

C.E.O. MARCH 2011

Features

10 Second Chances

These days, it's hard enough for ordinary folks to find a job. For those with **criminal records**, the job search is exponentially more difficult.

15 A House Divided

It can be a major adjustment—financial and otherwise—when **one spouse retires**. Good planning can keep the course corrections to a minimum.

Departments

6 Editor's Notes

8 BizBuzz

Tips, tales and tattles from the frontlines of business

43 Leaderboard

Central Ohio Meeting and Banquet Facilities

46 Leaderboard

Central Ohio General Contractors

48 Appointments

Recent appointments and promotions in Central Ohio corporations, professional services and government and nonprofit organizations

49 Noted

News briefs from the world of business

Columns

56 Parting Shots

Charles Chandler, a partner in Amherst Partners, explains how savvy businesses can navigate obstacles to secure capital.



Special Sections

BUSINESS LITIGATION

19 Electronic Discovery

Federal and state **Rules of Civil Procedure** govern who gets to examine all those e-mails. Some lawyers say even more rules are needed.

INSURANCE & HEALTH CARE

27 Dependent Eligibility Audits

Employers can cut health insurance costs by identifying **ineligible dependents** and kicking them off the plan. Most employees will cheer.

ARCHITECTURAL TRENDS

32 Form Meets Function

Collaborative spaces are hot and cubicle farms are not in modern office design.

Special Advertising Section

37 Health Watch: Orthopedic Medicine

Cover photo taken at Squire, Sanders & Dempsey by Todd Yarrington.

Correction

Dr. Ronney Abaza is an assistant professor in the Department of Urology at Ohio State University, as well as co-director for the Center for Advanced Robotic Surgery and director of Robotic Urologic Surgery at the Ohio State University Medical Center and the Ohio State University Comprehensive Cancer Center—Arthur G. James Cancer Hospital and Richard J. Solove Research Institute. He was misidentified in the February issue ("Prostate Cancer"). *C.E.O.* regrets the error.



Second Chances

These days, it's hard enough for ordinary folks to find a job. For those with criminal records, the job search is exponentially more difficult.

by Jennifer Wray

A prescription pill addiction cost 27-year-old Tiffany Smith dearly. It fractured her relationship with her husband, who, fed up with her drug use, left the marriage. It also damaged her relationship with her mother, who called police after Smith stole her checkbook and wrote \$12,000 in bad checks. Smith, who was pregnant at the time, was sentenced to probation; after a violation, she went to prison for five months.

By the time she left the Ohio Reformatory for Women in September 2010, Smith had decided to turn things around. As a requirement of her conditional release, Smith went to Alvis House, a nonprofit that aids people who have been through the criminal justice system. With the agency's help, she prepared for—and eventually passed—the GED exam. Then she began job-hunting.

That's when things got complicated.

Smith, who had previous experience working in hotels, struck out time after time with potential employers. Often, she says, she heard from the start, "They didn't hire felons. Period. ... They just see that felony and they're like, 'Oh, you're a bad person.'"

Other times, institutional obstacles got in the way: Smith's dream of becoming a nurse ended when she discovered that her forgery and theft convictions would likely prevent her from being licensed in the field.

Smith's struggles aren't unique. A 2009 Community Research Partners study commissioned by the Franklin

County Reentry Task Force found that previously incarcerated people face a high degree of difficulty finding and maintaining employment. Even experiences working in prison industries or undergoing career training "were limited in their value for helping them to secure employment upon release," the study said.

"Most employers, if they find out you've been in prison, their whole demeanor changes," says Gary Allen, 55, who spent nearly 27 years in prison after being convicted on murder and robbery charges in 1980.

The Economic Argument

More than 600,000 people are released from state and federal prisons in the United States annually. Nearly two-thirds will be back behind bars within three years.

