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Employer Perceptions When Applying Criminal History Information to the Hiring Process

Karen S. Levy McCanna
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Walden University

College of Social and Behavioral Sciences

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Karen S. Levy McCanna

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the review committee have been made.

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2019

Abstract

Employer Perceptions When Applying Criminal History Information to the Hiring
Process

by

Karen S. Levy McCanna

MS, Lewis University, 1999

BS, Lewis University, 1996

Dissertation Submitted in Partial Fulfillment

of the Requirements for the Degree of

Doctor of Philosophy

Public Policy Administration

Walden University

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Abstract

In recent years, the state of Illinois has joined the “ban the box” movement which typically prohibits employers from inquiring about a prospective employee’s criminal history until it has been determined whether the candidate meets the core qualifications for the position. Little, however, is known whether this legislative change has impacted how private employers use criminal history information and to what extent knowledge of criminal history impacts final hiring decisions. Using Kingdon’s policy streams concept as a guide, the purpose of this general qualitative study was to understand whether implementation of “ban the box” principles impacts final hiring decisions. Data were collected through interviews with 27 hiring authorities in the state of Illinois. These data were transcribed, inductively coded, and then subjected to a thematic analysis procedure. Findings revealed that when previously convicted applicants were hired for positions, the most common reasons were noted as the quality and presentation of the candidate during the interview, possession of relevant job-related skills, and the candidate appeared remorseful of past behavior. When candidates were rejected by employers, it was most commonly because of a perceived nexus between the convicting offense and essential job requirements. Implications for positive social change include recommendations policy makers to consider future policy development that focuses on balancing the positive consequences of successful offender reentry with concern for public safety. Doing so may encourage lower recidivism and prosocial behavior including improved employment sustainability for those convicted of crimes, thereby promoting overall public safety objectives.

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Dedication

In memory of my Dad, Albert L. Levy (1936-2015). You spent treasured time with me discussing everything from weather to the origins of God. Your insatiable appetite for learning guided me to the academic successes I have achieved. You are missed more than mere words can express. I take comfort in knowing you are smiling down on me.

In memory of my mother-in-law, Serena M (Etchison) McCanna (1929-2018). Your support of my academic and life endeavors as Mike and I grow older is forever appreciated. Your support has provided me with a foundation to continue reaching out for future goals.

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Chapter 1: Introduction to the Study

As early as the 16th century, employers have looked to police reports when considering the character of a potential employee (Thomas, 2002). Employers' personal perceptions of an applicant's information may influence the hiring decision-making process. The practice of checking an applicant's criminal history has increased with the ease of access provided through modern technology (Kurlychek, Brame, & Bushway, 2007). Criminal justice professionals perform their duties of reporting an individual's police record to a repository at three levels of government: municipal, state, and federal. The compilation of the information into a single source is the catalyst for criminal justice agencies and noncriminal-justice agencies to access the data portraying past criminal behaviors of an individual over time. The level of access to criminal information is dependent upon statutory permissions. Employers use the information to support decisions regarding the eligibility of hiring an applicant with a criminal history. However, the practice of using criminal history record information (CHRI) to evaluate character has no support in the research literature (Paul-Emile, 2014).

A central repository of information on criminal history records increases the efficiency of access to information by employers. Across the United States, the practice of collecting fingerprints and other personal information from individuals who have committed offenses generates criminal history data contained within the federal and state central repositories (Jacobs, 2015). Each central repository shares the arrest information with prosecuting attorneys' offices as well as a designated governmental central repository. The attorneys working in the prosecutor's office then determine whether to

bring the charges to trial, report the filing decision to the court, and share the decision with the designated governmental repository. A prosecuting attorney tries the court case, and the court clerk's staff reports the court outcomes to the correctional agency and the governmental repository. Finally, the staff responsible for correctional agency records reports the status of an inmate's sentence to the governmental repository. The information at the repository level comprises an individual's CHRI, commonly known as a *rap sheet* (20 ILCS 2630 et. seq).

Understanding how a centralized repository compiles CHRI for use provides insight into the information employers can access. Each state has a designated governmental entity responsible for administering the state's CHRI repository. The central repository shares the state's CHRI with the Federal Bureau of Investigation (FBI) repository, as well as with other eligible criminal justice and noncriminal-justice agencies. The responsible agency in Illinois is the state police's Bureau of Identification. The central criminal history repository in Illinois consists of arrest, state's attorney, court, and corrections activity. The primary statutory requirements are in the Illinois Criminal Identification Act (20 ILCS 2630 et seq.). The establishment of the Illinois state central repository occurred in 1931 as a result of the St. Valentine's Day Massacre investigation (Illinois State Police, n.d.). Chicago police used fingerprints to identify the victims involved in the event. The state adopted the compilation of fingerprint-based CHRI after seeing the Chicago Police Department use it to solve the high-profile event. Law enforcement and correctional officers generally collect fingerprints at the time of arrest and at the time of incarceration. These fingerprint based events begin the recording

segment of event activity. Illinois State Police staff use a document control number to tie subsequent non-fingerprint event data to the arrest or incarceration information to ensure the data are accurately appended. Illinois rap sheets can include identifiers such as reported names, dates of birth, social security numbers, driver's license numbers, scars, marks and tattoo descriptions, and photos.

Illinois has a patchwork of statutes that require some employers and licensing entities to conduct an inquiry of state and federal criminal history repositories when making hiring or licensing decisions. The statutes may identify specific offenses, the time since last offense, or conviction status as prohibitors to employment or licensure. For example, for a person to obtain a state license as a nurse, massage therapist (Illinois Nurse Practice Act, 2007), or private security provider (Private Detective, Private Alarm, Private Security, Fingerprint Vendor, and Locksmith Act of 2004, 2007) in Illinois, applicants must submit fingerprints and personal data for a comparison against both state and federal CHRI. The Illinois Department of Professional Regulation receives the CHRI for use in vetting license applicants. Such statutes reflect the public and political opinion that past criminal behavior translates into a need to protect law-abiding citizens and vulnerable subsets of the population from further victimization. A consequence of prohibiting ex-offenders from specific employment or professional licensure is the hampered ability to reintegrate successfully into their communities (Mingus & Burchfield, 2012). A balance is necessary with the needed reintegration opportunities for ex-offenders when legislating public safety.

Merton's labeling theory (as cited in O'Sullivan, 2016) indicates how the response of the community can influence an individual's self-image. Merton (2000) examined the interaction between personal, cultural, and institutional norms. The concept of being an outsider based on relationships to a group explains the personal identification over time with the label received by the group. Becker (1991) also applied the concept of self-prophecy based on community labels. Becker used an example of marijuana users and jazz musicians to explore and explain the evolution of an individual role based on the perspective of a specific group. For the purposes of this study, the outsider was the former criminal offender applicant, and the group member was the employer. If employers prohibit a former offender from needed employment as a result of statutory prohibitions, the message from the community is that person is not trustworthy based on past behaviors. Not all offenders released from the criminal justice system are rehabilitated. However, inhibiting a former offender's ability to reintegrate successfully does not support those who want to rehabilitate. To reintegrate into a community completely and successfully, an individual must have a source of income (Miller & Spillane, 2012). If a person has limited employment, then legitimate income becomes more difficult to obtain. Hence, if an ex-offender does not want to be a potential threat, but unemployment is frustrating successful reintegration, the ex-offender is more likely to engage in criminal behavior (Miller & Spillane, 2012). The scenario described is an example of labelling theory and reinforces the personal and cultural presumptions often applied to ex-offenders.

The topic of this study was an employer's perception and application of the applicant's known CHRI. In particular, I examined the effect of known CHRI on employers' hiring process. The findings of this study provide insight into employer use of information allowing ex-offenders, employers, and policy makers to approach social change with information validated through research protocols.

Chapter 1 contains background information associated with the study topic and the identified research problem. The research questions are presented and followed by an introduction of the nature of the qualitative approach to the study. This chapter also includes a description of the interview process, data sources, and research assumptions. The chapter addresses the significance of the study through the study scope and limitations identified.

Background of the Study

A review of published literature revealed information concerning employer use of CHRI in the United States and Europe. A comprehensive literature review is in Chapter 2. A survey of applicants for expungement revealed that nongovernmental information sources had made access to criminal history easily available (Lageson, 2016). The stigma experienced by the applicants when employers, coworkers, educators, and other community members learned of past criminal behavior produced negative outcomes. After people learned about applicants' past criminal behavior, the applicants avoided seeking high-level employment, attending school, or participating in community or family events (Lageson, 2016). Participants in Lageson's (2016) study expressed embarrassment when interacting with others who knew of their criminal history. Snider

and Reysen (2014) used vignettes reviewed by college students to measure the perspectives of ex-offenders with a positive label provided through completion of a global citizenship program. Snider and Reysen found that ex-offenders completing a citizenship program reduced the perception of differences between reviewers and applicants, which resulted in a higher likelihood of employment.

Atkin and Armstrong (2013) identified offense type and age as variables affecting employer hiring decisions and then compared them to employment hiring outcomes. They found a significant difference in respondents' age, prior experience hiring ex-offenders, and personal criminal history when asked how likely they would be to hire an ex-offender (Atkin & Armstrong, 2013). Offense type also played a role in respondent decision-making, as more than 70% were unwilling to hire an ex-offender with a violent offense in the criminal history record (Atkin & Armstrong, 2013). A significant difference in attitude by employers did not exist in areas containing high concentrations of parolees compared to areas containing low concentrations (Atkin & Armstrong, 2013).

Employers and ex-offenders who maintain a relationship are more likely to rehire the ex-offenders. Ex-offenders with higher education levels and specialized skill sets are more likely to find employment following incarceration (Ramakers, Van Wilsem, Nieuwbeerta, & Dirkzwager, 2016). Through the examination of others' studies, Solinas-Saunders and Stacer (2015) found that survey responses reflected what participants believed to be socially acceptable rather than a reflection of actual hiring perspectives. The socially acceptable perception resulting from the get-tough-on-crime period in recent U.S. history has created an increase in the portion of the population experiencing

additional barriers to employment not faced by those without a criminal history (Stevens & Morash, 2015). As a result of social activists' behaviors, many states and local community leaders and lawmakers have created a ban-the-box (Petersen, 2015; Weissert, 2016) movement that prohibits employers from asking about criminal history until potential employers have assessed job-related skills. One unintended consequence of ban-the-box policies is the inclination for employers without access to CHRI to avoid hiring individuals who fit a social profile of an ex-offender (Agan & Starr, 2016). Given the statistics provided in the statement of the problem section for Illinois ex-offenders, non-White males around 37 years of age may find they continue to experience employment discrimination when CHRI data are not available.

Swanson, Langfitt-Reese, and Bond (2012) used interview data collected from a sample of employers across nine states to identify factors affecting employers' perceptions and application of CHRI on their hiring decisions. More than half of respondents reported having hired an ex-offender with at least one felony conviction. The results of the study did not support the negative assumptions of program staff working with ex-offenders to obtain employment. The work presented in Swanson et al.'s study is foundational to the current research study. In the current study, I replicated the interview tool using a county-level sample in the state of Illinois. Addressing the gap in knowledge regarding employer perceptions when applying criminal history background information to the hiring process facilitated the need for accurate and educated application of criminal history data.

Federal legislators have recognized the importance of employment as an element of successful ex-offender reintegration through the passage of the Second Chance Act of 2007 (2008). This act details a grant program established to enhance ex-offenders' options for support while trying to reintegrate into their communities. Targeted to receive funding are programs available to individuals while incarcerated to address educational and vocational needs in support of community reintegration. In addition, legislators have slated postincarceration programs and services to receive funding. Supported areas of need include addiction treatment, job placement, and coordinated supervision to enhance reintegration success.

This study was necessary to increase the depth of the knowledge pool focused on employer perception and application of information. Specifically, when CHRI is used during the application and hiring process for the noncriminal-justice employment of ex-offenders.

Statement of the Problem

Criminal history record information supporting the label of ex-offender may act as the stimulus for employers to act on personal or socially based perceptions rather than to hire employees using informed decision-making skills. The rate of state incarceration in Illinois continues to grow, with the number of entries into prisons mirroring the number of exits from prisons each year. For example, 97% of incarcerated offenders return to Illinois communities (Illinois Sentencing Policy Advisory Council, 2015). According to the Illinois Department of Corrections (2017), the average daily population of incarcerated adults in the state is 44,817 men and women. Of that total, 3.2% went to a

state facility from Will County, Illinois (Illinois Department of Corrections, 2017). The average adult state prison inmate is a 37-year-old Black male with a high school level of education, born in the United States, single, and without children (Illinois Department of Corrections, 2017). During fiscal year 2016 (July 1, 2015 through June 30, 2016), the number of adults entering (26,098) and exiting (28,389) the state prisons created a revolving door (Illinois Department of Corrections, 2017). Adding to the population of ex-offenders is the Will County jail system that is capable of holding up to 1,000 adult inmates (Will County Sheriff, 2016). In Illinois, for fiscal year 2016, more than 27,537 (97% of state exits) offenders left incarceration to return to the community. The problem addressed in this study was the perception of employers about ex-offenders resulting from the existence of CHRI. A negative perception acts as a barrier to employment and results in an impediment to successful community reintegration. A positive perception acts as a support to attaining legitimate employment, thus encouraging successful reintegration.

