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# Employment of People with Criminal Records: An Exploratory Study of the State of Georgia

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**Employment of People with Criminal Records:  
An Exploratory Study of the State of Georgia**

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Department of Political Science and International Affairs

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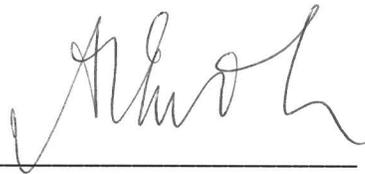
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# **Employment of People with Criminal Records: An Exploratory Study of the State of Georgia**

## Executive Summary

Individuals in Georgia with criminal records have many barriers and collateral consequences which impact their ability to find employment upon release from prison. Collateral consequences are those repercussions which impact the ex-offender's civil liberties after they are released from prison. Research has shown that ex-offenders who do not find gainful employment upon release from prison are more likely to return to prison than those who find gainful employment after they are released.

The purpose of this exploratory study is to examine the current state and federal programs along with nonprofit organizations and discuss how they affect Georgians with criminal records. The goal is to review the intergovernmental relations existing in the current programs in hopes of exploiting the best practices being used. An example is the grant funding being distributed by the federal government via the Second Chance Act of 2007 which has disseminated millions of grant dollars to state governments and nonprofit organizations for the implementation of reentry programs and services to assist ex-offenders in transitioning into the society.

The alternative of not supporting efforts to better prepare ex-offenders for life after prison and allowing collateral consequences to go unchecked could cost Georgia taxpayers millions of dollars a year. The most realistic result could be a higher recidivism rate as well as costs of services needed for the victims who may suffer from the crimes committed by the repeat offenders. The paper concludes that public administrators play an important role and should both educate the portion of their community who have criminal records as well as inform employers of the incentives available for those who hire these ex-offenders.

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# **Employment of People with Criminal Records: An Exploratory Study of the State of Georgia**

## **Introduction**

Public administrators provide services to many different groups in the communities they serve. This includes ex-offenders released from prison and back into the community. Many of these ex-offenders may face challenges through the consequences of their actions which follow them after they serve their time in jail. These "collateral" consequences or sanctions and disqualifications are penalties or restrictions related to a criminal conviction coupled with any sentence determined by the court.

These consequences arise from provisions in federal or state law as well as in administrative regulations. They serve to limit one or more aspects of an individual's life, post-conviction including civic participation in voting or on jury service; eligibility for certain types of employment, professional licensure, military service, or firearms ownership; access to government benefits related to housing, student assistance, food stamps, or Social Security; status regarding immigration or travel privileges; and registration with local authorities (Dennard and DiCarlo 2008).

As mentioned above one collateral consequence of a criminal conviction is finding employment. It has been shown in previous research that humans need employment for basic economic recourse, security, and to have done meaningful work with space to grow and develop supporting social relationships such as family units (O'Toole and Lawler 2006). For ex-offenders, not finding gainful employment after being released may lead them back to crime to satisfy some of the needs enumerated above. The U.S. Department of Justice found that only 40 percent of ex-felons have legitimate employment within one year of their release and 65 percent

of employers will not hire individuals with criminal records (Petersilia 2000, 3). The State of Georgia may be no exception.

In the State of Georgia, finding employment after serving sentence may be very difficult. According to the Legal Action Committee report, Georgia ranked 47th out of the 50 states in legal barriers faced by people with criminal records. Georgia also received one of the worst score of "10 out of 10" in identified barriers to employment by the report (Legal Action Center 2004). While federal and state protections are in place to inhibit discrimination, employers have numerous options to look past or terminate individuals with criminal records. Georgia's interest in protecting the public safety is a top priority followed by the interest of employers. So how do public administrators support their community members with criminal records in finding employment?

There are numerous state programs that serve Georgia's ex-offenders that are run by public administrators including programs from the Georgia Department of Labor, nonprofit programs, the State Board of Pardons and Paroles, and the Georgia Department of Corrections. There are also many federal programs and initiatives that are also available including the Federal Bonding Program, the Work Opportunity Tax Credit, and the Second Chance Act of 2007. Programs who serve ex-offenders are present in the nonprofit arena as well including Goodwill Inc., Cobb Works, and other reentry oriented nonprofit organizations.

The purpose of this exploratory study is to examine the programs and initiatives being provided by the state and federal governments and the nonprofits to improve the employment eligibility of people with criminal records in the State of Georgia. The research questions are as follows: Who are the people impacted by their criminal record as ex-offenders? What barriers do they have to employment? How well do the state and federal programs as well as the nonprofit

programs address the employment barriers that ex-offenders face? Also, what are the intergovernmental relations practices within these federal and state programs? What do nonprofit organizations offer to ex-offenders looking for employment?

## **Literature Review**

### *Ex-offenders in Georgia*

As cited in Lewis in 2009, previous research results show that the number of individuals released from state and federal prisons in the United States in 2008 increased by 20 percent from 2000 (Lewis 2009, 1). This is over 735,000 individuals (Lewis 2009, 1). On a national level, in 2008, there were more than 1.6 million prisoners in federal and state correctional facilities which are equal to one in every 198 Americans (West, Sobal, and Cooper 2009). Overall within Georgia's population there are over 397,000 individuals on probation and more than 23,000 on parole according to the Sentencing Project (The Sentencing Project 2010). In calendar year 2010, about 20,997 Georgians completed their sentences and reentered their communities as ex-offenders. Of those released, there were 9,314 who had a prior incarceration in Georgia. That is an additional 11,226 Georgians with criminal records that may need assistance in finding employment for the first time after their release (Georgia Department of Corrections 2010). Within this population, 10.98 percent are women, 63.12 percent are minorities, and 49.30 percent are from low socioeconomic class (Georgia Department of Corrections 2010). Another observed statistic is that 99.93 percent of those released in 2010 will have felony offenses on their records (Georgia Department of Corrections 2010).

These statistics may be important for public administrators to be familiar with as they try to decide the best route to assist the ex-offenders with finding employment. A survey by Holzer,

Raphael, and Stoll (2003) conducted from 1992 to 2001 of employers in various large metropolitan areas found variations in employer's willingness to hire ex-offenders. For example:

Employers are much more averse to hiring ex-offenders than they are towards any other disadvantaged group, such as welfare recipients. Employers vary in their stated willingness to hire ex-offenders according to the characteristics of their establishments and the jobs they are seeking to fill. They also vary according to the offense committed by the offender and whether any meaningful work experience has been obtained since release (Holzer, Raphael, and Stoll 2003, 11).

