

Certificate of Qualification (CQE) Statewide Training Project Report¹
January 1, 2015 to December 31, 2015

Prepared by:

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The University of Akron
OHIO's POLYTECHNIC UNIVERSITY
School of Law

and

Mark Gallagher

Director, Legal Services

Towards Employment



Towards Employment

¹ This program was made possible in part by a Grant from the Ohio State Bar Foundation
The views expressed herein do not necessarily represent those of the Ohio State Bar Foundation.

I. INTRODUCTION

a. Overview

b. The Ohio State Bar Foundation (OSBF) awarded \$66,399.20 to the University of Akron School of Law (UA) and Towards Employment to fund a Statewide CQE Project (“Project”). The project built on the expertise of each organization, and it achieved the following: 1) trained service providers across the state to assist CQE applicants with successfully completing the CQE application.² Once trained, the service providers committed to continuing to provide CQE services to qualified applicants; 2) Educated employers about the benefits of the CQE so those applicants granted a CQE would be able to find employment; and 3) Completed a statewide audit of CQE recipients to determine the success of the CQE remedy. In addition, as part of the grant funding, UA designed a website containing resources and information for CQE clinic volunteers.³

c. The Service Providers (Statewide CQE Partners)

Four sites in Ohio (Cleveland, Youngstown, Toledo and Columbus) held CQE clinics. The details for each are below.

i. Cleveland

- **Clinic Location**

- Zion Hill Missionary Baptist Church, 1115 Kinsman Road, Cleveland, Ohio 44115.

- **Clinic Date**

- March 28, 2015.

- **Community Partners**

- Towards Employment, Oriana House through the North Star Neighborhood Reentry Resource Center (North Star), Cleveland-Marshall College of Law and Case Western Reserve University School of Law.



² A copy of the flyer distributed at each site is available at pages 12-15.

³ <https://www.uakron.edu/law/cqeresources/>

- **Number of clinic volunteers**
 - Initial clinic: 12
 - Subsequent clinics: 10-22.
- **Number of attendees**
 - Initial clinic: 10
 - Subsequent clinics: 9-15.
- **Challenges or Lessons Learned**
 - Cleveland was the first site to host the Project and clinic. Given the lack of CQE experience, we learned the training took much longer than our experience in Akron.
 - It was important to control the number of applicants that came to the first clinic. Our partners chose to limit the attendance to those applicants identified by certain community partners
 - We needed to be more precise about the filing fee at subsequent clinics. We thought a fee waiver would cover all of the filing costs. We later learned that the client is still responsible for \$161.00
 - It was critical to conduct the clinic at different locations in Cuyahoga County in order to reach the people who in need of a CQE. Cleveland decided to host clinics in neighborhoods with a high concentration of reentering citizens.
- **Sustainability of the clinic**
 - Cleveland has held five clinics since the initial clinic. These clinics, held at several churches, occurred on April 25, 2015, September 12, 2015; October 10, 2015; November 14, 2015; and December 12, 2015. Seventy-three people attended these clinic, with 62 individuals receiving assistance with the CQE application.

ii. Youngstown

- **Clinic Location**
 - Arlington Recreation Center, 801 Park Avenue, Youngstown, Ohio 44510.



- **Clinic Date**
 - April 24, 2015.
- **Community Partners**
 - Community Initiative to Reduce Violence (CIRV), Home For Good and United Returning Citizens
- **Number of clinic volunteers**
 - 10
- **Number of attendees**
 - 16
- **Challenges or Lessons Learned**
 - The clinic was held at a church with limitations on technology, including power sources. It also is the first time we had volunteers who had no previous legal training (i.e. law students or lawyers). It required more training and support.
- **Sustainability of the clinic**
 - The model that we provided was not sustainable because of the Youngstown resources. Youngstown decided to offer CQE assistance through a community organization, Home for Good. Home for Good will be offering CQE assistance at the Youngstown Department of Job and Family Services.

iii. Toledo:

- **Clinic Location**
 - Center for Equal Justice (ABLE/LAWO's Building), 525 Jefferson Ave., Toledo, Ohio 43604.
- **Clinic Date**
 - July 11, 2015.
- **Community Partners**
 - Reentry Coalition of Northwest Ohio, Inc.(RCNWO); University of Toledo College of Law; Criminal Justice Coordinating Council; Advocates for Basic Legal Equality, Inc.; and Legal Aid of Western Ohio.