Community members and law makers expect ex-offenders' successful reintegration into their communities to be a deterrent to reoffending. Successful reintegration includes housing, employment, and family and social participation (Harrison & Schehr, 2004). The stigma of being labeled an ex-offender becomes apparent when applicants mark the prior arrest or conviction box on a job application or when employers access and apply CHRI as part of the hiring process (Mingus & Burchfield, 2012; Ray & Dollar, 2014). In Illinois, some professions are legislatively prohibited from hiring or issuing a professional license to ex-offenders who have

committed specific offense types or who will come into contact, through their work duties, with segments of the population identified as vulnerable (Sensenbrenner, 2006). Consequently, having a criminal history background check performed could have a negative impact on an employer's hiring decision.

This study addressed the gap in the literature noted by several researchers (see Davis, Bahr, & Ward, 2013; Duwe, 2015; Harding, Wyse, Dobson, & Morenoff, 2014; Nally, Lockwood, Ho, & Knuttson, 2014) where researchers of reintegration studies have identified the need for employment but have not addressed possible barriers presented by employers' perception of a criminal past. Not all users of CHRI have received specific training to apply the information effectively. For example, an individual who receives a traffic ticket is not necessarily a bad driver who should not be working in a transportation-related job (Jacobs, 2015). The ease of information sharing through technology has provided an avenue for employers, without legislative prohibitions, to use CHRI as part of the hiring process (Kurlychek et al., 2007). However, the technology has not provided training for users of the information. The access and use of CHRI by nonmandated employers may widen the net of stigma for ex-offenders and thus increase the barriers to employment. Increased access to CHRI may negatively affect the perceptions of employers when considering ex-offenders as applicants.

The need for user education regarding the application of CHRI has increased in significance as the use of CHRI has spread. Governmental entities, such as the FBI, recognize the need for education regarding the use of CHRI by entities that have no experience originating, compiling, maintaining, or simply using the data (Freeman &

Sandler, 2010). This need to provide a resource for CHRI stakeholders such as legislators, employers, and CHRI repository administrators is evident in the research literature.

Purpose of the Study

The purpose of this study was to inform stakeholders of the possible impact of employer perceptions of CHRI on the hiring decision process. Use of the study findings may allow employers to refine the use of CHRI and guide applicants' efforts to address individual employment goals. This study addressed the gap in the literature noted by several researchers (see Davis et al., 2013; Duwe, 2015; Harding et al., 2014; Nally et al., 2014) whose reintegration studies resulted in identifying the need for employment but who have not addressed the possible barrier presented by employers' perception of a criminal past. This study provides Illinois stakeholders with information to make informed decisions about hiring ex-offenders. Illinois employers may benefit from the study by identifying the perception CHRI could have on their decision-making process. Further, the information communicated through this study provides insight for the leaders of Illinois-based social programs servicing Illinois' ex-offenders. Finally, the study informs Illinois legislators who introduce and pass statutes that directly affect the availability of CHRI to noncriminal-justice entities.

Research Questions

Research Question (RQ)1: What effect, if any, does Illinois employers' perception of criminal history have on hiring process decisions?

RQ2: What effect, if any, does an applicant's criminal background have on hiring decisions by Illinois employers?

Theoretical Framework of the Study

The theoretical framework in this study was a combination of multiple streams analysis and the diffusion of innovation (see Sabatier & Weible, 2014). Multiple streams analysis entails three areas of action to affect change: problems, policies, and politics. This framework allows the contemplation of social change that includes problems identified as they occur in a dynamic environment. The State of Illinois has a window of policy opportunity due to the election of a new governor and the level of incarceration taking place between 2000 and 2017. Concurrently, the state participates in the national Compact Council (National Crime Prevention and Privacy Compact Act, 1998) that allows policy administrators to learn from one another. The Illinois State Police have implemented lessons from the Compact Council members in Illinois policy under mandates of the Criminal Justice Information Services Security Policy (FBI, 2016). Sharing information across states and nations fuels policy change. Diffusion of innovation theory addresses the momentum a new product or behavior gains as it enters the mainstream. Stakeholders use this framework to define the use of CHRI by noncriminal-justice entities.

Individuals make hiring decisions by interpreting available information in the context of their individualized perceptions. A more in-depth exploration of individual perception is in Chapter 2. The possible barriers realized from noncriminal-justice employers accessing and applying CHRI during the hiring process has a foundation in

labeling and modified labeling theories (O’Sullivan, 2016; Ray & Dollar, 2014). The CHRI supporting the label of *ex-offender* may be the stimulus for employers to act on personal or socially based perceptions rather than hire employees using informed decision-making skills. The impact of a hiring decision has a direct effect on the applicant and an indirect effect on the community. Ex-offenders, like all community members, need income to survive and support their families. Furthermore, the community benefits from lower unemployment rates, lower crime rates, and positive economic gains.

Nature of the Study

The nature of this study included a qualitative research methodology to facilitate a phenomenological approach. Researchers who conduct a phenomenological approach examine the shared experiences of people (Creswell, 2013). Documenting the thoughts, feelings, and behaviors associated with a shared experience can be useful to policymakers. Specific to the phenomenon of employers’ use of CHRI, policy makers should understand the perception and application of CHRI. Such an understanding will help guide the extent to which information should be available to employers.

This study included a semistructured interview tool developed by Swanson et al. (2012) and approaching business human resource managers located in Will County, Illinois, as study participants. Hiring managers or delegated personnel were able to discuss their experiences interviewing candidates and making hiring decisions concerning ex-offenders as applicants. Employers’ perceptions and understanding of CHRI data, and then their application of that information to a hiring decision, was the phenomenon under

examination in this study. According to Creswell (2013), phenomenological research samples range from five to 25 interviews of persons with experience of the phenomenon under study. After responses cease to provide new information and indicate data saturation has occurred, then the data collection process is complete (Patton, 2015).

Types and Sources of Data

Multiple legislative restrictions in the Illinois statutes relate to hiring or licensing ex-offenders. The focus of this study was the population of Illinois employers not legislatively prohibited from hiring ex-offenders. There is no specific business type with an absolute legislative prohibition from hiring all ex-offenders. Rather, the legislation is specific to profession and delineated offense types. Local human resource or hiring managers received a request to voluntarily participate in the interview process. All businesses contacted were located in Will County, Illinois. The businesses were identified by attending job fair and business expo events open to the public. Each business representative present was approached with a personal introduction to the research and invited to participate in a telephone interview scheduled on a date and time that was convenient to the representative.

Will County Illinois is in the northern region of the state. The population estimate for 2015 was 687,263, with nearly 30% of persons under the age of 18 years and nearly 12% over age 65 (Will County Illinois, 2014). Thus, approximately half of the population is within the age range of employable adults. The county is home to both rural and urban areas, such as Manhattan and Joliet, respectively. In addition, Will County is the location of Stateville Correctional Center, the River Valley Juvenile

Detention Center, the Illinois Youth Center Joliet, and the Will County Adult Detention Center. According to the Illinois Department of Corrections (2017), during fiscal year 2016 (July 1, 2015 to June 30, 2016), the number of Will County offenders admitted to a state prison was 1,422. For the same fiscal year, 1,064 inmates gained release to parole supervision and living in the Will County area (Illinois Department of Corrections, 2017). The diverse make-up of the county made it a desirable location for a qualitative study on employers' use of CHRI.

Definitions of Terms

The definition of CHRI for this study included the parameters set out in the Illinois Criminal Justice Information Act (20 ILCS 2630 et seq.), the Illinois Uniform Conviction Information Act (20 ILCS 2635 et seq.), and federal statute 28 C.F.R. 20 et seq. The information is inclusive of arrest, state's attorney filing decisions, court outcomes, custodial data, and individual offender identifiers.

An applicant is an individual applying for employment within the Will County, Illinois, geographic area. Employment for the purposes of this study referred to performing a task that would result in the receipt of wages and possible personal benefits such as employer-subsidized health insurance coverage or enrollment in an agency-subsidized retirement saving plan. An employer referred to business owners, operators or other representatives who present at the community events as conducting business in the county. An ex-offender is an individual arrested for or found guilty of a criminal offense serious enough to warrant incarceration or other penalties such as structured supervision, jail, or fines.

The term community is inclusive of a social group that shares a common interest, including those who reside in a defined geographic area (citizenship) such as the State of Illinois or the County of Will within the state. A community may also be a group consisting of members who share beliefs, resources, or special interests. Specific to this study, a community was inclusive of shared geographic location and status as ex-offender or status as employer.

Crimes are acts that do not conform to the legal requirements established by the community. Ex-offenders are individuals who have engaged in criminal behavior and subsequently processed through the criminal justice system. Some ex-offenders may have been in a correctional facility for periods of time and then released back into the community. Other ex-offenders may have experienced community correctional sanctions while remaining in the community. In either circumstance, the ex-offender ends the experience with a recorded history of the criminal behavior accessible for review by potential employers. Those who reoffend and proceed through the criminal justice system more than once are recidivists (Harrison & Schehr, 2004). Recidivists have not successfully reintegrated into the community as law-abiding citizens. The direct nexus between successful reintegration and this study was gainful employment. As previously mentioned in this chapter, the stigma of a criminal history is the negative connotation associated with this label.

Assumptions

Assumptions made relevant to this study centered on a personal perspective of employers or hiring managers who interview ex-offenders as employment prospects.

Even if an employer has a documented hiring policy, there is an assumption that policy implementation is interpretive, which leaves the possibility that personal perspective could have an effect on hiring decisions. Individuals, whether knowingly or not, apply personal experience to their professional activities (Roese & Sherman, n.d.). This is the nature of being human. A status of being an ex-offender does not guarantee that an individual has been rehabilitated and does not prevent any future criminal behavior. Nor does the status guarantee future reoffending. The status does provide an indication of sanctions imposed with associated obligations. How individuals charged with making hiring decisions interpreted this status was the focal point of this study.

Scope and Delimitations

In this study, I applied the national-level findings from Swanson et al. (2012) to a similar yet county level set of employers. The findings of this study address if the multistate findings of Swanson et al. hold true when applied at the local community level. The employers targeted to participate in an interview were all representing businesses operating in Will County, Illinois. The findings are directly applicable to the business community within the single county and generally applicable to employers across the state. The results support or negate the use of criminal history background information by employers and legislators in the Will County area, and possibly the state of Illinois, for the development of employment related public policies.

Limitations

The sample for this study was drawn from Will County, Illinois. The county has both rural and urban communities, so the study outcomes are applicable to other Illinois

communities. By targeting the sample while using the interview tool provided by Swanson et al. (2012), findings provided an indicator of reliability in relationship to the national study. Future researchers should attempt to determine employers' ability to understand the content of criminal history reports and the ways the information applies to personnel-related tasks. Such a study is beyond the resources available for this study.

Significance of the Study

This research topic directly relates to the field of public policy and administration as legal restrictions to employment for ex-offenders continue to increase in number. However, the information used to encourage the restrictions has not received strong support in current research literature. Rather, current research reinforces the need for employment as a foundation supporting successful reintegration after incarceration (Nally et al., 2014; Snider & Reysen, 2014). The legislative system in the United States is reactive in nature, and legislators often enact statutes based on anecdotal information. A legislator must first know that a need exists before he or she can address the need. Government representatives may not take action until a constituent forwards concerns based on individual events. The more pressure from constituents, the more likely action will ensue. For example, research addressing access to juvenile CHRI (Illinois Juvenile Justice Commission, 2016) resulted in legislative action to rewrite the automated and court-ordered expungement processes of juvenile criminal history in the state. Further evaluation of a legislative topic will clarify the issues exemplified through individual experiences, thus supporting informed decision-making prior to the enactment of legislation or public policy. The current study helped to fill the gap between anecdotal

reaction and valid information application. This research supports positive social change through the education of employers, legislators, and program developers that directly affects the successful reintegration of ex-offenders and associated community outcomes. Educated decision makers can move the availability of resources for all stakeholders beyond the limited insight of anecdotal information.

Summary

Employers' use of CHRI to help determine the nature of an applicant's character is not a new practice (Thomas, 2002). No research literature supports the assumption of criminal history as the seminal predictor of future criminal behavior. Instead, factors such as age, education level, and community support are better indicators of an ex-offender's possible recidivism (Berg & Huebner, 2011; Lockwood, Nally, & Ho, 2016). Chapter 2 serves to guide readers through a review of legal documents and research literature related to the topic of employer use of CHRI and the effect of the knowledge of past criminal behavior on individual perspectives. Chapter 3 includes an explanation of the qualitative research methods selected to identify a sample, conduct interviews, and compile data for analysis. Chapter 4 contains the findings based on the interview data. Finally, Chapter 5 includes an attempt to relate the findings to the research questions and assumptions first provided in Chapter 1. Findings directly relate back to the effect, if any, on employer hiring decisions when the employer knows an applicant's criminal history. The resulting discussion related the importance of the findings to the topic of employment as an essential factor supporting successful reintegration (see Lockwood et al., 2016; Nally et al., 2014).

Chapter 2: Literature Review

Expectations exist that ex-offenders, like other citizens, should live in their communities and exhibit noncriminal behavior patterns. Like all other community members, ex-offenders are also in need of gainful employment. Unlike nonoffender community members, ex-offenders must overcome the stigma of possessing a documented criminal past when searching for employment, housing, or government benefits. The problem is that CHRI supporting the label of ex-offender may act as the stimulus for employers to act on personal or socially based perceptions rather than to hire employees using informed decision-making skills. The purpose of this study was to identify whether an applicant's criminal history information affects employers' hiring decisions when they are aware of its existence. This chapter includes an overview of social theory information directly associated with social stigma and the expectations that result.