Since 1966, the DOL has offered a no-cost Federal Bonding Program to encourage employers to take a chance on high-risk job-seekers, including ex-offenders. The Fidelity Bond program reimburses employers for loss due to employee theft. More than 42,000 job placements have been made through the DOL program; only 460 claims have been filed due to dishonest workers. If that's not a big enough carrot, there's also a tax incentive for hiring convicted felons. The Work Opportunity Tax Credit (WOTC) reduces private, for-profit companies' federal tax liability by up to \$2,400 per qualified worker.

Both programs are administered through the state of Ohio, which has stepped up marketing of the incentives. In fiscal year 2008, there were 731 WOTC certifications and 13 Fidelity Bonds issued, according to



DAN TRITTSCHUH

"Take the time to talk to that person about their circumstances. Make smart decisions, but don't eliminate potentially good applicants," says COVA President **Judy Braun**.

"Failure to become employed after release is a major factor contributing to the high rate of recidivism," opines the U.S. Department of Labor (DOL). "Employers generally view ex-offenders as potentially untrustworthy workers and insurance companies usually designate ex-offenders as being 'not bondable' for job honesty."

the Ohio Ex-offender Reentry Coalition, which aims to increase those numbers by 10 percent annually. This year's goal: 885 tax credits and 28 bonds.

The coalition is a partnership of state agencies, local governments, individuals and community and faith-based groups. Its five-year strategic plan aims to reduce recidivism by half from fiscal 2010 to 2014.

Franklin County is home to the state's third-largest population of ex-offenders: In 2008, 2,243 inmates were released here from the Ohio Department of Rehabilitation and Correction (ODRC) and 41,378 were released from the Franklin County Correctional Institutions. The Franklin County Reentry Task Force aims to reduce recidivism through job support as well as education, health, housing, community and communications efforts. The task force, formed by county commissioners in 2009, is funded by a \$720,000 American Recovery and Reinvestment Act grant.

"The primary barrier to successful reintegration for many formerly incarcerated people is employment—the unemployment rate in the first year is nearly 60 percent," says task force coordinator Kysten Palmore. "Finding steady employment is one of the strongest predictors of whether an inmate will return to jail."

Indeed, helping ex-offenders reenter society is "far less expensive than getting them back into the criminal justice system," says Franklin County Commissioner Marilyn Brown. This year, Ohio will spend more than \$1.7 billion on state prison operations; the cost to house an inmate is more than \$24,000 annually.

Hiring Policies & the EEOC

Anyone who's ever filled out a job application has probably come across some form of this simple but weighty question: "Have you ever been convicted of a criminal offense?"

For millions of Americans, the answer is yes. According to the U.S. Department of Justice's Office of Justice Programs, one in every 32 American adults—one in 25 Ohioans—was imprisoned, on probation or on parole at the end of 2009. While their crimes may vary, the end result is often the same: trouble securing employment.

Allen was employed by Goodwill Industries for 2.5 years post-release,

but landed back in the job market after he was downsized. After being unemployed for more than a year, Allen—a onetime prison cook whose repertoire included everything from made-from-scratch soups to rack of lamb—now works as a dishwasher, housekeeper and sometimes-cook at a local Italian restaurant.

"I filled out so many applications, and people would say, 'We'll give you a call back,' but once they punch your Social Security number in, 90 percent of the time, it's a closed deal," Allen says.

A blanket policy against hiring ex-offenders could land employers in hot water. The U.S. Equal Employment Opportunity Commission (EEOC) has pursued cases against employers such as Home Depot, Bank of America, First Transit and even the U.S. Census Bureau because the use of criminal records as an absolute bar to employment disproportionately impacts certain minorities. "People of color are overrepresented in the criminal justice system," says Stephen JohnsonGrove, staff attorney for the Cincinnati-based Ohio Justice & Policy Center.

When reviewing applicants with criminal records, the EEOC recommends businesses look at the nature of the job, the nature of the offense and how long has passed since a prospective employee's conviction or incarceration.