- **Number of clinic volunteers**
 - 26
- **Number of attendees**
 - 12
- **Challenges or Lessons Learned**
 - This clinic also had non-law student volunteers. This increased the time spent for training.
 - Toledo continues to work on a prescreening tool that will best suit its CQE clinic.
- **Sustainability of the clinic**
 - Toledo has held one CQE clinic since its initial clinic, but it plans to have bi-monthly clinics in the future.

iv. Columbus

- **Clinic Location**
 - Capital University Law School, 303 E. Broad Street, Columbus, Ohio 43215
- **Clinic Date**
 - September 12, 2015.
- **Community Partners**
 - Legal Aid Society of Columbus and Capital University Law School
- **Number of clinic volunteers**
 - 22
- **Number of attendees**
 - 11
- **Challenges or Lessons Learned**
 - Columbus was used to hosting an expungement clinic. The CQE process is more time consuming than expungements. To address this issue, Columbus had people complete CQE ‘homework’ ahead of time. We also learned that an experienced floating mentor is important to assist the CQE volunteers.
- **Sustainability of the clinic**
 - Columbus is holding the CQE clinic in conjunction with its expungement clinic. Columbus renamed it a “Fresh Start” clinic.

d. CQE Recipient Testimonials

- Michelle received her CQE in 2014. The CQE helped her obtain a job as a probation officer with the same court where she had her conviction. She stated that the CQE helped to “turn her life around.”
- Karen received her CQE in 2014. She had been volunteering at a hair salon before she received her CQE. Once she received it, she presented it to the salon, and the salon hired her.
- Jennifer was the first person in Portage County to apply and to receive a CQE. She applied for a CQE because she received a conviction while employed and was in danger of losing her job. The CQE allowed her to keep her job. Jennifer believes the CQE is “a huge help” and tries to tell as many people as possible about the CQE.
- Diamond and Christopher both received a CQE. Both used their CQEs to obtain an HVAC license to begin their own heating and cooling companies.
- Andre says he believes the CQE will assist him with a promotion at his current place of employment. He thinks the CQE “is a big help to the community.”

II. Statewide Audit Results

• Overview

In 2015, UA conducted a statewide audit of Ohio CQE recipients to determine the applicants’ success in using the CQE to find or to keep employment. The survey involved 397 CQE recipients. UA attempted to contact each person by telephone, e-mail and regular mail.

⁴Although UA had three methods to contact the CQE recipients, it failed to reach a majority of them. After conducting the survey for ten months, UA reached just 22% of the CQE recipients. The specific questions asked in the survey, and the gathered responses are below.

• Summary of Survey Responses

- Thirty-nine (42%) of those surveyed reported that the CQE made a difference in getting a job or keeping a job. Forty-four (48%) reported it made no difference in their search for employment.
- Those surveyed routinely reported that most employers are not aware of the CQE and its benefits – some reported that employers were even unwilling to look at the CQE. Twenty-five percent of the surveyed recipients never showed the CQE to an employer.
- Of the surveyed CQE recipients, 44 (47%) were employed, 37 (40%) were not employed. Those employed reported working in fast food restaurants, mental health facilities, nursing