Strategy for Searching the Literature

The literature review contains information that supports the theoretical framework of this study, which is the importance, legal ramifications, and governmental perspectives of the social issue of ex-offender employment as presented in research. I used numerous search venues to find literature, including Google Scholar, Publish or Perish, and Lexis-Nexis Academic search engines. In addition to these sources, ProQuest, Sage, and other subscription databases were available for keyword searches and linkages. Other data sources included official government websites for local, state, and federal government agencies, such as the Illinois Department of Corrections, Bureau of Justice Statistics, and

U.S. Attorney General. The information gleaned appears in a logical flow starting with theory and moving to ex-offender reintegration, employer perspectives, and legal considerations.

Theoretical Foundation

Labeling Theory and Modified Labeling Theory

Researchers can use social theory as a framework to understand social behaviors and beliefs (Creswell, 2013). American social values support hard work, education, social conscience, and material success. American social structure includes a reluctance to identify classes of citizens as being above or better than another, and such reluctance makes the differentiation between groups of citizens less true. Merton's (2000) explanation of social in-groups and out-groups includes an analysis of adjustable lines between American social groups or classes. The social structure under examination in this study was inclusive of employers (in-group) who have attained a position of authority and ex-offender applicants (out-group) who are attempting to overcome a position of social deficit that has resulted in unemployment. Solinas-Saunders and Stacer (2015) collected data from 103 Texas employers using a mailed and phone-implemented survey. Employers reported that arrest history did have an effect on hiring decisions, but the most significant effect was applicant's age (Solinas-Saunders & Stacer, 2015). Employers were more likely to hire older ex-offenders as they perceived the applicant as less likely to reoffend (Swanson et al., 2012). Employers known to hire ex-offenders reported age, time since last offense, and offense type as important factors in their hiring decision. All of the employers surveyed were making personal as well as policy

judgments or assigning labels, as described in Merton's labeling theory (Solinas-Saunders & Stacer, 2015).

Becker's (2014) concept of a black box with inputs and outputs explains behavior by identifying an experience or observation to examine. The research question is formed, and then inputs such as economic status, past behavior, mental illness, or level of education are identified. An interaction between multiple inputs results in the outcome. Labeling theory addresses the behaviors exhibited by one group member when perceiving another member. Thus, the social group member has acted upon a perceived label such as ex-offender. Modified labeling theory affirms the same assumption; however, the group member bearing the label, who in this case is the ex-offender, has attained the label through behaviors over which he or she may not have any control (Mingus & Burchfield, 2012). Consistent with the focus of this study, ex-offenders may have been convicted of a crime due to knowingly engaging in criminalized behaviors or without having an understanding of the consequence. In either instance, once the knowledge of past criminal behavior is evident, the social in-group members attach connotations to the ex-offender label based on their perceptions.

Labeling theory and modified labeling theory fit the nature of the relationship between employers (in-group) and ex-offender applicants (out-group) as defined in this study. Employers are evaluating ex-offender applicants from a professional and personal frame of reference. Each employer may apply individualized perceptions and connotations as they apply to the ex-offender label.

Self-Fulfilling Prophecy and the Ex-Offender

The basis of the self-fulfilling prophecy is an erroneous belief that results in action causing the erroneous belief to become true (Merton, 1948). The expression “once a criminal, always a criminal” can serve as an example. In-group members who subscribe to a belief in self-fulfilling prophecy may be likely to behave defensively toward ex-offenders. In-group members may feel the defensive stance is an appropriate reaction because they are expecting ex-offenders to engage in criminal behavior in the future. Any perception of slight by the ex-offender might be sufficient for the in-group believer to hold the ex-offender accountable for the perceived regression. The out-group members also hold beliefs of their own that drive their behaviors. These behaviors are reactionary in which they either hold small successes up for grandiose approval or diminish group successes (Merton, 2000) to avoid in-group disapproval and thus reduce conflict.

Other Social Theories

Researchers have produced other social theories to address structure and behaviors, such as strain theory. When ex-offenders attempt to conform to socially acceptable behaviors but find their attempts are unsuccessful, the ex-offenders experience strain (O’Sullivan, 2016). The limited employment or professional positions offered to ex-offenders are the catalyst for the strain. Every successful member of society must find a legitimate means of earning a living to obtain essentials such as food and housing (Miller & Spillane, 2012). When the level of strain becomes too great, ex-offenders may resort to known and effective means of obtaining needed essentials through socially

unacceptable criminal behaviors. Strain theory is not an appropriate theoretical framework for this study, as the employers' perspective is under examination, rather than the ex-offenders' perspective, which makes labeling and modified labeling theory more appropriate to the research questions.

Conceptual Framework

Employer Perspective and Criminal Background Stigma

Because researchers have published few research studies on employers' perspective of ex-offender applicants and CHRI in the past 5 years (Atkin & Armstrong, 2013; Ramakers et al., 2016; Solinas-Saunders & Stacer, 2015; Swanson et al., 2012; Uggen, 2008; Vuolo, Lageson, & Uggen, 2017), it is important to understand perspective and the relationship between perspective and expectations. Perspective is a way of viewing or understanding a subjective topic. For example, a respondent to the question whether the glass is half-empty or half-full evaluates the glass and its contents to come to an understanding. The respondent provides an answer based on his or her understanding. Thus, the respondent's perspective of the glass and its contents is revealed. Individuals possess a unique perspective of the world based on the situation at hand and on past experience (Roese & Sherman, n.d.). The focus of this study was finding employers' perspective of applicants known to possess a criminal history. Employers evaluate applicants, the applicants' qualifications, and the applicants' past within the framework of an individual and their role as an employer. Employers' experiences and organizational requirements shape the final determination for hiring applicants.

Employers, coworkers, and customers all have safety expectations within a business location. The basis of such expectations is usually direct and indirect past experiences (Roese & Sherman, n.d.). Employers expect the policies and procedures they adopt will encourage safe practices from employees. Employees expect employers to provide a safe environment in which to work. Customers expect to be safe from personal harm while visiting an establishment. Employment policy is an organizational tool intended to guide the evaluation of those in the organization with hiring responsibilities. The policy contains parameters of desirable employee characteristics and identifies those situational factors that would prevent employment with the specific organization. The goal of an employment policy is to support hiring decisions that support workplace safety, limit the liability of the employer, and ensure adherence to legal requirements (Hickox, 2011).

Employer Application of Criminal History Record Information

The Fair Credit Report Act (15 U.S.C. § 1681), the Illinois Uniform Conviction Act (20 ILCS 2635), and various other state statutes specific to professional positions and licensing direct the access and use of CHRI by Illinois noncriminal-justice employers. The Illinois State Police staff of the Bureau of Identification published a reference tool (Illinois State Police, 2018) used by Illinois licensed Live Scan fingerprint vendor agencies listing the patchwork of state statutes that directly affect access to CHRI by noncriminal-justice employers and licensing agencies. Each legal mandate provides requirements on offense types, time from last offense, consent, whether the access will be

to state and federal data, data accuracy, data timeliness, completeness of data, and storage and destruction of data.

Members of the federal government have addressed employment discrimination through Title VII of the Civil Rights Act (1969). Onnekikami and Okpala (2016) noted that there must be a nexus between the responsibilities and tasks required for a position and an applicant's criminal history before an employer may terminate, or not hire, an applicant based solely on criminal history. To complement this requirement, leaders at the Equal Employment Opportunity Commission issued guidelines to assist employers in meeting their Title VII mandates. The guidelines also address the disparate treatment doctrine. The doctrine requires any hiring policy or practice that results in disparate treatment of a protected group must relate to the operational business need to remain valid (Office of Attorney General, 2006; Weissert, 2016).

Hiring Decision-Making Process

The decision-making process for employers is subject to company policy and individual interpretation of the policy. The rational choice theory is the foundation to build upon when considering how an individual evaluates alternatives to come to a decision (Bruch & Feinberg, 2017). Assuming the applicants in the pool meet the mandates of company policy, the next question for employers to consider is job-related skills and criminal history background. The conversation of employment decision-making relates to the requirements of employment identified in this study. A review of the legislative tool in Appendix A indicated that not all employers in Illinois are required to conduct a criminal history background check on potential employees. A search of the

Internet provided anecdotal posts hosted by the online employment agency Indeed.com of applicants who underwent a criminal background check for Walmart, Inc. (“Wal-Mart Hiring Process - After PAT,” n.d.) and Kmart (“Kmart Hiring Process and Background Check,” n.d.). Both companies have establishments within the geographical limits of this study; however, these search results do not indicate that all employers conduct criminal history background checks but rather indicate that employers may do so if they choose.

Illinois enacted the Job Opportunities for Qualified Applicants Act in 2015 (30 ILCS 105 et seq.). The legislative intent was to address at what point in the hiring decision-making process an employer should conduct a criminal history background check. This act prohibits employers from conducting a criminal background check on applicants until after determining the applicant is qualified for the job offered. The act is Illinois’ contribution to the ban-the-box movement previously discussed (Agan & Starr, 2016; Doleac & Hansen, 2016; Vuolo et al., 2017; Weissert, 2016). Theoretically, if a criminal history remains unknown until after determining the level of job skill, then the criminal history will have a smaller impact on the hiring decision. However, the statute and ban-the-box movement do not address the hiring decision-making process when the pool includes skilled applicants, some of whom have a criminal history and some of whom do not. Employers evaluating skilled applicants with a criminal history record find themselves back to making decisions based on their individual interpretations and expectations of the applicants given the information available. Because the existence or not of a criminal history is unknown the employer may be likely to apply personal connotations to the applicant based on stereotypes the applicant may appear to fit.

Ex-Offender Reintegration and Employment

Successful ex-offender reintegration is contingent upon the supply of living staples. For example, food, housing, clothing, and building community ties are all necessities that directly affect the ability of an ex-offender to reintegrate successfully to the community (Lockwood et al., 2016; Nally et al., 2014). Earning a living is basic to ex-offenders' ability to provide for their own needs and their family. Newly released ex-offenders are dependent upon family or community support that enables them to search for and find employment. One example of the importance of employment comes from research conducted in New York in which Denver, Siwach, and Bushway (2017) found that 17% of ex-offender applicants cleared to work in a health care position reoffended in the first 3 years, as opposed to 33% of ex-offenders denied approval for employment based on criminal history. Legislators have also acknowledged the importance of successful reintegration. The federal Second Chance Act of 2007 (Pub. L. 110-199, 2008) is a grant program established to enhance ex-offenders' options for support while trying to reintegrate into their communities. Targeted to receive funding are programs available to individuals while incarcerated to address educational and vocational needs in support of community reintegration. Postincarceration programs and services are also in line to receive funding. Supported areas of need include addiction treatment, job placement, and coordinated supervision to increase the chances of reintegration success.

Statutes and community perceptions may limit employment opportunities for ex-offenders. Illinois statute does not prohibit ex-offenders from working in a business environment; however, community perception as reflected in employer perception may

act as a barrier. The Illinois Uniform Conviction Information Act (20 ILCS 2635 et seq.) allows any member of a community to obtain CHRI with a conviction outcome. Thus, any employer may obtain state-level conviction information on an applicant. The intent articulated within the statute is to improve public safety through sharing criminal conviction information. Because a statute reflects the views of the community through the representation of legislators, it is reasonable to imply that Illinois citizens, including employers, view criminal conviction as an indicator of public safety concern.

Multiple Stream Analysis and Illinois Political Environment

Multiple stream theory includes an analogy of three prongs that lead to a change in policy: problem, politics, and policy. It is possible to consider the problem by using Illinois and CHRI as the example. The problem under examination is employers' perspective of applicants with a criminal past. Ex-offenders face additional barriers to employment than law-abiding citizens do. The barrier is clear when legislation prohibits the hiring of ex-offenders, and an employer's perspective on past criminal behavior is therefore moot. The design of this study allowed me to explore employers' perspectives on past criminal behavior when hiring ex-offenders is not legally prohibited. The politics surrounding the topic at the time of this study are important. Each legislative year, Illinois General Assembly members introduce bills to both expand and reduce the offenses that can be sealed or expunged from the Illinois state criminal history repository. The most current legislative year is no exception. Illinois' 100th general assembly session included the introduction of more than 32 bills that affected the sealing from view or expungement of CHRI. In at least one bill, even if representatives of licensing

agencies could see a criminal history, agency representatives were not able to use it when determining character. This represents an interesting legislative attempt to mitigate the possible effect of CHRI on employment. Statute serves as the driver of the current policy for disseminating CHRI to employers. There exists a patchwork of Illinois statutes that indicate which employers may receive criminal history, which offenses may gain consideration, the time frames associated with the consideration, and what individuals may receive or view from the state's central repository.

The election of a Republican governor in 2014 has provided new perspective to the political agenda in Illinois. Some of the highest priority agenda items include the budget, term limits, and making Illinois favorable to business. Even though the focus of current political resources is on passing a state budget, the issue of CHRI expungement has been high on the political agenda of some members of the house of representatives and senate. Media headlines concerning the effects of going without a budget for 2 years are common, which leaves the issue of CHRI to undergo legislation quietly. As the legislation changes, so will the policy be implemented by the affected government agency, as well as public and private stakeholders. The political situation provides a ripe environment to examine employer perspective of the CHRI.