Nationwide does just that, spokeswoman Elizabeth Christopher Giannetti says via e-mail. "As with most employers, a criminal background check is a standard part of our hiring process," she writes. "The nature, severity and recency of a past criminal conviction are considered, as is the type of position for which a candidate is applying. For example, some insurance and financial industry licensing requirements preclude hiring certain candidates. And of course, all state legal requirements are rigorously observed in the hiring process."

'Collateral Sanctions'

Indeed, licensing can be a major obstacle for ex-offenders. According to the Franklin County Reentry Task Force's strategic plan, Ohio statutes and regulations include more than 400 collateral sanctions, or laws triggered by criminal records, that "completely bar or partially restrict access to employment, housing and other social privileges."

"It's not just felonies, but misdemeanors, too," says JohnsonGrove. He says the rules for educators and nurses are some of the "most sensible," because while they specifically list which crimes preclude licensure, they also provide second chances. "By contrast, you can never, for the rest of your life, be a state game warden. You can never be an underground tank installation inspector. You can never own your own construction business" if you've been convicted of a felony, says JohnsonGrove, who is compiling a database of sanctions to aid offenders, educators, attorneys and others.

A movement known as "Ban the Box" seeks to strike questions about a person's criminal history from job applications. Connecticut, Hawaii, Minnesota and New Mexico already have done so for public employers; Massachusetts extended the rule to private employers, too.

Under most versions of Ban the Box, employers are permitted to ask about arrests and convictions once a candidate reaches the interview process. Studies have shown that ex-offenders fare better if they reach this stage, so they can explain their legal troubles in person.

"There are lots of folks who made a mistake and can't seem to get out from under it," says Melissa Lindsay, a fellow with Washington, D.C.-based Equal Justice Works. Criminal and sentencing laws have expanded in scope, she says, and one-third of American adults have information that shows up on a criminal back-



ground check. "This has become an issue that we simply cannot ignore anymore," Lindsay says.

The city of Columbus's hiring policy already follows the basic tenets of Ban the Box, says Chet Christie, director of the department of human resources. The city doesn't conduct drug screening, employment or criminal background checks until after a conditional job offer has been made, he says. Those who do have a criminal record aren't necessarily barred from city employment.

Helping Hands

J.W. "Doc" Hecker's criminal history actually helped him land a job. Hecker is a forensic peer specialist with the Center of Vocational Alternatives (COVA), which helps people with mental illnesses and other disabilities find employment.

Hecker, who has spent 21 of his 52 years in the prison system, served time for crimes including aggravated burglary, grand theft and armed robbery. During his fourth incarceration, he sought help from the

prison's mental health service to kick the drug habit that propelled many of his crimes.

After he was paroled in December 2002, Hecker worked in the construction industry and volunteered on a task force to help shape reentry policy at the state level. In April 2008, he was hired at COVA. As a peer, he can relate to inmates in a way that others cannot. "I still brag occasionally that I have the only job in the city where this background is required," Hecker says.

Through March 2010, Hecker helped inmates in the mental health units at six Ohio prisons prepare for the transition from incarceration. (About 18 percent of ODRC inmates have a diagnosed mental illness, says prison spokesman Brian Niceswanger.) During that time, COVA achieved a remarkable 3 percent recidivism rate among the offenders it worked with, says COVA marketing director Robin Hepler.

A freeze in state funding put the brakes on the program, which left Hecker jobless for six months.

"Even though I have this on my résumé, my felony background is a huge hurdle," he says. COVA "gave me a chance. Nobody thus far has given me an opportunity like this." Hecker recently returned to COVA as part of a contract to conduct weekly job readiness classes at the Franklin County Jail.

COVA isn't the only Central Ohio organization helping ex-offenders get a foothold in the workplace. Others include:

Alvis House

Alvis House helps former inmates find jobs and has relationships with employers that consider its clients for open positions. With support from the Central Ohio Workforce Investment Corp. (COWIC), the agency teaches job readiness, interviewing, résumé development and other basic soft skills, says Lois Hochstetler, vice president of nonresidential programs. "It's not a very 'pretty' type program, but education and training is the biggest single factor in reducing recidivism," she says.

