

OSHR Guidance and 2025 Law Changes Supporting Reentry Employment

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Who is OSHR?

- The N.C. Office of State Human Resources is the central HR authority for N.C. state government agencies.
- Our mission is to partner with and provides expertise to state agencies and programs to recruit, support, and retain a public service workforce.
- Our vision is to Elevate Public Service



Reentry and Employment: Why It Matters

- Employment is a key factor in reducing recidivism
- Justice Involved individuals face systemic hiring barriers
- State policy and law can help address these challenges.
- Agency application of policy and law is also vital in addressing these challenges.



In this guidance, OSHR provided suggestions about best practices in two areas:

- Two prepared sentences that can be added to vacancy announcements. This short statement lets people know that they are welcome to apply for state jobs if they have had previous involvement with the justice system.
- Best practices when agencies perform background checks. This section includes guidance under Executive Order 158, suggested procedures for compliance with the Fair Credit Reporting Act, and topics that need to be covered in any background check policy maintained by your agency.

Guidance for Recruiting and Hiring Individuals Formerly Involved in the Justice System

OSHR encourages agencies to use a statement at the top of vacancy announcements inviting individuals who may have previous involvement with the justice system to apply.

Statement example:

Our agency supports second-chance employment for individuals who were previously incarcerated, or justice involved. We invite all potential applicants to apply for positions for which they may be qualified.

Travel Counselor

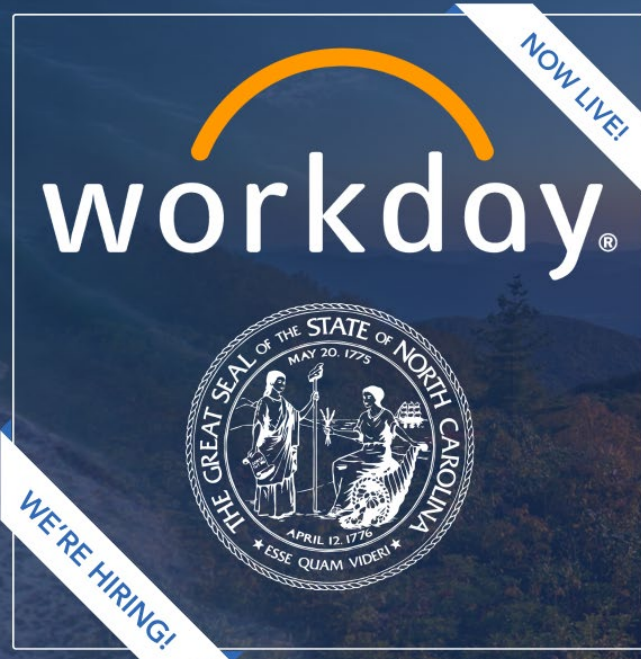


Re-Entry for Formerly Incarcerated Individuals

Our Agency supports the Governor's [Executive Order 303](#) which seeks to re-employ Individuals that were previously incarcerated. Formerly Incarcerated Individuals are invited to apply for any vacant Commerce position(s) in which they believe they are qualified.

Statement on Vacancy Announcements

When to Use the Statement



This statement could be used on:

- All vacancy announcements, if your agency does not conduct background checks, or
- Select vacancy announcements, for positions for which a criminal background would not disqualify an applicant.

Fair Chance Hiring and Background Checks



- The OSHR memo emphasizes Executive Order 158 (Fair Chance Hiring)
 - HR staff should complete the Fair Chance Hiring training every two years.
 - Agencies may not conduct a background check or inquire about criminal history prior to the initial interview.
 - Hiring decisions cannot consider the following:
 - Arrests not resulting in conviction
 - Dismissed or not-guilty charges
 - Convictions that do not relate to the job
 - Expunged or pardoned convictions

Consent and Background Checks

- Agencies should always get consent from the applicant or employee prior to conducting a background check.
- Viewing a candidate's social media or searching for publicly available information online is considered a type of background check.
 - The Fair Credit Reporting Act would not apply, but if this type of information is collected "unofficially" and not consistently, it opens the agency to claims of discrimination if an adverse action is taken based on information discovered during the background check.