Over 3,000 employers from around the country including Atlanta, Georgia, along with Boston, Massachusetts, Detroit, Michigan and Los Angeles, California were surveyed. Another survey conducted by Devah Pager (2002) also illustrated a connection between an individual's status as an ex-offender and their minority backgrounds (Pager 2002). For white non-offenders, the job offers given to them were twice as many compared to white ex-offenders. For Blacks, an ex-offender received "two-third fewer offers" (Pager 2002). Another part of the report by Holzer and company in 2003 estimated that ex-offenders suffered from a decrease in wages along with a loss of employment. They found that the earnings of an ex-offender before their incarceration could have been ten to thirty percent higher (Holzer, Raphael, and Stoll 2003, 4).

Along with the employer perspectives that may hinder the ex-offenders in finding employment, there are other characteristics that may greatly limit their employability. These characteristics include lack of education. Within the group of Georgians being released in 2010 the average level of education is grade 11, but only 10.57 percent have any form of higher

education (Georgia Department of Corrections 2010). This group of ex-offenders also has an average IQ of under 100 (Georgia Department of Corrections 2010). Outside of education and intelligence a majority of these ex-offenders have histories of substance abuse at 61.8 percent (Georgia Department of Corrections 2010). In addition to the characteristics above, 75.98 percent of the inmates being released in Georgia in 2010 are receiving outpatient treatment (Georgia Department of Corrections 2010).

In regards to Georgia's population of ex-offenders, these demographic details may be important to public administrators as they establish and implement policies to improve the employability of the ex-offenders. Outside of the ex-offenders' demographic make-up there are also collateral consequences which impact their employability. Georgia public administrators may need to be familiar with these collateral consequences to provide services that may benefit the collaboration between employers and the public administrators in assisting ex-offenders connect with employment opportunities.

### *Barriers and Collateral Consequences in Georgia*

As stated in the introduction, finding an employment opportunity in Georgia after serving a sentence may be very difficult. According to the Legal Action Committee report, Georgia ranked 47th out of the 50 states in legal barriers faced by people with criminal records. Georgia also received one of the worst score of "10 out of 10" in identified barriers to employment by the report (Legal Action Center 2004, 8). For example, Georgia employers may deny a candidate a position based on the person's arrest record even if that arrest did not lead to a conviction of a crime. Employers in Georgia may also deny employment or terminate a person based on his or

her criminal record without requiring the individual's history, circumstance or the necessity to the business at which the person functions (Legal Action Center 2004, 10).

As seen in the previous section, employers who learn of an ex-offenders criminal record may be less likely to offer a job to the ex-offender. In Georgia, employers do not have to show the relevancy of an ex-offender's offence to the employee function within the organization, instead employers legally have the right to deny hiring the ex-offenders regardless of relevancy of the offense to their employment functions (Harris and Keller 2005). With that in mind the ease of access to criminal records may be considered a barrier and collateral consequence for ex-offenders in Georgia. Employers may submit a consent form signed by the applicant or the employer to the Georgia Crime Information Center and receive arrest and conviction records (Dennard and DiCarlo 2008, 89). Also through the Georgia Crime Information Center employers may, without the consent of the applicant or current employee, gain access to felony conviction records (Dennard and DiCarlo 2008, 90). Employers may go online using the Georgia Applicant Processing Services to obtain background checks from the Georgia Crime Information Center for employment purposes, and these services are available within twenty-four to forty-eight hours (Georgia Bureau of Investigation 2010). The current fees for conducting a criminal history check in Georgia is \$20.75 for non-criminal justice purposes, making it very inexpensive for employers to requests the criminal histories possible hires (Georgia Bureau of Investigation 2010).

On top of the ease of access to obtaining background information, ex-offenders also have the barrier of Georgia being an at-will employment state, which is defined by the State Bar of Georgia via the Georgia Secretary of State as follows:

Employment at will means that in the absence of a written contract of employment for a defined duration, an employer can terminate an employee for good cause, bad cause or no cause at all, so long as it is not an illegal cause (Georgia Secretary of State 2010).

Along with being an at-will employment state, there are other restrictions present in Georgia law. For law makers and state representatives, it may be seen as a balancing act of maintaining the State's interest in public safety and in the interests of employers (Dennard and DiCarlo 2008). In the interest of public safety, an example could be prohibiting ex-offenders from certain professions such as sex-offenders working as teachers in the public school system. Employers on the other hand are held accountable for providing their employees with a safe and healthy work environment under the Occupational Safety and Health Act (U.S. Congress 1970). Also employers in Georgia are required to adhere to all legal requirements when hiring employees (Official Code of Georgia Annotated 2010). From an employer's perspective, the hiring of an ex-offender may be a risk on compromising the safety and healthy occupational environment that they are required to provide their other employee. One example given by Dennard and DiCarlo is:

[I]f the employer retains an employee who was engaged in violent conduct and that employee subsequently injures another employee or customer, the claim for negligent retention could be raised. The employer has an interest in considering these potential claims if ex-offenders apply for employment (Dennard and DiCarlo 2008, 102).

As stated in the introduction, a collateral consequence is a repercussion of the criminal offense of an ex-offender which occurs outside of the court appointed sentence as defined by the law of the state where the offender committed the crime. The idea of today's collateral consequence laws could be traced to the European sanctions of civil death, which call for offenders to suffer the permanent loss of their right to vote, to enter into contracts, and to inherit or bequeath property (Demleitner 1999). Throughout history, there have been civil penalties attached to criminal acts. The amount of these penalties has increased rapidly in recent years, through initiatives described as “tough on crime” and the “war on drugs” (Pinard and Thompson 2006, 588). Today these consequences are impacting greater numbers of citizens than ever before (Petersilia 2003).

Also found in the literature on collateral consequences are two concerns. The first centers on the effects of collateral consequences on specific groups based on the type of conviction, demographic trait or profession, which often has disproportionate or unintended impact on people, leading to a call for reform (Chin 2002). The second focuses on the harshness, level of severity, and inconsistent application of collateral consequences which poses a challenge to the prosecution, defense, and adjudication of criminal cases (Chin 2002).

Collateral consequence relate to employment and licensing in specific areas and sectors and are seen in the disqualification of professionals such as lawyers and physicians (Pinaire, Heumann, and Lerman 2006; Heumann, Pinaire, and Lerman 2007), as well as the suspension or revocation of licenses from such a range of occupations including barbers, insurance agents, and telephone solicitors (Freisthler and Godsey 2005). Many of these are “discretionary disqualifications” a government agency or court is authorized but not mandated to impose. Many of the disqualifications may be applied in cases where a conviction does not take place.