⁴ A copy of the letter mailed to CQE recipients can be seen on page 10

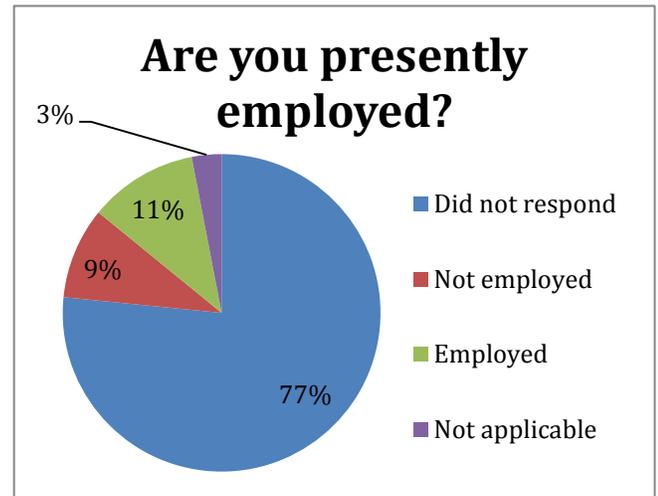
homes, as plumbers, in a heating and cooling company, and in hair salons. Some refused to answer the question for fear of retaliation from their employer.

- None of the surveyed recipients had recidivated since receiving the CQE.

- **Survey Questions and Responses**

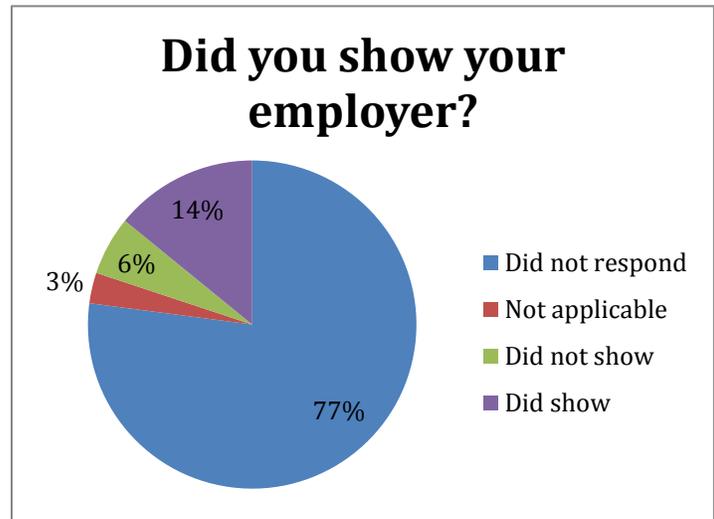
1. Are you presently employed? If so, what is the place of employment and title of your position? If you were already employed before receiving your CQE, what was the reason for requesting a CQE?

Out of 397 CQE recipients, 304 did not respond to the question. Thirty-seven said they were not employed. Forty-four were employed. The type of employment included fast food restaurants, mental health facilities, nursing home facilities, plumbing, heating and cooling and hair salons. Many declined to answer for fear of retaliation from their employer.



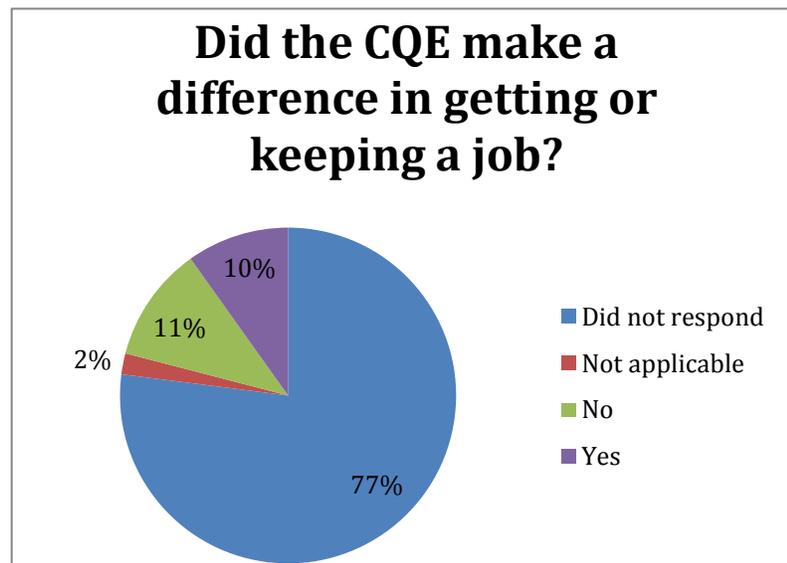
2. Did you show your employer or potential employer the CQE?

