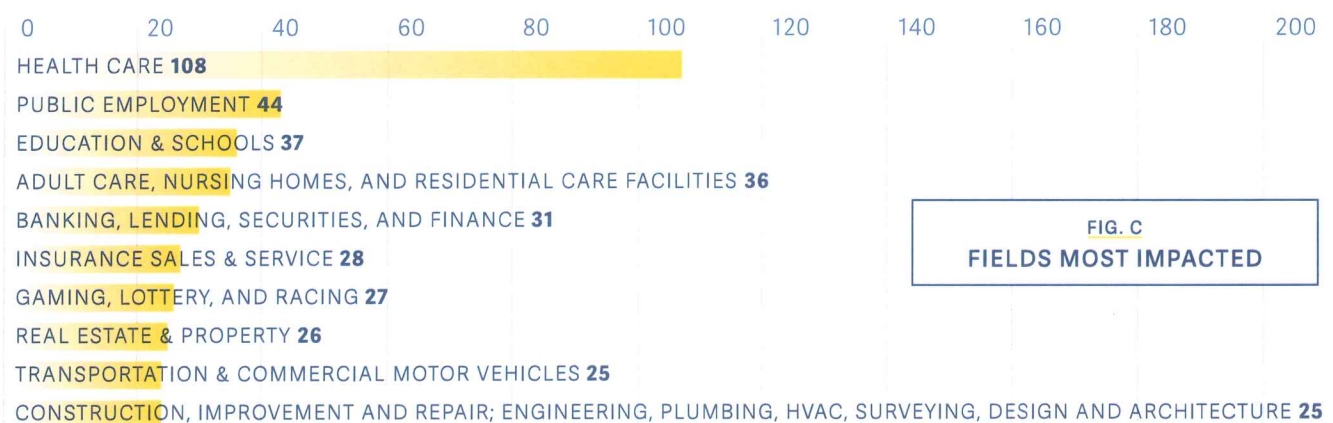
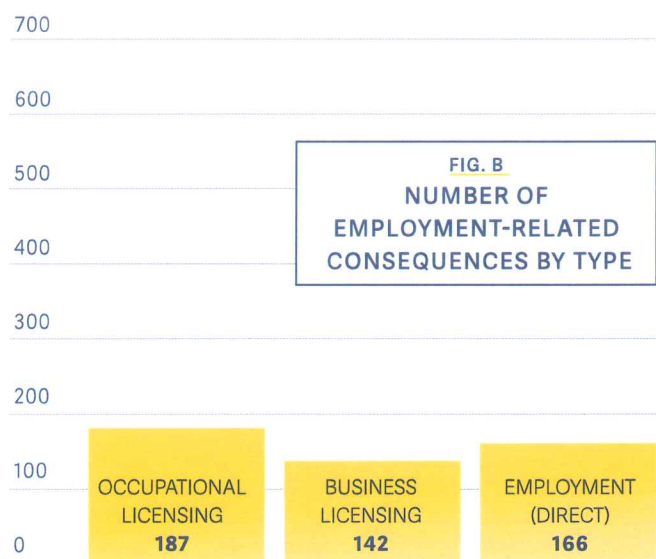
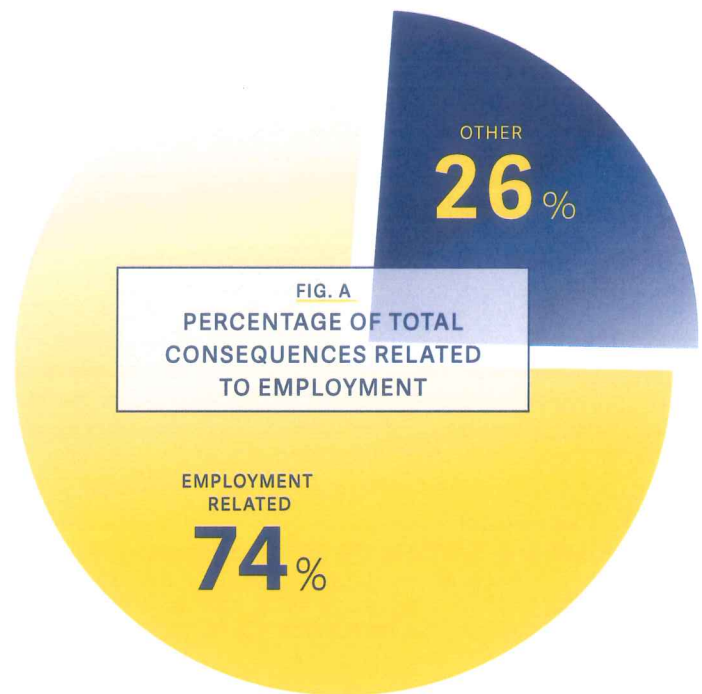
The National Inventory of Collateral Consequences of Conviction (NICCC) is an online database that catalogs the state and federal statutes and regulations that limit or prohibit people convicted of crimes from accessing various rights, benefits, and opportunities.* As of 2019, the NICCC identifies 589 provisions of Iowa law that impose these “collateral consequences,” a large majority of which act as barriers to employment for people with criminal convictions (see FIG. A). This fact sheet provides an overview of employment-related collateral consequences in Iowa.