Regulatory bodies may consider certain past behaviors including ones with no conviction result as the basis for disqualification. In Georgia, there are numerous collateral consequences that impact the employment of ex-offenders. For example, an ex-offender with a felony conviction is disqualified from receiving various professional licensing including being a mortgage agent, a lawyer, or a psychologist (Dennard and DiCarlo 2008, 103). The felony disqualification is based on a conviction involving moral turpitude which is a term that allows for wide interpretation in a court of law (Dennard and DiCarlo 2008, 102).

At the federal level there are numerous federal statutes imposing collateral consequences once an individual is convicted. Individuals who are convicted of felonies relating to treason or the bribery of a public official are unable to hold federal office (U.S. Department of Justice 2000). Other examples of felony level crimes that lead to job loss include sharing of trade secrets, disclosure of certain confidential information, financing a member of Congress with federal money, falsifying public documents, advocating the overthrow of federal government by force or violence, gaming offense results in ineligibility for appointment to or continued service on the National Indian Gaming Commission, unauthorized inspection of a tax return, and committing conspiracy to defraud the United States (U.S. Department of Justice 2000).

From these barriers and collateral consequences, public administrators may face challenges in effectively serving the ex-offenders' employment needs. However, Georgia and the United States government have protections in place. In the federal government, there is Title VII of the Civil Rights Act of 1964 that prohibits discrimination in the workplace based on race, color, sex, religion, or national origin (Dennard and DiCarlo 2008). Other federal protections come from the Equal Employment Opportunity Commission policy guidance which has sections specifying the practices to be implemented when considering an applicant with an arrest record.

The Equal Employment Opportunity Commission states that arrest records may not be used alone as an eliminator of potential applicants for employment (U.S. Equal Employment Opportunity Commission 1990).

The Americans with Disabilities Act is another federal protection that influences the treatment of applicants with arrest records and convictions. The Americans with Disabilities Act allows for ex-offenders with records concerning drugs or alcohol not to be discriminated against based on previous rehabilitations or recoveries from addiction (U.S. Congress 1990). For ex-offenders who feel their employment denial may be an unlawful discrimination, there are procedures they must follow in making a claim. These include filing the charge to the Equal Employment Opportunity Commission within 180 days of a violation by the employers, the Equal Employment Opportunity Commission then has 180 days from the filing to investigate and determine if a violation has occurred. Once the Equal Employment Opportunity Commission submits a right to sue letter, then the charging party has 90 days to bring an action to a federal court (Dennard and DiCarlo 2008, 98-99). These procedures are also necessary if an ex-offender wishes to file a claim under Title VII.

The Fair Credit Reporting Act requires employers to inform and gain consent from applicants when requesting credit, character, and mode of living through a third party. This includes the request for criminal records. Also, the Fair Credit Reporting Act requires for an employer to inform applicants when the results of these reports adversely impact the employer's decision on offering a job (U.S. Congress 1970a). The protection to ex-offenders that the Fair Credit Reporting Act provides is the possible reduction in the amount of incorrect or incomplete information being used to make employment hiring decisions.

In Georgia law, there is the First Offender Act that may assist ex-offenders to meet the Act's requirements in their employment endeavors. The First Offender Act states:

Per Georgia law (O.C.G.A. § 42-8-60), upon a verdict or plea of guilty or nolo contendere, but before an adjudication of guilt, the court may, in the case of a defendant who has not been previously convicted of a felony, without entering a judgment of guilt and with the consent of the defendant, defer further proceeding and place the defendant on probation as a first offender (Official Code of Georgia Annotated 2006).

Under the First Offender Act, offenders committing their first offense and completing assigned programs from the court may indicate on applications that their convictions are negative (Dennard and DiCarlo 2008, 103). Also the Georgia Crime Information Center is notified and the ex-offenders record is updated. The person is instead placed on probation with the approval of the court and the defendant. During the probation period, the courts may revoke the First Offender Act status if a probationer does not satisfy the requirements of their probation. If their First Offender Act status is revoked, employers in Georgia may use it to deny employment to the ex-offenders.

For those offenders reentering society, the state and federal protections assist in providing a framework for helping them in overcoming the barriers and collateral consequences, and also in finding gainful employment. Along with these barriers and collateral consequences, as public administrators have many programs and initiatives at the state and federal level of government to assist the ex-offenders in finding employment. Through these programs, public administrators

may be more effective and equitable in providing services that may be enhanced through the intergovernmental relations practices that are implemented.

## **Methodology**

The following methodology has been implemented as an exploratory case study on the employability of Georgians with criminal records. Methods of data collection include a literature review on the population of ex-offenders in Georgia with numerical data on the number of people in Georgia with criminal records and other demographic statistics. Data were also collected on the barriers and collateral consequences that affect the employability of this population in relation to the federal and state legal protections. The barriers include the ease of access that employers have to individuals' criminal records in Georgia, while the collateral consequences include the loss of access to employment for ex-offenders in various industries.

Another section of the paper deals with an investigation of the current programs at the federal level and in the State of Georgia. The nonprofit organization, Goodwill Industries International Incorporated is also examined for its efforts in assisting ex-offenders in Georgia. Programs that assist ex-offenders in finding employment at the state level are from the Georgia Department of Corrections, the Georgia State Board of Pardons and Paroles as well as the Georgia Department of Labor. These programs include the Georgia Department of Corrections' reentry programming as well as the department's strategic plan. Within the Georgia Department of Labor, a focus on its Offender Probationer Parolee State Training Employment Program includes a discussion of its coordinated efforts at the state level. An overview of federal programs includes the Federal Bonding Program, the Work Opportunity Tax Credits, the Workforce Investment Act, and the Second Chance Act of 2007.

The reason for discussing the programs listed above is to provide an insight for dialogue on the presence of intergovernmental relations practices and the involvement of public administrators in the implementation process. Another section estimates the amount of costs for not providing public monies at the federal and state level in Georgia to support ex-offenders in finding employment.

From these investigations and discussions, the author hopes to provide recommendations and draw conclusions on how the federal, state and non-profits may better serve ex-offenders in finding employment. These recommendations may include options to assist ex-offenders with the barriers and collateral consequences, interactions between the programs mentioned above and employers, and interactions among the programs themselves. In addition to the recommendations, conclusions on the author's impressions on possible routes to move forward on this topic will be presented.

## **Findings**

### *Programs and Initiatives in the State of Georgia*

There are several major players involved in serving the employment needs of Georgians with criminal records. Public administrators who serve these Georgians currently may be found in the Georgia Department of Corrections, the State Board of Pardons and Paroles, and the Georgia Department of Labor. Positions within the Georgia Department of Corrections are housed in Reentry Services and are as follows: community reentry management specialist, risk reduction director and the chaplaincy program director, and probation officers. The Georgia Department of Labor has the Offender Probationer Parolee State Training Employment Program Coordinators.

