



# The Hottest New Trend in HR: Software as a Service



Technology continues to create more choices for companies considering new human resources, talent management, and payroll solutions, and one of those options involves the outsourcing of IT responsibilities for the software leveraging a hosted solution. Referred to as “on-demand” or “software as a service (SaaS),” this alternative can help businesses experience benefits very

much like those of in-house or on-site software with integrated reporting but without requiring dedicated IT resources or large upfront financial investments.

One of the most appealing ancillary benefits is that executive decision-makers typically have instant access to reporting at their fingertips, available to them whether they’re traveling, working from home, or at the office, because of the Internet delivery method. Similar convenience features are available through Web self-service for the general employee population and managers as well. Another important factor is that vendors providing software-as-a-service usually have several layers of security safeguards in place that would be very costly and difficult for most companies to replicate on their own sites since they don’t have the advantage of economies of scale that successful SaaS vendors have.

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## UPCOMING EVENTS

### MARCH&APRIL

#### LEGAL WEBCAST

**The Expanded FMLA, Military Leave Laws and the ADA in a time of Military Conflict**  
Friday, March 14, 2008 • 12:00pm – 1:00pm  
Members Only (Free)

#### PROFESSIONAL DEVELOPMENT SERIES

##### Total Rewards

- Panel Breakout: How to Under Promise & Over Deliver to a Demanding Workforce
- Roundtable Breakout: Wellness Perks - Improving Health & the Bottom Line!
- Keynote Speaker Session: Give Them What They Want, When They Want It (Without Breaking the Bank)

Wednesday, March 27, 2008 • 7:30am – 11:30am  
Loews Philadelphia Hotel – Philadelphia, PA  
Members \$75 / Non-Members \$95

#### HR WEBCAST

**All Aboard: Applying Lean Six Sigma within HR for a Successful Onboarding Project**  
Friday, April 11, 2008 • 12:00pm – 1:00pm  
Members Only (Free)

#### SPECIAL PROGRAM

**Pennsylvania Legislative & Legal Conference**  
Tuesday, April 15th • 7:00 am – 4:00 pm  
Hilton Harrisburg & Towers – Harrisburg, PA  
Early Bird Registration postmarked by 3/15/08: \$125  
Regular Registration: \$150  
Full-time Students: \$50

#### CAREER MANAGEMENT FORUM

**Understanding what Organizations Value: Your Impact on the Bottom Line**  
Thursday, April 24, 2008 • 5:30pm – 7:00pm  
Career Concepts, Inc. – Plymouth Meeting, PA  
Free

*To register, log on to*  
<http://www.phillyshrm.org>





## The President's Corner

In mid-February at the Greater Philadelphia Chamber of Commerce's Annual Mayoral Luncheon, several members of Philadelphia SHRM sat in a room of 1,500+ business and community leaders and heard a powerful and specific message from Mayor Michael Nutter. The message called for a revolution to improve aspects of Philadelphia and committed to allocating resources

to fuel this change. As I connected with other PSHRM board members on the way out, we were all on the same page — Philadelphia SHRM (PSHRM), the largest human resource organization in the Philadelphia area, must step up to the plate and contribute. And so, we at PSHRM, are proud to launch our HRevolution and expand our service to other areas of the HR community.

Mayor Nutter called for substantive and quantitative upgrades that will drive this revolution – three of which are listed below that PSHRM can directly influence.

1. **Tuition Reimbursement:** With 83 local colleges and universities Mayor Nutter was emphatic that while companies have reimbursement programs we need to financial supporting employees paying for that first class to initiate the reimbursement cycle.
2. **Re-entry Program:** To end the cycle of crime, we need to give former convicts a second chance with employment and a source of income. Twenty five percent of city residents live below the poverty level and that is perpetuating our crime problem.
3. **Paid Internships:** Last year just over 1000 high school students worked with local employers to grow their skills in a productive environment. Yesterday, Nutter challenged the City to employ 2000 students.

This month PSHRM is commissioning a team of volunteers to focus on these three areas. In addition, PSHRM will solidify partnerships with several civic organizations that are driving this revolution.

