

**TIPS FOR INDIVIDUALS WITH CRIMINAL HISTORIES**

**The Application Process**

Question/Topic	Don't	Do
Have you ever been convicted of a felony?	DON'T simply say yes. DON'T lie and say that you haven't ever been convicted of a felony. DON'T leave it blank. DON'T write a lengthy explanation of past convictions on the application.	DO write, "Yes, will discuss in interview" or something similar. DO remember that honesty is very important. DO create a letter of explanation that could be attached to an application (see example included later in this packet).
What was your wage/salary at your job?	DON'T say the actual amount paid (\$20/hr).	DO write "minimum wage". After all, a dollar a day was the minimum wage!
What was your reason for leaving?	DON'T use negative words like "went to jail" or "paroled."	DO use terms like "relocated" or "contract ended." Both of these are true.
What experience do you have?	DON'T lie about your experience or qualifications. Even if it helps you get the job initially, you can be fired if and when the truth becomes known (and it usually does).	DO be honest. DO "sell yourself." If you have the experience, let the employer know why you should be hired!
Grooming	DON'T take this for granted!	DO look your best, even when going to fill out an application – this will be the employer's first impression of you. You might also be interviewed on the spot – you never know!!
Follow-up	DON'T forget that you filled out an application. DON'T simply wait for an employer to call you back.	DO call back within 5-7 days to check on the status of your application. This shows you are really interested in the job. DO keep a list of the places where you filled out an application. This will make it easier to do callbacks.
Volunteering Information	DON'T volunteer information that might be considered "negative" by employers (for example your criminal record, substance abuse history, job terminations).	If you have to explain, DO write "will discuss in interview." DO know your rights and which questions are considered illegal (see examples included later in this packet).
Overall . . .	DON'T give up!!!!	Do remember that you will probably hear many "no's" before you get a job, but if you are willing to work at getting a job you will be successful!!!

Social Security Number	DON'T carry your Social Security card with you in your wallet/purse.	DO memorize your Social Security number. DO keep it in a safe place where you will always know where it is at. When you are hired you will have to present it to the employer – you cannot legally work without it! DO call Social Security if you need a replacement card. (1-800-722-1213).
Address and phone numbers	DON'T provide an employer with a temporary address or phone number.	DO provide the employer with a permanent address where you can always count on receiving your mail/phone messages. DO make sure that you provide a phone number with an answering machine and/or a person who will be available to answer in a courteous and professional manner (and be sure this person will be reliable and get you your messages).
Blanks on a job application	DON'T leave any questions blank.	DO use the letters N/A (not applicable) OR write something like "I will be happy to explain in person" or "See letter of explanation"

#### HOW CAN I GET A COPY OF MY CRIMINAL RECORDS?

- An individual may obtain a copy of their state "rap sheet" and learn about the process of sealing, expunging or cleaning it up by submitting a Criminal Record Request form and paying a \$13 request fee to the Iowa Department of Public Safety:  
[www.state.ia.us/government/dps/dci.records.html](http://www.state.ia.us/government/dps/dci.records.html)
- An individual's criminal records can be retrieved on the internet through an Iowa Courts Online Search: [www.iowacourts.state.ia.us](http://www.iowacourts.state.ia.us)
  - Be sure you know how to read these records correctly if you elect to utilize this search!!

### The Interview Process

#### Purpose of a job interview:

To answer 3 questions:

1. Are you qualified?  
*The employer assumes the applicant is qualified based on the resume or job application, however they will still ask questions to gain a better understanding of the applicant's skill level and abilities to perform the work required.*
2. Are you motivated?  
*The employer expects the applicant to be motivated. They are looking for clues that the applicant will actually do the required work without constant supervision.*
3. Are you suited to the team?  
*The applicant needs to be able to get along well with others on the team and add, not take away from, the productivity of the group. Employers are looking for people who can come into a work environment and get along with other employees. Not matter how skilled or motivated an employee might be, if he/she cannot get along with other workers he/she will drag the whole group down.*

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*\*\*\*this last point is a very important one. Remember that being able to discuss and show how you are a good team player who will be a dependable employee is critical!!*

*\*\*Having a pleasant attitude and demeanor will increase the likelihood of being hired.*

