

HR Guide: Legal Compliance Overview

What Employers Need to Know About Hiring Justice-Impacted Individuals

Introduction

Hiring justice-impacted individuals comes with unique opportunities — and important responsibilities. While second-chance hiring can benefit businesses, communities, and job seekers alike, employers must understand the legal landscape to ensure their hiring practices remain fair, compliant, and nondiscriminatory.

Note: This guide is for general informational purposes only. It is not legal advice. Employers should consult with qualified legal counsel regarding specific questions or employment practices.

1. Understanding Criminal Records in Hiring

What Can Employers Ask About?

- Employers may ask about criminal convictions during the hiring process in most states, but must avoid discriminatory practices.
- Florida does not have a statewide “Ban the Box” law, but some cities and counties do — always check local ordinances.
- Arrest records, expunged records, and sealed records may not be considered in some cases.


Best Practice:

Ask only about convictions relevant to the job and after a conditional offer has been made, unless required earlier by law.

2. Equal Employment Opportunity Commission (EEOC) Guidance

The EEOC enforces federal laws that prohibit employment discrimination. Its guidance on the use of criminal records advises:

- Consider nature of the offense, time since conviction, and relevance to the job.
- Avoid blanket exclusions (e.g., “no felons”) that may result in disparate impact.
- Apply individualized assessments whenever possible.

 Learn more:


[EEOC Guidance on Arrest and Conviction Records](#)

3. Fair Chance Hiring Policies

Also called “Ban the Box,” fair chance policies aim to delay inquiries about criminal history until later in the hiring process.

While not mandated statewide in Florida, adopting a voluntary fair chance approach can:

- Expand your applicant pool
- Reduce bias in early screening
- Build trust with justice-involved candidates

 Learn more:

[National Employment Law Project: Fair Chance Hiring](#)

4. Federal and State Incentives

Employers may qualify for financial incentives when hiring individuals with criminal backgrounds:

Work Opportunity Tax Credit (WOTC)


- Offers up to \$2,400 per eligible hire
- Justice-impacted individuals are a designated target group

 Learn more:

[IRS – WOTC Overview](#)

Federal Bonding Program

- Provides free fidelity bonds to protect employers against employee dishonesty
- Designed to remove risk concerns in second-chance hiring

 Learn more:

[U.S. Department of Labor – Federal Bonding](#)

5. Record Sealing and Expungement

Some candidates may have sealed or expunged records — these are typically not required to be disclosed and should not be used in employment decisions.

In Florida, eligible individuals can petition for record sealing or expungement. Employers should avoid pressuring applicants to disclose such records.

 Learn more:

[Florida Department of Law Enforcement – Seal & Expunge Process](#)

6. Confidentiality and Record Handling

Employers must handle background check data and criminal record information with care:

- Store records securely and limit access to essential personnel only
- Comply with the Fair Credit Reporting Act (FCRA) if using third-party background checks
- Notify applicants if adverse actions are taken based on background results

 Learn more:

[FTC – Background Checks and FCRA](#)

7. When in Doubt: Seek Legal Advice





Every hiring situation is unique — and the legal stakes can be high.



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- If you're unsure how to evaluate a background check, what to ask, or how to implement a compliant hiring policy, consult an employment attorney.
- Your Path Back also offers educational resources and templates to help you get started — but we do not provide legal services.

Resources & Templates

-  Sample Background Check Policy Template
-  Sample Individualized Assessment Form
-  Florida WOTC Application Guide
-  Contact list of legal aid and HR compliance organizations in Florida (coming soon)


Partner With Confidence

Second-chance hiring doesn't have to be risky. With the right preparation, policies, and support, you can build a program that is both compliant and transformative.

Your Path Back is here to help you navigate this journey.

Your Path Back

 Website: yourpathback.org

 Phone: 813-434-1112

✓ **Source List & Recommended Links**

◆ **EEOC & Federal Employment Guidance**

- **EEOC Enforcement Guidance:**
<https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>
- **EEOC Summary of Rights:**
<https://www.eeoc.gov/employers/fair-chance-hiring>

◆ **Fair Chance Hiring Resources**

- **National Employment Law Project – Fair Chance Campaign:**
<https://www.nelp.org/campaign/ensuring-fair-chance-to-work/>
- **SHRM Toolkit: Background Checks and Criminal Records:**
<https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/backgroundchecking.aspx>

◆ **Florida-Specific Resources**

- **Florida Department of Law Enforcement – Seal and Expunge Process:**
<https://www.fdle.state.fl.us/Seal-and-Expunge-Process>
- **Florida Department of Economic Opportunity – WOTC:**
<https://floridajobs.org/Reemployment-Assistance-Service-Center/employers/work-opportunity-tax-credit-program>

◆ **Federal Incentives & Programs**

- **IRS – Work Opportunity Tax Credit (WOTC):**
<https://www.irs.gov/businesses/small-businesses-self-employed/work-opportunity-tax-credit>
- **U.S. Department of Labor – Federal Bonding Program:**
<https://www.dol.gov/agencies/eta/bonding>
- **U.S. Department of Labor – Reentry Employment Opportunities (REO):**
<https://www.dol.gov/agencies/eta/reentry>



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◆ **Background Checks & FCRA Compliance**

- **Federal Trade Commission – FCRA & Background Checks:**
<https://www.consumer.ftc.gov/articles/0157-background-checks>
- **Consumer Financial Protection Bureau – Summary of FCRA Rights:**
<https://www.consumerfinance.gov/learnmore>