

## Why should I pay attention to CQEs?



**1 in 6** Ohioans—over 16% of our available workforce—has a criminal record. Economic research suggests that Ohio is losing \$2 billion GDP annually because otherwise qualified workers are excluded by over-restrictive criminal-record-based barriers. For many years, the only legal tool for overcoming these barriers was criminal-record sealing or “expungement.” The 2012 state legislation creating Certificates of Qualification for Employment (CQEs) reintegrates these forgotten workers into our economy, contributing to our shared prosperity.

## CQEs erase two kinds of job barriers

### Erasing mandatory legal barriers



Many Ohio laws prevent people with criminal records from getting certain government-issued licenses or from working in certain jobs. **CQEs create relief from mandatory restrictions** — laws that absolutely prevents the person with the specific criminal record from working or being licensed in that field. Instead of relying on the blanket restriction, the state agency that governs that field of employment is required to individually assess someone with a CQE to determine whether they are fit for the job. CQEs create flexibility.

**A CQE does not guarantee** the job or license — it allows, but does not require, the agency to let you into this field of employment.

**A CQE can only remove the specific barriers** that the applicant names in their application. It does not remove *all* job barriers under Ohio—only those chosen by the applicant.

### Erasing employer fear

**The #1 reason** employers request criminal-record checks and do not hire people with criminal records is because they are afraid that, if the new employee does something bad in the future, the employer will get sued. When a job applicant has a CQE, the employer can be confident they won't get sued in that way. The CQE creates immunity from negligent-hiring lawsuits.

## How do I find out what legal barriers affect me?



CQE applicants must identify the specific state-law barrier they want relief from. OJPC has developed a precise, easy-to-use web-based tool for identifying the state-law barriers triggered by a particular criminal offense, the Ohio Civil Impacts of Criminal Conviction Database (<http://CIVICCohio.org>).

While CIVICC is no substitute for the advice of a licensed attorney, it is an excellent starting point for research and anyone can use it without any special training.

## CQE Roadmap

To get a CQE, you must have the courage to tell your story—what was going on in your life when you were convicted of crimes and how your life has changed. Getting a CQE also takes a great deal of persistence and attention to detail. Below is a general map of the steps involved. Every step takes more or less time depending on how quickly you work, and on how quickly the other government actors complete their parts. The overall process usually takes **3–6 months**. To get detailed guidance on every step in the process, use OJPC’s CQE workbook available for free at <http://bit.ly/OJPC-CQEworkbook>.

### Step 1

#### Are you eligible to apply yet... or at all?

- You must wait 6 months from the end of your last misdemeanor sentence or 1 year from the end of your last felony sentence.
- CQEs are not effective if you have a federal offense or are trying to overcome a federal-law job barrier.
- There is a limited list of severe offenses that bar you from getting CQE only for healthcare-related licenses.

### Step 2

#### Identify the barriers you want relief from

- Think through the kinds of jobs you are, or might become, qualified for. Where do you want to work?
- Gather info about *all* your criminal offenses.
- Use <http://CIVICohio.org> to pinpoint the laws that are creating job barriers for you.

### Step 3\*

#### Apply for a CQE online

- You must submit your application online using DRC’s website for CQE applications: <https://drccqe.com>.
  - After you create your account on that website, there is a lengthy, multi-part form to complete. You may need an attorney’s advice to answer some of the legal or technical questions
- (\*Because the application is so complicated, this step is broken up into steps 3–6 in OJPC’s CQE workbook, available at <http://bit.ly/OJPC-CQEworkbook>.)

### Step 4

#### Wait for JRO approval, then file in court

- The CQE law requires most applicants to first have their applications screened by the Department of Rehabilitation and Corrections. DRC does this using “Justice Reinvestment Officers” or JRO’s.
- You must wait for the JRO to send you an email indicating that they are satisfied that your application is complete.
- It is then your responsibility to print off the complete application from <https://drccqe.com> and file it in **the court of common pleas for the county where you live**.
- The court for each county has a different filing fee. If you do not have enough income to pay for the filing fee, **you have a right to ask for the fee to be waived**.

### Step 5

#### Court investigation and possible hearing

- The court will gather information from every other Ohio court where you have a conviction. There is no time limit on the investigation process.
- After the court completes its investigation, it has 60 days within which to make a decision.
- The prosecutor may object and may also seek input from any crime victims from your past offenses.
- The court is not required to hold a hearing, but many choose to.

### Step 6

#### CQE granted! (Or not.)

- If the court decides in your favor, it will issue an order to DRC to give you a CQE. **The court order is not the CQE.**
- You must go back to <https://drccqe.com> to print off the actual CQE.
- You or any employer can verify the current validity of your CQE at <http://www.drc.ohio.gov/web/cqe.htm>.
- If the court denies your CQE, you can appeal. Or, the court may put conditions on your reapplying, such as completing certain programs or waiting longer to demonstrate your rehabilitation.