According to the Georgia Department Correction, reentry begins when offenders enter the system. Offenders complete a six phase process as they finish their sentences with the hope that by the time of release they may be less likely to repeat and return to prison. The Georgia Department of Corrections Re-Entry Model starts with a diagnostic process where offenders will have an assessment of their education level and their trades and skills. Phase two focuses on improving their skills and education during their time in the prison system. Phase three moves the offenders into a work program related to their skills and education level. By phase four an offender is six to eighteen months out from release, and placed into a transition center and the work release programming. Phase five and six focus on the preparation for finding suitable housing and meaningful work (Perdue, Jones, and Owens 2010). The Georgia Department of Corrections Offender Re-Entry Model is available in Appendix A.

Also developed in 2010 by the Georgia Department of Corrections is the Offender Re-Entry Handbook. Current Georgia Commissioner Brian Owens states in his welcome letter:

The Georgia Department of Corrections is one of fifteen state agencies participating in the Georgia Reentry Impact Project and this group has taken a look at the barriers one could face upon returning to society. This Reentry Skills Building Handbook was designed to enhance your skills and help your skills and help you overcome any barriers you may be facing on your return home (Perdue, Jones, and Owens 2010, 2).

Inside the handbook is an entire chapter on employment strategies and preparation exercises. The chapter takes the offenders through job search strategies, preparing resume, job application practice, cover letter development, and strategies to discussing their convictions with employers.

In chapter 4 of the handbook offenders find information on career development. In this chapter they learn about creating a career plan (Perdue, Jones, and Owens 2010). A sample of the information in chapter 3 of the handbook is available in Appendix C.

During phases five and six, the Georgia Department of Corrections begins to implement intergovernmental relations practices where the partnership the department has with other state departments, federal agencies, private sector, and nonprofit organization is put into action. In all, there are 15 state agencies participating in, what the Georgia Department of Corrections calls, the Georgia Reentry Impact Project. Through the programs provided by the Georgia Department of Corrections' reentry model and the Georgia Department of Labor's Offender Probationer Parolee State Training Employment Program, the goal of connecting ex-offenders with employment resources and employers is being implemented. The goal of these agencies and organizations is to reduce recidivism, which is currently 65 percent (Perdue, Jones, Owens 2010, 4). The Georgia Department of Corrections has estimated that lowering the recidivism rate in Georgia by 1 percent would save taxpayers \$7 million each year (Georgia Department of Corrections 2010b, 1).

As part of the Georgia Department of Corrections' strategic plan, the department hopes to combat recidivism in ways related to improving the employability of ex-offenders. These ways include expanding offender placement, implementing offender reentry checklists, and expanding the work release programs to enhance the skills that ex-offenders may lead to future employment opportunities post-release (Georgia Department of Corrections 2009a). The Georgia Department of Corrections' strategic plan is available in Appendix B.

Another initiative through the Georgia Department of Corrections is the Corporate Take Five program. Through this program, local corporations agree to take five released ex-offenders.

The offender receives special training, a good paying job, and money set aside for release. The corporation receives benefits such as tax and bonding help, and monitoring of the offender by the Georgia Department of Corrections. Employers may partake in the selection of the five candidates (Georgia Department of Corrections 2005).

In Georgia, numerous programs exist that focus on providing employment options and services to ex-offenders. For example, the Offender Parolee Probationer State Training Employment Program is overseen through the collaboration between the Georgia Department of Correction, the Georgia Department of Labor, and the State Board of Pardons and Paroles. The objectives of the Offender Probationer Parolee State Training Employment Program include reducing the time between release and employment, reducing the number of probation and parole violations by increasing the number of offenders and probationers with employment, working to increase the average wage of released offenders, and finally increasing the number of employers who hire probationers and offenders (Georgia Department of Labor 2009).

The Offender Probationer Parolee State Training Employment Program requires participants to complete three training phases to prepare for being job-ready. Phase one centers on a pre-release job development program and includes a labor screening application, a birth certificate, and social security card. This phase is very beneficial because employers require such vital documents when considering candidates for employment. Phase two focuses on transitioning from prison to life outside the prison. During this phase, released offenders, probationers, and parolees are entered into a standardized system for referral to the Georgia Department of Labor so that employers can easily be matched with individuals who meet the minimum requirements for the available positions. During the transition phase, participants have access to Georgia Department of Labor's Offender Probationer Parolee State Training

Employment Program counselors. These counselors provide a variety of services including job search strategy workshop and referral to jobs. Participants also have access to 53 career centers across Georgia where resource libraries, computers, software programs and Internet access are provided. Phase three is called the follow-up phase where a reporting mechanism has been created that enables the counselors to provide follow-ups by tracking services and employment of the participants of the Offender Probationer Parolee State Training Employment Program (Georgia Department of Labor 2009).

The Georgia Reentry Impact Project is a state initiative currently operating in Georgia to assist ex-offenders with their reentry into the community. The project is based on national requirements and has three phases including: “making a plan” to protect and prepare through institutionally-based programs, “coming home” to control and restore through a community-based transition, and “staying home” to have the responsibility and productivity of community-based long-term support (U.S. Department of Justice 2010a, 1).

### *Programs and Initiatives at the Federal Level*

There are other resources available at the Georgia Department of Labor to entice employers to seeking persons with criminal history, including the Federal Bonding Program, the Work Opportunity Tax Credits, the Workforce Investment Act, and the Second Chance Act of 2007. The Federal Bonding Program and the Work Opportunity Tax Credits are examples of federal programs that the Georgia Department of Labor implements, while the U.S. Department of Labor provides oversight.

The Federal Bonding Program provides individual fidelity bonds to employers for job applicants who are denied coverage. These bonds serve as a business insurance policy that

protects employers in case of any loss of money or property due to an employee's dishonesty. These bonds are free to the employers to incentivize a company to hire ex-offenders or those with criminal history (U.S. Department of Labor 1998). The Federal Bonding Program has assisted over 40,000 individuals and ninety-nine percent of these individuals have not required their employers to cash in on their bonds due to dishonesty (Wazny 2010, 1). There is also a cap of \$5,000 which an employer could obtain back from its bonds and the time window is only open for the first six months from the ex-offender's first day of employment (Wazny 2010, 1). At the conclusion of the six months, the ex-offender employee becomes bondable for life for commercial bonding purposes (U.S. Department of Labor 1998).