- **For Tuition Reimbursement:** PSHRM will work with Greater Philadelphia Select to engage corporate input as to how momentum can be propelled by. Also, PSHRM will immediately convert our scholarship program to focus on potential undergraduate students. The preimbursement scholarships will serve as the jump start necessary for students who have the benefit of tuition reimbursement.
- **For Re-entry:** PSHRM will work with community partners to create development opportunities for former felons looking to re-enter the workforce. The structure for this has yet to be defined but we will be calling on presenters and hosts to help underwrite this program. If you have ideas, contact us to propel this movement.
- **For Paid Internships:** PSHRM will partner with the Philadelphia Youth Network's Work Ready program and Campus Philly to actively promote these internship opportunities to our members.

We need your help to join the HRevolution. Join current PSHRM members in this effort to grow Philadelphia. If you'd like to play an active role on this volunteer team or simply have ideas to contribute, please feel free to contact us and thanks in advance for the great things we will accomplish together.

Dan Gallagher  
Philadelphia SHRM  
President 2007-09



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## The Hottest New Trend in HR: Software as a Service

*Continued from page 1*

### The Service Side of Software

With SaaS models, the solution is managed in a remote facility, and the technical issues associated with implementing, maintaining, upgrading, and supporting the software solution are part of the service. For many corporate buyers, this is the compelling reason to buy SaaS. Acquiring a state-of-the-art, strategically robust employee management solution is realistically possible with a SaaS solution because companies can pay for it on a subscription (or ongoing monthly) basis and there isn't a drain on their internal technology resources because the IT functions are handled by the SaaS vendor. The buyer does not need to invest in the hardware, people, or systems to support the hardware. They simply connect to the service. For smaller companies, this can be a very fast process. For larger companies that have unique requirements, setup can take a little longer.

With SaaS, HR departments have direct online access to hundreds of reports that pull real-time data from their database instantly. In addition, those reports can be easily shared with line managers, executives, and other team members who need access to HR and payroll data. Unit managers, for example, can keep a set of reports on their desktops on topics such as their staff's performance review due dates, pay histories, merit increases, and year-end bonuses. A CEO or CFO can have headcount reports or gross payroll numbers by company, division, business unit, or department, sorted or subtotaled according to their particular analysis needs. And they can get this information from one solution rather than having to track down information from different systems.

### Genmar Holding Company – Reaping Fiscal Rewards

Genmar Holding Company, the largest manufacturer of recreational boats in the United States with approximately 7,000 employees, was using numerous disparate systems for human resources and payroll. This was proving to be both very expensive and inefficient. The manufacturer selected SaaS to address its needs.

"Since rolling out a hosted human resources, payroll, and talent management solution, we are experiencing an annual cost savings in excess of \$500,000 through the elimination of service bureau fees, increased HR and payroll productivity, and faster and more efficient reporting," said Dave Mahler, vice president and treasurer, Genmar.

Now Genmar has the flexibility, convenience, and functional benefits of a single in-house solution, with the comfort of knowing that employee records are protected by the latest advances in security with several layers of built-in application and database protection. Because its information is housed off-site in a hardened data center, the manufacturer's data is protected against fires, natural disasters, power outages, sabotage, or theft. Genmar's documents are backed up regularly and frequently checked for viruses using secure-network connections to ensure the privacy and integrity of its data.

### Elizabeth Arden – Maintaining HR/Payroll Continuity during a Widespread Power Outage

One company that has benefited from using SaaS in a crisis situation is Elizabeth Arden, a global prestige beauty products company with over 1,000 employees in the United States and Puerto Rico. On Monday, October 24, 2005, Elizabeth Arden's Miami Lakes, Florida, headquarters was hit by Hurricane Wilma. Lack of electricity and potable water forced the office to close. Employees who were working in other locations throughout the region found a space with power and Internet access where several members of Elizabeth Arden's payroll team could process payroll the next day. The beauty products maker remained without power in its Miami Lakes offices for eight days—but never missed a payroll or had any employee database issues.

"My team could access our HR/payroll over the Internet, so we had no downtime with our human resources and payroll system," said Louis Nault, Elizabeth Arden's director of finance.

