

WORKFORCE STRATEGY CONSULTANTS

WORKFORCE WEDNESDAY

Providing Workforce Solutions for MN Employers



We Will Begin Shortly

Join the Workforce Strategy Consultant Team!



2023 Workforce Wednesday Schedule

- **January 4:** State of the Workforce – Where Can We Still Make an Impact in Our Current Labor Market?
- **February 1:** Biases, Microaggressions, and Code Switching
- **March 1:** Preparing for The New Workforce
- **April 5:** Cultivating a Supportive Workplace Culture for Youth
- **May 3:** Building a Culture of Worksite Wellness
- **June 7:** A Culture of Leadership as a Tool for Retention
- **July 5:** Growing and Expanding Your Business
- **August 2:** Caregiving and the Workplace – What Caregiver Types Does Your Business Recognize?
- **September 6:** Leveraging Second Chancers for a Better Workforce
- **October 4:** Automation and Upskilling Workers
- **November 1:** Navigating the International Hiring Process
- **December 6:** Still Utilizing Passive Recruiting Strategies? Why Active Recruiting is Now Essential

Register at: <https://www.careerforcemn.com/WorkforceWednesday>

Workforce Strategy Consultants

Assist employers in increasing the number of applicants and new hires

Offer employer tools to assist them in reviewing and enhancing their current training programs

Enhance Diversity, Equity and Inclusion (DEI) within their workplace

Develop programs that help employers be recognized as an employer of choice in their industry



Jessica Miller

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Director, Workforce Strategy

mn EMPLOYMENT AND
ECONOMIC DEVELOPMENT

Leading
CareerForce

<https://mn.gov/deed/business/help/workforce-assistance/wf-strategy.jsp>

CareerForceMN.com

MINNESOTA WORKFORCE STRATEGY CONSULTANTS

MISSION

Develop innovative workforce solutions by aligning resources, facilitating collaboration, and leveraging expertise in targeted industry sectors to drive economic equity and growth.

THE VALUE WE BRING

- > Provide tools and resources to support businesses in developing strategic workforce strategies
- > Connect stakeholders to economic development and workforce development resources
- > Focus on workforce diversity, equity, and inclusion initiatives
- > Enhance Minnesota's economic prosperity through workforce and economic development partnerships
- > Work in partnership with our stakeholders to provide workforce training development solutions to meet your talent needs



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Leveraging Second Chancers for a Better Workforce

September 6, 2023

Agenda

- Panelist Introductions
 - Dick Owen – FairChanceEmployer.com
 - Jeanette Reuter – Martin-Brower
 - Rachael Okerlund - DEED
 - Mark Schultz - DEED
- Roundtable Discussion
- Wrap-up
- Unplugged

Panelists



Dick Owen
FairChanceEmployer.com

Panelists



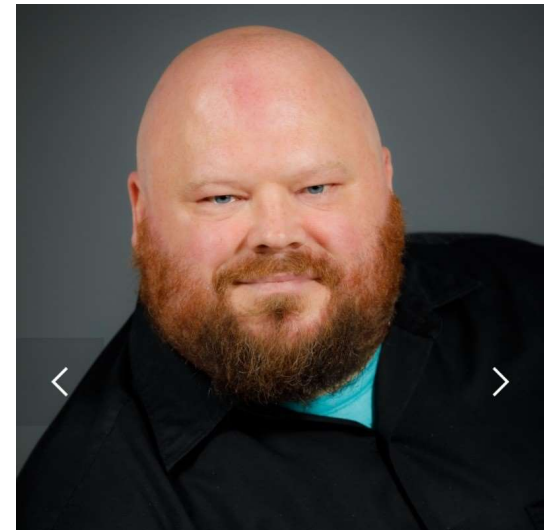
Jeanette Reuter
Martin-Brower

Panelists



Rachael Okerlund
DEED

Mark Schultz
DEED



Panel Discussion

9/6/2023

 **EMPLOYMENT AND
ECONOMIC DEVELOPMENT**

Leading
CareerForce[®]

WORKFORCE STRATEGY CONSULTANTS

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Next Session:

Automation and Upskilling Workers

Wednesday, October 4th

11:00 a.m. – Noon

(Noon-12:30 p.m. Unplugged Audience Q&A)

Thank You!

