

CERTIFICATE OF QUALIFICATION FOR EMPLOYMENT

(CQE)

2015 ANNUAL REVIEW



Ohio

Department of
Rehabilitation & Correction

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CERTIFICATE FOR QUALIFICATION FOR EMPLOYMENT (CQE)

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CQE: An Overview

Effective September 29, 2012, a "Certificate of Qualification for Employment" (CQE) was created under Revised Code Sec. 2953.25. The Department of Rehabilitation and Correction (DRC) adopted rules in accordance with this chapter for the implementation and administration of this process and generated forms for the petition for a CQE as charged under the statute.

These [rules and forms](#) were adopted February 18, 2013, after which the DRC and common pleas courts were able to accept petitions either directly or online. The DRC developed and maintains the online petition site.

In 2013, the DRC conducted an outreach initiative to raise awareness of the availability of the then-new CQE process. The Ohio Judicial College, in conjunction with the Ohio Judicial Conference, offered two online webinars to judges, court administrators, clerks of courts and other court staff.

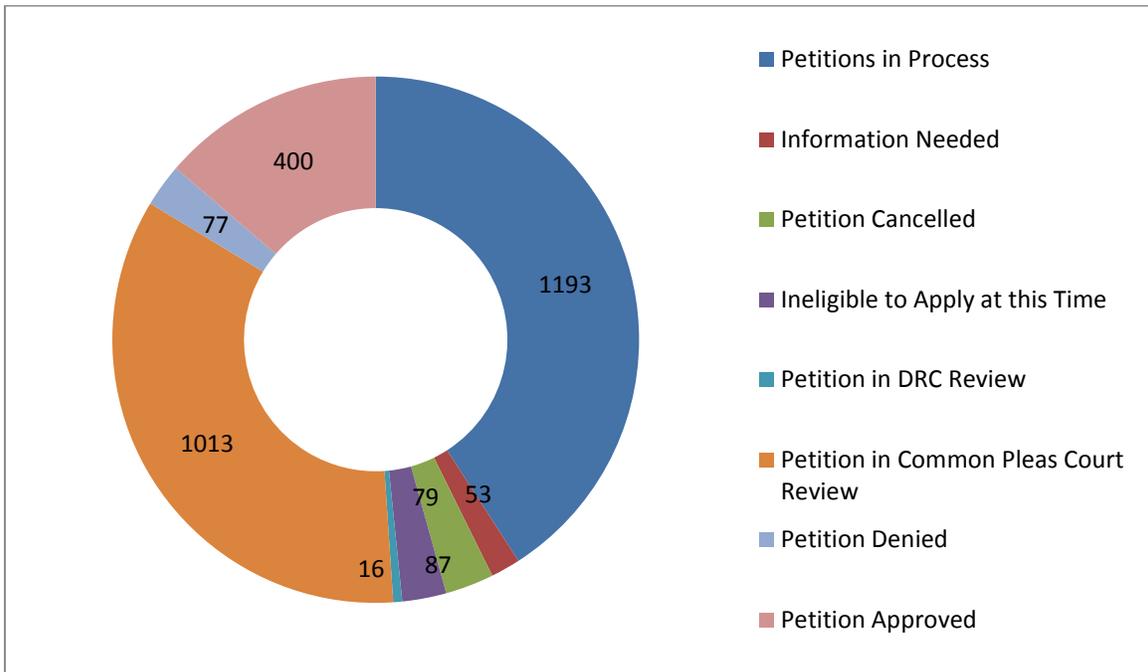
A [feasibility study](#), mandated via statute, was conducted in 2013 to review the application process and its impact on caseload capacity of the DRC and common pleas courts.

After one full year of implementation of the CQE program, the Ohio Judicial Conference was required to contribute to a report written by DRC. Reports from all years are available [online](#).

