

After a drug conviction, can you ever get hired?

By [Anne Fisher](#), contributor August 30, 2010: 9:37 AM ET

FORTUNE -- **Dear Annie:** I just read your column on job hunting with a flawed credit history ("Bad credit, no job?" July 2010). I have an even worse problem. About 14 years ago, when I was a junior in college, I made a totally idiotic error in judgment involving drugs. I was arrested and convicted and did some jail time. When I got out, I finished college -- I was a computer science major with a minor in engineering -- and an uncle of mine hired me as an IT guy in a company owned by my family.

Unfortunately, the business has been wrecked by the recession and I got laid off along with everybody else, so I've been job hunting for the past few months. You can probably guess what's next: I always check the "yes" box after the question on applications that asks, "Have you ever been convicted of a felony?" and that is the end of the line: no callbacks, no interviews, nothing. I have had no trouble with the law since that one stupid incident years ago. Is it going to follow me for the rest of my life? --*Haunted*

Dear Haunted: You're far from alone. Consider: [Sterling InfoSystems](#) conducts several million background checks on job applicants annually and has found that "the percentage of people with some kind of criminal record has been rising steadily for years now," says CEO Bill Greenblatt. "Currently, about 10% of all applicants we screen have been convicted of something."

That's partly because of the relatively recent nationwide crackdown on driving under the influence. "It isn't necessarily that more people are doing it," says Greenblatt. "But more people are getting caught."

His advice: Since your conviction was a one-time thing 14 years ago, and you've stayed out of trouble ever since, consult an attorney about getting your record expunged. "Often in this situation you can find a judge who agrees with you that this single dumb mistake in your past shouldn't follow you through the rest of your life," notes Greenblatt.

But let's suppose that doesn't work. Now what? As you may already know, federal civil rights law prohibits employers from having blanket policies against hiring ex-offenders.

"The EEOC's position is that, if you're going to refuse to hire someone because of his or her criminal record, you must have a legitimate business reason for it. There has to be a connection between the offense and the job," explains David Gevertz, head of the employment practice at law firm [Baker, Donelson, Bearman, Caldwell & Berkowitz](#) in Atlanta. State laws in this area require the same thing.

Of course, what the law says and what hiring managers actually do can be quite different. So a movement is afoot among some unions and civil rights organizations to remove the "Have you ever been convicted...?" question from the initial application for any job. "Ban the box"-ers wouldn't allow employers to ask about convictions "until the person has reached the interview stage and gets a chance to explain," Gevertz says.

In the meantime, when you check the box on applications, find room on the form to explain the basics -- that it was a youthful mistake with drugs 14 years ago and that you've stayed out of trouble since.

If you do get to the interview stage -- which isn't easy these days even for job seekers with no convictions -- "be completely upfront about what happened, and bring it up before the interviewer does," Greenblatt advises. "The last thing you want is to appear to be hiding anything."

This is particularly true in your case, he adds, because companies' worries about network and database security make it imperative that IT staffers have squeaky clean backgrounds.

"In some states, employers can and do refuse to hire ex-felons for IT positions," he says. "But different companies have different policies, so keep trying. You might also stay away from big banks, and big companies in general, which tend to have policies set in stone. Small companies with fewer hard and fast rules are a better bet."

For any job seeker hoping to overcome a criminal conviction, here are four useful resources:

- Your state's "one stop" career-services agency, job bank or career center. Every state has one; you can usually find it through the Web site of your state's Department of Labor.

"They all have people on staff who specialize in connecting ex-offenders with job opportunities," says Cheryl Naill, who does this job in York, Pa. "I constantly update my list of employers who are willing to take advantage of federal and state tax credits for hiring ex-felons."

Tax credits? Yes, up to \$4,800 for each hire -- because if ex-offenders can't find jobs, she says, "the financial burden on taxpayers is huge."

- [The National Reentry Resource Center](#), a nonprofit clearinghouse for information about government funds earmarked for companies and community groups that hire ex-offenders.
- [The National HIRE Network](#), a research and advocacy group that "can give you specific strategies for expunging your conviction, state by state -- using legal processes that are in place but not often used because people don't know about them," says David Gevertz.
- [The Self Reinvention Corporation](#), a nonprofit that has created business incubators for new enterprises that have hired thousands of ex-felons.

Good luck.