DON'T	DO
DON'T be unprepared for questions about your criminal history. DON'T see yourself as an ex-convict unworthy of employment.	DO be prepared. DO decide whether you will tell an employer directly and explain what you have learned from the situation or if you will avoid giving any information unless you are specifically asked. Our suggestion is that "honesty is the best policy." How you communicate the information makes a difference.
	DO see yourself as worthwhile and a valuable asset who has the skills and abilities an employer needs. DO have a positive self-image and confidence in your skills and abilities to "sell yourself" to an employer
DON'T be lengthy in explaining things.	DO keep it short and discuss only necessary items. DO have an "incarceration speech" prepared for your interview – be sure to practice it!! (see example included later in this packet)
When asked about your criminal conviction, DON'T say things like "The cops set me up" or "I didn't do anything wrong; it was my brother, Bob, who should have went to prison." DON'T lie about your criminal background. Employers now have a way to review your criminal background on the Internet! If you are fired, it's not because you are a felon, but because you lied on your application!! DON'T use "jailhouse jargon" (i.e. "pen, slammer, joint, prison, etc.)	DO be honest. DO explain what you learned from your prison experience or how you want to better yourself after being in prison. DO take responsibly for the actions that led you to prison. DO stress that although you were incarcerated, you haven't been lazy; explain things you did to stay busy or improve yourself (worked, read, etc.) DO use the word "incarceration" only once – it is has been researched to be the least harsh word when describing such a situation.
DON'T stress out!!!	DO relax and be comfortable in explaining your criminal conviction. DO practice ahead of time. DO maintain eye contact; this shows that you have nothing to hide. DO believe in yourself – it will show. DO add something positive about your skills and abilities or positive information about the company.
DON'T be blind to programs that can help you get a job.	DO remember the Federal Bonding Program. This program allows employers to hire ex-offenders and bond them if their own insurance won't. In other words, this program acts like an insurance coverage on you to protect the employer. Mention this program to the potential employer. DO remember the federal Work Opportunity Tax Credit (WOTC). This is available as an incentive for employers to hire people with criminal histories and others who may have difficulty getting work. Inform the potential employer about this. DO make sure you are familiar with and understand these programs before discussing them with an employer.

**How would you answer the question, "Have you ever been convicted of a crime?"**

**EXAMPLE ANSWER:**

Interviewer: "I see from your application that you have been convicted of a crime. Will you explain this to me? Tell me about it."

Applicant: "I'm glad you asked me because I want you to feel comfortable hiring me. It is embarrassing for me to talk about. I want to assure you that it had nothing to do with my previous employers. I took some things that didn't belong to me and as a result, I've taken the time to decide what field I would like to get into. I have enrolled in several clerical courses and can type 50 wpm. I am familiar with several software programs for word processing, and have excellent phone skills. I am very interested in learning all I can about this industry, and I know I would be an asset to your organization."

-OR-

"When I was younger I got mixed up with the wrong crowds and got I trouble for breaking into cars. We all do things when we are young that we regret. I used the time to my advantage by completing an air conditioning and heating training program and received my certificate. I've researched several air conditioning companies in the area and yours is well respected, I would really like to be a part of your team."

-OR-

"In my past, I was involved with drugs, but that is all behind me, and I've taken control of my life. I have two years of experience in food service and want to stay in this industry and learn as much as possible. As a result of my past, when you hire me, your company is eligible for the Work Opportunity Tax Credit, which can save you up to \$2,400. Are you familiar with this program?"

**REMEMBER that communication is not just about the words you use!!!!**

**Your total message is:**

**7% actual words**

**38% tone, pitch, volume, and rate**

**55% body posture, clothing, facial expressions, and gestures**

**REMEMBER:**

- Be polite. Whether you get the results you want or not, thank the person for taking the time to speak with you.
  - Be prepared to answer questions about your background and/or experience.
    - Have a pen and paper handy to take down information or directions.
      - Be prepared to set up an interview.

**EXAMPLES OF ILLEGAL INTERVIEW QUESTIONS**

These are questions that should NOT be asked in an interview by an employer:

- Are you married?
- How old are you?
- Do you have children?
- What is your sexual preference?
- Do you go to church?
- Do you have a disability? If so, what is it?
- How much do you weigh?
- How tall are you?
- Is your childcare taken care of and who is your provider?
- Do you own your home or rent?
- Do you plan on having children/more children?
- Would you like to go out with me?