TYPES OF EMPLOYMENT-RELATED CONSEQUENCES

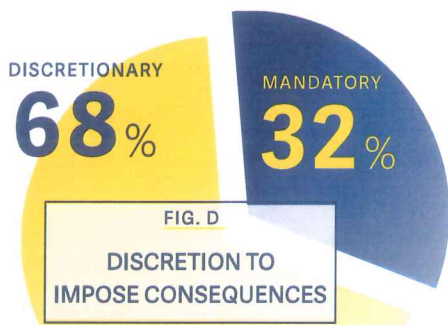
Collateral consequences impact employment opportunities either by restricting access to occupational licenses needed to work in certain fields, restricting access to business licenses needed to pursue self-employment, or directly limiting the ability of employers to hire or retain workers with certain conviction histories. FIG. B shows the number of Iowa consequences that impact each of these three employment-related opportunities.

IMPACTED FIELDS

Collateral consequences affect a range of employment fields. FIG. C identifies the top 10 fields impacted by employment-related consequences in Iowa. The percentages indicate the portion of the state’s total employment-related consequences that impact each field.



*Explore the NICCC at niccc.csgjusticecenter.org



DISCRETION IN APPLICATION

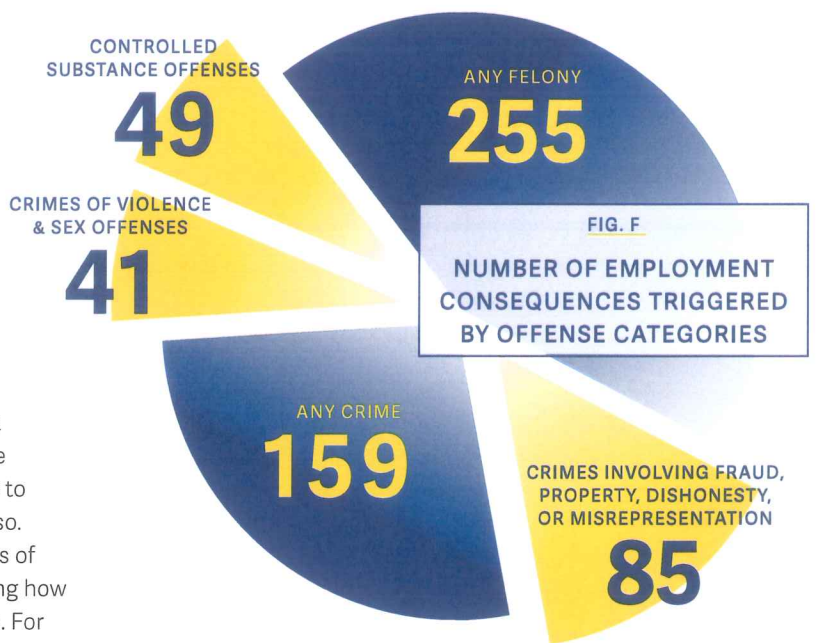
State law determines whether a consequence must be imposed or may be imposed. Mandatory consequences generally prohibit, without exception, the employment, retention, or licensing of a person with a conviction for a specified offense. Discretionary consequences authorize employers, licensing entities, and other decision makers to impose a consequence, but do not require that they do so. Note that some laws require criminal background checks of applicants for employment or licensure without indicating how the decision maker should act in response to the results. For the purposes of FIG. D, these “background check-only” provisions are considered discretionary consequences. FIG. D indicates the percentage of Iowa’s employment-related consequences that are either mandatory or discretionary.



DURATION OF EFFECT

Employment-related consequences may remain in effect for a time-limited duration (usually a specific length of time, beginning on the date of conviction or completion of sentence) or may be indefinite in duration (i.e., no specific time included in the law). FIG. E indicates the percentage of Iowa’s employment-related consequences that are either time-limited or indefinite.

For the purposes of FIG. E, consequences that end once a person satisfies some legal condition, such as completing a drug treatment program or driver training course, are treated as time-limited. Note that a consequence described as indefinite may not be permanent if state or federal law allows the consequence to be removed through a legal process such as criminal record clearance or executive pardon (see General Relief from Collateral Consequences for more).



TRIGGERING OFFENSES

Collateral consequences can be triggered by convictions for a wide range of criminal offenses. Some consequences are triggered by specific offenses, while others are triggered by broader categories of offenses such as “any felony” or “violent crimes.” FIG. F highlights some of the triggering offense categories used by the NICCC and the number of Iowa’s employment-related consequences triggered by convictions within each category. Note that a consequence assigned to a triggering offense category like “controlled substances offenses” may be triggered only by one specific type of controlled substance offense in the jurisdiction, not all controlled substance offenses.

GENERAL RELIEF FROM COLLATERAL CONSEQUENCES

Iowa law provides the following broadly effective mechanisms that may reduce the legal effects of employment-related collateral consequences:

- **CERTIFICATE OF EMPLOYABILITY:** A Certificate of Employability granted by the Board of Parole prevents most licensing entities from disqualifying an applicant for a conviction that is not “directly related” to the licensed activity and does not indicate an unreasonable risk to public safety or welfare.

For information on record clearance in Iowa, see the Clean Slate Clearinghouse website at CLEANSLATECLEARINGHOUSE.ORG.

The National Inventory of Collateral Consequences of Conviction is a part of the National Reentry Resource Center, a project funded by the U.S. Department of Justice, Bureau of Justice Assistance. The information available on the NICCC does not constitute legal advice and does not include judicial interpretations of statutory and regulatory language.