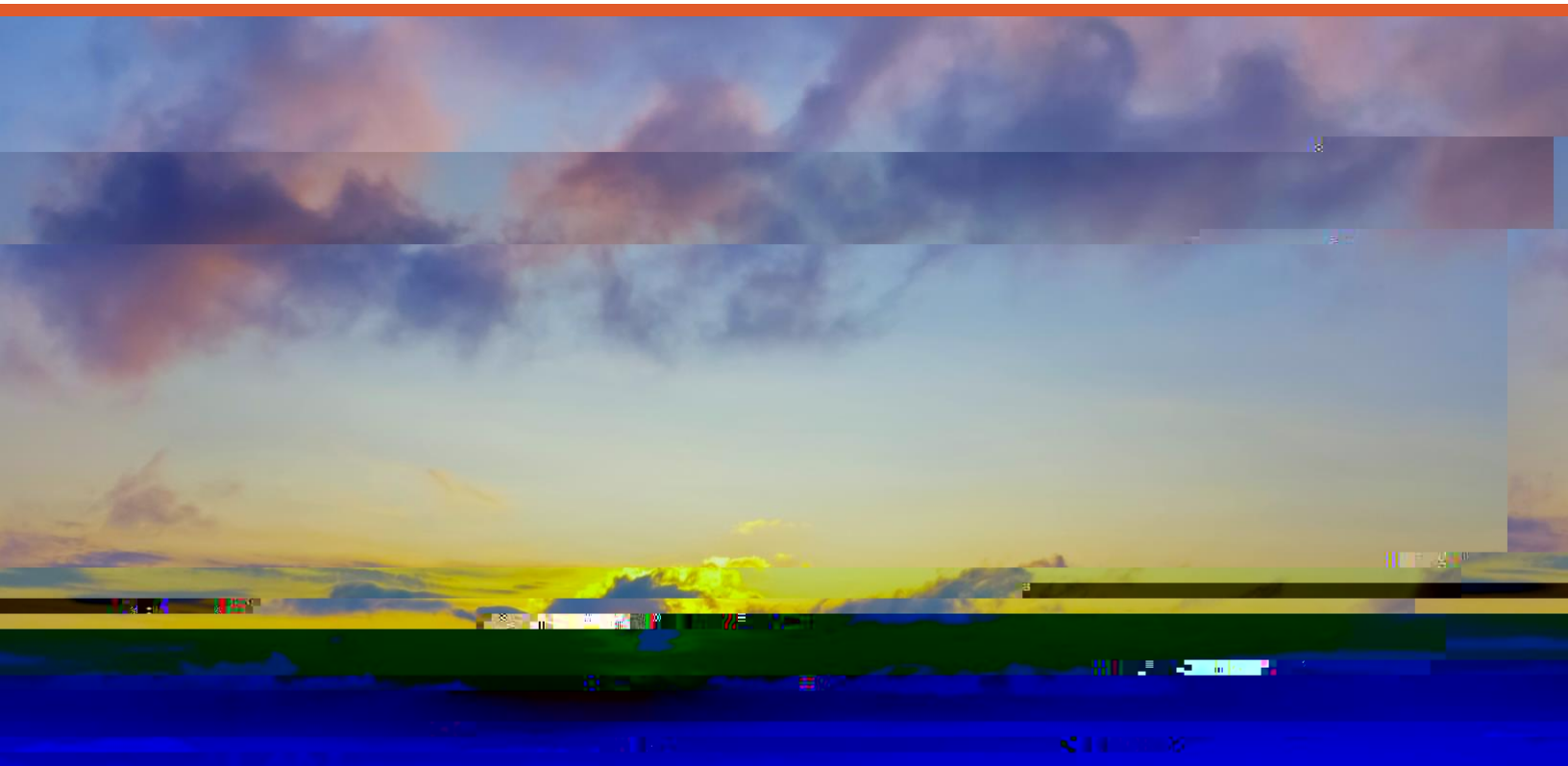
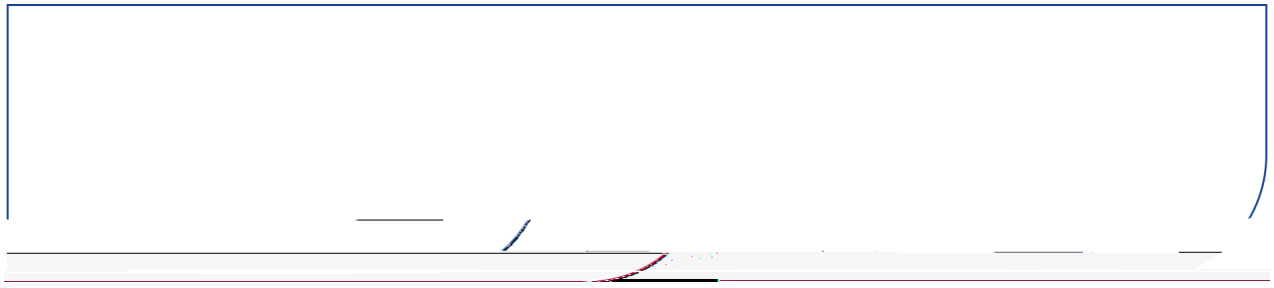