- Tell us something about any personal, family, or health issues that will prevent you from doing your job.
- What does your spouse do?
- What political party do you belong to?
- How much money did you make last year?
- Have you been arrested and if so, what was the charge?
- What is your opinion on (politics, social groups, religion, etc.)?
- Do you drink, take drugs, both?

**IF YOU ARE ASKED AN ILLEGAL QUESTION, YOUR OPTIONS INCLUDE:**

- Answer the question.
- Gently refuse to answer the question.
- Change the subject.
- Make a “joke” about the question (BE CAREFUL – THIS CAN BE DIFFICULT!!)
- Return the question to the interviewer with another question: “Why do you ask?” “How does this apply to the job?” “If I don’t answer, will I automatically not get the job?” “Are you aware that you have just asked me an illegal question?”

**PREPARING FOR AN INTERVIEW: DIFFICULT QUESTIONS EMPLOYERS MIGHT ASK YOU ABOUT YOUR CRIMINAL BACKGROUND**

During an interview, an employer is trying to get as much information about you as possible in a very short amount of time. Below is a list of difficult questions that you may want to practice answering.

- I’ve noticed gaps in your work history; can you explain those gaps?
- Have you ever been convicted of a crime?
- What were your convictions?
- What have you learned from this?
- How can you assure our company that you won’t re-offend or commit the same crime?

**EXAMPLES OF OTHER DIFFICULT INTERVIEW QUESTIONS**

- Tell us about yourself.
- Why do you want to work here?
- Why did you leave your last job?
- Name three strengths and weaknesses.
- How do you respond to having to work under pressure?
- How many days of work did you miss last year?
- I see on your application that you have had many jobs in the past year; is there a reason for this?
- Would you have any objections if we contacted any of your former employers?
- Where do you see yourself five years from now? What are your long-range career plans/goals?
- Why should I hire you?
- What would you do if there were a conflict between you and a supervisor? What would you do if there were a conflict between you and another worker?
- Why do you want to work for our company?
- Do you have any questions? (it is ALWAYS good to have 3-5 questions in mind before the interview for the interviewer = shows your true interest in the job and the company)

**TIPS FOR ANSWERING DIFFICULT QUESTIONS:**

- Think before answering – *you may want to respond with “That’s a good question” and then pause for a moment before responding. This allows for more time to collect your thoughts before responding.*

- Ask the interviewer to restate the question – *by asking for the question to be restated, it can give you more time to think about the answer and to help you understand more about what the interviewer is asking.*
- Be brief and respond in a factual way – *This is perhaps one to the best ways to respond because it makes you sound sure and confident in your response.*
- Focus on what is really being asked – *be sure not to get off track*
- Never lie, exaggerate or overstate – *If you lie, exaggerate, or overstate in an interview or on an application or resume and the employer finds out, no matter how big or small, that can become grounds for immediate firing.*

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### SAMPLE LETTER OF EXPLANATION

Date

Name  
Business Name  
Address

Dear (Prospective Employer):

Please accept this letter of explanation regarding the lack of information on the Employment Application about my felony conviction(s) of \_\_\_\_\_ that occurred on \_\_\_\_\_. I certainly do not want to mislead you nor lie to you by not providing more detailed information on the application; however, due to the confidentiality of this information and the embarrassment I feel over my past mistake(s), I very much want the opportunity to explain this to you in person.

I'm sure you have reservations considering hiring a felon, and rightfully so. If the positions were reversed I would probably feel the same way. I can only hope to try to explain the specifics, my true regret for what I have done in the past, why that will never happen again in the future, and now that I have the opportunity to turn my life around, why I will be an outstanding employee.

To back that up, the U. S. Labor Department is willing at no cost to you, to post a \$5000 Fidelity bond for a period of 6 months with you on my behalf. Additionally, the IRS offers a one-time \$2400 tax credit to employers who hire felons. These employer benefits are available to you through Iowa Workforce Development at no fee with very little paperwork.

Whatever your decision, I thank you for your time and consideration.