CQE: The 2015 Report

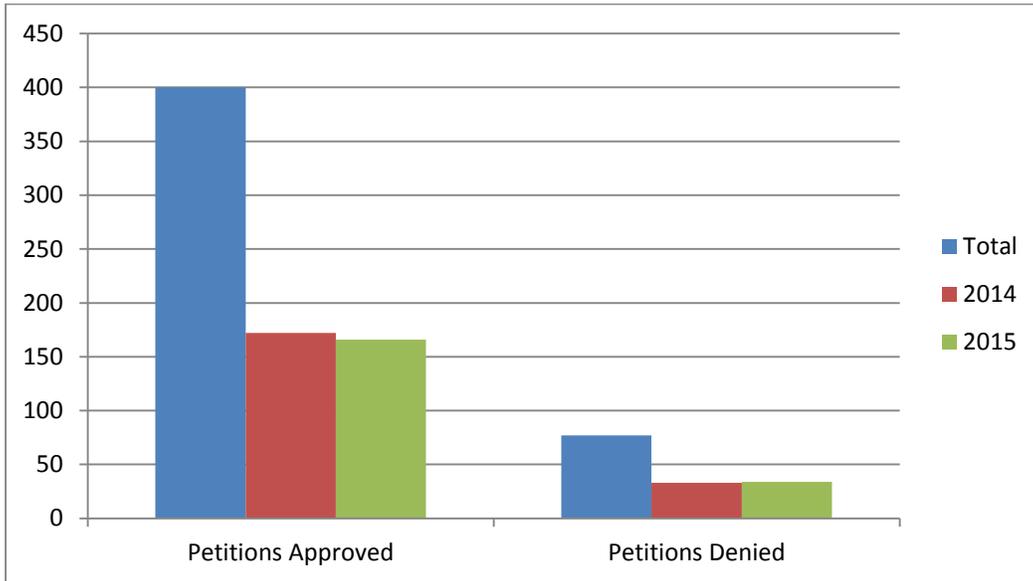
As of January 1, 2016, there have been 400 successful CQE applications. This is a total that can easily be extracted from DRC records. The information on the following pages provides specific details regarding the CQE process in 2015. What is more difficult to determine is the impact of a CQE on an individual who is seeking employment. In 2015, the Ohio State Bar Foundation (OSBF) awarded the University of Akron School of Law (UA) a grant in part to carry out research to determine how useful a CQE is and how its impact can be increased. A copy of that report can be found online on the [DRC website](#).

