

# Report of the Employment Workgroup to the Ohio Ex-Offender Re-entry Coalition

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## Overview

In anticipation of the Coalition's April report to the legislature, the Employment Workgroup prepared this report summarizing our research and preliminary conclusions. Our December 2009 report discussed three types of employment barriers that formerly incarcerated people face: laws, employers' reluctance, and returning citizens' lack of skills/social capital. We had also outlined the policy options we explored, particularly the Certificate of Employability model. As explained below, we have tabled the Certificate concept based on extensive feedback from a wide variety of employers and employment specialists. However, we have begun honing our policy recommendations in three other areas:

- ♦ **State-level efforts to increase skills and social capital for returning citizens;**
- ♦ **Expungement and criminal-record reform;** and
- ♦ **Collateral-sanction cataloging and analysis.**

Our overarching purpose remains finding ways to **effectively give people with criminal records greater access to employment opportunities while improving public safety.**

## Increasing skills and social capital for returning citizens

In our December report, we summarized input we received from representatives for the Ohio Judicial Conference, the Ohio Barber Board, Towards Employment (a workforce-development organization), Pilot Dogs (a guide-dog training facility), Son of the King (a medium-sized construction company), the South Central Ohio Minority Supplier Development Council, and the Ohio Hospital Association. Since then we have also met with:

- ♦ **Denise Robinson**, executive director of **Alvis House** ([www.alvishouse.org](http://www.alvishouse.org)), a Columbus-based non-profit social-services agency helping individuals and families who have been affected by incarceration.
- ♦ **Eddie Powell**, manager of **Fresh Start Logistics** ([eddiepowell.com](http://eddiepowell.com)), and **Robert and Kathy Hutchison**, owners and operators of **Allied Training Systems** ([www.getyourcdl.com](http://www.getyourcdl.com)). These two companies have collaborated to develop a truck-driving training program that specializes in helping formerly incarcerated people get commercial driver's licenses.
- ♦ **Brad Singer**, Chief Legal Counsel of the **Executive Medicaid Management Administration** ([emma.ohio.gov](http://emma.ohio.gov)). EMMA coordinates Medicaid policies and functions across seven state agencies; promotes the efficient and effective delivery of Medicaid-funded healthcare services; eliminates duplication in Medicaid operations; and protects federal matching funds.
- ♦ **Anne Fornal**, Apprenticeship Director for the **Ohio Central School System** ([http://drc.ohio.gov/ocss/OCSS\\_home.htm](http://drc.ohio.gov/ocss/OCSS_home.htm)). This is the system of educational programs available in state prisons.

Each of these contributors confirmed the consensus we had heard from our previous contributors; namely, that while the Certificate-of-Employability model contained several interesting ideas, it would not make a significant difference in helping people with criminal records get jobs. We even heard this from

Denise Robinson who polled all of the employment specialists at Alvis House who work to help people with criminal records get jobs. After hearing the same message so consistently, we decided to table our pursuit of the and designing a Certificate model for Ohio. But the workgroup is prepared to quickly shift our focus to other ideas that we learned about in our discussions and that we believe may have a more direct and perhaps greater impact.

From several presenters, we have learned about the importance of returning citizens developing both technical, job-specific skills and general professionalism (showing up on time, being respectful of co-workers and supervisors, dealing with adversity). Denise Robinson presented a succinct and compelling model for understanding and training the “soft” skills that are so essential to long-term success on the job. Anne Fornal explained how Ohio prison inmates are provided limited opportunities for both job-specific skills and soft skills. Our research, such as a report on employer perspectives in Massachusetts, confirms the notion that employers strongly desire proof that applicants have these soft skills.<sup>1</sup>

Several of the employers we spoke with had hired formerly incarcerated people and the workforce development experts we talked to were able to report a great deal of success in placing such clients. There were several examples of this success stemming from relationships between the employer and the employee with a criminal record that were built and supported by a *workforce intermediary*. In the words of Towards Employment, a workforce intermediary for ex-offenders is a “broker of second chances.” Towards Employment, Alvis House, and Fresh Start Logistics all perform this role in different ways, but they all emphasize both ‘hard’ vocational skills and the ‘soft’ interpersonal skills. There are several agencies across Ohio that do similar work to varying degrees. We learned briefly about the most robust version of this kind of employment help, *transitional jobs*. (These were also discussed in our December report.)

Our committee hopes to provide the Coalition a more defined statewide policy proposal encompassing this theme in the coming months.