Building New Horizons

OPENING CAREER PATHWAYS FOR PEERS WITH CRIMINAL JUSTICE BACKGROUNDS

JULY 2023

49 CFR § 1572.103 “disqualifying criminal offenses” permanently disqualifies individuals with certain felonies (e.g., espionage, treason, murder) from employment in the banking and transportation sector, and state-



of Rights Project is an online resource that summarizes state and federal legislation related to restoration of rights and status following arrest or conviction, including maps and in-

: DISQUALIFYING OFFENSES FOR STATE PEER CERTIFICATION

CATEGORY OF DISQUALIFYING OFFENSES	NUMBER OF STATES DISQUALIFYING
Drug Offenses	7

HELPFUL RESOURCES

Peer Specialists Database

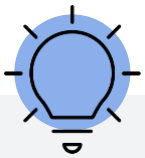
It is recommended that employers visit the Doors to Wellbeing's Peer Specialists Database to learn about each state's criminal background check requirements for peer certification. The database includes information on whether background checks are required and if the criminal record is a disqualification for peer certification. The database allows users to compare specific states. For example, [redacted] that [redacted] requ[redacted]ckground check and a conviction record is [redacted]ying facto[redacted]ertific[redacted]n cont[redacted]hio requires that prospective peers with lived [redacted]ave "a cri[redacted]ecord[redacted]k that [redacted]from any convictions, excluding minor traf[redacted]ol[redacted]s, and has [redacted]release[redacted]m all sa[redacted]ns, for 3 years prior to application. Individual[redacted]h [redacted]qualifying o[redacted]se shall [redacted]ermanen[redacted]xcluded from certification and shall not be eli[redacted]e fo[redacted]waiver."

National Model Standards for Peer Support Certification

The [redacted] (SAMHSA, 2023) includes National Standards on Background Checks that was produced in collaboration with national experts and key stakeholders. The standards are guidelines for hiring entities and state certifying bodies to consider if a background check is required for the peer certification process. The recommendations state:

> Background checks should be the responsibility of hiring organizations rather than part of the peer certification process.
>
> In instances where a state certification entity chooses to obtain criminal background information on prospective certified peers*, it is recommended that they:
>
> - Clearly outline potentially disqualifying offenses.
> - Limit potentially disqualifying offenses to those that pose a risk to the people being served.**
> - Utilize an initial process of self-disclosure that solely focuses on the identification of potential disqualifying offenses.
> - Conduct background checks for confirmation purposes when criminal information is needed.
> - Review notifications flagged for potentially disqualifying offenses on a case-by-case basis.