The bonds from the Federal Bonding Program cover any type of stealing an ex-offender may commit, including theft, forgery, and larceny or embezzlement. The bonds do not cover liability due to injuries on the job, accidents in the workplace, or poor workmanship (U.S. Department of Labor 1998). There are many types of at-risk populations who may be ex-offenders that employers may hire and be eligible for the Federal Bonding Program, including people of low socioeconomic status, dishonorably discharged military personnel, ex-addicts, and people with poor credit (U.S. Department of Labor 1998). By covering all these groups, the Federal Bonding Program is providing non-bondable individuals, by commercial bonding standards, an option that may motivate employers to hire them (U.S. Department of Labor 1998). So the Federal Bonding Program may provide employers with the motivation and security blanket to hire an ex-offender. As stated earlier, ex-offenders may turn back to crime if they do not find employment to sustain them, leading to recidivism and costing taxpayers more money. The Federal Bonding Program provides a way for ex-offenders to shift from tax users to taxpayers.

The Work Opportunity Tax Credit is a federal tax liability program designed for private-for-profit employers as an incentive for hiring individuals from twelve target groups, including ex-felons and vocational rehabilitation referrals. The Work Opportunity Tax Credit defines an ex-felon as someone who has a felony conviction and hired not more than a single year after conviction or being released from prison (U.S. Department of Labor 2010b). Through the Work Opportunity Tax Credit, employers can earn up to \$2,400, in the form of a tax credit, for each new adult hired (U.S. Department of Labor 2010b). The amount of tax credit that an employer receives does vary and may be deciphered. The Georgia Department of Labor oversees the implementation of this program and maintains an unemployment insurance office. The Georgia Department of Labor determines that participating employers make the hiring decision and complete all required paperwork before making the tax credit claim. Also employers are not limited on the amount of new individuals within the specified groups for tax savings. A few disqualifying characteristics do exist within the Work Opportunity Tax Credit. Employers are not eligible when they hire relatives or dependents, and individuals with majority ownership in the company or former employees (U.S. Department of Labor 2010b). One goal of the Work Opportunity Tax Credit program is to assist employers in reducing the cost of doing business while strengthening the partnership between the public sector and the private sector.

Along with implementing the Federal Bonding Program and the Work Opportunity Tax Credit, the Georgia Department of Labor is also the Workforce Investment Act administrative entity (U.S. Department of Labor 2009). The Workforce Investment Act became a public law on August 7, 1998. The purpose of the Workforce Investment Act is to encourage the design and management of training and employment programs at the state and local level. For this to occur, the Workforce Investment Act authorizes the creation of Workforce Investment Systems by the

state workforce investment boards to develop five-year strategic plans for implementation. State governors, of the states that adopt the bill, then assign local level workforce investment areas and establish local workforce investment boards (U.S. Department of Labor 2010a). The focus of the Act is to meet the needs of businesses and the training, education, and employment needs of individuals (U.S. Department of Labor 2010a). The programs developed by the state boards are centered on a one-stop design.

In 2009, the implementation of the Workforce Investment Act in Georgia includes the Heart of Georgia Altamaha workforce area, as designated by the governor of Georgia, which began a prisoner reentry program. Through this local workforce area, a partnership with the Georgia Department of Labor, the Georgia Department of Corrections, and the Workforce Investment Act staff began weekly visits to the prisons to provide work readiness activities to help inmates transition back to local communities with valuable job search skills and work ethics. Upon release, each individual is referred to the local Workforce Investment Act one-stop career center or Georgia Department of Labor career center for job search, bonding services, and training as appropriate. The program continues to increase the odds of individuals successfully transitioning from the corrections system (U.S. Department of Labor 2009).

The Second Chance Act of 2007 (also known as Community Safety Through Recidivism Prevention) offers many opportunities for intergovernmental relations to take place through grant funds. For example, the Second Chance Act authorizes the award of grants up to \$500,000 for the establishment of state, local, and tribal reentry courts to monitor offenders and provide comprehensive reentry services and programs (U.S. Congress 2007). Grant funds are also appropriated for nonprofit organizations to provide transitional services for the reintegration of offenders into society (U.S. Congress 2007).

Another area that ex-offenders receive assistance from the Second Chance Act is documentation such as birth certificates and social security cards. By receiving these documents before release, ex-offenders may have a better chance of finding employment. An example of contributions of the Second Chance Act in Georgia is found in the Fulton County. The County received a grant of \$749,000 from the federal government. The funds are being managed by a conglomeration of public, private and nonprofit organizations that make up the Fulton County Reentry Taskforce (Fulton County Government 2009). The County uses this grant to implement reentry service programming for the ex-offenders for up to 18 months after their release from prison.

#### *Programs and Initiatives from the Nonprofit Sector*

Along with the efforts at the state and federal level, the nonprofit sector also offers support to ex-offenders in finding employment. One nonprofit that provides services at the state and national level is Goodwill Industries International Incorporated. Another group of nonprofits are operating through funding from the Workforce Investment Act mentioned already in this analysis. Through these nonprofits, ex-offenders may receive assistance in finding employment in many ways.

#### *Goodwill Industries International Incorporated Programs*

According to Goodwill Industries International Incorporated's website the nonprofit advocates for many different causes and groups including immigrants, people with criminal backgrounds, people with disabilities, seniors, veterans, and youth (Goodwill Industries International, Incorporated 2010). People with criminal backgrounds have pre-release services, basic skill development classes, employment readiness training, occupational skill training, job

placement assistance and life skills training available to them through this nonprofit. Goodwill's efforts include the establishment of services around country as well as lobbying for public policies as seen in a 2009 report "Road to Reintegration: Ensuring Successful Community Re-Entry for People Who are Former Offenders." In the report Goodwill Industries International Incorporated warns of the growing cost of corrections stating that:

As the rate of incarceration has increased, local, state and federal budgets have increased exponentially. At a rate of \$62.05 per day, or \$22,650 per year, average state spending per adult prisoner outpaced the growth rates for state spending on health, education and natural resources. In 2005, more than \$65 billion was spent on correction, up 619 percent compared to the \$9 billion that was spent in 1982(Goodwill International Industries Inc. 2009, 3).

Goodwill International Industries Incorporated considers the cost of corrections a national issue and thus believes that assisting ex-offenders with job placement and employment programming is an integral building block for the ex-offenders' successful re-entry into their communities (Goodwill International Industries Incorporated 2009). In order to support re-entry programs, Goodwill International Industries Incorporated recommends that social service providers educate themselves on serving ex-offenders, offering GED programs, and partnering with regional prisons to offer support in providing preparation programs to ex-offenders (Goodwill International Industries Incorporated 2009). Other recommendations for the state and federal governments include counting job training toward parole requirements, prohibiting employers from preventing employment based on crimes unrelated to the profession, and improving the education of employers on hiring incentive programs such as those mentions in

the previous section (Goodwill International Industries Incorporated 2009). Through these recommendations, Goodwill International Industries Incorporated may affect individuals with criminal records and by assisting them in the reduction of their barriers to employment.

