

## ORIGINAL RESEARCH

# How friendly are New York State Hospital employment applications to individuals with an incarceration history?

*Jennifer Sanchez, MP & Aaron Fox, MD, MS*

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### Abstract

Although discrimination on the basis of previous incarceration is illegal in New York, many employers still screen job applicants based on prior convictions. We conducted a study of New York State hospitals to examine the use of incarceration histories in online applications. Two-thirds of NYS hospitals asked questions about convictions. This was most common in hospitals located in suburban and rural areas. This practice may deny returning prisoners and their communities the numerous benefits of employment. Keywords: Formerly incarcerated, Employment, Community Health, Policies

### Introduction:

Providing formerly incarcerated individuals with stable employment has been shown to lower recidivism rates and is critical for the struggling economy of the communities they return to (Natividad Rodriguez & Emsellem, 2011; Western

& Pettit, 2010). Yet for those with prior incarceration, gaining and maintaining employment is often challenging (Natividad Rodriguez & Emsellem, 2011; Western & Pettit, 2010; Harris & Keller, 2005; Holzer, Raphael, Stoll, 2003). Despite laws prohibiting employment discrimination based on prior incarceration, many applications contain a “box” that applicants must check to disclose prior convictions, which can be used to screen out potential employees (National Employment Law Project [NELP], 2014). The Ban the Box campaign of the National Employment Law Project (NELP) has sought to remove this box, so that disclosure of convictions could occur as a discussion later in the application process instead of as an initial screen (NELP, 2014).

New York is the third most populous state in the country. Roughly 56,000 individuals are currently incarcerated and nearly 40,000 are on parole (National Institute of Corrections, 2010; New York State Department of Corrections and Community Supervision, 2011). According to 2011 data, 62% of parolees are unemployed (New York State Department of Corrections and Community Supervision, 2011). Approximately 7 million New Yorkers have experienced prior incarceration and thus still face barriers and discrimination (US Department of Justice, 2008). It is estimated that 1 in 3 African-American men will be incarcerated in their lifetime; consequently, the magnitude of employment discrimination is potentially huge and unequally distributed.

Hospitals are among the most stable of employers in the U.S., and have maintained steady growth during the most recent U.S. recession (American Hospital Association, 2011). As the third largest employment industry in the US, hospitals are

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### Jennifer Sanchez, MPH,

Department of Family and Social Medicine, Montefiore Medical Center / Albert Einstein College of Medicine, Bronx, NY.

E-mail: jemasa@gmail.com

### Aaron Fox, MD, MS,

Department of Family and Social Medicine, Montefiore Medical Center / Albert Einstein College of Medicine, Bronx, NY.

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**Table 1.**  
**Prevalence of Corrections History Items on NYS Hospital online employment applications**

Hospital Characteristics	Has Box No. (%)	EOE No. (%)	Explanation* No. (%)
Total (n = 200)	135 (68%)	93 (47%)	104 (77%)
Institution Type			
Non-profit (n = 147)	102 (69%)	67 (46%)	78 (76%)
Public (n = 32)	15 (47%)	10 (31%)	13 (87%)
Religious (n = 18)	16 (89%)	13 (72%)	13 (81%)
Private (n = 3)	2 (67%)	3 (100%)	1 (50%)
Population Density			
Urban (n = 101)	39 (39%)	30 (30%)	24 (62%)
Suburban (n = 30)	25 (83%)	12 (40%)	16 (64%)
Rural (n = 88)	71 (81%)	51 (58%)	64 (90%)
Prison in County (n = 106)	66 (62%)	54 (50%)	66 (100%)

\* Represents those hospitals with a “box” that included a place for an explanation.

in a unique position to support their communities and also lead by example for other industries (Career One Stop: Pathways to Career Success, 2012). We investigated use of the box in New York State hospital online employment applications and explored hospital-level characteristics that were associated with use of the box.

### Methodology

In the spring of 2014, we visited the websites of all New York State hospitals and started online applications for a non-clinical entry-level job. No applications were actually submitted. This study was exempted by the AECOM Committee on Clinical Investigation (Study # 2014-370).

Presence of the following elements was extracted from online applications: 1) a box indicating prior arrest and /or conviction; 2) space to explain prior arrests and/or convictions; and 3) an Equal Opportunity Employment (EOE) statement regarding non-discrimination. We also used the American Hospital Association’s Data viewer to document hospitals’ tax status (public, private, non-profit, or religious) and New York State’s Vital Statistics to determine each counties urbanicity (American Hospital Association, 2014; New York State Department of Health, 2008). New York State counties were categorized based on their population density using the U.S. Census Bureau’s definition of urban ( $\geq 1,000$  people/square mile), suburban (500-999 people/square mile), and rural ( $\leq 499$

people/square mile). We also documented if a prison was located in the same county as the hospital.

We examined the simple association between population density, institution type, and proximity to a state prison as factors for box presence using chi-square test for independence.

### Results

Data was extracted for the 219 hospitals listed on the NYS Department of Health website (New York State Department of Health, 2014). 19 hospitals were excluded from the study due primarily to closures.

Approximately two thirds of applications included boxes, three quarters of these boxes allowed for an explanation and 47% of applications included an EOE statement. A greater percentage of hospitals in rural and suburban counties used the box in comparison to urban counties ( $>80\%$  vs.  $39\%$ ,  $p < 0.01$ ). EOE statements were also more common in rural (58%) and suburban (40%) counties than urban counties (30%).

The presence of the box was not associated with the hospital’s tax status or whether there was a prison located in the county.

### Discussion

Our study demonstrated that approximately two thirds of New York State hospitals’ online employment applications included a box indicating prior conviction and fewer than half provide EOE

statements. Hospitals in urban counties were less likely to ask about prior convictions on the initial application. It is unclear whether this represents a deliberate policy on the part of the hospitals, but additional inquiry into institutional policies and hiring practices relating to prior incarceration is warranted.

The health of the individual and the community is intrinsically tied to social and economic factors, such as employment (Western & Pettit, 2010; Kuhna, Lalive, Zweimüller, 2009). In the United States, health insurance is often provided by employers. Formerly incarcerated individuals already experience large disparities in health in comparison to the general population, which is likely exacerbated by lack of employment opportunities.<sup>15</sup> Hospitals can improve their communities' health beyond providing medical care, in particular, by providing opportunities for stable employment. Codes of medical ethics forbid any discrimination in provision of medical care, and a similar commitment to justice should prevent discrimination in hiring based on prior incarceration. If we think of the hospital as not simply as a place for high technology medicine, but also as a "social instrument" it is possible that hospitals could play a central role in responding to the plague of prisons.

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