### IT Relief and much more

When organizations like Elizabeth Arden move to a SaaS solution, they appreciate the control they have over processes, the comprehensive functionality, and real-time access to the most current employee data and trends through reporting available on their desktops through a browser. Advances in software and Internet technology have made convenient Web browser access and processing not only possible, but highly palatable. Time-intensive evaluation cycles are going by the wayside as businesses opt to avoid big capital expenditures and instead commit to monthly subscription fees, getting convenience and more functionality as part of the bargain.

To hear a firsthand account of why Lillian Vernon, a leading 56-year-old national catalog and online retailer, switched to SaaS, attend Ultimate Software's free Interactive HR Workshop on March 26th at The Union League. To view the agenda and to register, go to [www.ultimatesoftware.com/phillygvtfra](http://www.ultimatesoftware.com/phillygvtfra)

### Introducing The Awareness Group to Philadelphia SHRM!



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## SPEAKERS INCLUDE:

### Colleen C. Barrett

President of Southwest Airlines

Colleen Barrett is president and corporate secretary for Southwest Airlines, a high-frequency, low-fare airline which prides itself on its excellent customer service. In these roles she oversees management, leadership, and budget responsibilities for all major areas of the company. Ms. Barrett is a member of the company's Board of Directors and the Executive Planning Committee. She has received numerous awards and honors, including being named by *Forbes* as one of the world's 100 most powerful women.

### Peter Cappelli

Management Professor & Director, Center for Human Resources, The Wharton School

Peter Cappelli is George W. Taylor Professor of Management and director of the Center for Human Resources at the Wharton School, and is the editor of *Academy of Management Perspectives*. He conducts research in human resources practices, talent and performance management, and public policy related to employment. His new book, *Talent on Demand: Managing Talent in an Age of Uncertainty*, will be published by Harvard Business School Press in spring 2008.

### Kenneth Chenault

Chairman and CEO of American Express

Kenneth Chenault is chairman and chief executive officer of American Express Co. He joined American Express in 1991, and served as president of the Consumer Card Group and of Travel Related Services before becoming CEO and chairman of Amex only months before September 11, 2001. His leadership in the aftermath of that tragedy and throughout his career have earned him numerous honors, including the Corporate Responsibility Award from the International Rescue Committee and the Wall Street Rising Leadership Award. Mr. Chenault is a graduate of Harvard Law School, serves on the boards of several companies including IBM, and is vice chairman of the Business Roundtable.

### David Gergen

Professor of Public Service & Director, Center for Public Leadership, Harvard University

David Gergen is a professor of public service and the director of the Center for Public Leadership at the John F. Kennedy School of Government at Harvard University. He is also editor-at-large at *U.S. News & World Report*. Mr. Gergen also regularly serves as an analyst on news shows and is a popular lecturer on the world stage. He has served in the White House as an adviser to four Presidents (Nixon, Ford, Reagan, and Clinton), and is the author of *Eyewitness to Power: The Essence of Leadership, Nixon to Clinton*.

### S.A. Ibrahim

CEO of Radix Group

S.A. Ibrahim is chief executive officer of Radix Group Inc., a global credit risk management company headquartered in Philadelphia with significant operations in New York and London. Mr. Ibrahim joined Radix from GreenPoint Mortgage

Funding, Inc., a residential mortgage lender, where he served in a number of executive capacities including CEO, COO, president, and executive vice president of the company's mortgage businesses and financial corporation.

### Captain Wei Jiafu

President and CEO of China Ocean Shipping Co.

Captain Wei Jiafu is president and chief executive officer of China Ocean Shipping Company (COSCO). Before taking charge of COSCO in 1998, he had been the senior executive in many subsidiaries of COSCO both in China and abroad. Capt. Wei Jiafu has received numerous awards in honor of his contributions to the international shipping industry. Among his many leadership roles, he serves as a member of the Harvard Business School Asia-Pacific Advisory Board, chairman of the China Shipowners' Association, and honorary dean of the School of Economics and Management of Shanghai Maritime University.

### Joe Nocera

Business Columnist for the New York Times

Joe Nocera is a business columnist for the *New York Times*, contributes to the *New York Times Magazine*, and serves as a regular business commentator for NPR's *Weekend Edition* with Scott Simon. Before joining the *New York Times*, Mr. Nocera held a variety of positions at *Fortune* magazine and other business publications. He has won two Gerald Loeb awards and three John Hancock awards for excellence in business journalism. His book *A Piece of the Action - How the Middle Class Joined the Money Class* won the *New York Public Library's* 1995 Helen Bernstein award as the best non-fiction book of the year.