Certificate of Qualification for Employment (CQE) Summary Data as of 1/1/16

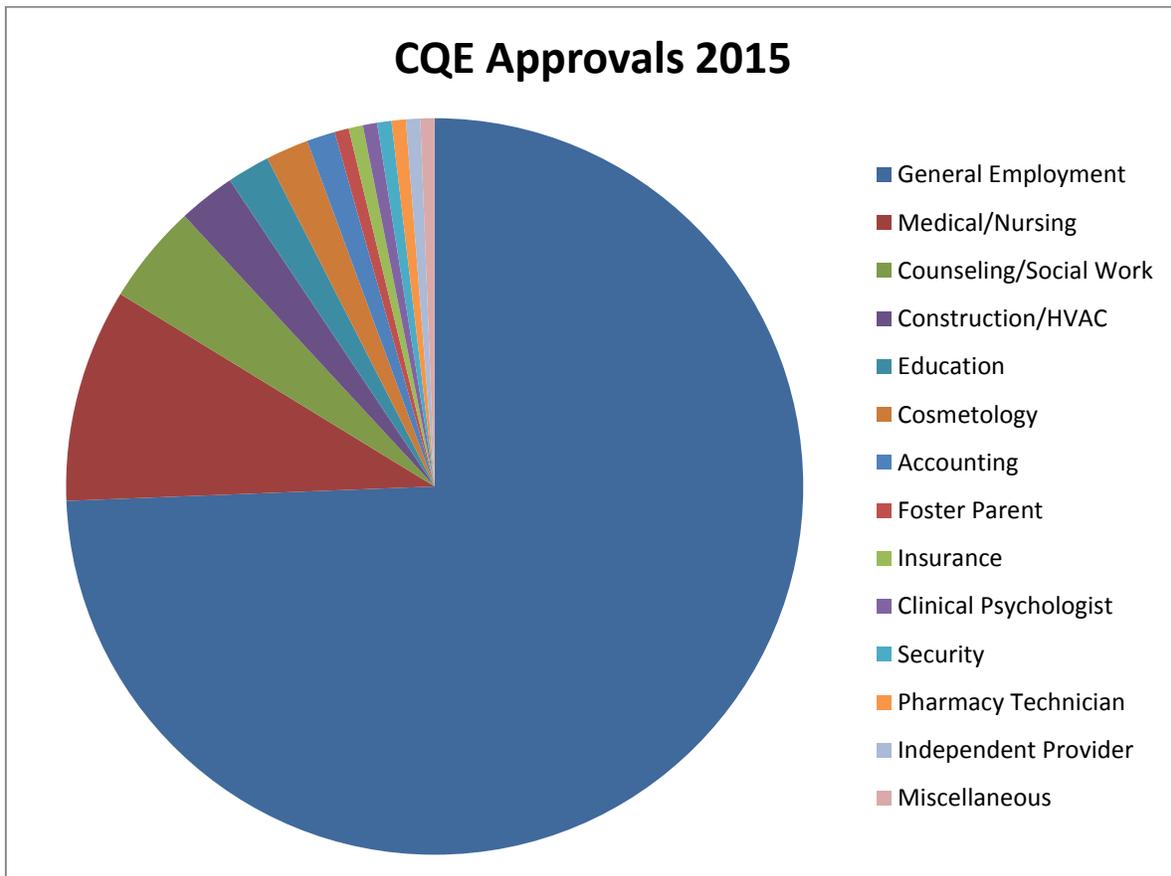


Petition Status	Total	Petition Status Key
Petition in Process	1193	Petitioner registered in system; Petition has not been submitted
Information Needed	53	Petition sent back to petitioner for additional information
Petition Cancelled	87	Petition cancelled by petitioner; duplicate petitions likely cause
Ineligible to Apply at this Time	79	Petition submitted; determined by DRC staff that the petitioner is ineligible to file due to time constraints from last conviction/supervision period
Petition in DRC Review	16	Petition submitted and is awaiting review by DRC staff
Petition in Common Pleas Court Review	1013	Petition submitted and reviewed by DRC staff; submitted to the Court for review (does not indicate if a petitioner has actually filed with the Court)
Petition Denied	77	The Court has ruled on the petition and denied the CQE; Petition Process Complete
Petition Approved	400	The Court has ruled on the petition and approved the CQE; Petition process complete
Total	2918	