Illinois Criminal History Record Information

Illinois CHRI data originate with criminal justice agencies as staff carry out their agency mandates. Officers of arresting agencies document contacts with members of the community and whether the contact resulted in an arrest. Agency police reports contain the basics of a contact, such as time, date, place, reason for contact, subject identification,

and contact information. A summary of police activities is frequently in the area news reports, such as the local blotter. When an arrest occurs, the jurisdictional state's attorney's office receives a notification. The state's attorney must make a decision to file the arresting charge, modify the arresting charge, or decline to prosecute the arrest. After the decision to file or modify the charge, the courts receive notification of the pending action. The state's attorney filing decision includes offenders' demographic information, offense information, and charging decision. The state's attorney's records system is not usually available to the public. When a case is decided by the judge in the court, the court clerk records the result, whether guilty, not guilty, or something in between, in the records hosted by the clerk of the court. Unless specifically ordered by the court to be sealed or expunged, with the exception of juvenile records, the court records are publicly available.

The Illinois State Police houses a state central repository compiled through the mandated reporting of arrest, state's attorney, and court disposition information (20 ILCS 2630 et seq.). Pursuant to the Illinois Criminal Identification Act (20 ILCS 2630 et seq.) specific fingerprint-based criminal justice reports, arrests, and custodial receive must be forwarded to the state central repository within 24 hours of the event. State's Attorneys, courts clerks and custodial staff must forward all subsequent criminal justice non-fingerprint-based reports, such as state's attorney filing, court disposition, and custodial status change, to the state central repository within 30 days of the event. Law enforcement and correctional staff must report juvenile criminal justice data if the offense would be a felony if committed by an adult and the juvenile was over the age of 10 at the

time of the event. Arresting officers may report juvenile misdemeanor offenses, but it is not a requirement.

Employers and licensing agency staffers have used criminal histories as an indicator of good character for decades. Various Illinois statutes using criminal history at least in part as the indicator of good character are associated with the issuance of professional licensing in Illinois (720 ILCS 550 et seq.). However, researchers have not strongly established CHRI data as a valid predictor of employment success in the research literature (Minor, Persico, & Weiss, 2017; O’Riordan & O’Connell, 2014).

As previously noted, statutes determine employer access to CHRI from the state central repository in Illinois. The Illinois statutes create a hodge-podge of agency access to CHRI specific to employment purpose, professional licensing, and even public access to conviction information. The Illinois Uniform Conviction Information Act (20 ILCS 2635 et seq.) grants access to Illinois conviction data in support of public safety. The statute language states that any member of the public may request and receive arrest, court, and corrections data if the criminal justice event has resulted in a conviction. There is a caveat in the statute that if a request for CHRI under this authority is for employment or licensing purposes, the requesting entity must provide a copy of the response received to the subject of the search. This caveat becomes important because most, although not all, state-level noncriminal-justice requests for Illinois CHRI data occur pursuant to this statute. For example, an applicant for local government employment that is noncriminal-justice in nature has the state CHRI data response predicated on conviction information only (20 ILCS 2630/7). Without specific statutory

authority or a criminal justice purpose, Illinois CHRI data include only adult conviction information level of access. There is no specific state statute pertaining to CHRI data access from the state central repository that would provide all noncriminal-justice employers access beyond conviction information. Consequently, conviction data was the level of access examined within the scope of this study.

Private party sources of criminal justice data exist across the Internet. Electronic access to public databases housed by governmental entities is easy and low cost (Jacobs, 2015; Kurlychek et al., 2007). A quick Google search using the key words *employment background check* resulted in 8.3 million possible information options on November 22, 2017. The first page of results consisted entirely of advertisements to sell such information. The Fair Credit Reporting Act governs information brokers (15 U.S.C. § 1681). Brokers must limit the sale of information to within the most recent 7 years unless the employer requesting the search is offering a professional position that meets an established salary threshold or the position requires more in-depth information. With further regard to the private sale of publicly available CHRI data, even if the ex-offender has expunged or sealed a record, if an information broker accessed the data prior to the completion of the expungement or sealing, the information remains available (Adams, Chen, & Chapman, 2017; Jacobs, 2015) to consumers.

Existing Statutes and Regulations

The Illinois Criminal Identification Act (20 ILCS 2630 et. seq) is the primary statute guiding which data to report to the Illinois State Police as the state central repository. Officers must report all fingerprint-based arrests and custodial transactions to

the state central repository within 24 hours of the fingerprint event. Furthermore, state's attorneys, court clerks, and correctional staff must submit all criminal justice events subsequent to a fingerprint event to the state central repository within 30 days of the event. Subsequent events include state's attorney or prosecutor filing decisions, court decisions, and changes in an inmate's custodial status. The act also indicates the state requirements guiding expungement (deletion), sealing, or impounding (restricted access) of CHRI contained in the state central repository. There are also clauses aimed at guiding the dissemination of CHRI to specified categories of information requestors.

The Illinois Conviction Information Act (20 ILCS 2635 et. seq) functions as the primary guide for the Illinois State Police dissemination of Illinois state conviction information from the state central repository to noncriminal-justice requestors of CHRI. The title of the act indicates that public and some statutory requestors may obtain only conviction information under this statutory authority. Without specific legislation stating otherwise, any noncriminal-justice entity may request Illinois state conviction information.

Pursuant to the Illinois Human Rights Act (775 ILCS 5/2-103), it is a civil rights offense for employers to request arrest information that the staff of the state central repository has expunged, sealed, or impounded. There is an exception to this mandate. If the employer or licensing agency is a state agency, local unit of government, or private agency operating under the authority of another statute that requires a criminal history background check, these agencies may see some sealed felony data as maintained by the

state central repository or may obtain information from other sources that reflect the behavior in question.

The implementation of Illinois statutes involves publicizing guidelines in the Illinois administrative rules. The administrative rules allow state agencies representatives to communicate the procedure required to ensure government agency staff can administer the statute as intended through the enactment. For example, the procedural requirements determined by the Illinois State Police for public access to state conviction information are in Illinois Administrative Rule Title 20, Chapter II, Part 1215. Illinois administrative rules and Illinois statutes are accessible through the website <http://www.ilga.gov/>.

Federal Title 28 Part 20 of the *Code of Federal Regulations* is the primary regulation guiding the privacy and use of CHRI collected, maintained, and disseminated by the FBI in its role of national repository. A summary of the information translates into whether representatives of the requesting agency have authority pursuant to a federal statute implemented within a state statute. Then the requesting agency representative may see everything contained associated with the requested identity as held in the federal repository. For Illinois, this means Illinois entities can obtain national CHRI if they are eligible pursuant to federal Public Law 92-544, the Adam Walsh Act (Pub. L. 109-248), the Medicare Act (Pub. L. 111-148, the Medicaid Act (Pub. L. 111-152), or the National Child Protection Act (Pub. L. 103-209). A listing of requester agencies and purposes, provided by the Illinois State Police, is in Appendix A and provides more detailed information on access to CHRI.

Diffusion of Innovation Theory and Criminal History Record Information

Diffusion of innovation (Sabatier & Weible, 2014) explains the spreading of policy and procedure across jurisdictions. For this study, the innovation diffused over jurisdictions is the use of CHRI for employment background checks supported by improved access via technology. Employers' ease and low-cost access to CHRI (Jacobs, 2015; Office of Attorney General, 2006) provides an avenue for employers to perform due diligence vetting an applicant, thus, prevent negligent hiring practice suits. Additionally, public safety concerns have led to legislative mandates requiring some employers to conduct criminal history background checks. For example, the previously mentioned Adam Walsh Child Protection and Safety Act of 2006 mandates public registration as a procedure to protect children giving evidence of a past criminal act. Consequently, performing criminal background checks as part of the employer hiring process is growing in popularity as a protective measure used by employers and the public.

Where within the hiring process a criminal history background check takes place has become a recent topic of discussion. Ban-the-box legislation supporters posit that waiting until after an interview and even after making a conditional job offer will allow employers to evaluate applicants based on their professional skills before addressing the existence of a criminal background (Weissert, 2016). There is also sponsorship for legislatively supported certificates of good conduct that would provide some employers flexibility in considering applicants' rehabilitative efforts as mitigation to known criminal behavior (Garretson, 2016).

Ex-Offender and Employment—A Gap in the Literature

Researchers have approached the social issue of ex-offender employment in the research literature primarily from the perspective of ex-offenders (Ispa-Landa & Loeffler, 2016; Lageson, 2016; Lockwood et al., 2016; Rade, Desmarais, & Mitchell, 2016; Snider & Reysen, 2014). The ex-offender perspective of the effect a criminal past has on employment is important but only one half of the issue. The employer perspective is equally important, as employers make the final hiring decision. Audits of employer hiring use was a methodology made popular between 2005 and 2010 (Pager, 2006; Pager & Quillian, 2005; Pager, Western, & Sugie, 2009). The methods used in these studies measured interest in an applicant based on a callback for an interview. Surveys or interviews of the employers followed the callback measurement. The employers were not aware of the prior callback measure. The strength of this methodology is the ability to measure without the employers' anticipation of facing judgment. Findings from these studies indicated that a criminal history has a negative effect on callback, but the effect is not as significant as race. In addition, the callback rates did not always support the employer survey responses buoying equal opportunity for ex-offenders.

The survey or telephone interview approach presented in the prior paragraph did not elicit open opinions from the employers. Rather, the survey responses appeared to follow a socially or organizationally acceptable response. The interview approach employed by this study targeted employers, that do not face statutory prohibitions from hiring ex-offenders and includes a focus on personal perspective. The underlying hope is that those who agree to an interview view the personal interview approach as comfortable

enough to relate their views regarding applicant criminal history openly. Thus, this study fills the literature gap of employers' individual perception of criminal history and how it may affect their decision-making.

Summary and Conclusions

The literature reviewed provided an explanation and support to the application of labeling theory (O'Sullivan, 2016) and modified labeling (Mingus & Burchfield, 2012) theory over other social theories as applied to employers' understanding and use of CHRI. Illinois is suitable for an examination of this concept given the number of residents who are ex-offenders (Illinois Department of Corrections, 2016) and the shake-up of the state's political stakeholders. The easy access to information through technology (Jacobs, 2015) has encouraged the increased use by noncriminal-justice employers of CHRI and ensured the information will exist for the inestimable future.

Legal and research scholars are examining the effect of CHRI not only on employment rates but also on unintended outcomes of recidivism (Lockwood et al., 2016), civil legal obligation (Lageson, Vuolo, & Uggen, 2015), discrimination (Agan & Starr, 2016; Doleac & Hansen, 2016), and the ancillary effects on family and community (Berg & Huebner, 2011). This study deepened the information pool regarding employers' perception and application of CHRI.

Chapter 3 provides insight into employers' perspective and into the ways the transcendental phenomenological approach to qualitative research is conducive to the examination of employer decision-making. The chapter includes an introduction to the targeted interview population and data collection tool.

Chapter 3: Research Method

The purpose of this study was to increase the knowledge base associated with the use of CHRI from the noncriminal-justice employers' perspective. Chapter 3 provides insight into the methodology selected to achieve the purpose. The method identified builds off the work of Swanson et al. (2012). A phenomenological approach was the most suitable for gathering interview data that were descriptive of a shared experience. Human resource managers (employers) located within the Will County, Illinois, geographic region comprised the participant pool. Chapter 3 contains a further explanation of the methodology, the role of the researcher, ethical concerns, and the data analysis plan. The phenomenon under examination is employer perception and applied logic during the hiring process.

Research Design and Rationale

The research questions developed for this study are as follows:

RQ1: What effect, if any, does Illinois employers' perception of criminal history have on hiring process decisions?

RQ2: What effect, if any, does an applicant's criminal background have on hiring decisions by Illinois employers?

The research questions elicited details of shared experiences from employers who have engaged in the hiring process with applicants who have a known criminal history record. The data obtained were qualitative and fit with the use of the phenomenological approach (see Creswell, 2013; Moustakas, 1999).

Swanson et al. (2012) identified multiple factors reported by employers known to hire ex-offenders that had a direct effect on decision-making. Those factors included face-to-face interviews with the applicant. Applicants should prepare to discuss their past criminal activity honestly with the employer as well as their job skills. Applicants should provide personal and professional references from socially credible sources. Any nexus between applicants' prior criminal activity and current employment opportunities will affect the hiring decision. The present study builds on these findings.

Phenomenological Approach

Researchers designed the phenomenological approach toward qualitative methodology to learn from individuals' perspectives regarding life experiences (Creswell, 2013). Researchers conduct interviews to allow participants to relate experiences in their own words. It is the responsibility of a researcher to approach interviews with an open mind and then accurately record the information shared by the participant. After compiling the information, a researcher must bracket pieces of information that directly relate to the subject under study (Moustakas, 1999). Each bracket of information provides a map leading to themes of related respondent information. The themes support assumptions or findings made by a researcher. In this research study, the perspective of employers as they encounter CHRI was the topic of interest. After the isolation of the directly related information has occurred, researchers must look for themes and cull the overlap. What remains are the informational themes associated with the topic of study on which to base findings.