### Michael Useem

Management Professor & Director, Center for Leadership and Change Management, The Wharton School

Michael Useem is William and Jacalyn Egan Professor of Management and director of the Center for Leadership and Change Management at the Wharton School. He has helped build Wharton's Leadership Ventures, an experiential learning initiative that organizes programs for MBA students and company managers. He conducts research on leadership, governance, and decision making, and his most recent book, *The Go Point: When It's Time to Decide*, was published in 2006.

### William C. Weldon

Chairman and CEO of Johnson & Johnson

William Weldon is chairman of the Board and chief executive officer of Johnson & Johnson. He assumed his current responsibilities in April 2002. Mr. Weldon joined Johnson & Johnson in 1971, and throughout the years has headed numerous areas within the company. His previous posts include manager of ICOM Regional Development Center in Southeast Asia, executive vice president and managing director of Kasee McNeil, Ltd., managing director of Ortho-Cilag Pharmaceutical Ltd. in the UK, vice president of sales and marketing at Janssen Pharmaceuticals in the US, and president of Ethicon Endo-Surgery.

## Conference Fee

\$955

Register by March 31 to be eligible for the early bird discounted fee of \$775. Special pricing is available to corporate supporters of the Wharton Center for Human Resources and the Center for Leadership and Change Management, and for Wharton alumni. Please call 215-898-5605 for details.

## For more information, please

call 215.898.5605

email [Kay.Dowgun](mailto:Kay.Dowgun)

or visit

<http://leadershipconference.wharton.upenn.edu>

for information and

online registration

Philadelphia SHRM Members receive a special discounted fee of \$550 until March 31st. To redeem this offer simply write "SHRM Member" in the special notes box.



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# Safely Hiring People with Criminal Records: A Legal Perspective

By N. Alexander Erlam, Esq., Vertical Screen, Inc.

In a perfect world, every job applicant would arrive at the employer's door with an unblemished record. But, the reality of today's labor market means HR professionals are increasingly tapping alternative applicant pools – including ex-offenders and those with criminal records – to fill positions.

Ex-offenders are often skilled and ready-to-train and there's a growing movement among city governments and community groups to put non-violent offenders to work to counter recidivism. Many ex-offenders are eager to obtain permanent work upon their release from prison and value the stability and routine that a job provides, making them good candidates for employment.

However, in many states there are clear legal barriers to ex-offenders' reentry into the workplace. Various statutes and occupational code licensing requirements compel employers to exclude applicants with criminal convictions and sometimes even arrest records. A number of states have laws requiring criminal background checks for workers in certain professions, such as those involving child care, elder care, schools, healthcare and law enforcement. Even if the law doesn't specifically bar an ex-offender from employment, many occupational codes prohibit employment of individuals "lacking good moral character," which in many cases might arguably include ex-offenders.

## Legal Considerations - Using Conviction Information in the Hiring Process

### State Laws

When an employer hires an employee who because of the nature of the job will have a unique opportunity to commit a crime, there is a duty to exercise reasonable care in the selection, retention and supervision of that employee. To avoid liability for negligent hiring and/or retention, employers must perform due diligence, which should include a background check. In fact in some states, failure to perform a state-mandated background check is tantamount to negligence in negligent hiring cases. In other states, the failure is not negligence in itself, but is admissible as evidence of negligence.

Pennsylvania courts have long recognized employers' liability for negligent hiring, retention and supervision. In *Brezenski v. World Truck Transfer Inc.*, the court held, "It has long been the law in this Commonwealth that an employer may be liable for negligence if it knew or should have known that an employee was dangerous, careless, or incompetent, and such employment might create a situation where the employee's conduct would harm a third person."

*Continued on page 10*

## Who gave you your first break?

Through WorkReady Philadelphia, you can provide a young person with his or her first work experience and help to develop the future leaders of our region. WorkReady includes a six-week summer internship program that combines workplace experience with weekly professional development seminars. Throughout the process, Business Partnership Specialists provide support from the interviewing stage through the end of the summer.

