

# Certificates of Qualification for Employment

## What Employers Need to Know

Under a new Ohio law, employers can hire, promote, and retain qualified applicants with criminal records **without fearing legal barriers and liabilities**. Job seekers who receive a Certificate of Qualification for Employment (“CQE”) have proven to a court that they are rehabilitated. The court has removed certain legal limitations on the CQE-holder’s employment and professional licensing.

Personnel decisions often include background checks – and CQEs ensure that employers are not held back from hiring qualified people to fill their staffing needs.

### HOW DO THESE CERTIFICATES BENEFIT EMPLOYERS?

#### Expand the Pool of Qualified Candidates

1 in 6 Ohioan has a felony or misdemeanor conviction. Economic research suggests that Ohio loses \$2 billion GDP annually due to otherwise-qualified workers being excluded by over-restrictive criminal-records barriers.

#### Allow Employers Discretion to Hire

CQEs remove *mandatory* rules prohibiting professional licensure or employment based on certain criminal records. CQEs allow employers or licensing agencies *discretion* to individually assess an applicant’s suitability. The employer or licensing agency is *not required* to accept the applicant. Rather, a CQE-holder, who was previously barred, can be treated like any other applicant and evaluated based on his or her qualifications.

#### Protect Employers from Negligent-Hiring Liability

The CQEs provide legal protection from negligent-hiring lawsuits for employers who knowingly hire CQE-holders. This immunity means that an employer can feel confident that hiring a person with a criminal record does not create a legal liability.

### HOW ARE CERTIFICATES GRANTED?

- CQE-holders successfully complete a rigorous application process, demonstrating their rehabilitation and identifying their professional goals.
- Applications are thoroughly reviewed by the Department of Rehabilitations and Corrections and a Court of Common Pleas, with potential input from prosecutors and multiple judges.
- CQEs are only granted if the individual has successfully maintained a crime-free record for a legally-prescribed waiting period.
- After the application process, employers can be confident that certificate-holders will be motivated employees who will not create a risk to the safety of the workplace. Employers can request the individual CQE print-out from a job seeker and can check the validity of a CQE at:  
[http://www.drc.ohio.gov/web/cqe\\_list.pdf](http://www.drc.ohio.gov/web/cqe_list.pdf) (granted CQEs may take a month to appear; allow for lag time).

Employers who hire CQE-holders have the opportunity to maximize their applicant pool, overcome mandatory hiring barriers under Ohio law and gain immunity from negligent hiring liability.

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