[redacted]



JUVENILE JUSTICE RECORDS

Funding Considerations ? Medicaid Funding and Beyond . iding peds

Most states and behavioral health organizations bill peer support services under Medicaid, which is the largest payer source for behavioral services. In a study from 2019, the University of Michigan Behavioral Health Workforce Research Center reported that at least 39 states provide Medicaid reimbursement for mental health or substance use disorder (SUD) peer support services. However, it is important for organizations to understand the Centers for Medicare & Medicaid Services (CMS) regulations that limit reimbursement for peer support workers with conviction records.

Organizations should familiarize themselves with opportunities to bill Medicaid for peer support services, and the CMS regulations that limit reimbursement for peer support workers with conviction records.

The CMS Guidance under 42 CFR §455.434 ? Criminal Background Checks ? requires State Medicaid Agencies to comply with the following regulations for all providers, including peer support workers. States must:

- Require providers, as a condition of enrollment, to consent to crimi

Recruitment Process

When organizations have a better understanding of the benefits and values of hiring individuals with both lived experience with SMI/SUD and conviction records, they can proceed to the next step of the pre-hiring phase which is to develop a recruitment plan specifically to hire this untapped pool of workers. The recruitment plan typically consists of writing a job description, and advertising or recruiting for the position.

During the recruitment process, specify via job descriptions and advertisements that peer support workers with prior systems involvement, including a criminal background, are encouraged to

Two examples of peer support job descriptions can be found in ôAppendix D" and ôAppendix E.õ

Consider having peer support workCor hav

Pre-Hiring Module Summary

Individuals leaving the criminal justice system should be afforded access to meaningful employment opportunities to support successful reentry, continued recovery, and reduce recidivism. Organizations preparing to hire individuals with a criminal justice background should ensure their hiring policies are in accordance with federal, state, and local laws. Individuals with lived experience should be included in expanding employment opportunities, including removing unnecessary questions related to criminal backgrounds from the application; using person-centered rather than stigmatizing language when referencing individuals with conviction records; and developing a recruitment plan to target peers with a criminal background. Hiring practices and decision processes should be universal, focusing on an aÐÐÌÉÃÁÎôßÓ Í ÅÒÉÔÓh ÁÃÃÏ Í ÐÌÉÓÈ Í ÅÎÔÓh qualifications, and verification of their recovery journey. To fund these positions, organizations should identify appropriate billing pathways (e.g., private funds, state general funds) to support peers with criminal records due to billing and reimbursement limitations under Medicaid. It is essential that employers are transparent and provide clear pathways (i.e., felony background waiver processes) for applicants with criminal backgrounds seeking employment as a peer support worker. Applicants should be informed of any criminal records that are automatically excluded from consideration. The strategies outlined in the ÕPre-Hiringõ module are intended to assist organizations in adopting recovery-friendly hiring practices that support equal opportunity for employing individuals with both lived experience and criminal records.

MODULE 2:
HIRING

This module provides guidance to hiring entities when reviewing applications, conducting interviews, and onboarding a new peer support worker or a person with lived experience with a serious mental illness (SMI) and/or substance use disorder (SUD) and criminal background. As previously mentioned, the goal is to focus on the applicant's merits and qualifications for the position including relevant lived experience with the criminal justice system as a strength rather than a disqualifying factor. This section aims to ensure that organizations are making fair hiring ÄÅÃÉÓÉÏ Î Ó ÂÁÓÅÄ ÏÎ ÔÈÅ ÃÁÎÄÉÄÁÔÅåÓ ÓËÉÌÌÓÅÔÓñ É Î ÃÌÕÄÉÇ ÒÅÌÅÖÁÎÔ ÐÅÒÏ Î ÁÌ ÌÉÖÅÄ ÅØÐerience, while also being open and transparent about specific offenses that would not be a good fit for the position.