The transcendental phenomenological approach best fit the identified objectives of the current study because it was possible to collect data wholly related to the event rather than to just a single action. The totality of the actions comprises events targeted for measurement. Perspectives are different for each person. Hence, not all employers will have the same understanding or experience the same effect when encountering CHRI. Employers see the written criminal history report, and each interprets the report's content from a personal perspective and within the scope of existing agency hiring policies. Each employer interviewed had an individualized perspective of the effect of CHRI on that employer's decision-making events regarding hiring (see Moustakas, 1999). The phenomenon of the current study was the exploration of employers' perception and applied logic during the hiring decision.

As the researcher an procedural consideration presented itself. I work directly with the collection, maintenance, distribution, and policy-making of Illinois' criminal history data repository. Consequently, I needed to be diligent in segregating my professional experiences from those of the participants. Acknowledgment of researcher perspectives by means of reflective journaling (Janesick, 2011) served to ensure such segregation.

Transcendental phenomenology is more suitable than the heuristic or hermeneutical phenomenological approach. The goal is to record the experiences of employers and then identify how those experiences affected their decision-making as part of evaluating an applicant. Heuristic phenomenology and hermeneutical phenomenology do not provide the procedural structure of bracketing, as they include a narrative

interpretation of information by the researcher (Creswell, 2013). Bracketing requires a researcher to examine the data through an objective perspective. The study included journaling (see Tufford & Newman, 2012) to address preconceived notions and developing emotional responses to the interview data. Although no individual researcher can completely set aside all lived experiences when evaluating new information, the transcendental phenomenological approach provides structure that leads researchers to fresh ideas (Creswell, 2013; Moustakas, 1999).

Role of the Researcher

The information provided in this section is for purposes of transparency and full disclosure. The targeted interview participants have access to Illinois CHRI under the authority of the Illinois Uniform Conviction Information Act (UCIA; 20 ILCS 2630 et seq.). The statutory language of the UCIA allows any member of the public to request and receive Illinois criminal conviction information. My professional role includes ensuring requesters have access to conviction information. Thus, the Illinois State Police Bureau of Identification provides a service to employers who choose to or are legislatively required to use Illinois CHRI as part of the hiring decision-making process. I did not act within my professional capacity as part of the research thus I did not disclose my professional position to research participants.

Telephone interviews were conducted with human resource managers or their equivalent. This arrangement makes researchers participants (Creswell, 2013) in the data collection portion of their own studies. Within my professional role, I am responsible for monitoring the appropriate use of CHRI within Illinois for both criminal justice and

noncriminal-justice users. This position made bracketing essential to the data analysis. Anecdotal professional experience provided information from employers as they tried to interpret the CHRI received concerning potential applicants. Questions posited by employers may help identify themes from the interview data.

The individuals who participated in the interview process did not know my professional position. They only knew that I was a doctoral student at Walden University. The reason for the omission of professional information was to prevent the employer from interpreting the interview session as oversight from the Illinois State Police. If the employer felt that government action could result from the interview, they may be more likely to feel obligated to participate, which would violate the principle of voluntary participation. Alternatively, the employer may feel compelled to respond to the questions in a predetermined manner rather than share honest personal perceptions. Swanson et al. (2012) addressed the trust relationship needed for interviewing by using an intermediary. Employment program specialists with a prior working relationship with the employers conducted the actual interviews in Swanson et al.'s study. As a student researcher, similar resources were not available.

Methodology

As presented in Chapter 1, the current research study builds on the work of Pager and Quillian (2005) and Swanson et al. (2012). Specifically, I used the instrument developed by Swanson et al. to interview employers not legally prohibited from hiring ex-offenders and located in Will County, Illinois. The information elicited from the interviews determined if internal validity of the interview tool remained stable. The

qualitative interview tool does not provide data that can definitively support the cause and effect of criminal history and employment status. Rather, the internal validity of the instrument focused the interview data collected on the perception of criminal history and provided salient features of the decision-making process for further examination.

Applying the tool to a concentrated geographic area tested the external validity of the findings. The findings of Swanson et al. (2012) were the result of the use of purposive cluster sampling in the national-level study. This study included purposive sampling within a smaller geographic area similar to the work conducted by Pager and Quillian (2005). The extent to which the findings apply to the geographic area of Will County, Illinois, is obvious. However, the extent to which the study findings relate to or support the outcomes of Pager and Quillian's outcomes of hiring decisions based on offense indicated whether application findings are truly county specific or are potentially generalizable to the state. The survey tool served to collect nominal and ordinal data from participants. For example, responses of important decision-making factors are nominal data and could vary from person to person. Types of offenses and length of time between offenses are examples of ordinal data. Nominal data were categorized by theme. The themes were compared within emerging categories and between categories to search for relationships. I compared ordinal data against the themed categories to examine relationships and links between the differing types of data.

Sample Participants

The purposive sample identified for this study was employers (human resource managers) representing the business community in Will County, Illinois. The existence

of an adult prison, a juvenile prison, adult jail, and juvenile jail within the same county makes Will County a microcosm of ex-offenders released into the community. The demographic makeup of the county also includes both urban and rural areas that represent a variety of economic levels. According to the U.S. Census Bureau (U.S. Census Bureau, n.d.), the estimated population for 2016 within the county was 50% female, 63% between the ages of 18 and 65, 80% White, 90% of adults have a high school education, and a population of 809.6 per square mile.

The population of participants was identified through attendance of job fairs and business expos occurring in the Will County, Illinois area. Online community calendars and websites for chamber of commerce chapters located in Will County provide the date, time location, and event host contact information. Each business participating in the event was approached in person to introduce myself and the research and to invite a representative to participate in a telephone interview to be scheduled for a later date. A copy of the university approved informed consent form, containing the research study information and my contact information, was left with the representative. A business contact name and phone number were requested for follow up. If no contact was initiated by the business within 2 weeks of the initial contact, a call was made to the business contact asking to schedule an interview. The purposive cluster sampling approach was best suited to locating a maximum number of Will County, Illinois businesses in the least amount of time. The purposive approach to cluster sampling effectively supported the methodology, as a finite population was evident with access to each business spread over

a large geographic area. The spread-out location of businesses in Will County made visiting each in a timely manner unrealistic for a single researcher.

Data saturation is the threshold used to determine when data collection is complete. Qualitative researchers have used the term data saturation to indicate both a moment in data collection and an activity in data collection (Saunders et al., 2018). A definition of data saturation is necessary as it pertains to the study. I looked at two types of data saturation. The first type addressed code saturation (Fusch & Ness, 2015; Hennink, Kaiser, & Marconi, 2017; Saunders et al., 2018). I viewed code saturation in the a priori approach as a means of providing a suggestion for the number of interviews needed (Fusch & Ness, 2015; Hennink et al., 2017). According to Creswell (2013), saturation typically occurs between five and 25 interviews. The study also involved collecting data from various categories of employers, and the a priori goal number of interviews was 50 interviews across the business type categories. The second type of data saturation used in this study is *meaning saturation* (see Hennink et al., 2017). By reviewing for the richness (Fusch & Ness, 2015) of the meaning of evolving themes, I was more in tune to the level of redundancy occurring, as recommended by Saunders et al. (2018). When the effort of collecting, transcribing, and analyzing individual interview data outweighs the value of the information gleaned, saturation has occurred. Data collection stopped when both code and meaning saturation have occurred.

Instrumentation

Swanson et al. (2012) have granted permission to use the interview tool developed for their national study, called the Employer Questionnaire. The questionnaire

and e-mailed approval for use are in Appendices B and C. The questionnaire contains nine open-ended questions that allow the participants to elaborate on individual responses. The focus of the first question is whether the employer has hired someone with a felony conviction, followed by a question regarding what factors affected the decision to hire. Specific questions follow regarding time since last conviction, advice for vocational counselors, effect by type of offense, company policy, and background checks. Appendix B includes a copy of the questionnaire.

The original questionnaire included a statement for an interviewer to read to participants to explain the degree of anonymity associated with the participant and the company. The goal of the original study also appeared as part of the statement. This statement was removed from the questionnaire as it differed with the goal of the current study. The informed consent document included an explanation of confidentiality, the degree of anonymity, the purpose of the study, the role of the researcher, and contact information for the researcher. After the study has been published through the Walden University required process, a copy of the executive summary will be emailed to all participants.

This researcher was the only interviewer for the study. All questions directly address factors related to criminal history and the way the employer interpreted or applied that knowledge. The interview questionnaire is in Appendix B.

Procedures for Recruitment, Participation, and Data Collection

To identify potential interview participants, I visited community job fairs and business expo events in person and asked to speak with each business representative in

attendance. I explained the study and provided a copy of the university approved informed consent form. The objective of the initial visit was to schedule a convenient date and time to conduct a telephone interview with a representative of the business who has direct experience engaging in the hiring process and making hiring decisions.

The participants were able to select a date and time for the telephone interview that was most convenient and comfortable for them. The interview included time set apart to review the informed consent document and address any resulting questions the participant had. The information communicated to the participant included the ability to withdraw from the interview at any time without repercussion. All interviews took place over the phone. Written notes were taken during the call to document responses. Notes were summarized to the participant following each question to ensure accuracy. As the participant responded to the questions listed on the questionnaire, follow up questions were incorporated when the response invited further detail of the decision-making process or CHRI use (Janesick, 2011; Patton, 2015). There was no need for a second interview. At the conclusion of the interview, participants had an opportunity to ask questions about the study. The participant received a reminder of how to contact me with any follow-up questions or comments.

For all interviews, I journaled the interview experience within 24 hours of completion to ensure the adequacy and accuracy of observations experienced but incapable of being captured through immediate notetaking.

Data Analysis Plan

In the first step to identify themes, I entered the narrative interview responses into Microsoft Excel creating a matrix for each question. Key words and phrases helped to identify possible themes. For example, the factors affecting perception elicited by Questions 2, 3, 4, and 5 relate directly to RQ1: What affect, if any, does Illinois employers' perception of criminal history have on hiring process decisions? Key words such as *conviction*, *honesty*, and *age* all relate to the findings reported by Swanson et al. (2012). Questions 1, 1b, 6, 7, and 8 relate directly to RQ2: What effect, if any, does an applicant's criminal background have on hiring decisions by Illinois employers? In the last step of data collection, I compiled the identified themes for analysis in direct relationship to the research questions.

The use of follow-up questions and summation reduced the possibility of confusing interview responses. Any discrepant interview responses underwent evaluation in the context of study definitions and purpose. I removed from the data set any responses determined to be beyond the scope of the study.

Issues of Trustworthiness

Validating qualitative research involves using terms comparable to those used by quantitative researchers. Creswell (2013) provided examples from various perspectives. Those expressed by Lincoln and Guba, as reported in Creswell, were suitable for this study.

Instrument creators Swanson et al. (2012) demonstrated the credibility of the interview tool. Data derived from their use of the questionnaire related directly to the

study's stated purpose of exploring "employer hiring decisions and attitudes regarding job applicant with felonies" (p. 385). Application of the same questionnaire for this study further tested the internal credibility of the included items.

Transferability refers to the application of qualitative study outcomes to similar general populations (Creswell, 2013). In the current study, I determined if the findings of a national study by Swanson et al. (2012) were transferable to a specific smaller geographic area. Using a robust descriptive interview narrative provides the reader with enough detail to decide the transferability of the study findings.

Dependability of a qualitative research study refers to the methods or procedures used to support the credibility of a study (Creswell, 2013). This study included an established questionnaire and, I followed interview protocols that conformed to the established protocols of the qualitative research community. Using informed consent, an established instrument, a semistructured interview protocol, a participant follow-up review, and researcher journaling contributed to the replication of a study with similar thematic results.

The confirmability or objectivity of a qualitative researcher is essential but fluid. There is no perfect procedure or process to ensure researcher objectivity (Creswell, 2013). Each qualitative researcher strives to reach the level of objectivity prescribed by the research approach employed. Qualitative researchers must be good listeners and be open to new or contrary ideas (Janesick, 2011). Journaling experiences professionally and as the interviewer provides transparency to the level of influence the personal experience of a researcher has had on the interview outcomes. This study was not about

statutes or guidelines but about employers' perspective of CHRI and about how the knowledge affects decision-making. I tried to remain consistent with the purpose of the study by keeping professional experiences separate from research experiences.

Ethical Procedures

The participants received a written informed consent form at the initial visit as well as at the time of the interview via email. The employer population is not classified by authorities at the National Institutes of Health (45 CFR 46 et seq.) as a vulnerable research population that requires more than normal human subject review precautions. Participation in the planned interview was voluntary, and participants were provided written informed consent. Participants did not experience more than normal daily discomfort when participating in this study. Any participants who felt discomfort at discussing their hiring decision-making process or factors associated with applicants who have a known criminal history were able to opt out or discontinue participation at any time with no repercussion. There was no monetary incentive to participate in this study.

The Walden University Institutional Review Board provided oversight associated with ethical research procedures. I obtained written approval to perform this study through the appropriate university protocols (approval number 12-05-18-0551336).

This study had an ethical concern to address. The interview participants were not aware of the professional position held by the researcher, as a member of the state governmental agency that regulates and facilitates access to Illinois and federal CHRI. One task related to this researcher's professional position is presenting at training events and responding to policy questions associated with access and use of CHRI. The

researcher's performance of these professional duties puts her in contact with many criminal justice and noncriminal-justice CHRI users on a regular basis. There was a slight chance that a participant had attended training or directed a question to me within my professional role. To avoid any conflict resulting from my professional position within state government, I excluded any business representative who may have recognized me based on my professional position.