[DEED Workforce Strategy Consultants](#)

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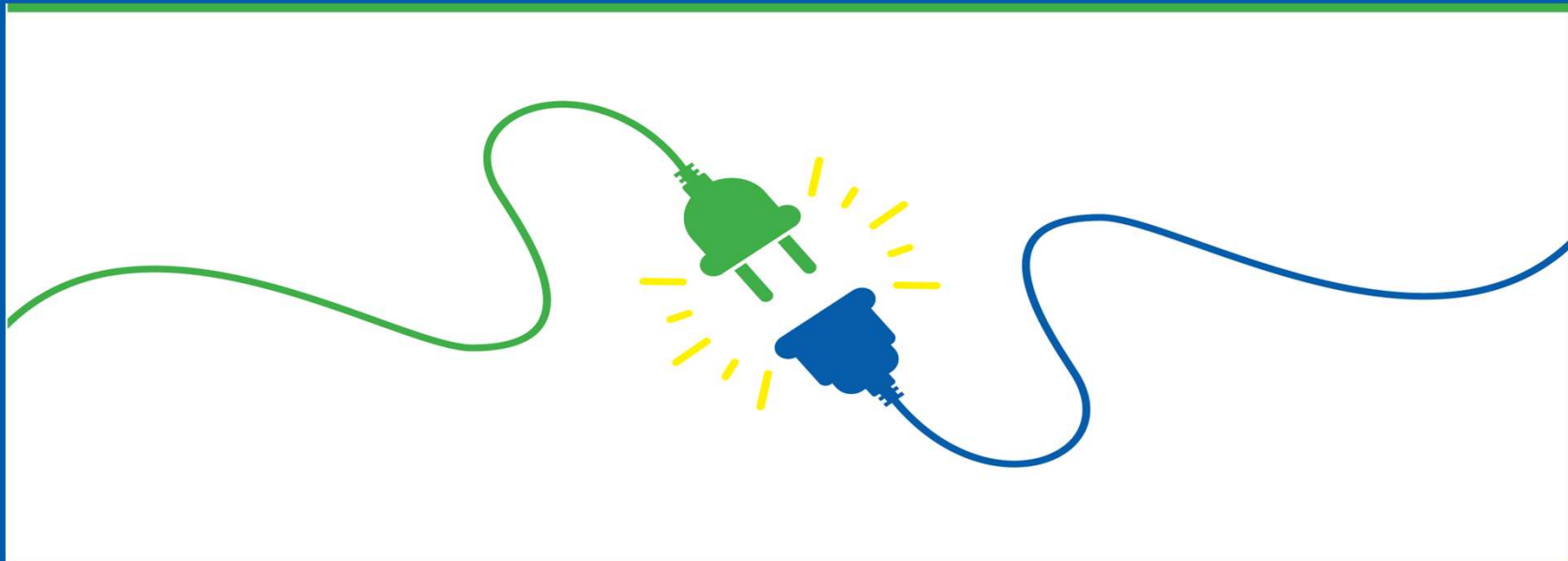
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WORKFORCE STRATEGY CONSULTANTS

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UNPLUGGED – Q AND A



Governing Bodies for Justice Involved Hiring



FEDERAL TRADE COMMISSION
PROTECTING AMERICA'S CONSUMERS



**U.S. Equal Employment
Opportunity Commission**

- MN Ban-the-Box Statute
- Background Checks (FCRA)
- Hiring Process & has Published Guidelines for candidates with a Criminal History

BAN-THE-BOX FOR PRIVATE EMPLOYERS

Private employers are prohibited under ban-the-box from obtaining or requiring applicants to disclose a criminal record or criminal history before the interview or conditional offer stage of the hiring process, unless they are permitted to ask for such information under federal or state law.¹ The law is commonly known as ban-the-box in reference to the elimination of a check box question on a paper application from asking applicants if they have committed a crime. However, the language of the statute is far broader and eliminates any means by which an employer seeks to obtain criminal background information. Employers who violate the law may be subject to a fine.

