

ACJC Barriers to Reentry Workgroup

**Employment Sub-Group**

Staff Notes and members Assignments from Meeting on February 23, 2015  
@Attorney General's conference room, #102, 1031 W. 4<sup>th</sup> Ave.

Present by video: Commissioner Brenda Stanfill

Present on phone: Kimberly Martus, Gail Sorenson, Deb Perriman

Present in Anchorage: Staff, Susie Dosik, Teri Carns (notetaker).

**Next meeting                    March 16 from 3:00 to 4:30 PM.        Denali Commission, 510 L Street, 4<sup>th</sup> floor**  
**Or by Teleconference: Dial 1-800-768-2983, then enter access code 5136755**

***Title 47 Waivers***

Ms. Stanfill asked if new offenses had been added to the list of those considered under Title 47 waivers. Ms. Dosik said that sex trafficking and others are now included.

Ms. Dosik said that an enabling statute permits DHSS to pass regulations. To change the regulations, the governor and the department must agree. The legislature has no authority to change regulations; its only power is to repeal the statute that allows the department to make the regulations. The legislature cannot alter any part of the regulations; it can only remove the power to make those particular regulations. Ms. Stanfill read the enabling statute, AS 47.05.300 -.310. Ms. Dosik said that repealing it would probably be difficult, because of the structures and practices built up around it. Also, the legislature would have to propose its own structure and process for regulating licensing.

Ms. Dosik suggested that it might be more effective to work with the department to revise provisions that act as barriers unnecessarily. Ms. Martus agreed that working with the agency could be helpful. Ms. Stanfill said that it appeared that the department had done a careful job of identifying things that should be barriers.

Ms. Dosik suggested that it might be possible to consider reducing the lengths of time for which convictions remained barriers. At this time, some periods are set for three years, five years, ten years, or more. She thought that Stacie Kraly in the Department of Law had done a substantial amount of work with DHSS to establish the regulations and waiver procedures might be helpful. Ms. Perriman said that the departments had worked extensively on the process in recent years. She added that one important consideration in licensing people with barrier crime convictions is to assure that any ban on employment show a direct connection between the conviction and the nature of the work from which the offender is barred.

Ms. Perriman said that she had shared New Mexico legislation to "Ban the Box." Ms. Stanfill said that "Ban the Box" doesn't fix the barriers, just postpones them until later in the process. She

wanted to know what provisions could help eliminate the barriers from the beginning. Ms. Dosik said that other countries give offenders returning to the community a card. Ms. Carns said that some of Alaska's institutions offer "ready to work" skills training and give offenders who complete that a certificate. Ms. Dosik said that one step that DHSS might take would be to issue a pre-clearance certificate for an individual that would apply to any DHSS jobs for which they applied. Right now the process requires a separate review for each job that an offender applies for.

The groups discussed the DHSS process further, and needed clarification about the number of people who used it each year. Ms. Carns said that it was still a difficult process, because people have to provide documents about their income, residences, criminal histories and other aspects of life that may be time-consuming or hard to get. Ms. Perriman suggested that many people might not be willing to go through the process because it was emotionally difficult.

Ms. Martus said that most jobs in rural areas are affected by federal funding and federal restrictions. She said that private employers often were more willing to hire re-entering people than were government agencies. Finding jobs in villages can be difficult, and sometimes offenders aren't allowed to return to villages until they have completed treatment. They find seasonal or short-term work in hub communities, if that's available.

The group discussed reasons for longer-term bans on employment. Ms. Carns said that the likelihood of recidivism drops off sharply after the first year back in a community and continues to decline after that.

### ***Ban the Box proposal***

The group considered "Ban the Box" legislation. Ms. Dosik said that she had sent out models for the group to consider, including laws in New Mexico, Hawaii, and California, as well as model legislation available on the National Reentry Resources web site. The group agreed that they should recommend "Ban the Box" legislation to the Reentry Committee of the ACJC. Ms. Perriman, Ms. Dosik, and Ms. Martus agreed to share information and work on a draft.