Out of 397 recipients, 306 did not respond to the question. Twenty-three said they did not show their CQE to an employer or potential employer. Fifty-six did show it to their current employer or to a potential employer during the interview process. Twelve said that it was not applicable to their situation.



3. In your opinion, did the CQE make a difference?

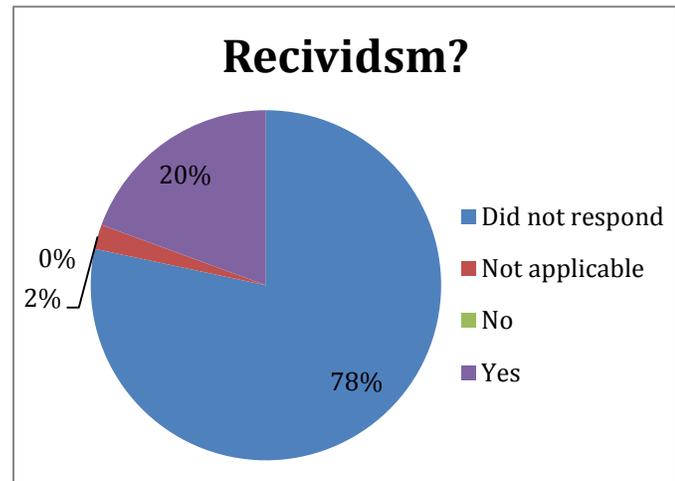
Out of 397 CQE recipients, 305 did not respond to the question. Eight said that it was not applicable to their situation. Forty-four said that the CQE did not make a difference in getting or keeping employment. Thirty-nine said



that the CQE did make a difference in allowing them to keep their job, or to be hired for a new job. The largest complaint recipients voiced was that many of their employers, or potential employers, did not understand what the CQE did or what it was. Some said that for that reason, the employer did not even want to look at the CQE, and was not interested in how it would protect the employer if they hired someone with a CQE. The majority of those surveyed thought that the CQE really helped people who were trying to get a professional license.

4. Recidivism, if any?

Out of 397 CQE recipients, 311 did not respond to the question. Nine said that it was not applicable to their situation. None of the participants that responded had recidivated.



III. Cleveland Employer Outreach

Towards Employment (TE) surveyed core employers on the TE Employer Advisory

Committee and learned that there is very little awareness of the CQE among local employers. Our communication strategy was to inform and collaborate with employer/business influencers to start the awareness process. There were five key steps to this strategy:

1. Working with the team from UA and the employers on the TE Employer Advisory Committee, an Employer Information Sheet (EIS)⁵ was created and approved by the Ohio Department of Rehabilitation and Correction (ODRC) to accompany the CQE certificate.
2. TE's Executive Director presented information to the COSE (Cleveland Council of Small Businesses) Advocacy Committee and as a result, TE was invited to blog about the CQE for inclusion in the resource area of the COSE website. The schedule is to be published by end of year.
3. TE presented the CQE information at the quarterly meeting of Cleveland SHRM (Society for Human Resource Management) to 30 HR managers from the Cleveland area. A follow up letter to this group is planned after the COSE blog launches.
4. TE continues to work on its employer- centered website with links to the Ohio Justice and Policy Center's information on CQEs. Using the insight from the TE

⁵ A copy of the EIS sheet can be seen on page 11.

Employer Advisory Committee, SHRM members and the COSE Advocacy Committee, we are upgrading the employer focus on this website with completion scheduled by the end of 2015.