Review of Applications

As an organization starts reviewing applications, it is important to assess each application based on the individuÁÌåÓ ÑÕÁÌÉÆÉÃÁÔÉÏ Î Ó Á Î Ä ÓËÉÌÌÓÅÔÓ ÁÓ ÄÅÆÉÎÅÄ É Î ÔÈÅ ÒÅÌÁÔÅÄ ÉÏÂ ÄÅÓÃÒÉÐÔÉÏ Î 8 &ÏÒ Í Á Î Ù organizations, human resources (HR) reviews the applications first to identify candidates who meet the minimum requirements for the position. In some instances, the hiring manager/ supervisor may review the submitted applications. In either case, it is important for peer support workers or people with lived experience to provide feedback on the application process or directly review applications to ensure that candidates with both lived experience of SMI/SUD and justice involvement are not prematurely screened out. Although a long gap in employment may reflect when a person was involved with the justice system, the individual should not be preemptively omitted.

Many employers use HR screening tools that use artificial intelligence (AI) to make employment decisions when screening applications. However, it is important for employers to understand the risks of using these AI-based HR screening tools. To help employers understand the risk, the U.S. Equal Employment Opportunity Commission (EEOC) issued technical guidance about the adverse impact of AI employment-decision making tools violating Title VII of the Civil Rights Act of 1964

Encourage employers to develop peer-specific hiring processes, including:

Interviews of Candidates

The next step is to conduct an interview with applicants who have advanced to this phase. Conducting a skills-based interview in lieu of a competency interview is more fruitful in assessing if the candidate has skills that are adaptable and transferable to perform the job-related activities, while also showing a willingness to learn. Certified peer support workers have demonstrated proficiency in peer support core competencies through the certification process. Peers who have not obtained certification due to their criminal backgrounds may have also gained these competencies through volunteer and work experience. Utilize the application and interview stages to determine if any applicant, including non-certified individuals, would be a good fit as a peer support worker in the organization.

If the individual is a newly certified peer support worker beginning their career journey, ask questions to assess how the candidate would apply peer strategies and values (e.g., promoting and valuing recovery, actively listening, being empathetic and open-minded, inspiring hope, fostering a reciprocal relationship in a safe and humble manner, supporting self-determination) to job-related functions (National Association of Peer Supporters, 2019). Currently employed peer support workers should be involved in developing and/or selecting interview questions and being a part of the interview process. A peer support worker has the background and expertise to help identify the best candidate for the position. A candidate may also feel more comfortable disclosing their personal journey and past criminal justice involvement with a peer instead of a non-peer interviewer.

Employers should view each applicant as a whole person, considering that both their lived experience and justice involvement is a strength and unique skillset, while also clarifying if any offenses would automatically exclude an applicant from consideration. As previously noted in the ÔPre-HiringÕ module, organizations should be transparent about which offenses may be unfit for some peer support worker positions. Refer to federal law 49 CFR § 1572.103 for a list of permanent and interim disqualifying criminal offenses.

TIPS AND STRATEGIES FOR ASKING A CANDIDATE ABOUT THEIR RECOVERY JOURNEY

Consider the following strategies and sample interview questions during the interview phase.

- Emphasize to the candidate that their personal experience with recovery is a strength and an important qualification for the peer support worker position, and the interview questions are designed to better understand their skills and qualifications related to the job functions.
- Use trauma-informed and recovery-oriented language to create a safe and non-judgmental environment that allows a candidate to feel comfortable in voluntarily disclosing their criminal background and their recovery experiences. It is important for employers to recognize any unconscious bias when candidates self-disclose their justice involvement and/or recovery journey.
- Focus on job-related questions. The

about their medical history including hospitalizations for mental health or addiction treatment, history of taking medical/sick leave; medical conditions or disabilities; and past or current use of prescriptions including medications for behavioral health conditions. Instead, employers should focus on job-related questions and assess a candidate's ability to perform the essential functions of the job with or without reasonable accommodations. However, when asking questions related to personal recovery, sensitive language to use would include:

> Describe how your life experiences bring value to our organization and/or the position you are applying for.
>
> Tell me how your personal and professional background relates to this position.

