

Letter C: Co-Workers With Criminal Records? Your Workforce May Be More Open-Minded Than You Think

May 24, 2018 | [Letter Of The Law, Currents - Employment Law](#)



**Jackie S.
Gessner**
Associate

Letter C is coming at you with a double-punch: Are employees comfortable with their Co-workers having Criminal records? At least one survey indicates that the answer is yes. A [recent survey](#) commissioned in part by the Society for Human Resource Management finds that a majority of workers say they are willing to work with individuals with criminal records. The survey aptly notes that, as unemployment continues to decrease, individuals with criminal records might serve as a previously overlooked labor pool. The survey also found that managers are similarly willing to work with those who have criminal records, with just over half of managers reporting they are so willing. These findings are certainly interesting given the EEOC's crackdown on employer's use of criminal background information in the hiring process. As a quick refresher, the EEOC prohibits the use of blanket rules that automatically disqualify applicants for certain criminal records. Employers are advised to take a case-by-case approach and to consider the length of time that has passed since the conviction, the relatedness of the conviction to the job position, and the nature and gravity of the criminal conduct. In following the above process, employers may be able to identify qualified candidates well-suited for the position despite a prior criminal conviction. And, at least as one survey shows, the existing workforce might be on board with those new hires. On to Letter D...

RELATED PRACTICE AREAS

Discipline and Termination
Labor and Employment
Wage and Hour
Workplace Culture 2.0

RELATED TOPICS

Discrimination
Employers