Alvis House hopes to grow its roster of ex-offender-friendly employers, says Hochstetler. A series of employer breakfasts—including one in March—will allow businesses to hear testimonials from clients and the people they work for.

T.O.U.C.H. Inmate Mentoring

T.O.U.C.H. Inmate Mentoring, a program of Metropolitan Community Services, offers 12- to 16-week programs on such topics as time management, dealing with difficult people, overcoming stereotyping, employment readiness and challenging criminal thinking.

Founder Brian Woods knows the hurdles those with criminal records face: He was jailed for nearly 11 years after being convicted of bank robbery. “As I got closer to release, I started thinking about reentry,” he says. “You see a lot of individuals that will leave and come back, even though 99 percent of them don’t want to return.”

Woods was released from federal prison in November 2006 and left a halfway house in May 2007. A year later, after a stint working in real estate with his brother, he founded T.O.U.C.H. “God was just pulling my heart,” Woods says.

The nonprofit T.O.U.C.H. is part of the Ohio Benefit Bank, connecting low- and moderate-income people to tax credits and work aid; Woods hopes to add drug, alcohol and mental health counseling in the near future. T.O.U.C.H. boasts a 4.6 percent recidivism rate. “It’s phenomenal,” says Woods.

Henkels & McCoy

Henkels & McCoy offers workforce development training for at-risk populations, such as dropouts, dislocated workers, homemakers and homeless people. “We had been servicing the reentry population without actually tracking it,” says continuous improvement manager Eliah Thomas. “What we saw, as we started asking questions, was a

majority of our clients had legal problems.”

The organization started targeting ex-offenders about six months ago. A two-year, \$420,000 COWIC grant and other monies are funding hard-skills training in areas such as green energy and information technology. A new facility on Columbus’s East Side will house green labs, occupational training, academic classes, an art studio and even a coffeehouse that serves up on-the-job training for clients. “We’re building a safe place for people to come, a community hub,” says Thomas.

Henkels & McCoy also offers focus groups to make sure it’s meeting community needs. “A lot of it’s advocating, and changing the face of ‘ex-offender,’” Thomas says. “It’s not that thug on the corner necessarily, but even if it is, that ‘thug’ might be the person who can rewire your whole house.”

ODRC

In addition to partnering with agencies such as COVA, the ODRC works to prepare inmates for life outside prison walls through its Ohio Central School System. In fiscal 2011, more than \$22 million in general revenue funds and \$10.2 million from the ODRC’s partnership with phone service provider Global TelLink will go to inmate education, says Niceswanger. That amount will be augmented by small grants.

ODRC offerings vary by institution and include academic and vocational programs. In the last decade, more than 20,000 inmates have received a high school diploma or GED and more than 12,000 have completed one of the 120-plus vocational programs.

Making Strides

It’s OK for employers to ask questions of ex-offenders and be cautious about hiring them, COVA President Judy Braun says. “But don’t make unfair assumptions. Don’t put that

application through the shredder. Take the time to talk to that person about their circumstances. Make smart decisions, but don’t eliminate potentially good applicants,” she says.

Since Tiffany Smith left prison in September, she’s secured two jobs—one in sales at a green energy company, the other performing maintenance at a Japanese steakhouse. She began online classes in medical insurance bill coding the same day she received her GED, and is due to complete her coursework and internship work in a few months.

Smith says she’s kicked her drug habit, started to mend fences with her mother and has reconciled with her husband. She was due to have her ankle bracelet—the last vestige of several months of community control—removed Feb. 12; later that same day, she was scheduled to fly to Florida to reunite with her family. “This change was for me, but it also was for them,” says Smith.

Jennifer Wray is a staff writer for Columbus C.E.O.

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