Keep medical information confidential. Title I of the ADA stipulates that any medical information voluntarily disclosed by the candidate during the application, interview, and onboarding (i.e., job offer) process must be kept strictly confidential. A few exceptions include sharing medical information with other employees involved in the hiring process (e.g., with the hiring manager or supervisor) as it relates to job functions; administering first aid if the medical condition might require emergency treatment; and federal, state, or local officials investigating an ADA complaint, etc.

Title VII of the Civil Rights Act EEOC

SAMPLE QUESTIONS

The most important skills for a peer support worker are empathy, communication, active listening, and the ability to connect with individuals who are experiencing substance use or mental health challenges. Following are some interview questions (adapted from Utah State 5ÎÉÖÅÒÒÉÔÙßÓ ÌÉÓÔ ÏÆ skill-based interview questions) to help identify a candidateÕs skills.

INTERPERSONAL SKILLS

Have you ÅÖÅÒ ÈÁÄ ÔÏ ÃÏ Í ÕÎÉÃÁÔÅ Á ÐÏÉÎÔ ÔÏ ÓÏ Í ÅÏÎ ×ÈÏ ÄÉÄÎ'Ô ÁÇÒÅÅ ×ÉÔÈ ÙÏÕ ÉÎ a professional setting? What approach did you take?

How would you describe your approach to building rapport with someone who is experiencing substance use or mental health challenges?

Can you share a specific example of how you have used your personal experience with substance use or mental health challenges to connect with and support someone?

How do you handle situations when a client is struggling with intense emotions?

How do you ensure that you maintain appropriate boundaries while still being supportive and empathetic with clients?

How do you advocate for vulnerable populations? What approach have you taken, or would you take?

ADAPTABILITY

Give an example of a time when you solved a problem using critical thinking.

Describe a time when you had to adapt to a new situation.

How do you handle breaks in routine, interruptions, and last-minute changes?

Have you ever had an experience in which you failed to understand an idea or gain cooperation the first time, but succeeded later? What was the difference?

Describe a time when your supervisor surprised you with a new responsibility, and how you handled it.

Describe a time when you had to make a quick decision in a short period of time.

Tell me about an occasion when your schedule was upset by unforeseen circumstances. What did you do?

TIME MANAGEMENT/ORGANIZATIONAL SKILLS

Give an example of your use of time-management skills.

How do you maintain a healthy work/life balance? Describe the wellness approach that you use when triggers come up.

How do you prioritize activities within a given timeframe?

KEY TAKEAWAYS: INTERVIEWS OF CANDIDATES

Adopt recovery-friendly hiring policies that prioritize personal life experience with SMI/SUD recovery and criminal justice involvement as a strength and an important qualification for the job.

Involve currently employed peer support workers to participate in the hiring process by reviewing applicants, developing interview questions, and participating in the interview.

Ask open-ended, skill-based interview questions to assess how a candidate would apply peer strategies and values.

Be knowledgeable about the ADA and EEOC's guidance on: (1) asking questions that are prohibited during the hiring process; (2) asking questions related to the job to assess a candidate's ability to perform the job-related functions; and (3) ensuring that a candidate's criminal records and medical information are kept strictly confidential.

View an applicant as a whole person, considering that both their lived experience and justice involvement is a strength and unique skillset, while also clarifying if any offenses would automatically exclude an applicant from considera

Onboarding Process

During this hiring phase it is common for employers to conduct a pre-employment background check to verify the candidate's identity. The Fair Credit Reporting Act (FCRA) requires that an employer must obtain written permission from the candidate before conducting a pre-employment background check (R). It is also important for employers to refer to their state labor department or the Restoration of Rights Project 50-State Comparison: Limits on Use of Criminal Record in Employment, Licensing & Housing to verify legal compliance when using background checks for making hiring decisions.

Depending on the employer and the position, a background check may include vetting a candidate's identity, employment history, educational verification, professional licensures and/or certifications, credit report (does not include credit score), professional/personal references, criminal history, and arrest records. Background check procedures should be consistent and fair for all applicants.

