

FAQs

Q: Can an application form ask if I have had a conviction record expunged?

A: Yes, in some circumstances. Application for admission to the practice of law and a number of other professions can require disclosure of an Expungement.

Q: When an application form asks whether I have ever been arrested, how should I answer when I was “arrested” but received “Court supervision”?

A: This is a sneaky question. You have not been “convicted”, but you have been “arrested”. Seek an Expungement as soon as statutorily possible so you can legally answer the application with a “no”.

Q: Can I be denied rental housing based on a criminal conviction?

A: In Urbana, it is a violation of the Human Rights Ordinance to deny rental property based upon criminal conviction; in Champaign, it is similarly unlawful, unless you were convicted of a forcible felony; a felony drug offense; or sale, manufacture, or distribution of illegal drugs if you have not lived outside of prison for at least 5 consecutive years.

Public Housing, the University of Illinois, and most states and municipalities do not protect you against rental discrimination even for such minor offenses as underage drinking. Nothing prohibits landlords from asking about criminal convictions on a rental application in Champaign or Urbana.

Notes:

Illinois Limits Employer's Criminal Background Checks

On most job applications in Illinois, it is unlawful for the employer to ask about your criminal record until you have been determined to be qualified and there is an impending interview.

- The law applies where there are 15 or more employees.
- The law does not apply where:
 - federal or state law excludes certain convictions,
 - a Fidelity Bond is required, which would exclude criminal conviction, or
 - an individual must be licensed under the Emergency Medical Service (EMS) Systems Act (210 ILCS 50).

THIS PAMPHLET DOES NOT CONSTITUTE LEGAL ADVICE. STUDENTS WHO ARE CONFRONTED WITH LEGAL PROBLEMS OR WHO NEED SPECIFIC ADVICE ARE ENCOURAGED TO SEEK ASSISTANCE FROM A LICENSED ATTORNEY AT STUDENT LEGAL SERVICE.



STUDENT LEGAL SERVICE
324 Illini Union
Office Hours: 8:30-Noon & 1-4:30pm, M-F
www.odos.illinois.edu/sls

*A Unit of the Office of the Dean of Students
Connect. Learn. Achieve. Student Affairs at Illinois.*

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**HOW TO
ADDRESS
ARRESTS OR
CONVICTIONS
WHEN
SEEKING
EMPLOYMENT**



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Have you been arrested? Convicted of the offense?

If your record has an arrest or conviction:

- Find out if it can be expunged.
For Champaign County convictions, go to:
www.cccircuitclerk.com
 - ⇒ Forms
 - ⇒ Expungement Packets
- Download and read "Instructions" the first link.

NOTE: Expungement does not remove it for ALL record searches.

If your record has not been or cannot be expunged, do not panic.

- One arrest or conviction for underage drinking or minor in possession is not likely to affect your application.
- 2, 3, 4 arrests or convictions might affect it.

Employers look at what the offense was.

- Patterns of behavior -- did you get caught more than once?
- Arrest or conviction for theft, such as shoplifting, is looked at more seriously, especially for jobs in accounting, banking, or other job handling money.

Think carefully before submitting a job application.

- What is nature of your past offense?
 - How could it tie in, negatively, to the responsibilities or duties of the job?
- If there is a connection, an employer would consider this in reviewing your application.

If you were arrested for a crime committed at a previous job, it may be very difficult to get past in applying for similar or even very different jobs.

Before you begin your job search

- What types of jobs can you apply for right now?
 - Consider the length of time that has passed since your criminal conviction.
- What is the nature of the arrest/conviction and how is it related to the responsibilities and duties of the job?
- **Do not be too picky about your first few jobs.**
 - Focus on building your resume with new skills and employer references.

- Summer jobs successfully completed can lessen the impact of a criminal record with future permanent employers.
- **Complete your studies.** A degree from the University of Illinois is an impressive credential! Go forward with your education post-conviction and make sure your academic and extracurricular activities are exemplary.
- **Network!** Utilize professors, friends, relatives, and previous employers in your job search. A glowing recommendation increases the likelihood that an employer will take a chance on you.
 - Set up an account on LinkedIn.
- **Do an Internship or Externship.** Successful internships and externships can provide you with skills, references, and proof that you are not a hiring risk.
- **Participate in organizations such as the Peace Corps, VISTA Volunteers, Teach For America, and other such projects.** This service record can go a long way toward rehabilitating past issues. While most of these programs require a real commitment of your time, their rewards can prove well worth the effort.

The Application

- » Do not tell unless asked.
- » Read the application carefully. Do not disclose "arrests" if the form is asking for "convictions"; do not disclose "misdemeanors" if they are asking for "felonies."
- » Keep in mind "diversion" and "court supervision" are not convictions, so do not disclose them unless a questions specifically asks.
- » Have a letter prepared ahead of time in case the application requires full disclosure of your criminal records, explaining:
 - the basics of the offense,
 - the court disposition, and
 - the reasons why you should be hired/interviewed.
- » Request letters of reference/recommendation from responsible adults who can describe how you have changed your life after the incident.
- » Be honest about the offense, but do not give a lot of detail.

- » Stress:
 - the amount of time that has passed,
 - the education you have continued/completed, and
 - the maturity you have gained since the incident.

The Interview

- ☀ Always be well dressed and well groomed. It is not how you feel, but how you look.
- ☀ Be honest and open if asked about your criminal arrest record.
 - Do not be defensive.
 - Be candid, and even embarrassed, in your responses. This shows your credibility and basic decency.
- ☀ Be sensitive to and empathize with the interviewer's concerns.
 - Emphasize why you would be an asset to the employer.
 - Let the interviewer know you regret the incident.
 - Explain why it will never happen again.
- ☀ Steer the interviewer toward the positives of your life, as it is now, as much as possible, rather than the regrettable incident of the past. If brought up, explain you have corrected your behavior and move on.
- ☀ If you have committed a particularly serious offense, (for example, fraudulent or dishonest act), consider recommending or providing the Federal Bonding Program to the employer.
 - Sponsored by the U.S. Department of Labor.
 - Allows employer or employee to get a fidelity bond at no expense that indemnifies the employer for loss of money or property resulting from dishonest acts of their employees.
 - Employer must first extend an offer of employment before a bond can be issued.
 - Most bonds are for \$5,000.00.

For more information contact:

The Federal Bonding Program | c/o The McLaughlin Co.
www.bonds4jobs.com | 9210 Corporate Blvd.
800.233.2258 or 202.293.5566 | Suite 250
| Rockville, MD 20852

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