Some of the most common questions identified by MDHR as violations of the law –

- Have you ever been arrested or convicted?
- Have you ever been convicted of a felony?
- Have you been convicted or plead guilty to a crime?
- Have you had any driving violations besides parking tickets?

The law does not require private employers to hire, give preference or interview an individual with a criminal record. Employers may still conduct a criminal background check before hiring a job applicant provided that it occurs after the job applicant has been interviewed or had a conditional job offer extended.

Compliance with Minnesota's ban-the-box law does not equate with compliance with federal or state anti-discrimination laws in the application of their criminal background check policy. Also, an employer that is exempt under Minn. Stat. §364.021 is still subject to the jurisdiction of the Equal Employment Opportunity Commission (EEOC) and the Minnesota Department of Human Rights when the employer uses information obtained pursuant to its criminal background check policy.

¹ Minn. Stat. §364.021.



The EEOC April 25, 2012, guidance provides that a local unit of government, even when required by statute, may be liable for discrimination under Title VII if the criminal background information is not job related and consistent with business necessity.



Office of the Revisor of Statutes

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[2022 Minnesota Statutes](#) > [CRIMINALS: REHABILITATION](#) > [Chapter 364](#) > Section 364.021

◀ [364.02](#)

2022 Minnesota Statutes

364.021 PUBLIC AND PRIVATE EMPLOYMENT; CONSIDERATION OF CRIMINAL RECORDS.

(a) A public or private employer may not inquire into or consider or require disclosure of the criminal record or criminal history of an applicant for employment until the applicant has been selected for an interview by the employer or, if there is not an interview, **before a conditional offer of employment is made to the applicant.**

(b) This section does not apply to the Department of Corrections or to employers who have a statutory duty to conduct a criminal history background check or otherwise take into consideration a potential employee's criminal history during the hiring process.

(c) This section does not prohibit an employer from notifying applicants that law or the employer's policy will disqualify an individual with a particular criminal history background from employment in particular positions.

History: [2009 c 59 art 5 s 11](#); [2013 c 61 s 3](#)



Criminal Records

While in the process of filling a vacant position, you discover that an applicant has a criminal record. How do you consider an individual's criminal record when making hiring or other employment decisions?

This is a complex issue. The following advice is based on the federal employment discrimination laws enforced by the EEOC. However, as indicated below, other laws may impose additional restrictions on your business.

1. **Treat applicants with similar criminal records consistently.** For example, do not refuse to consider Hispanic applicants who have criminal records if you consider applicants of other national origins who have the same or similar criminal records.
2. **Avoid using an employment policy or practice that excludes people with certain criminal records** if the policy or practice significantly disadvantages individuals of a particular race or national origin, and does not accurately predict who will be a responsible, reliable or safe employee.

3. **If you ask applicants for criminal history information, consider waiting until later in the hiring process to do so.** That way, you'll have the opportunity to consider applicants' qualifications for the job before you assess the relevance, if any, of applicants' criminal history.
 - a. However, in some circumstances, you may need to request criminal history information early in the hiring process to comply with certain laws or regulations.

4. **Determine how the applicant's criminal history relates to the risks and responsibilities of the job.** Among other things, consider the nature or gravity of the crime; the time that has passed since the criminal conduct occurred; and the nature of the job.

5. **Treat arrest records differently than conviction records.** The fact that someone has been arrested is not proof that he committed a crime. Arrest records may be inaccurate (for example, they may mistakenly identify who was arrested) or incomplete (for example, they may not indicate whether charges were filed or dismissed). However, an arrest may trigger an inquiry into whether the conduct underlying the arrest justifies a negative employment decision.

6. **Consider reviewing the accuracy and relevance of a conviction record before basing an employment decision on that record.** Conviction records are usually proof that a person participated in criminal activity. However, in certain circumstances, you may decide not to rely on a conviction record when making an employment decision. For example, you may conclude that the record is inaccurate or outdated.

7. **Give applicants an opportunity to explain their criminal history.** Inform applicants if they may be excluded from consideration because of prior criminal conduct. Provide them with an opportunity to respond, and consider reevaluating them based on their explanation.