When reviewing an applicant's criminal record for employment decisions, it is important to remember the three ‹ '•‡ œp 0 … C p P – ' ƒ ' ' Ž Çaô00Ð 0 •

BACKGRO CH
CONSIDER ONS E-ADVERSE AND ADV SE ACTI S

An employer m pt not t e-adverse action) or rescind a job fer (adverse a on) based on inform on gath d g the pre-employment screening rocess. As not in the "Pre-Hiring" m ule, empl er e mandated to comply with federal FCRA guidance or any action taken ba ed upon in orm on in the consumer reports (*R*).

Guidelines for include:

- A written notice accompanying a copy of the background report.
- An opportunity for the applicant to review and explain the information in the background record—background checks may have inaccurate or outdated information that should have been expunged or sealed.
- A copy of FCRA's Summary of Rights.
- At least five days for the candidate to dispute any erroneous information.

In addition to the four requirements for pre-adverse action, employers must also provide the following when

KEY TAKEAWAYS: ONBOARDING PROCESS

Be familiar with state and local laws that may restrict a background check before a contingent job offer is made.

Consider the Green factors regarding arrest and conviction records to ensure non-discriminatory hiring decisions. Assess each applicant on a case-by-case basis when viewing the results of the background check.

Be transparent about which offenses would be unfit for the position.

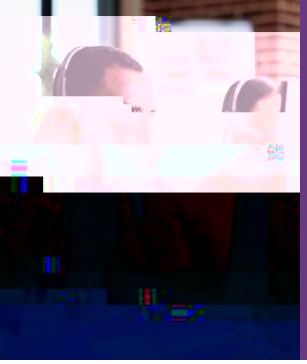
Understand the FCRA guidance mandating what actions employers must take when background information is used to make a pre-adverse or adverse employment decision.

Ensure that, before a candidate is extended a contingent offer, there is transparency and discussions about the criminal background check process.

Have an honest conversation with an applicant to explain the situation if an offer needs to be rescinded based on the background check.

Hiring Module Summary

Employers, employees, and recipients of services will benefit from an employer's actions to become a recovery-friendly organization. The strategies outlined in the "Hiring" module are designed to support organizations in making fair hiring decisions based on candidates' skillsets and relevant personal lived experience. The process will include assessing the candidates' qualifications and skillsets, including relevant personal lived experience with the justice system. If an employer is unable to hire an individual with a record of certain offenses, the employer should be transparent about the process utilized and the rationale for the decision. Adopting hiring practices that support equal opportunity for employing individuals with both lived experience and criminal background demonstrates that employers are invested in the recovery process and complying with federal guidance. This will enable employers to attract candidates that bring a valuable lens and lived experience, which enhances the organization's workforce and the outcomes of the services they provide.



MODULE 3:

POST-HIRING

At this stage, employers have

Peer support workers have experience in crafting their stories during their certification process. They are trained to share their own experiences as a tool to connect, offer encouragement, and share a strategy when working with others having similar experiences. It may take time for them to adapt before they are ready to share, if ever.

Be flexible with the new hire's schedule to accommodate appointments, such as meetings with their parole or probation officers, medical appointments, etc.

Assess and address staff's attitudes, stigma, and unconscious bias toward employees with personal lived experiences of SMI/SUD and justice involvement by conducting trainings and continually evaluating how and if these negative stereotypes and unconscious bias ar87>-23 <00950095>]TJ/

supervised peer support worker is carrying out appropriate peer roles and responsibilities and is not experiencing peer drift.

Following are tips and models for organizations to adopt when supervising peer support workers.

Self-Awareness and Reflection: Supervisors of peers should practice self-awareness and reflection to provide effective recovery-oriented supervision. Encourage supervisors to evaluate their supervision competencies and identify areas of improvement to better supervise peer support workers. SAMHSA's Supervisor of Peer Workers Self-Assessment is a good starting point. Work with management to address areas of supervisory improvement.

