

Fair Chance Employment Interviewing Best Practices

Summary: While it has become a commonly held best practice to remove conviction disclosures on job applications and wait until a conditional offer has been made before conducting a background check, the job interview can be a challenging time for both candidates and interviewers to navigate past convictions. Interviewers should strive to minimize the likelihood that a candidate feels compelled to speak about their conviction, while being prepared to address the conviction if it surfaces in conversation.

Five Fair Chance Interviewing Best Practices:

- 1. Do not ask a candidate about their arrest or conviction history.** Consistent with the best practice of conducting background screenings after a conditional offer of employment, the interview is not the time to inquire about past justice involvement. Fair Chance employers work to minimize bias and maximize opportunity by giving all candidates a chance to highlight their qualifications before their conviction history is considered.
- 2. Do not proactively explore a gap in employment history.** Candidates have a wide range of reasons for spending time outside the workforce, whether caring for a family member, managing health issues, or serving a period of incarceration. Interviewers should assess candidates' qualifications based on the experience and aptitude they demonstrate and avoid questions that may compel candidates to share personal and non-job-relevant information in the interview.
- 3. Share the background screening process with all candidates.** By conveying to candidates at the outset all the steps in the hiring process, interviewers can help reduce anxiety and ensure transparency. Consider including a statement in the interview such as: "successful candidates will receive a conditional offer of employment, after which we will conduct a background screening. If any job-relevant issues arise in the background screening, we will invite candidates to discuss the circumstance of the flagged issue, and we will make individual determinations on the final offer."
- 4. If a candidate shares a past arrest or conviction,** explain that any job-relevant convictions will be reviewed after a conditional offer of employment has been made and as part of a separate process called an individual assessment. Interviewers can remind candidates that this interview is an opportunity to discuss their strengths, qualifications, and readiness for the job, and if their conviction or incarceration is part of that story, they are welcome, but certainly not required, to share. Interviewers should continue to evaluate the candidate solely on their qualifications, even if a past conviction was disclosed, until the background screening is conducted.
- 5. Be prepared, be consistent.** Interviewers should understand the competencies needed to be successful in the job, and prepare questions upfront that help assess candidates' skills and qualifications relative to those competencies. These questions should be consistent for each candidate and interviewers should strive to keep the conversation focused on these skills-based inquiries rather than personal details.

While there are many attributes of a successful interview, these five practices will help provide candidates with past convictions the best opportunity to present their strengths and qualifications for the job.