

Employment Barriers Sub-Workgroup
Barriers to Reentry Workgroup
Alaska Criminal Justice Commission
Staff Notes and Member Assignments, February 2, 2015
Foraker Room, Denali Commission, 510 L Street
Anchorage, Alaska

Commissioners attending: Brenda Stanfill (chairing)
Staff present: Susie Dosik, Teri Carns, Mary Geddes (Note taker)
Participating: Janet McCabe (Partners), Deb Periman (tel.) Steve Williams (tel.)
Future meeting: Monday, February 9, 2015 3:30- 4:45 PM Denali Commission

INFORMATION

Participant Janet McCabe urged the sub-workgroup to give input to the Legislature (through Jordan Shilling) concerning anticipated bills on background checks and limited licenses for therapeutic court participants. Commissioner Stanfill clarified that limited licenses are not within the purview of this subgroup and would not be discussed at today's meeting but may be addressed by the larger Barriers workgroup.

Staff Teri Carns said that the Criminal Justice Working Group and Senator Coghill had in the past expressed a great deal of interest in the idea of creating "certificates of rehabilitation" for some ex offenders. She was presently working on a memo concerning the topic. Susie Dosik stated that Senator Coghill's office had recently expressed a concern that passing legislation concerning only certificates was perhaps not a broad enough approach, and perhaps idea would be shelved for the time being .

PRESENTATION

Commission Stanfill asked to hear from AJC staff on the topic of the relationship between criminal convictions and the consequent barriers to occupational licensing.

Susie Dosik reported that about eighteen months ago she and Teri Carns had investigated some of the occupational licensing barriers identified in the ABA Collateral Consequences Inventory and found in Title 8 (Occupational licensing). They sent out letters to state agencies asking how many licenses had been revoked due to a conviction and how many initial license applications had been denied due to criminal convictions. From the agencies that cooperated (Nursing did not), it seemed that there had been only a handful of denials/revocations of licenses due to 200-odd barriers. Thus the level of effort required for revisiting and rewriting these barriers might not be worth the effort, especially given the likely pushback from these professional boards, how independently they function, and the great amount of discretion usually entrusted to their decision-making. More details: Among doctors and attorneys, there were only 1-2 a year. The small number of teachers impacted did not apparently appeal or seek waivers, believing that it had been a signal that it was time to move on. With respect to paraprofessional jobs and the trades, however, it might be another story.

Dosik discussed the DHSS barrier crimes found in Title 47, and negotiated by agencies seeking to hire. She noted that, even though there are many barrier crimes, DHSS has made efforts to provide greater transparency and efficiencies in its waiver process. (The employer must initiate the waiver process). DHSS consolidated its background check, and established tiers (1 year, 5 year and 10 years) provided for some graduated bars to employment in some occupations. While the barriers are broad, the waiver or variance process is used by a lot of people. The average wait time now is 38 days, compared with 100 days in the past. Notably 67% of the variance applications get granted.

DISCUSSION

In response, Janet McCabe noted that Partners' Reentry Center had been informed by DHSS that her agency needed fingerprint and background checks done on everyone and this would involve \$3000-4000 for the fingerprints and crippling delays. She suggested an alternative to the time-consuming DHSS (and Occupational Licensing?) process: that employers could instead self-certify – like they do for no discrimination policies. This would save money and time.

Deb Periman (attending by phone) stated that a couple of states have used an elegant global statute to apply to all occupational licenses. Dosik suggested that our next step could be look at other states' efforts and model guidelines that address what licensing boards can consider when taking action. Periman said that New Mexico's approach is to state that a license can't be denied on the basis of a conviction along, although the fact of conviction can be considered under other criteria.

Dosik stated that by next meeting she could provide information in a memo as to (1) other states' enacted laws intended to lessen unfair discrimination in hiring and also (2) models that are used by governments for crafting legislation.

Commissioner Stanfill referenced a suggestion from Justice Bryner at the last Barriers meeting as to a different type of global approach, i.e. that all occupational restrictions could be sunsetted, with exceptions made for the no-brainers, thus putting the burden of the agencies to justify the restrictions.

Dosik expressed some concern with this approach, noting that DHSS had made substantial efforts recently (2005-2006) to lessen harms by consolidating its variance process and providing a tiered, graduated approach. Their attorney Stacy Cralee (sp?), with the Background Check unit of DHSS, could give the sub-workgroup information about that process, who was involved, criteria for their decision, etc.

As it was the close of the meeting, Commissioner Stanfill asked Mary Geddes to ask clarification from Justice Bryner concerning his suggestion: was it directed at Title 8 or Title 47? She also asked Geddes to contact Jeff Jessee to seek his input in determining the sub-group's direction/response to Bryner's suggestion. Commissioner Stanfill indicated interest in inviting input/feedback from DHSS in a future meeting.

The next meeting's agenda will include the review of Dosik's memo and other states' legislative solutions, discussion of Bryner's proposal, and any follow on certificates of rehabilitation/relief.