Fair Credit Reporting Act Compliance

- If using a third-party to conduct background checks or generate a background report, agencies:
 - Must notify the applicant in writing that the information may be used in hiring decisions.
 - Must get written consent to conduct the background check.
 - **Before taking adverse action**, must provide the report and "A Summary of Your Rights Under the Fair Credit Reporting Act."
 - **After taking adverse action**, must notify the applicant they were rejected because of information in the report and provide reporting agency details.

Background Check Policies

Agencies should have a written background check policy with clear procedures, including:

- Which positions require background checks
- How background checks are conducted
- What convictions are disqualifying
- Individualized assessment processes including rehabilitation evidence



Individualized Assessment of Criminal History

- EEOC recommends considering:
 - Time since conviction or release
 - Nature of conviction as it relates to the job being sought
 - Rehabilitation efforts
 - Records of expungement
 - Proof of incorrect information in the background check
 - Employment or character references
 - Evidence that the individual performed the same type of work, post-conviction, with the same or a different employer, with no known incidents of criminal conduct; and
 - The length and consistency of employment history before and after the offense or conduct

Recent Changes to Law and Corresponding Policy

Session Law 2025-34

- Session Law 2025-34, State Hiring Accessibility and Modernization, was signed July 1, 2025.
- Starts modernizing State of N.C.'s HR System
- Some of the changes in S.L. 2025-34 include:
 - Reduce barriers to state employment through experience-based hiring.
 - Eliminating overly detailed “knowledge skills, and abilities” requirements that discourage or screen out qualified candidates.
 - Expanding temporary-to-permanent hiring to all agencies.
 - Permitting an agency to immediately hire one of the most qualified candidates from a previous posting.

Experience Based Hiring

Session Law 2025-34 codified the practice put in place by EO 278.

Under the Session Law:

- OSHR is required to regularly assess the educational, experiential, and training requirements necessary for jobs in state government.
- Identify jobs for which the educational, experiential, and training requirements could be reduced from their present level.



Experience Based Hiring

- Experienced based hiring provides significant benefits:
 - Reach skilled and talented people from all kinds of backgrounds-including people who have learned from experience rather than education.
 - Recruit more applicants. Lower barriers that would prevent skilled and experienced people without formal degrees from applying for state jobs.
 - Recruit better applicants. Recognize that knowledge and skills from prior experiences and jobs equips applicants with the ability to work successfully in state government.
 - Strengthen our workforce, and help it reflect diverse set of backgrounds by lowering barriers to people with experience-based qualifications. Especially important given the historical inequities in access to traditional higher education.

Education and Equivalent Experience

Education	Equivalent Experience
High School Diploma	4 years
GED	4 years
Associates	2 years
Bachelors	4 years
Masters	2 years

OSHR has further guidance on its website at <https://oshr.nc.gov/experience-guide>.

This resource explains the years of directly related experience that are equivalent to various academic coursework.

Related Policy Change

- All job postings should include the following statement:

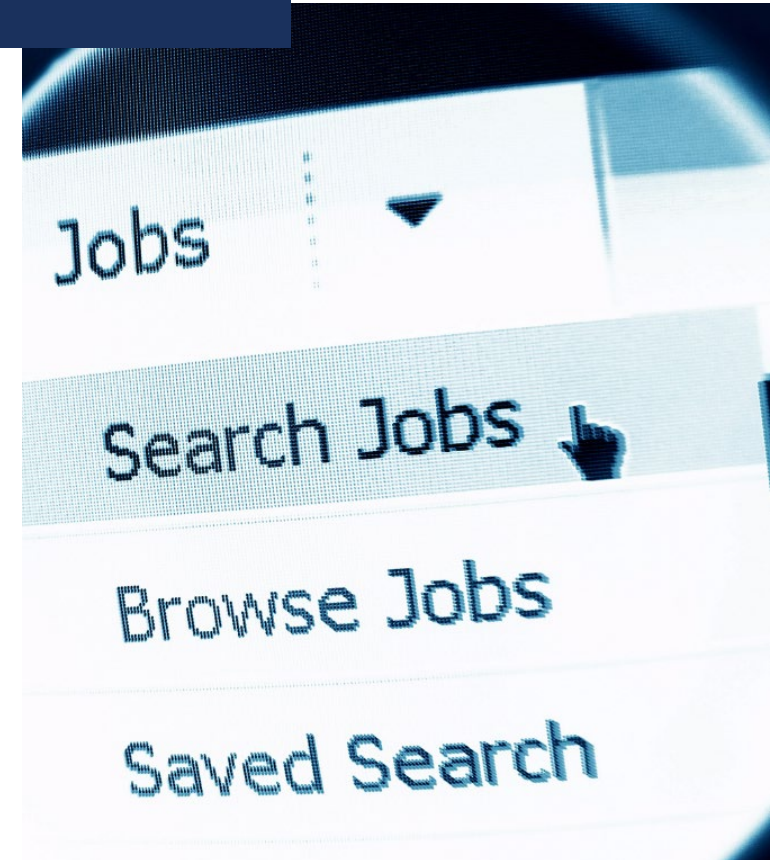
Some state job postings say you can qualify by an "equivalent combination of education and experience." If that language appears on the job posting, then you may qualify through EITHER years of education OR years of directly related experience, OR a combination of both.

Example:

- If a vacancy announcement indicates "or equivalent combination of education and experience" and requires a minimum education of **bachelor's degree**, it would be equal to:
 - An associate degree **and two years of experience**
OR
 - A high school diploma or GED **and four years of experience**

Job Postings and Minimum Qualifications

- Effective July 1, 2025, candidates now meet the minimum qualifications of a position if they have the minimum education and experience listed from the class specification.
- The knowledge, skills, and abilities (KSAs) listed in the vacancy announcement should be considered management preferences and be used to screen for the most qualified pool of applicants.
 - Now limited to no more than five KSAs.
- Applicants no longer have to possess all KSAs listed to be qualified for the job.



Temporary to Permanent Hiring

- Agencies may directly hire temporary employees into vacant, permanent positions without posting the position when the following conditions are met:
 - The permanent position is vacant;
 - The temporary employee was originally hired through Temporary Solutions or directly hired by the State agency as a temporary state employee
 - The temporary employee worked for at least six months in a substantially equivalent role with satisfactory performance.
 - The temporary employee meets the minimum education and experience requirements of the position classification of the vacant position; and
 - The employee's salary is set within the salary range of the classification

Alignment of Policy and Law for Reentry

- OSHR policy and guidance supports fair chance hiring at the procedural level.
- SL 2025-34 improves access by reducing barriers, creating easier to navigate qualifications, and an easier application process.

Together, they lower systemic barriers and improve access for justice involved individuals.



Suggested Steps for Agencies

- Update vacancy announcements with second-chance language.
- Train staff on Fair Chance Hiring and background check requirements.
- Adopt a background check policy.
- Train staff and hiring managers on experiential qualification assessment.



Temporary Solutions

OSHR's Temporary Placement agency and Recruitment Team

- OSHR Temporary Solutions has been an active partner in Reentry 2030 work.
- Find a job fair near you or
- Fill out an interest card at <https://oshr.nc.gov/interest-card> and you will be contacted by a member of the recruitment team.

Work for NC

Information Sessions

- The next information session is on January 9, 2026.
- Join for an hour filled with valuable insights, networking opportunities, and career development resources.
- <https://oshr.nc.gov/temporary-solutions-calendar-events>