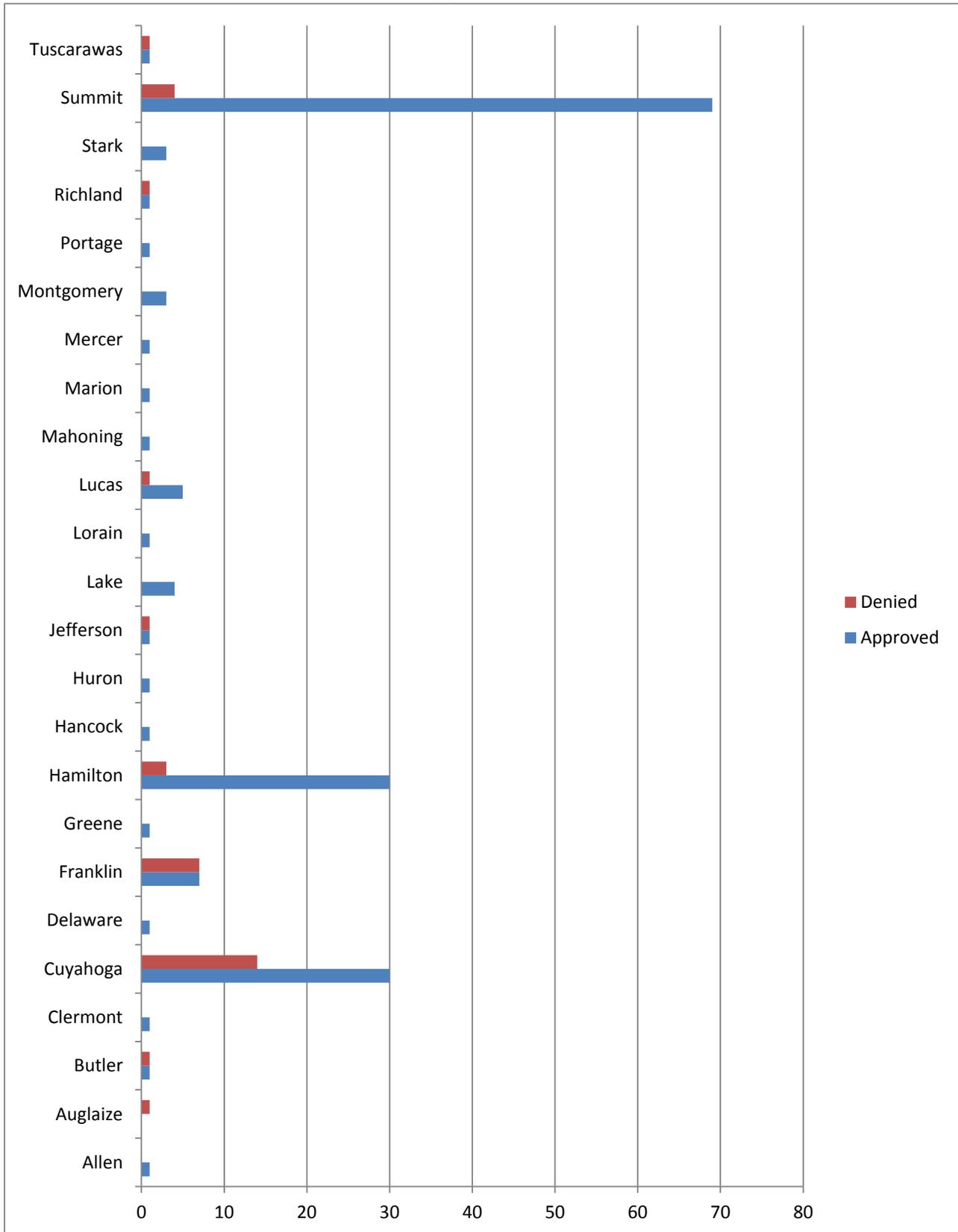
CQE Approvals and Denials



2015 Approved CQEs by Type (General Employment/State Licensing Board)



County Breakdown of Approved/Denied Petitions 2015



County Breakdown*	Petitions	Approved	Denied	In DRC Review	In Court Review	In Progress (Not Submitted)	Other Status
Allen	6	1	0	0	1	4	0
Butler	13	1	1	0	4	6	1
Clermont	5	1	0	0	1	1	2
Cuyahoga	255	30	14	0	86	94	31
Franklin	79	7	7	0	29	32	4
Hamilton	173	30	3	0	38	94	8
Lake	12	4	0	0	1	7	0
Lorain	15	1	0	0	2	12	0
Lucas	40	5	1	0	15	15	4
Mahoning	70	1	0	0	37	17	15
Marion	7	1	0	0	3	2	1
Montgomery	29	3	0	0	13	13	0
Richland	6	1	1	0	3	1	0
Stark	35	3	0	0	16	13	3
Summit	420	69	4	0	219	77	51
Trumbull	16	0	0	0	7	9	0
Total	1181	158	31	0	475	397	120

***List consists of large metropolitan counties and those with the most petitions in the system. Remaining counties not listed have four or fewer petitions in the system.**

Feasibility Questions

The questions below are completed when the Court decides to approve or deny a CQE petition. The below information was collected from the 2015 petitions.