5. We are working with Stephen Johnson-Grove and several industry association groups to hold a joint CQE forum and have engaged some media partners who might be willing to share the potential positive impact of the CQE. However, based on the court costs that are passed on to the applicant, we are working to further clarify our messaging around the CQE process in Cuyahoga County before moving forward with this broader messaging.

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August 21, 2015

Dear Recipient of a Certificate of Qualification for Employment (CQE):

We are contacting you because we are conducting a statewide survey of the success of the CQE remedy. You are one of the recipients of a CQE that has been granted by the court.

We would like to know whether the CQE has assisted you with obtaining a professional license, finding a job, or getting better employment. Please contact our office via email at ecw25@zips.uakron.edu or by phone (330) 972-7189 to respond to this letter. If you have any questions about the CQE, contact the Legal Clinic at the University of Akron. We look forward to hearing from you.

Sincerely,

Joann Sahl
Associate Clinical Professor of Law
University of Akron School of Law
Akron, OH 44325-2903
jsahl1@uakron.edu
330-972-7189

JS/ew

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FOR EMPLOYERS: An Advisory on CQEs in the Hiring Process

What is a CQE?

CQE is short for **Certificate of Qualification for Employment**. It is part of an Ohio law passed in 2012 that helps people with criminal records obtain employment. A CQE holder has voluntarily gone through a rigorous review process by Ohio rehabilitation officials, a judge, and a probation department.

How does a CQE benefit employers?

1. A CQE allows an employer to hire a candidate with a criminal record who was previously excluded from consideration.
2. A CQE provides immunity to employers for negligent hiring claims - indicates employer has done full due diligence in the hiring process.
3. A CQE assures the employer that the court has made the following findings: that granting the petition will materially assist the individual in obtaining employment or occupational licensing, that the individual has a substantial need for the relief requested in order to live a law-abiding life, and that granting the petition would not pose an unreasonable risk to the safety of the public or any individual.

What does it mean when a person holds a CQE?

CQEs turn a mandatory rule prohibiting occupational licensure based on certain criminal convictions into a discretionary bar. This allows licensing boards and employers to individually assess the person's fitness for the license and/or job in question.

Where can I learn more about the CQE?

Find more information at <http://bit.ly/cqe-for-employers>.

**How to Prepare an Application
for a Certificate of Qualification
for Employment**



Pursuing Justice, Changing Lives

**Application has been made to the Supreme Court of Ohio for
1.5 CLE Credits**

SATURDAY, SEPTEMBER 12, 2015

9-10:30 AM

Capital University Law School

303 E. Broad Street

PROGRAM DESCRIPTION

This program is designed to train attorneys who are volunteering to assist clients with questions about how to file a Certificate of Qualification for Employment. There will be a clinic immediately following the CLE for clients who are seeking CQEs.

AGENDA

Description of Clinic (9-9:05)

Dianna Parker Howie, Legal Aid Society of Columbus
Professor Joann Sahl, Dir of Reentry Clinics, University of Akron School of Law

What is a CQE and Why it Differs from Other Conviction Remedies (9:05-9:20)

Professor Joann Sahl

Completing a CQE Petition and the Post-Petition Process (9:20-10:20)

Professor Joann Sahl
Ben Comston, Student Director, Statewide CQE Project

Q & A (10:20-10:30)

How to Prepare an Application for a Certificate of Qualification for Employment



Pursuing Justice, Changing Lives

Faculty

Joann Sahl is an Associate Clinical Professor of Law at the University of Akron School of Law where she is the assistant director of the legal clinic. She supervises the Civil Litigation Clinic and the Reentry Clinics. She is also the law school's Pro Bono Coordinator. Prior to joining Akron Law, she served as a staff attorney in the housing unit of Community Legal Aid Services, Inc. in Akron, Ohio from 1999-2008. In that role she represented clients in housing cases and expungement cases. Before that, Professor Sahl served as assistant state public defender at the Ohio Public Defender Commission, eventually rising to chief appellate counsel and supervisor of the death penalty section where she successfully argued before the USSCT in *Ohio v. Huertas*, 498 US 336 (1991). Professor Sahl received her J.D. from The University of Akron School of Law in 1986 and her B.A. from The Ohio State University in 1983.