Other laws may impose additional restrictions on your business. For example, the Fair Credit Reporting Act (FCRA) requires you to take certain steps before you can get an employee background check, and before and after you make an employment decision based on that background check.

In addition, some federal, state and/or local laws restrict or prohibit the employment of individuals with certain criminal records.

These rules can be complicated. You may want to consult a lawyer or contact the EEOC for assistance.



Felony

Gross Misdemeanor

Misdemeanor

Petty Misdemeanor

PROWD States

Seven PROWD states serving justice involved individuals in BOP facilities:

1. Minnesota
2. California
3. Arizona
4. North Carolina
5. Michigan
6. Illinois
7. Pennsylvania



Services Provided

STAGE ONE: Before Release

- Pre-release classes
- Resume preparation
- Job readiness
- Career planning
- Financial literacy
- CareerOne Stop
- MN State Business & Entrepreneurship

STAGE TWO: At the RRC

- Vocational training
- Job placement assistance
- Skill-building services
- Employer connections
- Union Construction Training Programs
- Career planning
- Coursera and vouchers

STAGE THREE: In Community

- Career coach
- Housing assistance
- Support services
- Amicus reentry mentoring (stage two and three)

Services Provided

PROWD services will offer a comprehensive range of services to facilitate successful reentry and workforce development.

Stage 1: Services provided in facilities

- Job readiness training and mock interviews to prepare for the workforce.
- Education and certification programs to improve job prospects.
- Case management, coaching, and staff mentoring for personal and professional development.

Stage 2: Services provided in Residential Reentry Centers (RRCs)

- Vocational training programs to enhance employability skills.
- Case management to develop individualized reentry plans.
- Job placement assistance and employment support.
- Continued coaching and support services.
- Access to community resources and support networks

DEED recognizes the importance of collaboration and has partnered with various organizations to deliver effective services.

Stage 1 Partnerships include:

- **Minnesota State (colleges and university system)**
 - Business/Entrepreneurship Certificate Program (16 Credits)
- **CareerOne Stop**
- CareerOneStop ReEntry tools, “The Job Search Guide for People with a Criminal Record/ Expressive Writing

Stage 2 and 3 Partnerships include:

- **Coursera.org**
 - Digital Reskilling platform: Google “professional certificate” programs
- **Union Construction Training programs**
 - Highway Heavy Training, Bricklayer/Tile Finishing, Laborer
- **Amicus Reentry Mentoring**
 - Group and individual mentoring sessions/Cognitive interventions

Partnerships

PROWD Multi-Agency Working Group

The purpose of the multi-agency working group is to improve understanding and response to the needs of individuals participating in Minnesota's PROWD Grant program. The group aims to identify gaps, remove barriers, and provide streamlined services and referrals to enhance opportunities for these individuals

MN Department of Employment and Economic Development (DEED)

Minnesota Department of Labor and Industry (DLI)

Community Based Organizations (CBO)

Second Chance Coalition

DOJ-Federal Bureau of Prisons (BOP)

CareerOneStop (COS)

Minnesota State Colleges & Universities

Volunteers of America (VOA): Residential Reentry Centers (RRC)

Minnesota Department of Corrections (DOC)

Minnesota State Building and Construction Trades Council

Federal Parole or Probation

Local Workforce Boards

BOP facilities

DOL/DOJ & BOP teams

Team Members

- 1. Rachael Okerlund: Lead-Employer Engagement Specialist (Statewide)**
- 2. Mark Schultz: Lead-Training and Development (Statewide)**
- 3. Paramasivan Murugesan: Research Analysis Specialist (Statewide)**
- 4. Kasey Cropper: Workforce Development Specialist (FCI Sandstone)**
- 5. Kristine Meech: Workforce Development Specialist (Metro Area RRC)**
- 6. Cody Wilking: Workforce Development Specialist (FCI Waseca)**
- 7. Isaiah Nordeng: Workforce Development Specialist (Metro Area RRC)**
- 8. Cheryl Turitto: Workforce Development Specialist (FPC Duluth) *start date 8/3/23**
- 9. Julie Toskey: CareerForce/PROWD Grant Analyst (Statewide)**

Bonding by the Numbers

Only 1% of employers who have used to the Federal Bonding Program have had to make a claim.