## Expungement and criminal-record reform

Currently under Ohio law, only first-time, non-violent offenders are eligible for expungement. That means, no matter how old a person’s offense is, it cannot be expunged if there is more than one from any time in any jurisdiction.<sup>2</sup> For people with many years, even decades, of law-abiding time in the community since their last offense, this rule can seem onerous and unfair. We are working on proposals to modestly expand the eligibility criteria for expungement. Our research will include comparing other states expungement laws to Ohio.<sup>3</sup> Also, as part of this research, we may be consider reforms to the state’s official background check process, which is handled by the Bureau of Criminal Identification and Investigation (a branch of the Attorney General’s office).

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<sup>1</sup> Crime & Justice Institute, “Employment of Ex-Offenders: Employer Perspectives,” October 2006, available at [http://cjinstitute.org/files/ex\\_offenders\\_employers\\_12-15-06.pdf](http://cjinstitute.org/files/ex_offenders_employers_12-15-06.pdf)

<sup>2</sup> Ohio Revised Code Section 2953.31 & .32.

<sup>3</sup> See the Sentencing Project’s website for a comprehensive collection of state expungement and pardon laws at <http://www.sentencingproject.org/PublicationDetails.aspx?PublicationID=486>.

## Collateral-sanction cataloging and analysis

Collateral sanctions are the legal restrictions, beyond a criminal sentence, that are placed on people specifically because of their criminal record. They include restrictions on employment, housing, voting, driving privileges, family involvement, public benefits, and other social privileges. Part of our preliminary Certificates-of-Employability model was a mechanism for overcoming some of these collateral sanctions. Though we have tabled the Certificate model, we still recognize the need for some significant reform Ohio's 400+ collateral sanctions. To do that, we need a more up-to-date collection of these laws. Fortunately, the Ohio Justice & Policy Center (OJPC, represented on our workgroup by Stephen JohnsonGrove) recently received funding from the Ohio State Bar Foundation, the Toledo Bar Foundation, and the Department of Rehabilitation and Corrections to create a database of all Ohio collateral sanctions. This concept was briefly presented at the Coalition meeting in December. The online database will be useful to a wide variety of Ohio citizens including defense attorneys, prosecutors, judges, workforce-development professionals, case managers, educational institutions, and anyone with a criminal record. But it will also be specifically helpful to the Coalition in crafting specific policy recommendations as it will allow us to separate nuanced, well-thought-out collateral sanctions from simplistic, overbroad ones.

The first phase of database development (January-September 2010) is underway as OJPC has hired an attorney who has begun conducting the research and collaborating with the Ohio Public Defender to design the database and website. The second phase (October-December 2010) will consist of testing the database's usability and accuracy with various focus groups, including judges, prosecutors, defense attorneys, employment specialists, and DRC staff at the three reception centers. The third phase (January 2011 onward) will be the public launch and the beginning of ongoing maintenance for the database. DRC and OJPC will conduct training sessions in-person and via the internet across the state. Also DRC will work with the Coalition to develop and deploy marketing tools and strategies to ensure widespread dissemination and understanding of how to use this resource.

For any further questions about the collateral-sanctions database, you may contact Stephen JohnsonGrove at [sjohnsongrove@ohiojpc.org](mailto:sjohnsongrove@ohiojpc.org).

## Workgroup Members

We have expanded our workgroup to include several important voices from key government offices and community groups across the state. New members are marked with an asterisk (\*)

\***Shakya Diaz**—Education Director, American Civil Liberties Union of Ohio

**Tom Dilling**—Legislative Liaison, Board of Nursing

**Stephen JohnsonGrove, co-chair**—Staff Attorney, Ohio Justice & Policy Center (Cincinnati)

**Irene Lyons**—Assistant Legislative Liaison, Department of Rehabilitation & Corrections (DRC)

**Edward Little**—Criminal Justice Consultant, Cuyahoga County Justice Affairs

**Rob Manning**—Parole Administrator, Department of Youth Services

\***Burt Maroney**—Assistant Chief of Probation, U.S. Probation Office for the Northern District of Ohio

**Mike Miller**—Policy & Governmental Affairs Officer, State Medical Board

**Scott Neely**—Legislative Liaison, DRC

**Michael Nelson**—Private defense attorney from Cleveland

\***Phillip Nunes**—Vice President of Community Corrections, Oriana House, Inc.

**Ed Rhine**—Deputy Director of Policy and Offender Re-entry, DRC

\***Brad Singer**—Chief Legal Counsel, Executive Medicaid Management Administration, Governor's Office

**Jim Slagle**—Criminal-Justice Section Chief, Office of the Attorney General

\***Lisa Smith**—Associate Director, Community Re-entry, Inc.

**Joe Stan**—Program Coordinator—Specialized Employment Center, Goodwill Easter Seals of Miami Valley

**Wanda Suber, co-chair**—Offender Job Linkage Administrator-North Region, DRC

**Tracy Tyson-Parker**—Offender Job Linkage Administrator-South Region, DRC