In 2007, 143 businesses in the region helped WorkReady Philadelphia partners meet their goal of providing 1,000 young people with employer-paid summer internships. With support from the business community, including the Greater Philadelphia Chamber of Commerce, and Mayor Michael Nutter, the partnership, managed by the Philadelphia Youth Network, aims to double that number this year.

Lauren Trifiletti, Human Resources Manager at Morgan Lewis & Bockius, reflected on the firm's positive experience with a WorkReady intern last summer, "Our intern, Candace, did a fantastic job.... We actually had another part time internship open in the fall and our first

call was to Candace. She is currently back with us working in another department while attending school. We plan on participating in the program next summer as well."

Wendy Warren, an editor at the Daily News which hired three interns last summer, recently remarked on the affordability of the program. "For our company's small investment in a WorkReady intern," noted Warren, "we reaped the rewards of endless tasks checked off our to-do list, of a new, eager face in our office and of the knowledge that one deserving young man in our city had a productive and successful summer."

As members of the Philadelphia SHRM community each of you has the ability to grow the future of the HR community. More information on how to get involved in WorkReady Philadelphia is available at [www.workreadyphila.com](http://www.workreadyphila.com). If you or your firm is interested in participating, please contact Susan Hight, Assistant Director of Business Partnerships for the Philadelphia Youth Network, at (267) 502-3729 or by email at [shight@pyninc.org](mailto:shight@pyninc.org).

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# Workplace Awareness: Messages from Art

By Marge Richards, Awareness Group

While you may have control of your environment at home, most people have little say about their workplace setting. We have all heard the saying, 'different strokes for different folks,' and it's true in the workplace that one person can have great concentration and be quite productive while another in the same office can be distracted and confused. So how can changes be made to create an environment that will better support each individual in the workplace, and in doing so reduce stress?

Well, the first step is becoming AWARE. That means being clearer in your understanding of what affects you and how it affects you. Most of us can tell when a place just doesn't feel 'right' yet we have a hard time articulating exactly why it is so. When confronted with an uncomfortable setting, be it a chair, sharp corner, or overhead bin, our bodies adjust to the annoyances and move them to an unconscious level within about 60 days. That doesn't mean that the effects are minimized, but just that we are no longer aware of them. Today we're looking at a common workplace design dilemma, personal art, and giving you some new insight into how it may be affecting you. Don't worry, our ideas are simple and you won't have to hire a new designer to totally revamp your space!

Today we're going to look at something that is so easily 'fixed' and yet has a huge payoff. And that is ARTWORK. We're not talking about art from an aesthetic point of view, but from an energetic one. Probably 99% of us can have something personal on our workplace wall, even if it's tacked on a cubicle panel. So open your eyes wide and look at what's 'hanging around' as each picture has a message to share.

How does that picture make you feel? If you're having trouble getting started on your assignments, perhaps the artwork is too still, as in a quiet landscape. Or if you're having the opposite problem and you work yourself into a frenzy but lack focus, perhaps the artwork uses too many colors, shapes, or objects. In that case you may benefit from something more soothing, with more breathing space on the canvas. Having a piece of art with some depth such as a woodland path, a winding road, or a gently moving stream usually offers a message that there is a way to move forward on your journey. What a wonderful motivator if you're looking to enhance your career opportunities!

Where and when did you get the artwork? Was it given to you by someone with whom you have a good relationship or did you buy it on a day when you had a huge argument with your co-worker? Consider the direction of the artwork. Say, it's a flock of birds flying to the left, and in your workplace, the left points to a dead end corridor while the right leads to a beautiful view of greenery. Try shifting to a piece of art that has movement to the right and enjoy the energy of that view. If you're in a space with soaring ceilings you may want to consider artwork that is more grounding – one that has a downward direction or heavier shading on the bottom. It will really help to get you feeling more stable and focused. If your space has low ceilings, try using a piece of artwork that has an upward direction – a person looking up, balloons floating up or a sketch of a skyscraper. In moving the eye up, your energy will follow.

But the most important thing about your artwork is that YOU love it. When you surround yourself with things you love, even in the midst of a busy workplace, your spirit will continue to be nourished and your performance will reflect that energy.