The efforts of Goodwill International Industries Incorporated in helping Georgians with criminal records can be seen through its operations in North Georgia. Goodwill of North Georgia services 45 counties and in the fiscal year 2009 it assisted 22,791 individuals in their employability as stated on its website (Goodwill of North Georgia 2009, 9). In FY 2010, about 28,754 individuals benefited from its services (Goodwill of North Georgia 2010a, 1). Also in 2010, Goodwill of North Georgia was awarded a grant through the American Recovery and Reinvestment Act of 2009 to implement a 2-year green job training program (Goodwill of North Georgia 2010b, 1). Among the many populations that this grant is targeted for are people with criminal records.

Another Goodwill organization serving Georgians is the Goodwill of Middle Georgia & the Central Savannah River Area Regional Commission. The career services program at this Goodwill unit provided employment assistance to 63,340 individuals (Goodwill of Middle Georgia & the CSRA 2010, 6). Another indicator of assisting ex-offenders with employment is the economic impact of its services. In FY 2010, Goodwill's estimated economic impact was \$66,632,789 based on wages earned by those employed, payroll taxes, sales taxes, and governmental assistance saved (Goodwill of Middle Georgia & the CSRA 2010, 3). Through these numerous efforts, Goodwill Industries supports and assists ex-offenders in finding employment as well as in re-entering the community.

### *Other Nonprofit Programs in Georgia*

There are numerous smaller nonprofit organizations providing employment services to ex-offenders. These smaller nonprofits offer services such as job search assistance, job banks, job placement, job readiness, interview training, and resume preparations (United Way 2009, 5-6). Examples of the smaller nonprofits that receive funding from the Workforce Investment Act are the Heart of Georgia Altamaha workforce area mentioned earlier, the Cobb Works, the DeKalb Workforce Development, and the Atlanta Workforce Agency. Through these nonprofits and others throughout the state there are partnerships that have developed, under the provisions of the Workforce Investment Act, to provide services to ex-offenders by acting as one-stop shops for employment resources.

### **Intergovernmental Relations**

Through the various governmental and nonprofit programs and initiatives, there are numerous partnerships that constitute intergovernmental relations being used to influence the employability of Georgia's ex-offenders. Intergovernmental relations are defined by Shafritz, Russell, and Borick (2009) as:

The complex network of interrelationships among governments; the political, fiscal, programmatic, and administrative processes by which higher units of government share revenues and other resources with lower units of government, generally accompanied by special conditions that the lower units must satisfy as prerequisites to receiving the assistance (Shafritz, Russell, and Borick 2009, 176).

From the above definition, the Georgia Department of Corrections, the Georgia Department of Labor, and the federal government have established intergovernmental relations. The relationships are seen through the grants from the Second Chance Act and the Georgia Department of Labor's implementation of the Federal Bonding Program, the Work Opportunity Tax Credit, the Offender Probationer Parolee State Training Employment Program and initiatives of the Workforce Investment Act.

From the foregoing discussion, it may be seen that the Workforce Investment Act has a strong influence on the intergovernmental relations used in the establishment of reentry programs in the State of Georgia. There are numerous examples of success stories through this piece of legislation in Georgia. From July 1, 2009 to June 30, 2010, the State of Georgia implemented the State Unified Plan which has provided the needed intergovernmental relationship structure used to distribute Workforce Investment Act funds to the appropriate executive and frontline boards and programs (Georgia Department of Labor 2010). The administrator designated for the distribution of these funds is the Georgia Department of Labor.

Since Georgia is estimated to have the fifth largest prison population in the country, it is important to have successful reentry programs available for ex-offenders (Georgia Department of Labor 2010). Through the Workforce Investment Act, Georgia established numerous workforce investment boards throughout the state that involved the three levels of government in an intergovernmental relation. The Atlanta area partnerships were established between correctional facilities, technical colleges, apprenticeship and for-profit providers to assist (Georgia Department of Labor 2010). Another program also influenced by the initiatives of the Workforce Investment Act is the Georgia Reentry Impact Project mentioned earlier in this paper. The goal of the Georgia Reentry Impact Project is to reduce recidivism for the enhancement of local

systems that serve challenged groups including ex-offenders reentering the job market. For this to be possible, the Georgia Reentry Impact Project is made up of the Criminal Justice Coordinating Council; and the Departments of Labor, Human Resources, Community Affairs and Juvenile Justice and the Technical College System of Georgia; along with Corrections, Board of Pardons and Paroles, and the judicial system which collaborate at the state level and assist local government programs in implementing reentry programming (Georgia Department of Labor 2010).

Another intergovernmental relationship has been established between the federal government's veteran administration and Georgia Department of Labor's Offender Parolee Probationer State Training Employment Program. The relationship has lead to the coordination of funding from a Georgia Veterans Employment and Training grant to connect incarcerated veterans with Offender Parolee Probationer State Training Employment Program via five regional coordinators supported by the grant (Georgia Department of Labor 2010).

Through these relationships, about 397,000 and the growing number of ex-offenders in the State of Georgia have access to career centers and an expanding reentry services program. But, what is the monetary cost to the public for these programs and initiatives? The answer to this question avails itself in the next section.

### **The Money Involved**

According to the fiscal year 2009 costs of adult offender sanctions in the State of Georgia, the average yearly operating cost for one offender per year is \$16,502 in state funds (Georgia Department of Corrections 2009b). In the introduction, it was stated that in calendar year of 2010, about 20,997 Georgians completed their sentences and reentered their communities

as ex-offenders. Of those released, there were 9,314 who had a prior incarceration in Georgia. That is an additional 11,226 Georgians with criminal records that may need assistance in finding employment for the first time as they reenter their communities (Georgia Department of Corrections 2010). If recidivism was 100 percent due to no programs being available to assist offenders in finding employment, the cost would be \$185,251,452 per year to the state.

Data were not available for an accurate amount to be shown for the cost of implementing the employment assistance programs. However, to put the \$185 million in perspective in one year, the cost of releasing inmates in fiscal year 2009 in Georgia was \$1,771,506 at 0.16 percent of the total budget. The cost for not providing or supporting reentry programming, assuming that 100 percent of the released inmates would return, will be about 16 percent of the total budget for that year.

