

5120-15-01

**Certification of qualification for employment.**

(A) All individuals that satisfy the eligibility criteria specified in paragraph (C) or (D) of this rule may petition the deputy director of the division of parole and community services for a certificate of qualification for employment pursuant to section 2953.25 of the Revised Code.

(B) Individuals that have not served a term of incarceration in a state correctional facility or have not spent time in a department-funded program, as defined by section 2953.25 of the Revised Code, and who satisfy the eligibility criteria specified in paragraph (C) or (D) of this rule, may choose to file the petition with the appropriate court of common pleas, as determined in paragraph (B)(1) or paragraph (B)(2), of the county in which the individual resides for a certificate of qualification for employment pursuant to section 2953.25 of the Revised Code.

(1) In the case of an individual who resides in this state, such individual may file a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services.

(2) In the case of an individual who resides outside of this state, such individual may file a petition with the court of common pleas of any county in which any conviction or plea of guilty from which the individual seeks relief was entered or with the designee of the deputy director of the division of parole and community services.

(C) Subject to paragraph (B) of this rule, an individual is eligible to file a petition with the a court of common pleas of the county in which the individual resides or the deputy director of parole and community services for a certificate of qualification for employment, if the following criteria are met:

(1) The individual is subject to one or more collateral sanctions as defined by section 2953.25 of the Revised Code;

(2) If the offense that resulted in the collateral sanction is a felony, it has been more than one year since the individual has been released from all sanctions, including incarceration in a state or local facility or any term of supervision, imposed for that offense;

(3) If the offense that resulted in the collateral sanction is a misdemeanor, it has been more than six months since the individual has been released from all sanctions, including incarceration in a state or local facility or any term of supervision, imposed for that offense.

(D) Pursuant to section 2953.25 (B)(4)(b) of the Revised Code, an individual may file an early petition for a certificate of qualification for employment if the individual meets the eligibility criteria specified in paragraph (C)(1) of this rule and one or more of the following criteria applies:

(1) If the individual has been released from prison after receiving ninety days of credit toward satisfaction of the person's stated prison term or a ten per cent reduction of the person's stated prison term under section 2967.193 (A)(2) of the Revised Code, the individual may apply at any time after release from incarceration.

(2) If the individual has been released from prison and received a certificate of achievement and employability under section 2961.22 of the Revised Code, the individual may apply at any time after release from incarceration.

(3) If the individual has been released from incarceration in a local facility, upon recommendation of the sheriff or designee, the individual may apply at any time after release from incarceration. If the individual was neither incarcerated nor received community control (i.e. the individual only received a ticket or citation), the individual may apply at any time.

(4) If the individual receives early termination of community control, has complied with all special conditions, and has no outstanding fines or restitution, the individual may apply upon such termination of community control.

~~(D)~~(E) All petitions for a certificate of qualification for employment shall be made on the form prescribed by the division of parole and community services under this rule.

~~(E)~~(F) The department of rehabilitation and correction (“department”) shall establish a secure electronic database, an electronic petition, and instructions regarding how to complete the electronic petition on the internet. Individuals may establish a free account with the division of parole and community services (“electronic account”) to access this system, complete and submit an electronic petition, as well as receive notices regarding that individual’s petition and/or certificate through links established and maintained on the website of the department.

~~(F)~~(G) Courts may establish a free account with the division of parole and community services (“electronic account”) to access the system, review completed electronic petitions filed with their court, receive notices regarding electronic petitions filed with their court, and provide the department with information regarding petitions that are granted and denied by the court.

~~(G)~~(H) The secure electronic database established on the website of the department shall be able to track and report the data required by divisions (K) and (L) of section 2953.25 of the Revised Code.

~~(H)~~(I) Eligible individuals who ~~want to file the petition with~~ the deputy director of the division of parole and community services for a certificate of qualification for employment must complete the electronic petition online. Eligible individuals who ~~want to petition the court of common pleas of the county in which the individual resides~~ for a certificate of qualification for employment shall follow rules and procedures established by local court rule, which may include a requirement that the petition be completed electronically online.

~~(I)~~(J) The petition and instructions regarding how to properly complete and submit the petition electronically are accessible on the website of the department. The petition shall include, but is not limited to, all of the following questions and fields that must be completed in full by the individual:

- (1) The individual's name, date of birth, and social security number;
- (2) All aliases of the individual and all social security numbers associated with those aliases;
- (3) The individual's contact information, including complete residence address with the city, county, and state of residence, a working email address and one or more phone numbers;
- (4) The length of time that the individual has ~~been a resident of this state~~ resided in the individual's current state of residence, expressed in years and months of residence;
- (5) ~~The name or type of each collateral sanction for which the individual is requesting a certificate of qualification for employment;~~ A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;
- (6) A description of how the individual intends to use the certificate of qualification of employment if granted. The description must include whether the individual intends to use the certificate to obtain an occupational license from a state licensing board, and if so, indicate the type of occupational license and which state licensing board. If the individual does not intend to use the certificate to obtain an occupational license, the individual must indicate that he or she intends to obtain employment and use the certificate as a means to provide

potential employers with immunity under division (G) of section 2953.25 of the Revised Code.