Mentor/Buddy System: Designate a peer staff member to be mentor/buddy who can be the point of contact to offer guidance and support in navigating the new workplace.

Connection: Ensure the new peer support worker is connected to internal (e.g., a peer staff mentor/buddy or key champions among staff) and external support systems such as the National Association of Peer Supporters, to network with other peer support workers, and Doors to Wellbeing, a state-based database of statewide organizations of peer support workers.

Implement a co-supervisor model, such as "The Five Critical Functionn

Communicate a belief in what is necessary to support healing, including a safe environment, transparency, voice, collaboration, mutuality, choice, trustworthiness, and empowerment.

Create a feedback loop for peer support workers to provide input on the organization in areas such as the hiring process, organizational culture policies and procedures, inclusive practices related to individuals with criminal justice backgrounds, and clarity of job roles.

ORGANIZATIONAL SUPPORT

Provide role clarity, which promotes job satisfaction and retention.

Hire more than one peer support provider. This offers opportunities for networking and support, prevents isolation and burnout, and fosters long-term retention.

Identify organizational policies and practices that hinder recovery or interfere with healing and growth, or disempower people who use services.

Provide organization-wide education on the role and value of peer support to ensure that peers are respected as skilled colleagues and supported to do their role effectively.

WORK ENVIRONMENT AND BENEFITS

Provide competitive pay and benefits (e.g., transportation reimbursement or stipends for continuing education).

Provide regular opportunities for performance feedback.

Publicly recognize the positive contributions of th ganization.
G s the o ity to share their work wi s (at conferences, m s, and o blic forums).

O exible wo hedules that recognize an er yee' or work/life balance.

P le individu exible, and accessible suppor uring r's transition into the o nization.

These str egies are ada ted from R
(NASMHPD

HEALTH AND WELLBEING

Workplace wellbeing is strongly associated with retaining employees by addressing self-

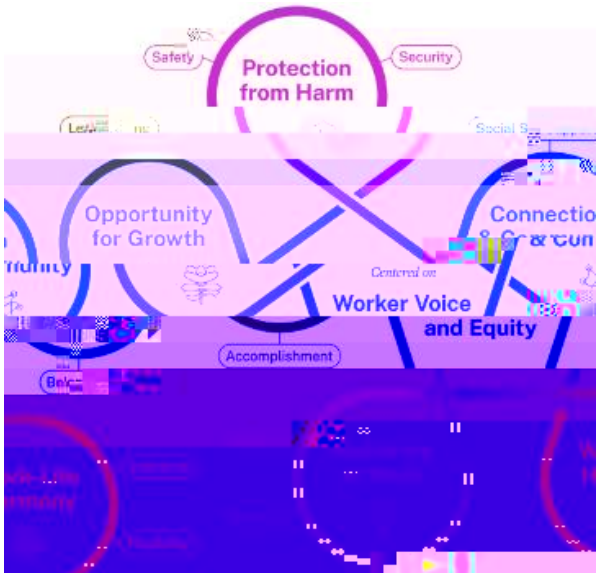
HELPFUL RESOURCE

Surgeon General's Framework for Mental Health & Well-Being in the Workplace (202

The Surgeon General's Framework outlines five key foundations to better understand and promote all workers' health and well-being in the workplace. The framework is centered on a by outlining key components, practice examples, and resources in the five categories: Protection from Harm; Connection and Community; Work-Life Harmony; Mattering at Work; and Opportunities for Growth.

> "A healthy workforce is the foundation for thriving organizations and healthier communities. As we recover from th of the pandemic, we have an opportunity and the power to make workplaces e s for mental health and well-being, and this Surgeon General's Framework show ow we can start. It will require organizations to rethink how they protect worker m harm, foster a sense of connection among workers, show workers that they ma r, make space for their lives outside work, and support their growth. It will be wor t, because the benefits will accrue for workers and o anizations alike."