Respectfully

***Joe Applicant***

Joe Applicant

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### SAMPLE INCARCERATION SPEECH

“Incarceration Speech” - -the brief and direct information an individual with a criminal history can relate to an interview about their reason for incarceration.

- doesn't have to be the first thing the individual tells an interviewer
- should be addressed early in the interview
- An example of a good time to disclose and present this “incarceration speech” would be if/when an interviewer asks a question such as: “Can you tell me about yourself?”; “Can you tell me about your time in jail/prison?”; or “Have you ever been incarcerated and if so, why?”
- may want to point out to the offender that showing sincerity by saying that they are sorry and they do regret what they have done - - they need to apologize; society and the employer wants to hear this
- Be sure to mention to the offender to only use the word “incarceration” once. “Incarceration” has been researched to be the least harsh word
- Remind them to avoid using profanity or “jailhouse jargon” (i.e., prison, joint, convict slammer, felon, etc.)
- use the letters RSLA:
  - o R= Right to know (the employer has the right to know)
  - o S= Sincerity (they made a mistake and they are sorry – they are prepared to do whatever it takes to prove themselves)
  - o L= Learned (they take full responsibility for their actions and they have learned from their experiences)
  - o A= Advantages (what is in it for the employer - - get a hard working and dedicated employee AND the company should be aware that they will be eligible for the Work Opportunities Tax Credit)

#### EXAMPLE:

“Before we get started (or continue) there is something you have the right to know. I have made mistakes and was incarcerated for (felony). At the time my judgment was clouded. I made a wrong choice and I did something stupid. I am sorry. I admit this was a serious error in my judgment. But during this time I re-evaluated my life and decided I wanted to make a positive change. I took advantage of this time to better myself by taking classes in . . .”

\*\*\*This is the point where they can mention a summary of his/her skills, strengths and abilities. They should also mention the advantages for the employer (WOTC, Bonding, etc.).

### Interview Questions Regarding Criminal History

If the employer asks a question regarding your criminal history, briefly explain what happened, but keep it positive and don't dwell on the past. Explain that you have learned from your mistakes and are currently interested in making a positive contribution to the employer's operation. An example follows:

“I don't want to lie to you. I do want an interview and the chance to explain myself. I have a felony conviction. I'm sorry for the grief I caused other people and I'm embarrassed about having committed a crime. Since I wasn't sure about the confidentiality of this information. I wanted to explain in more detail to you personally about the situation. I feel so bad about what I did that I didn't want anyone knowing about it, except those of you who need to know. What would you like to know about my situation?”

It is best if you bring up the topic yourself. The following guidelines will assist you in addressing your conviction.

- Show no intention of lying.
- Indicate wish for an interview.

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- Point out your need to explain the situation.
- State that you have a conviction (not the type of conviction).
- Indicate sorrow for your victim.
- Specify your own embarrassment.
- Give reason for incomplete information on the application.
- Restate your sorrow for committing the crime.
- Designate desire for confidentiality.
- Ask interviewer for next move.

Answering the question...What was your crime/conviction?":

- Indicate the last conviction.
- Show remorse and accept responsibility.
- Indicate sorrow for victim of crime.
- State what you lost from the crime.
- State you learned something.
- Indicate what you learned.
- Focus on most important thing learned.
- State you made best of situation.
- Relate jail experience to work.
- Indicate need to earn way back in
- Indicate willingness to talk about things.

If you tell the truth, the law and the State are essentially on your side. However, once you lie, you have effectively given up rights protecting you from discrimination or regarding you damages in the event of being discriminated against. Having given your employer a valid pretext for firing you (dishonesty, supplying false information, etc) you will no longer have the law in your favor.

Employers cannot discriminate against you for being arrested, but they do have the right to question your employability if you have been convicted of a crime. They can't ask... "Have you ever been arrested?" They can ask... "Have you ever been convicted of a "specific" crime?" The type of crime specified must be related to the job for which you are applying. For example, a brokerage firm, might ask if you have ever been convicted of a Securities and Exchange Commission ethical violation.

As an offender you need to be prepared for the questions that may arise in the interview process regarding your criminal history. One way to prepare is to have an "incarceration speech" ready to address these questions. An incarceration speech is an explanation of the time, crime and identifying a new direction in your life.