## To-Do List Out of Control?

- Quarterly Report to Executive Committee
  - Western Region reorg conversations NOW
  - hire 4 recruiters by Friday - per CEO
  - fill 30 acct mgt open reqs in 3 weeks
  - Decide on Benefit plan changes
  - Begin Perf Mgt appraisal cycle - company wide
  - Finalize SVP Sales employment contract
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  - Install new HRIS
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*Visit [www.phillyshrm.org](http://www.phillyshrm.org) to register.*

# Safely Hiring People with Criminal Records: A Legal Perspective

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When considering hiring an ex-offender, it's crucial that employers consider whether it's possible to foresee liability an employee may create by examining the nature of the employee's offense as it relates to the position. In other words, common sense dictates that someone convicted of petty theft would pose a lesser risk in, for example, a patient-care position than someone convicted of assault. However, that individual would pose a higher risk if placed in a position with access to cash or financial information.

Due to the liability involved, employers who contemplate hiring ex-offenders should mainly consider non-violent ex-offenders. Violent ex-offenders present significant negligent hiring liability to an employer if they re-offend under their employ.

## Federal Considerations

At the federal level, excluding applicants with criminal records is governed by Title VII of the Civil Rights Act of 1964 and further clarified by the EEOC's "Uniform Guidelines on Employee Selection Procedures." Interestingly, Title VII and the Guidelines do not prohibit discrimination based on arrest or conviction records. The EEOC states that employers generally may not have a policy excluding all applicants who have been convicted of a crime, including felonies. If there is a conviction, the employer may presume that the applicant committed the crime and is not required to investigate further. The employer must still consider the nature and gravity of the offense, the time that has passed since the conviction and the nature of the job held or sought. In general, absolute preclusion of ex-offenders has been ruled a violation of Title VII under disparate impact theories; however, either through case law, statutory enactments or occupational licensing restrictions, many exceptions (generally based on the "business necessity defense") have been granted permitting employers to exclude applicants with criminal records.

## Emergence of City Reentry Legislation

Clearly, there's cause for concern among employers that consider hiring violent ex-offenders, but there's a growing movement toward legislating the hire of non-violent ex-offenders. Many of these ordinances make it easier to employ ex-offenders by providing protection from liability or tax incentives for hiring someone with a criminal record and/or requiring the hiring of ex-offenders in order to bid for city contracts.

States including Connecticut, Hawaii, New Jersey, New York and Wisconsin have made it illegal to discriminate the basis of an arrest or conviction record while also providing some protection against negligent hiring lawsuits. Several major cities including Boston, Chicago, Minneapolis, San Francisco, St. Paul and the County of Alameda, Calif. have adopted significant

new policies to limit discrimination against applicants for city jobs who have criminal records. Legislation is pending in many other cities including Philadelphia, Newark, Los Angeles and Indianapolis that would provide tax incentives for private employers that hire ex-offenders; provide mandates for organizations that wish to do business with the city; and require city government agencies to hire ex-offenders. These municipal reentry ordinances also provide some protection to employers that hire non-violent ex-offenders. In New York, the ordinance provides for the sealing of several categories of non-violent convictions so that the record is not even available to potential employers.

In Philadelphia, a pending bill known as the "Philadelphia Re-Entry Employment Program" (PREP) was introduced in September 2007 and has a good chance of becoming law given strong support from new Philadelphia Mayor Michael Nutter. PREP would grant a \$10,000-per job city business privilege tax credit for three years to companies that create new jobs for ex-offenders. Under the proposal, the company must agree to provide at least \$2,000 in tuition support for education or training of each qualifying employee and the employee must agree to repay the city at least 5 percent of wages earned during the period of the company's tax credit benefit.

The Philadelphia legislation requires businesses that contract with or receive certain financial benefits from the city to identify job opportunities available for ex-offenders and take other action with respect to the hiring of ex-offenders. However, as it is currently written, the bill does not afford protection from liability to employers. In fact, it defines an ex-offender as "A person previously convicted of a felony, or who was incarcerated for any conviction, or who is currently on probation or parole for any conviction," which appears to include both violent and non-violent offenders.

As more cities and states encourage the hiring of ex-offenders, it's critical for employers to weigh the benefits and risks involved and to thoroughly investigate whether state or local law provides protection from liability should they choose to take a chance and offer an ex-offender a job.

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