Along with the high cost of having high recidivism rates, Georgia's governmental bodies, nonprofits and private sector companies would lose out on grant funding dollars to support the reentry programs. In 2010, various governmental bodies, nonprofits and private sector companies have successfully applied for and were awarded \$2,689,319.00 in grant funding from the Second Chance Act (U.S. Department of Justice 2010b, 1-11). Georgia government entities receiving grant funds are the DeKalb County and Fulton County. Georgia nonprofit and private sector grant recipients include the Georgia Tech Research Corporation, Youth Adult Guidance Center Incorporated, and Rediscovery Incorporated (U.S. Department of Justice 2010b, 1-11). Through these funds and the establishment of programs for assist in ex-offender reentry, the cost of not supporting current programs and not pursuing grant funding for additional programming could be very high to the Georgia taxpayers

## **Recommendations**

Every year thousands of Georgians may be released from prison and they are expected to return to the community upon completion of their time. Recidivism may remain a concern of the Georgia government as those ex-offenders begin their transitional phase from prison life to civilian life. Realizing that finding gainful employment may be a factor that would help keep an ex-offender from returning to prison, it is the recommendation of this researcher that the current programs be continued. The Georgia Department of Labor and the Georgia Department of Corrections should maintain their current efforts, while the federal government should continue to fund the Second Chance Act and the Workforce Investment Act.

Another recommendation is to improve an ex-offender's ability to combat the barriers and collateral consequences to employment on many fronts. From the review of cost effectiveness of current collateral consequences, public administrators and law makers may be able to observe the results of the implemented collateral consequences and their impact on taxpayer dollars. Collateral consequences that are not researched for their effectiveness may begin to cost taxpayers money that could have been saved if the collateral consequences were reformed or repealed. In view of this, the author recommends that a collateral consequences accountability project that focuses on establishing a five year research cycle to investigate the impacts of current collateral consequences be created to ascertain if there is a need for reform and repeal.

Furthermore, to ensure that ex-offenders are appropriately screened by employers and not discriminated against for employment opportunities, it is recommended that research on the results of hiring ex-offenders by employers be conducted. The research may focus on the impact

that employees who are ex-offenders, employed under the federal bonding program and the workforce opportunity tax credit, had on their employer's productivity.

From a public administrator's standpoint, more research is needed to build credibility in intergovernmental relations practices that show promise in improving the employability of Georgia's ex-offenders. By researching the various practices, the best practices may be identified. The results may lead to more success in assisting ex-offenders in combating the collateral consequences and barriers that hinder their employment prospects. Also, the cost of providing these services to ex-offenders needs to be examined to validate what may be a very moderate funding mechanism; since the alternative of a higher recidivism rate could be a very costly.

A final recommendation is to conduct educational initiatives on the impacts of the grant funding through the Second Chance Act and the Workforce Investment Act. The goal of these educational initiatives could assist not only in informing ex-offenders about the programs they have access to but also in informing employers of the options available when considering an ex-offender for employment. Also an educational initiative may be used to inform public administrators of the best practices which could be replicated in their jurisdictions.

## **Conclusion**

Based on the example of the 100 percent recidivism compared to the cost of releasing inmates, it could be concluded that keeping released inmates from returning to prison may be ideal from the budgetary standpoint. Although 100 percent recidivism is as unlikely as a zero percent recidivism, Georgia's public administrators may benefit from focusing on the residents of the community that have criminal records. As more of Georgia's ex-offenders complete the

various reentry programs available to them, their ability to offer relevant skills to prospective employers may be improved.

Many protections are in place to ensure that discrimination against ex-offenders in the job market is limited, but the barriers they face in Georgia may be considered harsh when compared to the rest of the nation. One conclusion is that ex-offenders are facing an uphill battle to finding relevant employment upon release from prison. If employers could be educated on the skills ex-offenders who complete the reentry will have, the stigma of being a risky hire could be impacted. Employers may need to see proofs to weight against their assumed risk of hiring an ex-offender. If research shows consistent and positive productivity of ex-offenders in the workforce employers may become more inclined to hire ex-offenders.

Public administrators may need to consider implementing a public reporting system describes the practices and results of reentry programs throughout the state. If research shows a benefit to the public for supporting both the assistance of ex-offenders in their transition back into society and the assurance that employers have quality candidates with relevant skills to apply to their job openings, the public may become more inclined to expanding the strategic planning of future reentry programs which the government may request.

A final conclusion is that collateral consequences education needs to be available to ex-offenders. They need to be educated on the collateral consequences of their offense at the beginning of their sentence which may assist them in many ways when it comes to their reentry back into the society. The education on collateral consequences may be especially helpful to ex-offenders who have a chance to take certain plea bargains to be informed not only about the court sentence implications, but also the collateral consequences they will endure upon release.