To develop an incarceration speech you will need to identify what you gained while in jail and what you lost in jail.

**What you gain while in jail:**

- Improved education which will help in your job.
- A healthy respect for authority and rules.
- A genuine respect for other people's rights.
- A better understanding of why you do things.
- Increased ability to get along in hostile situations.
- Much more patience in handling problems.
- Job related skills training.
- Counseling which helped you change your behaviors.
- A desire to do what's right so you don't return.

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- Improved self-discipline.
- Renewed respect for the value of hard work.

**What you lost in jail:**

- Access to and respect from your children.
- Trust from your family and friends.
- Your own personal dignity and self-respect.
- Freedom to control your own life.
- Personal property (car, home, etc).
- Time you could have been advancing your career.
- Money you could have made working.
- Opportunity to enter certain type of careers.
- Ability to travel anywhere you wanted (if paroled).
- Right to enter job market on your terms.
- Network of friends who could help you find work.

**Example Incarceration Speech**

I served 3 years in a State Correction Facility for burglary, theft and a walk-away escape. I'm currently on parole and there are some conditions attached to that situation.

I guess if there's anything good to be gained from that experience is that I learned a lot about myself. I learned to make better decisions, to make healthier choices. I hurt a lot of people when I went to prison, I paid a very high price. I lost my home and my job. Most of all, I lost contact with the most important thing in my life, my children and family.

I spend a lot of time thinking about the things I've done to hurt people. I'm ready to start paying that pack. I'm truly at a crossroads. I have a different sense of direction and a different sense of purpose in life.

**Four Step Strategy for Answering the Felony Question**

The following questions may be asked in a job interview:

- "I see you were convicted of a felon. What happened?"
- "Why should we hire you, an ex-felon?"
- "What makes me think you won't commit another felony?"
- You marked on your application that you committed a crime, did you go to prison?'

1. Own it.

2. How do I feel about what I did?

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3. What have I learned and what have I accomplished from this?

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## 4. What are my new goals?

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An example of each step:

1. Yes
2. *I am not proud of what I have done, in fact, I am ashamed to talk about it because I made a bad decision and hurt a lot of people. Since that decision, I have learned that there are no shortcuts in life, and I have earned my high school diploma" (Add any information that would be appropriate.)*
3. *Today, I am a better person because of this experience. I value my family and want to be with them and provide for them the right way this time.*
4. *My goals are to secure an honest job, save my money, send my kids to college and contribute to the community.*

Overcoming the employer's objections in the interview can be difficult. Practicing these statements and preparing to address the employer's concerns can help you address your past in the best possible method.

In addition to interview questions, that can be difficult, you may want to also present two other reasons why an employer would want to hire you. These programs are a financial benefit to the employer, and should be presented when the employer is at a point of interest and acceptance in you as a candidate.

Presenting these programs first, before you have a chance to explain yourself, will make the employer more suspicious of you as a potential hazard to their company. Sell yourself, then provide the added benefits to hiring you.

#### **Why should I hire you?**

- I am bondable up to \$5000 at no cost to an employer.  
The U.S. Department of Labor has a Fidelity Bonding Program available for returning ex-felons to aid us in finding meaningful, full-time employment and to protect employers against theft, fraud, forgery, larceny, or similar events. The Bond is good for six months and renewable at the employer's cost for another six months.
  - Business insurance policies that protect against theft, forgery, larceny, or embezzlement of money or property by an employee who is covered by the bond.
  - Department of Labor (DOL) will post a \$5000 bond at no cost to the employer for a 6 month period.
  - Contact: Iowa Workforce Development (515) 281-9097.
- A \$2400 Tax Credit could go right to your bottom line.  
The Internal Revenue Service can authorize up to a \$2400 Tax Credit for your business. This is an incentive to hire ex-felons and is known as the Work Opportunity Tax Credit (WOTC).
  - This can only be used for a new hire.
  - The employer cannot have used the tax credit for the same person in the past.
  - Employment must be full-time (over thirty hours per week).
  - You must be employed for six months.
  - A "letter of incarceration" is required and must be provided.
  - No fee to the employer.
  - Very little paperwork is required
  - Needs to be done within 21 days from the employee's start date.
  - Contact: Iowa Workforce Development (515) 281-9010.

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