

ACJC Workgroup on Barriers to Reentry
Employment Barriers Subgroup
Staff Notes and Member Assignments, February 9, 2015
Denali Commission, 510 L St., Anchorage

Commissioners attending: Brenda Stanfill
Staff present: Teri Carns, Susie Dosik, Mary Geddes (notetaker)
Participating: Deborah Periman (UAA), Janet McCabe (Partners), Kimberly Martus (kmartus@bbna.com, Dillingham), Gail Sorensen (gsorensen@bbna.com)

Future subgroup meetings: Monday, February 23, 3:00 -4:30 PM
Teleconference 1-800-768-2983, then #5136755
@Attorney General, 1031 W. 4th Avenue, ANCH
@Attorney General, 124 4th Street, 4th floor, Juneau
@Attorney General, 100 Cushman St., Suite 400

Future Barriers to Reentry (full workgroup)
Tuesday, March 31, 3:00 – 4:30 PM @ Atwood Conference

INFORMATION

Please read: Susie Dosik had prepared two memos for the subgroup, appended the Uniform Collateral Consequences Act and a DHSS PP showing the variance process for DHSS.

PRESENTATION

Certificates of relief (presentation). In 2013, Susie and Teri Carns investigated certificates of relief or rehabilitation. 6 states have utilized certificates of relief measures to remove automatic bars and restore rights, e.g. to housing, use of firearms. There are three types: automatic relief after time has lapsed (e.g. AZ for first felonies); restoration by application (temporary and permanent); as a prerequisite or first step in pardon process (CA, Nevada). The uses include: creating a presumption of good character, eliminating presumptions of bad character, limiting automatic bars or barriers. They have been intended for occupational licensing, public employment, private employment contexts.

Teri noted that she and Susie, as directed by the Criminal Justice Working Group, had principally focussed on temporary certificates, because permanent certificates depend on unconditional discharge from probation. Six states have them: NJ, NY, CA, NV, AZ and Illinois. Vermont has adopted the entire Uniform Collateral Consequences Act which apparently includes such certificates among the ameliorative measures. In their investigation, Teri and Susie looked at NY, NJ and CA. In NY and CA temporary certificates may be given out at sentencing, where offenders have participated in workplace readiness or other kinds of programming. Where such certificates were provided through parole boards, data was available but the states that utilized courts to issue certificates had poor data because of county structures, etc. NJ issues the certificates through its parole board. In the last 10 years, they issued only 15. In NY, it is possible to walk out of a courtroom with a temporary certificate of relief from disabilities.

They have issued hundreds, which seems like a small number. Websites so instruct how to obtain it. The certificates end automatic bars and waive statutory bars to benefit programs.

Susie stated that certificates of relief measures are often paired with 'fair chance hiring,' which limits the tort liability of employers concerning the negligent hire of those employees that have certificates of relief. Teri noted that Sen. Coghill had started drafting such a temporary certificate of relief measure. Susie stated that a temporary certificate serves the purpose of telling an agency that the person has fulfilled their debt to society or that the person is supervised. But there may be other ways to override state bars. Certainly, certificates are among the range of options.

Jordan noted that Sen. Coghill was still very interested in employment issues, and was not necessarily wedded to the certificates approach. Teri said she responded to Doug Gardner's somewhat critical memo on the subject.

DISCUSSION

Regarding AK barrier statutes, Teri reported that they had looked at state Department of Labor information and asked how many people are denied licenses or lose existing licenses. Teri said it appeared only a handful of people had been effected, but she noted that she did not have any information from the Nursing Board. She also noted that agencies often have discretion to waive barriers. A bigger problem may exist among the trades and paraprofessional occupations. Teri noted that many people who are re-entering the workforce may be more impacted by CDL restrictions (300-400 CDL's are revoked every year) or those jobs requiring a valid DL. Everyone also agreed to look at occupational licenses related to the fishing industry: on tenders, as buyers, etc.

Brenda asked whether the offense conduct had to have a relationship to the job to be performed and for which there is a restriction. Both Teri and Susie agreed that barriers should be justified and waivers given.

Deb Perman said that there are many models for legislative reform out there. The interest is not strong regarding certificates of relief: she thinks that they may not be worthwhile. However, there is a great deal of support for a Ban the Box bill, which was also recommended in the Recidivism Reduction Plan. There are also global statutes that restrict or limit consideration of convictions. Susie referred everyone to the memos she had prepared for the group.

FUTURE PLANNING

The group discussed its agenda for the next meeting and a workplan for the subgroup. Brenda asked that the subgroup first look at those restrictions in Title 47, keeping in mind the potential 'global' option, of proposing to sunset those restrictions which are not obviously reasonable and related to the jobs involved. After our discussion at the next meeting, we will determine the next step in our review. The issues which will be taken up for discussion are

- The DHSS restrictions
- Ban the Box
- Any statutory proposals drafted by Susie or Deb.