- 95% of businesses are affected by employee theft
- On average, 5% of an organization's revenue is lost due to employee theft.

Life after Incarceration

In the first full calendar year after their release...

- only 55 percent reported *any* earnings
 - Median Earnings: \$10,090
 - 4 percent earned less than \$500
 - 32 percent earned between \$500 and \$15,000
 - Only 20 percent earned more than \$15,000.

The Fair Chance Population

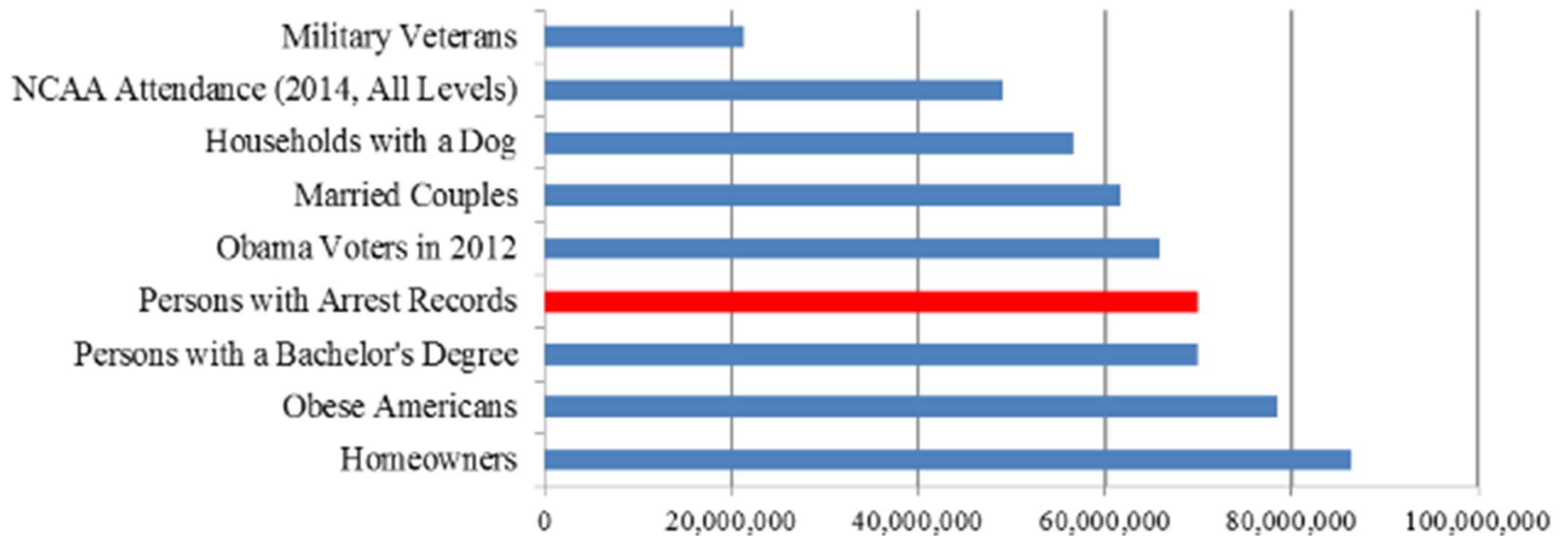
- Nearly half of black males and almost 40 percent of white males are arrested by the age 23.
- If all arrested Americans were a nation, they would be larger than Canada, larger than France and more than three times the size of Australia.
- Holding hands, Americans with arrest records could circle the earth three times.


Panelists



Scott College
F5 Project

Large Groups of People in America





4. **Determine how the applicant's criminal history relates to the risks and responsibilities of the job.** Among other things, consider the nature or gravity of the crime; the time that has passed since the criminal conduct occurred; and the nature of the job.

7. **Give applicants an opportunity to explain their criminal history.** Inform applicants if they may be excluded from consideration because of prior criminal conduct. Provide them with an opportunity to respond, and consider reevaluating them based on their explanation.