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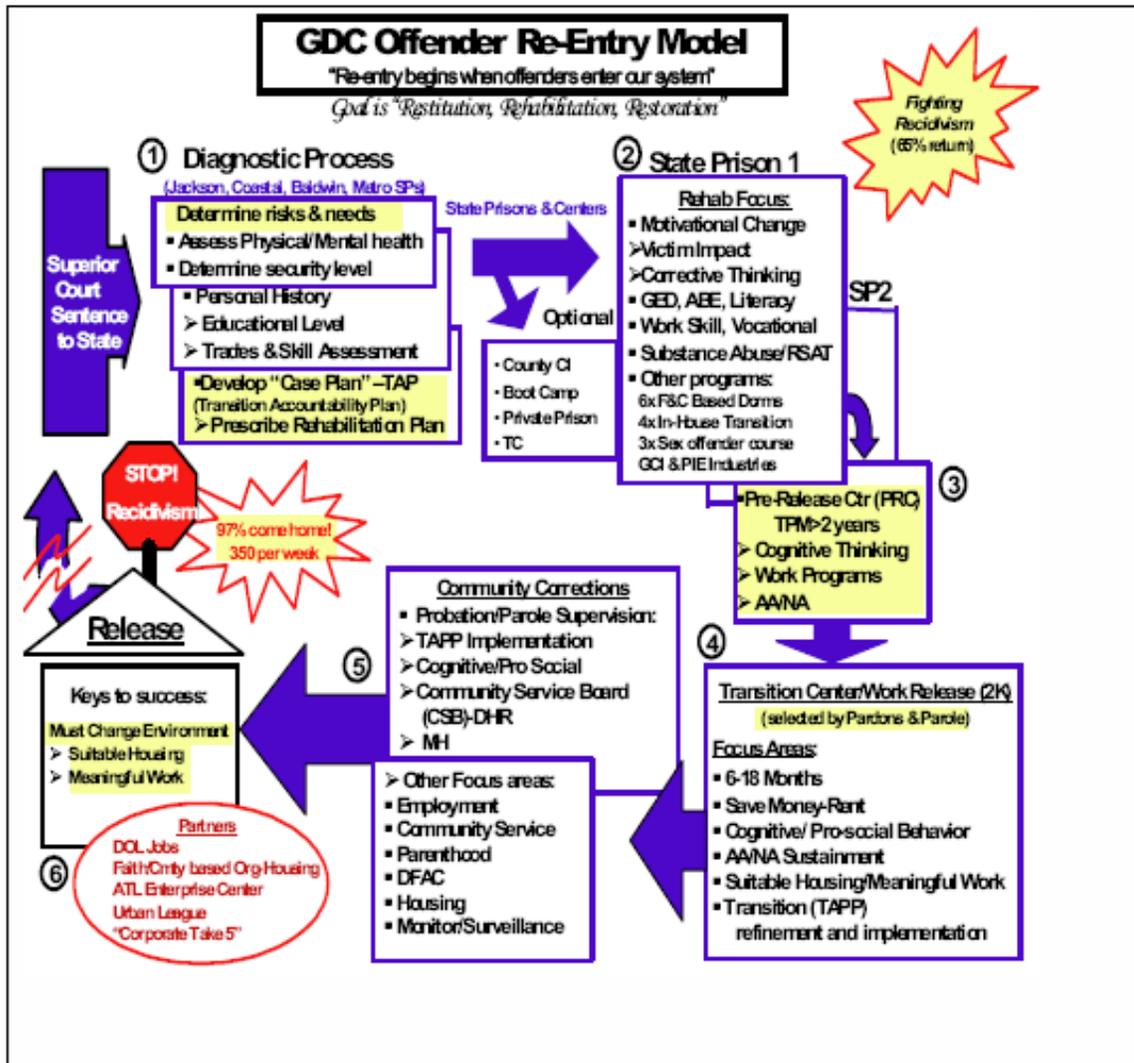
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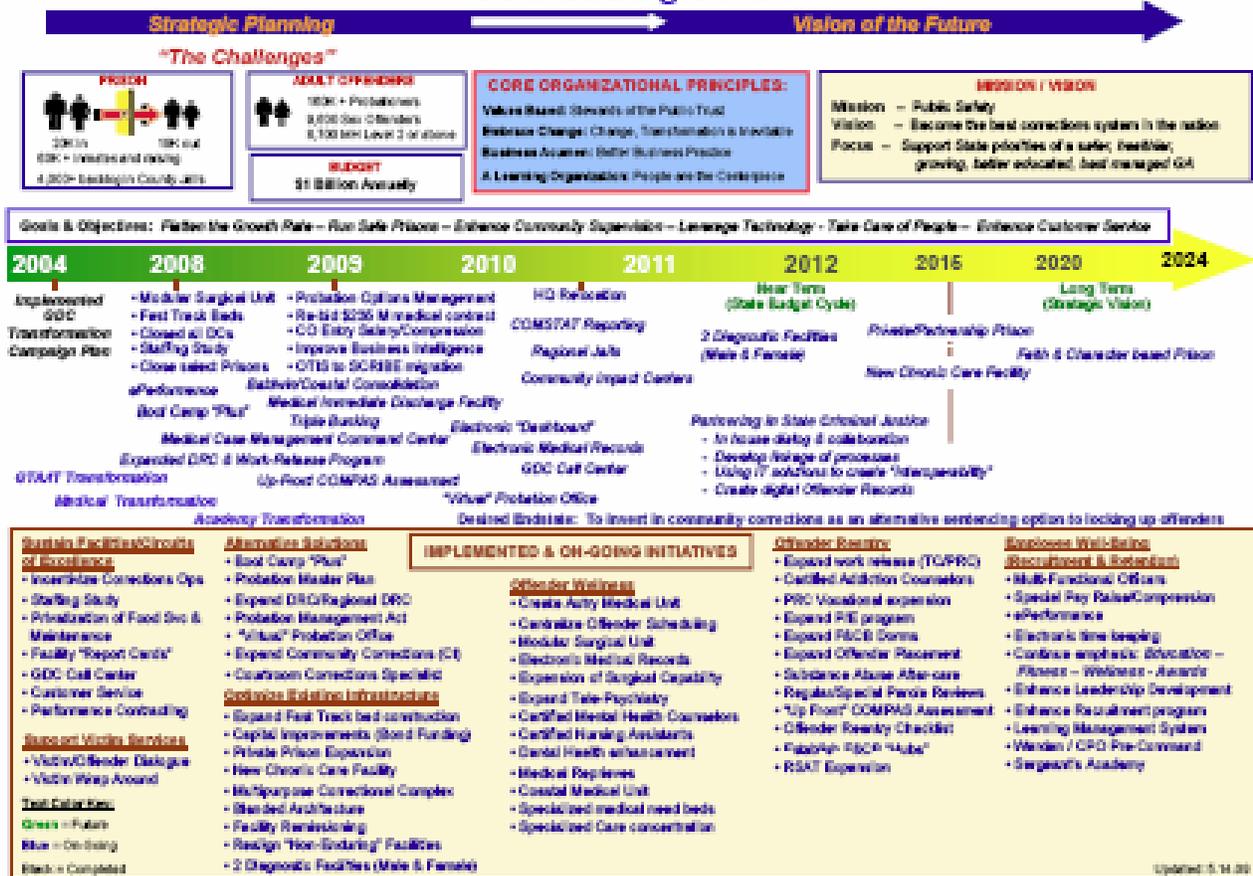
# Appendices

## Appendix A



# Appendix B

## GDC Strategic Plan



## Appendix C

### Résumé (Functional, Sample #2)

Johnny G. Doe  
5656 110<sup>th</sup> Street  
Huntington, Ohio 59123  
(987) 345 – 1121

**OBJECTIVE:** General Labor

**EXPERTISE:**

- Accurately read measuring devices
- Able to meet required specifications and tolerances
- Experience driving fork lift
- Auto and small engine mechanic
- Computer experience
- Operating skills with front loaders, bobcat, boom truck, tractors, and dump trucks

Be concise when listing specific descriptions.

**ABILITIES:**

- Experienced in shipping and handling
- Capable of doing inventories and keeping accurate supplies for running departments
- Ability to work and communicate well with others
- Can organize tasks and complete jobs within time schedules
- Dependable, reliable, and self-motivated

**WORK HISTORY:**

1997-present: MCF- Moose Lake, GEORGIA; Mechanic, Heavy Equipment Operator, Plow Truck Driver, and General Labor

1996-1996: Baldinger Bakery, Inc., St. Paul, GEORGIA; Truck Driver and Dock Worker

1993-1995: Quality Mobile Wash, Little Canada, GEORGIA; Truck Driver and Operator of Power Washer

**EDUCATION:**

- Pine Tech Community College - Major Focus: Computers and Human Relations
- Dakota County Vo-Tech - Major Focus: Auto Mechanics
- 916 Vo-Tech - Major Focus: Nurse's Aide

**REFERENCES:**

- Available upon request

List major study focus, degrees, licenses, certificates and/or any coursework applicable.