All interview data were deidentified in the research data set. The reporting of all findings is in aggregate or in a manner that protects the confidentiality of the data, the anonymity of the interview participants, and the anonymity of the businesses represented. All participant and business identification and the de-identified data set is located on the local drive of a password-protected computer. The password and the computer were accessible only to me. Pursuant to Walden University's research requirements, the de-identified data set will be kept for 5 years. After the 5-year period has passed, the local data storage drive where the data set resides will be deleted.

Summary

Chapter 3 contained details associated with the type of research methods employed and why those methods best fit the research objective. Transcendental phenomenology design (Moustakas, 1999) addresses the collection of qualitative data and provides the structure needed to delineate between data themes and the roles of the researcher (Creswell, 2013). The face-to-face introduction followed by the telephone interview process was the primary data collection method, and topics of trustworthiness have been addressed through using a tested questionnaire (Swanson et al., 2012),

selecting a representative purposive sample, and adhering to documented qualitative research procedures. Ethical topics were monitored through university oversight and by excluding the researcher's professional role from the interview process.

Chapter 4 contains information specific to the amount and type of data collected. The chapter includes the data analysis outcomes supported by evidence of trustworthiness.

Chapter 4: Results

Introduction

The purpose of this study was to increase the knowledge associated with the use of CHRI from noncriminal-justice employers' perspective. I used the research questions posed in this study to test employers' perceptions of CHRI and the possible effect on their decision making. Chapter 4 contains the details and outcome of the data analysis. Chapter 4 also contains a description of business types represented by participants, the procedure used to categorize qualitative responses, and evidence of trustworthiness.

Setting

I recruited interview participants from community job fairs and business exposition events. Consequently, the business representatives approached were likely to be in a position to address their company's personnel needs. Because of their position held with the company, the representatives approached were likely to have experience discussing prospective employees. This situation of professional experience made some representatives apprehensive about participating in the interview process, while others were openly receptive. The ability to successfully connect with the business representative following the in-person introduction significantly affected the overall participation rate.

Demographics

Attending community job fair and business expo events within the target geographic area increased the anticipated diversity of business representation. Table 1

shows the categorization by business type of the business representatives who participated in an interview (see Table 1).

Table 1

Description of Business Type Participating in Interviews

	No. of business by type	Staffing range		Ownership
		Min.	Max.	
Financial	2	99	107	Not for profit
Tech	1	3	3	Private
Staffing	3	250	10090	Combination of corporation and private
Real estate	1	1100	1100	Private
Retail	4	6	Unknown	Combination of corporation and private
Marketing	1	2	2	Private
Health care	2	4	Unknown	Combination of corporation and private
Athletic	1	150	150	Private
Industrial	5	9	95	Private
Service	4	112	Unknown	Combination of local government and not for profit
Publishing	1	6	6	Private
Transportation	1	212	212	Local government

Note. Number (no.) of business by type included total number of participating business representatives categorized by type of business. Staffing range minimum (min.) and maximum (max.) values provide information on the overall staffing levels for each business, and ownership is categorized by private owner versus corporation ownership or a governmental entity.

Grouping the business types involved collapsing specific business services into broader organization categories, which allowed me to report the demographics in a manner that protects the confidentiality of the data collected and the anonymity of the business representatives who participated in the interview. For example, the industrial category includes all businesses that provide services dependent upon skilled trades such as welders and machinists. I used staffing level and type of ownership to provide a scale for grouping the businesses when analyzing the responses to the questionnaire. Listing

maximum staffing levels as unknown was a result of local representatives who were unsure of the overall corporate staffing numbers. Staffing numbers appear as ranges due to the unknown numbers and the large disparity exhibited between reported staffing levels.

Data Collection

From February to mid-April 2019, I used online community calendars to locate job fairs and business exposition events that were open to the public and taking place in or around Will County, Illinois. I attended nine events (see Table 2). Before entering the event venue, I made contact with the event host to explain the reason for my attendance and asked permission to solicit the participation of the business representatives present. One host denied my request. At least one business representative agreed to participate in the study from each of the remaining eight events.

Table 2

Community Events Attended to Solicit Study Participation

Event	Location in Illinois	Date	Businesses at event	Study participants
Will County Work Force Job Fair	Joliet	2/6/2019	8	1
Will County Work Force Job Fair	Joliet	2/14/2019	10	2
Plainfield Business Expo and Job Fair	Plainfield	2/16/2019	100	7
Joliet Business Expo and Job Fair	Joliet	2/23/2019	38	6
Lemont Community Showcase and Expo	Lemont	2/23/2019	Not available	0
Romeoville Job Fair	Romeoville	3/6/2019	29	4
Naperville Neighborhood Extravaganza	Naperville	3/9/2019	10	1
New Lenox Community Expo	New Lenox	3/9/2019	80	6
Frankfort Community Showcase	Frankfort	3/16/2019	90	0

While attending each event, I introduced the dissertation research to the business representatives present. Each business representative received a copy of the informed consent form, and I requested a contact person with whom I could follow up. If there was no contact from the represented business within the 2 weeks following each event, I called each business contact to schedule an interview. I eliminated the three businesses without employees from the data collection process, and I made follow-up calls to 180 business representatives to schedule a telephone interview. Twelve representatives declined to participate. One hundred forty-one business representatives did not return calls. The final participation rate was 15% (27 interviews). Telephone interviews took place at the convenience of the participant.

Each interview began with a review of the concepts of confidentiality and anonymity as described in the informed consent form, a short explanation of the research, and a functional definition of the term *ex-offender* as used in this research. The functional definition of ex-offender was any applicant for whom the employer is aware of a criminal history, whether there is a conviction or not. The seriousness of the offense did not prevent inclusion. Participants signed and returned informed consent forms via e-mail.

After presented the interview questions, I asked the participant to elaborate on responses without providing any specific personal details that would potentially make the identity of the applicant or employee known. The method used to record the participant responses was note taking. No audio recording occurred. At the end of each interview, the participant had an opportunity to provide any additional comments regarding the

topic, and I informed the participant that I would send an executive summary of the findings published in the final report.

Data Analysis

I used Microsoft Excel 2016 to manually develop a matrix delineated by business demographics and each question. I summarized the response data in the note taking during the interview and condensed each interviewee's set of responses into corresponding rows of comments by topic and participant. Condensing responses led to a series of spreadsheets, with each spreadsheet corresponding to a single question. The spreadsheets contained text relating to response information by topic. Each row in the spreadsheet contained the corresponding response information from the specific participant. I systematically reviewed each completed questionnaire. For example, I reviewed each response for a theme and recorded each theme in the matrix to allow column headings to be compiled. Once I had recorded all responses for a single question, I followed the same procedure for the next question and repeated the process for each question and any additional comments volunteered by the participants.

For instances when the participant was unsure about an answer to a question or did not know if he or she had hired an ex-offender, I asked the participant to proceed with the remaining interview questions by answering in a manner consistent with any applicant review. For example, the participant may not have been aware if business leaders had ever hired an ex-offender but may have known the policy and procedure for background checks.

Results Delineated by Question

The results of the data analysis for each question follow in the order I presented the questions to the participants. Table 3 includes the questions asked and data on the responses to each question.

Table 3

Participants Responding to Each Question

Question	n	% responding
1. If known at the time, have you ever hired an employee with a felony?	27	100
2. Why did you decide that the person (or persons) would be a good employee(s)? What factors convinced you to hire?	27	100
3. Do you remember how long it had been since that person's conviction?	16	59
4. Are you more likely to consider a person with a criminal record for some positions over others? Why?	17	63
5. What advice would you give to vocational counselors who are trying to help people with criminal records?	26	93
6. Is the type of conviction a factor in hiring?	24	89
7. What is your company policy for hiring people with criminal records?	27	100
8. Do you conduct background checks?	27	100
9. Additional comments	10	37

The first interview question was as follows: If known at the time, have you ever hired an employee with a felony? Responses to this question include felony, misdemeanor, and traffic offenses whether at the felony level or not. This is in keeping with the definition of ex-offender provided to the participants prior to survey execution. Seventeen respondents (63%) indicated the business they represented had hired an ex-offender. Seven participants (26%) reported they would not know because someone else, corporate or otherwise, was responsible for vetting the criminal history background check

prior to interviewing for employment. The remaining two participants indicated no ex-offenders had been hired under their tenure. In one case, the participant stated the opportunity had not presented itself for consideration. In another instance, the representative believed ex-offenders were not eligible for employment with that business. The size and ownership of the business did not have any significant effect on the hiring of an ex-offender. Categorizing the businesses by number of staff (less than 100 = small, and more than 100 or unknown = large) resulted in four categories of small businesses that had hired an ex-offender, three categories of large businesses that had hired an ex-offender, and five categories of both small and large businesses that had hired an ex-offender. In every category of privately owned, corporation owned, government, or not for profit, a business had hired an ex-offender (see Table 4).

Table 4

Businesses by Size, Type, and Ownership That Have Hired an Ex-Offender

Business type	Hired an ex-offender			Size	Ownership
	Yes	No	Unknown		
Financial	1		1	Both	Not for profit
Tech	1			Small	Private
Staffing	3			Both	Combination of corporation and private
Real estate			1	Large	Private
Retail	2		2	Both	Combination of corporation and private
Marketing	1			Small	Private
Health care	1		1	Both	Combination of corporation and private
Athletic	1			Large	Private
Industrial	5			Small	Private
Service	2		2	Both	Combination of local government and not for profit
Publishing		1		Small	Private
Transportation		1		Large	Local government

Participants who knew the offense type provided a broad range of offenses characterized within the responses as driving under the influence, traffic, sex offense, drug related, nonviolent, and multiple offense types (see Table 5).

Table 5

Offense Types of Hired Ex-Offenders

Type of business	n	Type of offense
Financial	1	Drug
Tech	1	Driving under the influence
Staffing	3	Multiple offense types
Real estate	1	Unknown
Retail	1	Multiple offense types
Marketing	2	Sex, Drug offense types
Health care	2	Unknown
Athletic	1	Driving under the influence
Industrial	5	Multiple nonviolent
Service	2	Driving under the influence/nonviolent
Publishing	1	Not applicable
Transportation	1	Not applicable

The second interview question was as follows: Why did you decide that the person (or persons) would be a good employee(s)? What factors convinced you to hire? In response to factors that led to hiring an ex-offender applicant, the most important was skill set and experience (see Table 6). Fifteen respondents (56%) reported that matching the job tasks to the skill set is an important factor. The next factor of importance was the interview prior to hiring. Twelve respondents (45%) reported good communication skills and honesty about criminal history as a deciding factor. Factors such as recidivism, a nexus between the job duties and the offense, genuine regret for past actions, and age at time of offense followed as important factors, in that order. Once again, size of business or type of ownership did not have a significant effect.

Table 6

Factors That Encouraged Hiring

Type of business	Age at time of offense	Interview presentation	Job-related skills	No recidivism	No nexus between job and offense	Demonstrate remorse/reformed
Financial		1	2			
Tech				1	1	1
Staffing		1	2	1	1	
Real estate		1	1			
Retail		2	1			1
Marketing		1	1			
Health care		2	2			
Athletic			1	1		1
Industrial	1	2	1	1	1	3
Service	1	1	2			
Publishing		1				
Transportation			1			

The third interview question was as follows: Do you remember how long it had been since that person's conviction? Of the 27 participants, 12 (45%) could provide the time since last conviction. Thirteen participants (48%) reported that time from last conviction is important to the decision-making process. Participants reported the time from last offense to the time of employment as between 4 and 10 years across all responses. More than one participant indicated the ex-offender hired made a mistake in his or her youth but had not reoffended as an adult. One participant who represented a staff agency referenced the criminal history background time requirements as prescribed in the Equal Employment Opportunity guidelines.

The fourth interview question was as follows: Are you more likely to consider a person with a criminal record for some positions over others? Why? When asked to compare the factors that would cause the employer to consider hiring an applicant with a

criminal history over an applicant without a criminal history, participants reported skill as the factor. Participants reported the most important factor for considering one applicant over another was skill and experience. Eleven participants (41%) responded that specialized skills, skills that correspond with the job tasks, and experience were the most important factors when considering an applicant for employment over another. One participant directly reported if skills and experience are equal, the nonoffender would be hired. This participant indicated that, with all factors being equal, there is less business liability when hiring a nonoffender. Another two participants reiterated that there could not be a nexus between the job tasks and the past offense. Two more participants reported that coming across in the interview with honesty is also important.

The fifth interview question was as follows: What advice would you give to vocational counselors who are trying to help people with criminal records? The focus of most advice given was on the interview skills and honesty of the applicant. Of the 15 participants (56%) who provided interview guidance, 10 directly mentioned honesty about the criminal history event. Other responses included practicing the interview process with the applicant, teaching the applicant how to dress for the interview, and working to improve communication skills. Additional responses mentioned as important for the hiring decision were the ability to demonstrate completed rehabilitation, education and skill achievements, and confidently presenting oneself during the interview.

The sixth interview question was as follows: Is the type of conviction a factor in hiring? Thirteen participants (48%) responded to this question based on business policy. Those responses included a type of offense or a category of offense that would be

excluded. For example, sex offenses (five responses, 19%) and violent offenses (seven responses, 26%) were most often identified as exclusionary to employment. One participant responded with theft as an exclusionary offense. Four participants (15%) responded that any nexus between the job duties and the offense would make the offense exclusionary (see Table 7).