- (7) A summary of the individual's criminal history with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the county of conviction or plea of guilty for each of those offenses, the year of conviction or plea of guilty for each of those offenses, and whether each offense was a felony or misdemeanor;
  - (8) A summary of the individual's employment history, specifying each employer's name, complete address, and phone number, as well as the dates of employment with each employer;
  - (9) The name(s), complete address(es), and phone number(s) of one or more verifiable references and endorsements;
  - (10) The name(s), complete address(es), and phone number(s) of one or more immediate family members of the individual or other persons with whom the individual has a close relationship, who support the individual's reentry plan.
  - (11) A summary of the reasons the individual believes the certificate of qualification for employment should be granted.
  - (12) A summary of the reasons why a certificate will materially assist the individual in obtaining employment or occupation licensing.
  - (13) A summary of the reasons why the individual has a substantial need for a certificate in order to live a law-abiding life.
  - (14) A summary of the reasons why granting the petition would not pose an unreasonable risk to the safety of the public or any individual.
  - (15) A list of all previous petitions for a COE certificate of qualification for employment, including date and county for each filing and whether the petition was granted or denied.
- ~~(J)~~(K) Records or information received by a court to assist the court with making its decision under section 2953.25 of the Revised Code, including information included on a petition, shall retain their character as public or non-public records, as otherwise provided in law.
- ~~(K)~~(L) Upon an individual's submission of the electronic petition to the division of parole and community services, the division of parole and community services shall review the petition to determine whether it is complete. If the division of parole and

community services determines that the petition is incomplete, the individual who submitted the incomplete petition will be notified through that individual's electronic account. If the division of parole and community services determines that the petition is complete, notice of the completed petition shall be forwarded to the clerk of courts for the court of common pleas of the county in which the individual resides through that court's electronic account. Notice shall also be sent through that individual's electronic account that the individual must visit the local clerk of court's office to complete filing and to pay any required deposit pursuant to local rule adopted by the court.

~~(L)~~(M) All certificates of qualification for employment will be distributed electronically by the department upon an order from the common pleas court. Notice to the department of the court's final disposition may be provided through the courts electronic account if the petition was filed electronically or by forwarding a written copy of the petition and a copy of the final judgment entry granting or denying the petition to the division of parole and community services

~~(M)~~(N) Each certificate of qualification for employment issued to an individual under this rule shall clearly indicate the purpose for which the certificate was granted. The indicated purpose for which the certificate was granted shall be consistent with the information provided to the court in response to question six under paragraph (I) of this rule or as otherwise directed by the court in the final judgment entry granting the petition. Each certificate of qualification for employment issued to an individual under this rule shall also clearly indicate that the certificate is presumed to be revoked if the individual is convicted of or pleads guilty to a felony offense subsequent to the issuance of the certificate and persons intending to rely on this certificate should first investigate the current criminal history of the named individual. If, after receiving the certificate, the individual is committed to the custody of the department for the commission of any felony, or the division of parole and community services otherwise learns that the individual has plead guilty to or was convicted of any felony offense, the division shall revoke that certificate.

~~(N)~~(O) For purposes of tracking and reporting the information required by division (K) of section 2953.25 of the Revised Code, individuals that have been issued a certificate of qualification for employment have an obligation to report information to the division of parole and community services every six months after receipt of the certificate. To facilitate the reporting process, the division of parole and community services shall send periodic surveys to the electronic accounts and/or email accounts of individuals that have been issued a certificate of qualification for employment. ~~certificate holders will receive notices through their electronic accounts every six months which will provide instructions regarding how to report the required information electronically. The questions included in the survey shall include, but are not limited to: information that certificate holders are required to report includes, but is not limited to:~~

- (1) Whether the individual has been convicted of or plead guilty to a felony offense committed subsequent to the issuance of the certificate;
  - (2) Whether any decision-maker, as defined by section 2953.25 of the Revised Code, granted or denied the restoration of an occupational license or employment opportunity;
  - (3) Whether the individual is currently employed and whether the certificate of qualification for employment was instrumental in gaining this employment;
  - (4) If currently employed, the name of the employer and the type of industry, occupation and profession of employment.
- (P) Pursuant to division (K) of section 2953.25 of the Revised Code, the department of rehabilitation and correction shall maintain a database that identifies granted certificates and revoked certificates and tracks the number of certificates granted and revoked, the industries, occupations, and professions with respect to which the certificates have been most applicable, and the types of employers that have accepted the certificates. The department shall annually create a report that summarizes the information maintained in the database and shall make the report available to the public on its internet web site.
- (O) The department of rehabilitation and correction shall periodically review the certificates listed in the database required by division (K) of section 2953.25 of the Revised Code to identify those who are subject to revocation under that division. Upon identifying a certificate of qualification for employment that is subject to revocation, the department shall note in the database that the certificate has been revoked, the reason for revocation, and the effective date of revocation, which shall be the date of the conviction or plea of guilty subsequent to the issuance of the certificate.

Effective:

Five Year Review (FYR) Dates: 2/18/2018

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Certification

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Date

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