Ben Comston is a second year law student at the University of Akron and a volunteer in the Re-Entry Clinic at the law school. Ben has been involved in helping to train volunteers and to organize statewide CQE clinic events in Cleveland, Youngstown, and Toledo earlier this year. He grew up in Columbus, OH and received his undergraduate degree from The Ohio State University in Industrial Engineering in 2006.

Dianna Parker Howie is currently the LASC Pro Bono Coordinator and has been a staff attorney with the program since 2007. A 2005 graduate of The Ohio State University Moritz College of Law, Dianna has practiced in the areas of education and housing law.

Registration

This training is free to any attorney currently participating in a Pro Bono program through the Legal Aid Society of Columbus, Southeastern Ohio Legal Services or the Columbus Bar Association. All others should include a \$110.00 fee with the registration form.

To register, please complete an online form here: <https://oslsa.wufoo.com/forms/legal-aid-society-of-columbus-cle-registration/>.

Unless a hard copy is specifically requested, materials will be e-mailed to participants in advance of the training. Thank you for helping us save resources!



Has it been at least one year since your sentence ended?
 Have you been denied a job because of your criminal record?

A CQE MAY BE ABLE TO HELP YOU!

WHERE:	First Presbyterian Church 201 Wick Ave, Youngstown Ohio 44503
WHEN:	Saturday April 25 10:00 am - 1:00 pm
WHAT:	File application for Certificate of Qualification for Employment with help from local law students and lawyers

What you need to bring to the April 25 Clinic:

an email address • your social security number • the year, offense and county of conviction for each crime you have been convicted or plead guilty to • name, address & phone number of employers from last five years (if applicable) • full name & phone numbers for three non-family references • full name & phone numbers for three family references

If you are seeking an occupational license, also include:

the name of the licensing board • documents that demonstrate your record hinders your ability to get a job or license because of your criminal offense

Partners

Akron University
 Youngstown State University
 First Presbyterian Church
 Action Home for Good
 Oak Hill Collaborative

United Returning Citizens
 City of Youngstown
 Youngstown Police Department
 City of Youngstown Probation
 APA



Need Help With Your Criminal Record or Restoring Your Driver's License?

Have you been denied a job, housing, or other government benefits because of your criminal record?

Do you need help getting your driver's license back?

Has it been at least a year since you finished your sentence?

Volunteers from the University of Akron School of Law and the Akron Bar Association can help you!



Saturday, August 29, 2015

10:00 a.m. to 1:00 p.m.

Woodland United Methodist Church

444 N. Hawkins Ave.

Akron, Ohio 44313

Get FREE information about:

EXPUNGEMENT/SEALING

Please bring a driver's license or ID card, a pay stub, and proof of your address (a piece of mail) to learn more about Expungement/Sealing

** The law has changed and you might qualify for sealing even if you did not qualify in the past

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

(CQE)

Please visit

<http://www.uakron.edu/law/clinical/cqe-clinic.dot> for a list of information to bring with you to see if you qualify to apply for a CQE

***Please bring information for employment history, 3 non-relative references, and 3 family references**

CLEMENCY

Please visit <http://www.drc.ohio.gov/web/clemency1.htm> for more information about the pardon process

LICENSE RESTORATION

***Please bring your Ohio DL# and/or Ohio ID#, last 4 digits of your SSN and date of birth to obtain information on the steps to getting your license reinstated.**

FIND OUT IF YOU QUALIFY FOR ASSISTANCE WITH FILING FEES



OHIO'S
POLYTECHNIC
UNIVERSITY



Summit
County



COUNTY OF SUMMIT
THE HIGH POINT OF OHIO
RUSSELL M. PRY, EXECUTIVE