Five Essentials for Workplace Mental Health & Well-Being



KEY TAKEAWAYS: RETENTION

HELPFUL RESOURCE

"Windows of Wisdom: Insights from Experienced Peers" otive a e nal lived e sj n BT 0.05 ti(i)-5 (en)-2

Watch a collection of brief videos of experienced peers providing tips on key issues related to peer and recovery support services. Topics include peer supervision, self-care, peer support values, boundaries, and role confusion.

KEY TAKEAWAYS: PROFESSIONAL DEVELOPMENT

Provide ongoing training and educational opportunities to improve the peer support worker career path, increase the effectiveness of peer-led interventions, and add legitimacy to the profession.

Ensure bi-directional learning opportunities between peer and non-peer staff, including inviting peers to present at organization-wide trainings about their roles and practices.

Post-Hiring Module Summary

A recovery-friendly employer aims to foster a workplace that values and understands the role and voices of peer support workers with personal lived experiences of SMI/SUD and justice involvement. For employers to actively integrate and retain peer support workers, it is vital for employers to internally assess and address the organizational culture (e.g., negative attitudes, stigma, or unconscious bias) towarr(e.

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APPENDIX A:

RESOURCES FOR STARTING A PEER SUPPORT PROGRAM

Recovery Friendly Workplace Toolkit:

APPENDIX A

FAIR CREDIT REPORTING ACT COMPLIANCE CHECKLIST

Provide written notice in a stand

APPENDIX:

EXAMPLE OF PEER SUPPORT WORKER JOB DESCRIPTION

Date: Work hours:

Position Title: Classification:

Salary: Supervision:

General Description: Peer support workers model recovery, teach skills, and offer supports to people experiencing mental health challenges who are involved in treatment and/or different phases of their recovery to lead meaningful lives in the community. The goal is to promote recovery, enhance hope and social networking, and to supplement treatment with education, empowerment, and system navigation. The Peer Support Worker is an integral member of the team and provides individualized supportive services to program participants. This may include a wide range of functions as listed below:

Essential Responsibilities:

- Provide supportive services to program participants, i.e., in-person, virtual and/or telephone contact.
- Accompany participants and provide warm hand-off to community-based treatment, housing and supportive services including transitions from jail, hospital, residential treatment facilities, and other residences as well as appointments in the community.
- Utilize transportation systems as necessary, e.g., public transportation, rideshare, or vehicles to assist participants with access to community.
- Provides information to program participants, staff, and other stakeholders as necessary.
- Collaborate and coordinate with team members to ensure successful outcomes for participants utilizing all forms of communication.
- Document interactions with program participants utilizing the identified data system.
- Handle multiple assignments.
- Performs related work as required.

Minimum Qualifications:

High school diploma or GED required. Certification is preferred but will consider applicants working toward certification. Given the nature of the position, personal knowledge, lived experience, and prior systems involvement (e.g., substance use, mental health, or criminal justice involvement) are preferred. Knowledge and personal lived experience in mental health/substance use recovery required; ability to serve as role model of recovery required or any equivalent

APPENDIX E:

PEER SUPPORT JOB DESCRIPTION EXAMPLE

RECOVERY SUPPORT SPECIALIST

Job Description			
Date:	July 2018	FLSA Status	Non-exempt
Status:	New Job Description Revision	Physical/PPD required	Yes No
Department:		Drives Clients and/or company vehicle	Yes No
Supervision Received	Social Rehabilitation Supervisor	DCF Background check:	Yes No
Supervision Exercised	None		

POSITION SUMMARY:

The Recovery Support Specialist is an advocate who is able to, through personal experience, relate to the client's process of recovery. They

Attends advocacy meetings through the CACs, RMHB, and KTP.

Attends departmental and Organization meetings.

Adheres to Organization policies and procedures, including ongoing compliance with accreditation standards.

Attends training sessions, workshops, seminars as requested by supervisor, or as needed for professional development, or as required for accreditation or licensing.

out the mission and goals of BHcare.	Communication:

www.SMIadviser.org