Table 7

Type of Conviction as a Hiring Prohibitor

Offense type	No. of participants	%
Sex	5	19
Violent	7	26
Any offense with nexus to job	4	15

The seventh interview question was as follows: What is your company's policy for hiring people with criminal records? Of the 24 participants (89%) who responded to this question, 12 (45%) indicated that their business had no formal written policy and one was unsure if there was a formal policy. Staffing level and type of ownership had an effect on the responses to this question.

The eighth interview question was as follows: Do you conduct background checks? Eighteen respondents (67%) affirmed their business does conduct a background check (see Table 8). Of those responding to this question, 10 (56%) use a third-party background check company to process the checks. The nine respondents (34%) who did not conduct background checks relied on a government certification process or on another agency, or they conducted Internet social media searches instead.

Table 8

Process for Conducting a Background Check

	Third party information broker	Government resource	Other	No check conducted	No response
Financial	1			1	
Tech			1		
Staffing	1		2		
Real estate				1	
Retail	2				2
Marketing	1				
Health care		2			
Athletic			1		
Industrial	3				2
Service		2			2
Publishing					1
Transportation	1				

Interview Question 9 served as an opportunity for participants to provide additional comments. The 10 participants (37%) who chose to provide additional comments focused on philosophy with regard to the employer, to the business, or to the applicant. Participants' responses reflected a preference for giving second chances. Participants believed that even if a person made a mistake in the past, that mistake is not a concrete indicator that the person is morally bad. Participant responses directed toward the business identified the need for employers to keep an open mind when an applicant is being honest or remorseful. This approach should be balanced with the employer's responsibility toward the safety and security of the other workers and the business clients. One participant expressed concern that legislation tends to protect the applicant at the risk of the employer. Employers who hire ex-offenders risk the liability of customers and staff safety if the ex-offender reoffends while employed.

Evidence of Trustworthiness

Data derived from the original use of the interview tool reflected the stated purpose of the original study, which served to establish the credibility of the tool (Swanson et al., 2012). Swanson et al. (2012) conducted the original study at the national level with a purposive sample of employers known to hire ex-offenders. The original study findings indicated individually owned businesses were more likely to hire ex-offenders, possessing the qualification to the job was the most important hiring factor, and time from last conviction in years and a demonstration of remorse were also important. Nearly half of the respondents from the original national study reported that a nexus between the job and offense would be a consideration. The response data gathered from the implementation of this same tool at the local level (Will County, Illinois) also supported the stated purpose of the original study. Thus, this study further supported the credibility of the tool.

In all instances but one, which was time in years from last offense or conviction, the findings of this study supported the findings of Swanson et al.'s (2012) study. The number of years from offense or conviction ranked slightly lower in importance by the participants of this study compared to Swanson et al.'s study, which may be due to the difference in participant population targeted. In the national study, the purposive target population was known to hire felons. In the current study, the only requirement was the employers not be legislatively prohibited from hiring any ex-offender rather than businesses representatives known to hire ex-offenders. Further replication of the study

should be adequate to address this difference. The congruence between the two outcomes lent support to the transferability of the data to a general population of employers.

After each interview, I reviewed the notes to ensure the responses accurately reflected the intent of the participant. The most challenging aspect of the data collection process was engaging with participants who had a misunderstanding of legal requirements associated with criminal history background checks performed in Illinois. I avoided making any comments so that I did not challenge the participants' perceptions. Each time this occurred, it directly related to the participant's lack of experience with processing background checks. To mitigate the impact of bias, I reviewed the interview notes with the participant immediately following the interview to ensure the notes accurately reflected the perceptions of the participant not the researcher.

Summary

The findings derived from the application of Swanson et al.'s (2012) questionnaire to the county level provided support for the national findings. The similarity of support indicates validity at varying levels of the general employer population. Participants supported employment for ex-offenders, identified that the skill set should match job tasks, indicated applicants should avoid applying for a job that has a nexus to their past criminal offense, and applicants should work on interview attire and communication. The participants also indicated applicants should be honest and forthcoming when discussing their past criminal history with a prospective employer.

Table 9

Comparison of Results Between Original National Study and Current Local Level Study

	National	County level
Sample size	128	27
Knowingly hired ex-offender	63%	63%
Important hiring factors		
Qualifications/skills	42%	41%
Time since last conviction	14%	48%
Type of offense not related to job	47%	15%
Employer offered advice		
Honesty	33%	37%
Demonstrate remorse/rehabilitation	13%	11%
Be prepared for interview	7%	22%

Chapter 5 includes the findings from the study as they relate to the theories and the research questions. The chapter also includes recommendations for future research and future legislative initiatives.

Chapter 5: Discussion, Conclusions, and Recommendations

Introduction

The purpose of this study was to inform stakeholders of the possible impact of employer perceptions of CHRI on the hiring-decision process. The research questions elicited details of shared experiences from employers who have engaged in the hiring process with applicants who have a known criminal history record. The data obtained were qualitative and were suitable for using the phenomenological approach (see Creswell, 2013; Moustakas, 1999). Results of interview data from 27 business representatives operating in Will County, Illinois, supported the national findings (see Swanson et al., 2012) of employers who value honesty, good interview skills, and job-related skills. Employers also give consideration to the amount of time passed since the offense without reoffending when considering an ex-offender as an applicant.

Interpretation of the Findings

Research Question 1

RQ1: What effect, if any, does Illinois employers' perception of criminal history have on hiring process decisions? Known criminal history background information had an effect on employer perception. However, similar to the findings of Swanson et al. (2012), the effect was not always negative. Participating Will County employers expressed a belief in second chances. The majority had hired an ex-offender, although they were careful to not intentionally put an ex-offender in a position that would encourage recidivism in the same offense category. The responses to Questions 1, 2, and 4 of the questionnaire supported this conclusion. These specific questions addressed past

hiring decisions, factors desirable in an employee, and the factors considered when making a hiring decision. Employers were open about looking for candidates who have the job skills specific to the employment opportunity as the most important factor affecting their hiring decisions (Ramakers et al., 2016). Skills associated with the job were reported frequently by participants in response to Questions 2 and 4. Age at the time of the offense, and when combined with a lack of recidivism, emerged as indicators of reform. Employers acknowledged that people make mistakes, especially when they are young. Responses to Question 3, time from last offense, ranged from no real hard time frame to 30 years, which indicated that employers are open to various lengths of time without offense. Also important to employers was honesty (see Swanson et al., 2012) on the part of the applicant regarding past criminal activity. Responses to Question 5, advice to vocational counselors, included honesty and demonstrating remorse as important. Applicants should have the communication skills to convey true remorse and demonstrate rehabilitation during the interview process.

The findings indicated that as the in-group employers were not as quick to view ex-offenders as the out-group (see Merton, 2000), based on a documented criminal history. Thus, employer labeling an ex-offender as part of the out-group appears to be a move in the direction of cultural acceptance. Employers seem to be looking at the whole person within the decision-making process, and criminal history is a single facet of the whole person. These shared perceptions do not support the logic of ban-the-box (Doleac & Hansen, 2016; Solinas-Saunders & Stacer, 2015) type legislation. Ban-the-box proponents believe that if applicants are not asked about criminal history up front in the

hiring process, then more applicants will receive job offers than when the criminal history is found through a background check, and employers will not be as swayed by the information as they have been without knowing applicants' skill set. Rather, participant responses to Question 5 indicated that employers prefer to know the information up front in order to make an informed decision when considering candidates. This situation leaves the ex-offender in a quandary as an applicant regarding whether to discuss past offending during the interview or to wait for the information to be discovered. In the technological environment in which information is stored, finding information on employees or others may be unavoidable (Jacobs, 2015). The impact from the diffusion of innovation (Sabatier & Weible, 2014) framework remains applicable to the discussion of access to, and use of, CHRI.

Research Question 2

RQ2: What effect, if any, does an applicant's criminal background have on hiring decisions by Illinois employers? The effect on the hiring decision-making process was evident and directly tied to technical requirements of the job as they related to the past offense. Participating employers reported that a nexus between the past offense and the job responsibilities could be a prohibitor to the specific job placement. Such a nexus did not mean the employer would not place, or had not placed, the ex-offender in a different position than the one applied for. In a single participant response indicating criminal history information resulted in an employee losing a position, the employee did not communicate the past offense with the employer. The employment requirements for the position would put the employee in violation of offense registration requirements.

The concept of matching the applicant to a position where there is also a nexus between past offense and job responsibilities is addressed in Title VII of the Civil Rights Act of 1969. It is the threshold used to determine if an employer may terminate employment based on criminal history (Onnekikami & Ikpala, 2016). Participants who were aware of this expressed a preference to place an applicant who is an ex-offender in a position that would not encourage reoffending and that matched well with the applicant's skill set. Waiting to discover that there was a nexus after the background check could make reassigning a new and less-experienced employee more difficult. Employers may have more flexibility during the application process rather than after making a conditional offer of employment.

During this study, the political climate in Illinois once again shifted from one political party to another in the executive office (Riopell, St. Clair, & Coen, 2018). Money matters also continued to dominate the news headlines; however, criminal history remains a top legislative priority. For example, calls from the governor's office to legalize cannabis and expunge cannabis-related offenses (McCoppin & Smith Richards, 2019) had a direct effect on ex-offenders and employers, giving further support to the appropriate use of the multiple streams theory (Cairney & Jones, 2016) as a lens for examining the use of CHRI by noncriminal-justice employers.

Application of Criminal History Record Information

Employer participants were applying knowledge of applicants' CHRI to the hiring decision-making process. The most common resource for obtaining the information was private information brokers. This common theme demonstrates the application of the

diffusion of innovation theory (Walker, 1969) through making information more readily available as a result of technological innovations (Jacobs, 2015). Employers were able to garner information from the Internet as well, with searches based on demographic data combinations. In the current electronic information market, biometric attributes are the government supported method of ensuring the information gleaned is relevant to the subject of the search (Jacobs, 2015). Biometric based searches are somewhat limited to governmental databases (Illinois Department of State Police Law, 2000; Jacobs, 2015), which presents a challenge for interpretation by Illinois employers not required to fingerprint applicants.

Limitations to the Study

Limitations to the study remained consistent with those identified in Chapter 1. In this study, I targeted a sample of employers from Will County, Illinois, to further examine perceptions with a questionnaire originally used in a national study (see Swanson et al., 2012). The population in this study contained a fundamental difference from the sample in the national study, as the sample for this study was not known to hire felons. Rather, the sample in this study represented businesses that could hire ex-offenders if they chose to. This study's outcomes were similar to the outcomes of the national study, which lent support to the findings being applicable to employer populations without legislative prohibitions to hiring ex-offenders, generally.

Recommendations

The employers' perspective indicated the importance of reducing the nexus between job duties and past offenses and supported a recommendation to conduct further

research on employers' comprehension of what they read in a criminal history record report. Employers' comprehension of CHRI is foundational to decision making involving CHRI. Additionally, applicants and social programs that assist job seekers should take notice of the employers' need to match the applicants' skills to the job applied. Ensuring applicants possess communication skills and understand how to best present themselves during a job interview is also paramount to progressing through the hiring process.

Additional research should also be conducted on the impact of ban-the-box legislation. Some literature represents this type of legislation as harmful to applicants (Agan, 2017; Doleac & Hansen, 2016; Kelley, 2017; Solinas-Saunders & Stacer, 2015), while others support such legislation (Paul-Emile, 2014; Weissert, 2016). Given the findings of this study regarding honesty coupled with the opposing views in the literature, further study of outcomes from ban-the-box type legislation is necessary.

Legislators should look to researchers to validate data further to empower legislative development. By using the findings from research, legislators can also validate and plan for the long-term outcomes of enacted legislation rather than producing reactionary legislation (Sheshadri, Hang, & Singh, 2018) with short-term intended outcomes and possible long-term unforeseen consequences. Many catalysts such as social, cultural, and scientific events can help to drive research agendas and can be overlaid with legislative needs to produce current and thoughtful results.

Implications

Positive social change resulting from this study can be realized from the application of the findings at the individual, organizational, and policy levels. Individually, ex-offenders should use the response information to prepare for employment, ensure jobs applied for match individual skill sets, and be honest about past offending. Further, applicants should be able to demonstrate how rehabilitation has been achieved if unskilled individuals should use social and governmental programs to improve professional skills and education.

At the organizational level, leaders of social programs working to support ex-offenders should offer programs focused on the identified areas of importance and should ensure programming can be tailored to individual needs. Program clientele should work on professional skills, education, and practice interviewing, to include appropriate self-presentation and communication. Program staff should also ensure they are steering applicants to look for jobs that match their current skill set while encouraging applicants to improve skills for additional opportunities.

At the social or policy level, the findings encourage a reevaluation of reactive legislation development. The short-term impact of reactive legislation may be good for reelection (Solinas-Saunders & Stacer, 2015), but the long-term outcomes should support successful community reintegration as balanced with public safety. Legislators have access to research findings via governmental agencies, universities, and other sources. Findings from research can and should play a foundational role in legislation development.