CQE FEASIBILITY QUESTIONS						TOTAL RESPONSES
How many convictions did you identify for this petitioner?	0-2 convictions	3-5 convictions	More than 5 convictions			
Misdemeanors	94 (46%)	51 (25%)	60 (29%)			205
Felonies	148 (74%)	28 (14%)	24 (12%)			200
How many hours did your court spend on the initial investigation?	Under 3 hours	3.0-5.0 hours	More than 5.0 hours			
	150 (79%)	33 (17%)	8 (4%)			191
How much money did the Court spend (excluding staff time/expense) for this investigation?	None	Less than \$25	\$25-\$100	\$101-\$250	More than \$250	
	53 (28%)	15 (8%)	119 (63%)	0 (0%)	1 (1%)	188
Did the Court order additional investigations for this petition?	Yes*	No				
	51 (27%)	140 (73%)				191
*If Yes, who collected the information?	Clerk's Office	Probation Dept.	Court Admin	Other		
	0 (0%)	49 (96%)	1 (2%)	1 (2%)		51
*How much time did they spend?	Under 3.0 hours	3.0-5.0 hours	More than 5.0 hours			
	8 (17%)	0 (0%)	40 (83%)			48
What was the total amount of fees and court costs assessed to the petitioner?	Less than \$50	\$50-\$100	\$101-\$150	\$151-\$200	\$201-\$250	
	22 (12%)	129 (68%)	35 (18%)	0 (0%)	4 (2%)	
	\$251-\$350	\$351-\$450	More than \$450			
	1 (1%)	0 (0%)	0 (0%)			191

CQE: 2015 Improvements

From the start of its implementation, there have been several important changes to improve the CQE process, and its eventual impact on a CQE recipient.

HB 64 enacted in June, 2015, required that, when considering an application for a Certificate of Qualification for Employment, a court must consider the applicant's military service and whether the applicant has an emotional, mental, or physical condition that is traceable to the applicant's military service and that was a contributing factor in the commission of the offense or offenses (R.C. 2953.25).

Also in 2015, Joann Sahl from the University of Akron School of Law in collaboration with Towards Employment out of Cleveland prepared an employer fact sheet about CQEs, available on the DRC website. The goal is to ultimately provide this fact sheet every time a petitioner prints out their approved CQE. The fact sheet is a significant tool for the job seeker who may be interviewing with employers that do not know about CQEs and about the benefits a CQE provides an employer. In many ways, it also legitimizes the CQE in the eyes of the people who are in the best position to make a decision that could change a petitioner's life.



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>.

CQE: Next Steps

In many ways, the CQE is still a process in progress. The following recommendations are the result of discussion with various stakeholders about increasing the impact of CQEs:

- A uniform determination of indigency in civil filings would provide applicants with some certainty of the filing fee, or more specifically certainty over whether they can expect a waiver from the filing fee, regardless of which county the application is filed.
- One way to increase the impact of the CQE is to permit people from outside the state, but who work or plan to work in the state, to have the ability to obtain a CQE.
- It should not be necessary to hire an attorney to fill out a CQE application, but requiring an applicant to list collateral sanctions affecting him/her makes it possible for the application to be rejected on the basis that it was not properly filled out. Changing the application might be necessary to prevent rejection of a CQE because the applicant doesn't understand the question.
- The statute currently speaks about a "presumptive" revocation, which suggests that a hearing occurred and a determination was made that a CQE should be revoked. The statute should make clear that a revocation is automatic if the holder of the CQE is convicted or pleads guilty to a felony offense committed subsequent to receiving the CQE.
- Several changes can be made to the online CQE database, including a better way to categorize the petitions so that the numbers more accurately reflect what needs to be completed and by whom.
- Additional enhancements to the CQE website should be explored to enhance the information included on the approved CQE certificate to provide more identifying information for the petitioner, which could also carry over to list of CQE approvals maintained on the DRC website.
- To ensure CQEs are effective in the future, even as the law and collateral sanctions change, an interpretive provision could be included in Chapter 1 of the Revised Code that would clarify that all new law about mandatory or discretionary collateral sanctions applies only to crimes committed after the date of enactment.

A long-term goal of CQE administration is the ability to expand the eligibility of out-of-state and federal offenses to be included in an Ohio CQE. Currently, there is no framework for this expansion, as it requires cooperation and participation of other state governments as well as the federal government. This is a goal that is likely several years outside of our reach.