The qualitative methodology for phenomenological research used for this study led to findings built upon the work of Swanson et al. (2012). The modified replication of the questionnaire and national study methodology supported the internal and external validity of the research through similar outcomes. Both the national and the local studies resulted in participant responses directly related to employment decision making that bolstered the internal validity status of the questionnaire. Reliability of the data was demonstrated as well, given the proportional similarity of the overall responses (see Table 9). The similar outcomes between the studies supported the applicability of the research to the general population of employers.

Conclusion

The prominent lesson from this study is that an assumption of having a criminal history record known to an employer will act as an absolute bar to employment is not always correct. The results from this study and Swanson et al.'s (2012) study at the local and national levels, respectively, showed that employers indicated employees can develop skills to mitigate the information contained on a criminal history record. This conclusion was reported in the national study and was supported in the current study on the local level. Because external validity was supported through the similarity of outcomes between the studies, the conclusion applies to Illinois employers generally.

None of the participants in this study reported that having a criminal history record would prevent employment unless a nexus existed between the job applied for and the past offense. Employers reported engaging decision-making processes that support giving second chances if the skill set needed exists and the applicant can communicate or

demonstrate a lack of reoffending. Employment is an important factor in achieving successful reentry (Lockwood et al., 2016). However, it is one factor among others, just as having a documented criminal history is one facet of the whole applicant. Although an employer's knowledge of a criminal history does have an effect on perception and hiring decision making, the effect is not always negative.

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Appendix A: Listing of Requester Agencies and Purposes

Illinois State Police Legislation Matrix

Reason for Inquiry	Purpose Code	Agency Type(s)	Reporting NCIC Issued ORI Note: Agency Types with Multiple ORIs, ORI's not listed	Illinois Compiled Statute (s)	FBI Access
Federal Laws					
Adam Walsh Act (employee)	AWA	Social Service and Educational	Multiple (Generic ORI for FBI)	Public Law 109-248	Yes
Adam Walsh Act (volunteer)	AWV	Social Service and Educational	Multiple (Generic ORI for FBI)	Public Law 109-248	Yes
Medicare Medicaid Vendors	MMV	Illinois Healthcare and Family Services / Office of Inspector General	IL920600Z	Public Law 111-148 / Public Law 111-152	Yes
National Child Protection Act	NCP	Public and Private Care of Children, Elderly, and Disabled	Multiple	Public Law 103-209	Yes
National Child Protection Act Volunteer	VCA	Public and Private Care of Children, Elderly, and Disabled	Multiple	Public Law 103-209	Yes
State Laws					
<i>Access and Review (individual access to criminal history for the purpose of review and possible correction)</i>					
Access and Review	(Access & Review FP subm.)	Individuals	ILLACCRV0	IL Admin Rule Title 20 part 1530	No
Chiropractors					
Chiropractic License	CHI	IL Dept. of Financial and Prof. Regulation	IL920704Z	225 ILCS 60/9	Yes
Chiropractic License by Endorsement	CLE	IL Dept. of Financial and Prof. Regulation	IL920704Z	225 ILCS 60/19	Yes
Children, Family, and Adoption Services					
Child Care License *	CCL	Department of Children and Family Services	IL920030Z	225 ILCS 10/4.1	Yes
Unlicensed Day Care *	UDC	IL Department of Children and Family Services	IL920708Z	305 ILCS 5/9A-11.5	Yes
Non-Licensed Child Care Contractor	NLC	IL Department of Children and Family Services	IL920708Z	305 ILCS 5/9A-11.5	Yes
Private Adoption Applicants	PAD	Department of Children and Family Services and/or Child Welfare Agencies assigned by DCFS/Cook County Department of Public Aid	DCFS IL920030Z Child Welfare agencies (Multiple)	40 ILCS 1508 [6] [A]	Yes
Early Intervention Services	EIS (Fee App State Only)	Department of Human Services (WIU/Provider Connections)	ILL13612S	325 ILCS 20/10	No
Conceal Carry					
Firearm Concealed Carry Instructors	CCI	Illinois State Police, Firearms Services Bureau	IL920707Z	430 ILCS 66	Yes
Firearm Concealed Carry	CCW	Illinois State Police, Firearms Services Bureau	IL920707Z	430 ILCS 66	Yes
Health Care Inquiries					
Health Care Nursing Home Resident Check	Name Check Only	Illinois Department of Public Health/Nursing Homes	Multiple	IDPH Adm. Code 77-300-615(e)	No
Health Care Worker Background Check Act *	HCW	Illinois Department of Public Health/Health Care	ILNHP09Z	225 ILCS 46/33(e)	No
Health Care Nursing Home Resident Check - Identifier Offender Program	RNP	Illinois State Police Department of Internal Investigation	IL920701Z	210 ILCS 45/2-201.5 (c)	Yes
Gaming					

* For use by authorized vendor(s) only.

8/31/2018

Illinois State Police Legislation Matrix

Reason for Inquiry	Purpose Code	Agency Type(s)	Reporting NCIC Issued ORI Note: Agency Types with Multiple ORI's, ORI's not listed	Illinois Compiled Statute (s)	FBI Access
Illinois Gaming Riverboats/Gambling License	IGB	Illinois Gaming Board/Riverboats	Multiple	230 ILCS 10/6 and 230 ILCS 10/22	Yes
Video Gaming Licensee	VGL	Illinois Gaming Board	IL0169Y00	230 ILCS 10/6 and 230 ILCS 10/22	Yes
Illinois Racing Licensing	RCB	Illinois Racing Board	IL920120Z	230 ILCS 5/15, 15.1, 15.3, 15.4 and 5/24	Yes
Local Government Employees					
Chicago Navy Pier/Expo Center	LGE	Local Government Employment	ILL13337S (Generic ORI for FBI)	70 ILCS 210/3 and 20 ILCS 2630/3(B)	Yes
City/Village Employees-Licensing	LGE	Local Government	Multiple (Generic ORI for FBI)	20 ILCS 2630/3(B)	Yes
Fire Fighters	FMN	Local Government Fire Fighters	Multiple (Generic ORI for FBI)	65 ILCS 5/10-2.1-6.1 and 20 ILCS 2630/3 (B)	Yes
Medical School Matriculants					
Public School Matriculants	MSM	Public Medical Schools	Multiple	20 ILCS 2605/327	Yes
Private School Matriculants	UCIA FP Only	Private Medical Schools	Multiple	20 ILCS 2605/327	No
Medical Marijuana					
Cannabis Cultivation Agent	CCA	Illinois Department of Agriculture	IL920710Z	410 ILCS 130/95(a)	Yes
Cannabis Dispensing Agent	CDA	Illinois Department of Financial and Professional Regulation	IL920711Z	410 ILCS 130/115(d)	Yes
Miscellaneous					
Bank Charter (Management Staff), Pawn Brokers	BCA	IL Dept of Financial & Prof. Regulation (Office of Banks and Trust)	IL920550Z	20 ILCS 3205/5	Yes
Carnival and Amusement Rides Safety Act	UCIA NFP/FP Check	IL Department of Labor	ILLUFP000	430 ILCS 85/2-20	No
Executive Clemency	PRB	IL Prisoner Review Board	IL084045G	730 ILCS 5/3-3-13	Yes
Explosive Licenses	DMM	Department Of Natural Resources	IL920500Z	225 ILCS 210/2000 through 2011	Yes
Humane Euthanasia	HEA	IL Dept. of Financial and Prof. Regulation	IL920650Z	510 ILCS 72	Yes
Liquor License Applicant	LIQ	Local Liquor Control Board	Multiple (Generic ORI for FBI)	20 ILCS 2630/3.1 [b] and 235 ILCS 5/4-7	Yes
Massage Therapists	MTH	IL Dept. of Financial and Prof. Regulation	IL920680Z	225 ILCS 57/15	Yes
Mental Health Applicant	MHA	Mental Health Care Facilities	Multiple	20 ILCS 1705/4.2	Yes
Military/National Guard Background Checks	ASF	U.S. Military/Illinois National Guard	Multiple	20 ILCS 2630/3-c	No
Public Adjuster Licensee	PAL	IL Department of Insurance	IL920702Z	215 ILCS 5/1520	Yes
Public Housing Applicant	PHA	Public Housing Authorities	Multiple	310 ILCS 10/25	Yes
Pyrotechnic Distributor Act	PDA	Office of the State Fire Marshal	IL920690Z	225 ILCS 227/45	Yes
Nurses					
Licensed Practical Nurse	LPN	IL Dept. of Financial and Prof. Regulation	IL920630Z	225 ILCS 65/5-23 and 225 ILCS 65/50-35	Yes
Registered Professional Nurse	RPN	IL Dept. of Financial and Prof. Regulation	IL920630Z	225 ILCS 65/5-23 and 225 ILCS 65/50-35	Yes
Licensed Medication Aide	LMA	IL Dept. of Financial and Prof. Regulation	IL920630Z	225 ILCS 65/50-35 and 225 ILCS 65/80	Yes
Park Districts					

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Chicago Park District	PKD	Local Government Employment	ILL03481S (Generic ORI for FBI)	70 ILCS 1505/16a-5(b) and 70 ILCS 1205/8-23	Yes
Park District Employees	PKD	Park Districts	Multiple (Generic ORI for FBI)	70 ILCS 1205/8-23	Yes
Physicians					
Physician's License	PHY	IL Dept. of Financial and Prof. Regulation	IL920704Z	225 ILCS 60/9	Yes
Physician's License by Endorsement	PLE	IL Dept. of Financial and Prof. Regulation	IL920704Z	225 ILCS 60/19	Yes
Private Security, Locksmith, Fingerprint Vendor					
Live Scan Fingerprint Vendor	LFV	IL Dept. of Financial and Prof. Regulation	IL920020Z	225 ILCS 447/31-10(b) and 225 ILCS 447/35-30	Yes
Locksmith	LOC	IL Dept. of Financial and Prof. Regulation	IL920020Z	225 ILCS 447/35-30	Yes
Private Alarm Contractor	PAC	IL Dept. of Financial and Prof. Regulation	IL920020Z	225 ILCS 447/35-30	Yes
Private Detective	PSA	IL Dept. of Financial and Prof. Regulation	IL920020Z	225 ILCS 447/35-30	Yes
Private Security Contractor	PSC	IL Dept. of Financial and Prof. Regulation	IL920020Z	225 ILCS 447/35-30	Yes
Security Guards	SEC	IL Dept. of Financial and Prof. Regulation	IL920020Z	225 ILCS 447/35-30	Yes
Real Estate Appraisers					
State Certified General Real Estate Appraiser	GRA	IL Dept. of Financial and Prof. Regulation	IL920712Z	225 ILCS 458/5-22	Yes
State Certified Residential Real Estate Appraiser	RRA	IL Dept. of Financial and Prof. Regulation	IL920712Z	225 ILCS 458/5-22	Yes
Associate Real Estate Trainee Appraiser	ARA	IL Dept. of Financial and Prof. Regulation	IL920712Z	225 ILCS 458/5-22	Yes
State Employees					
Employee of any State Agency	STE	State of Illinois agencies	Multiple (Generic ORI for FBI)	20 ILCS 2630/3 (B)	Yes
School Inquiries					
Chicago Board of Education	CBE	Chicago Board of Education	IL016299S	105 ILCS 5/34-18.5	Yes
Certified School Employee	CSE	Public School Districts	Multiple (Generic ORI for FBI)	105 ILCS 5/10-21.9	Yes
General Educator	EDC	Public Schools Districts	Multiple (Generic ORI for FBI)	105 ILCS 5/10-21.9	Yes
Non-Certified School Employee	NSE	Public School Districts	Multiple (Generic ORI for FBI)	105 ILCS 5/10-21.9	Yes
School Bus Driver	SBD	Secretary of State (Schools & Bus Drivers Facilities)	Multiple (Generic ORI for FBI)	625 ILCS 5.0/6-106.1	Yes
Vehicle Services					
Charter Bus Driver	CBD	Secretary of State	Multiple (Generic ORI for FBI)	625 ILCS 5/6-508	Yes
Commercial Transportation Vehicle Relocator	CTV	Illinois Commerce Commission	IL920510Z	625 ILCS 5.0/18a-200	Yes
Drivers Training Instructor	DTI	Drivers Training/Secretary of State	IL920620Z	625 ILCS 5/6-107.5	Yes
Recovery Permit Licensee	RPL	Illinois Commerce Commission	IL920510Z	225 ILCS 422/45	Yes
Secretary of State Employees	SOS	Secretary of State	IL920060Z	15 ILCS 310/10	Yes
Tow Truck Company	TTC	Law Enforcement Agencies	Multiple (Generic ORI for FBI)	625 ILCS 5.0/4-203.5	Yes
Tow Truck Driver	TTD	Law Enforcement Agencies	Multiple (Generic ORI for FBI)	625 ILCS 5.0/4-203.5	Yes
Vehicle Dealer Licenses	VDS	Secretary of State	IL920660Z	625 ILCS 5/5-105	Yes

Appendix B: Employer Questionnaire

Type of business: Independently owned?

Number of employees: Date:

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If known at the time, have you ever hired an employee with a felony?

*(Do you remember the type of conviction?)*

Why did you decide that the person (or persons) would be a good employee(s)? What factors convinced you to hire?

Do you remember how long it had been since that person's conviction?

Are you more likely to consider a person with a criminal record for some positions over others? Why?

What advice would you give to vocational counselors who are trying to help people with criminal records?

Is the type of conviction a factor in hiring?

What is your company policy for hiring people with criminal records?

Do you conduct background checks?