



# Certificates of Achievement & Employability and Certificates of Qualification for Employment

## What are These Certificates?

Many Ohioans think of criminal-record sealing (“expungement”) as the only way to overcome the civil impacts of a criminal conviction. In 2011 and 2012, however, two new Certificates were created under Ohio law that also remove criminal-record-based barriers to employment, without erasing or hiding the criminal record itself. Certificates of Achievement and Employability (“CAEs”; created by House Bill 86, 2011) are available now to eligible applicants. Certificates of Qualification for Employment (“CQEs”, created by Senate Bill 337, 2012) became available on February 4, 2013. The Ohio Department of Rehabilitation and Corrections (DRC) manages the new online CQE application system (see backside of this page for more information)

## The Two Legal Effects of Certificates

### Overcoming the civil impacts of criminal convictions

Both the CAEs and the CQEs aid certificate holders in overcoming the legal barriers to employment. If a certificate holder applies to a licensing agency that has a *mandatory* rule prohibiting licensure based on certain criminal records, the agency must instead exercise its discretion to individually assess the Certificate-holder’s fitness for the license in question. The licensing agency is *not required* to issue the license; the agency must, however, determine whether this particular applicant is fit for the field of employment opened up by the license.

### Protecting Employers from Negligent-Hiring Liability

Beyond licensure issues, one of the most common reasons employers will not employ people with criminal records is because they fear being later sued for *negligent hiring*. Both CAEs and CQEs provide legal protection from these lawsuits for employers that hire Certificate-holders.

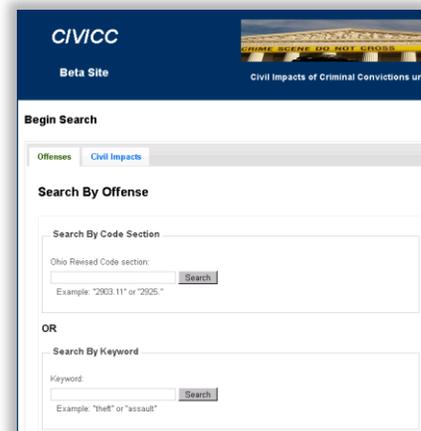
## How Do I Discover What Legal Barriers Affect Me?

Applicants for both CAEs and CQEs must identify the specific state-law barrier they want relief from. The Ohio Justice & Policy Center and the Ohio Public Defenders have 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 Convictions Database

<http://opd.ohio.gov/CIVICC>

Applicants will likely find this a helpful resource in preparing their CAE or CQE applications. See the back of this sheet for more details on the application process.





## Eligibility and Application Process

	CAEs	CQEs
Eligibility	<ul style="list-style-type: none"> <li>Timing: applicant must be currently incarcerated and within 1 year of release date; or currently on post-release control or parole.</li> </ul>	<ul style="list-style-type: none"> <li>Timing: may not apply until 1 year from completion of sentence if the offense that triggers the collateral sanction is a felony; 6 months from completion of sentence if it is a misdemeanor.</li> </ul>
Application Process	<ul style="list-style-type: none"> <li>Application goes to prison staff if incarcerated; to parole officer if on supervision.</li> <li>Application form: <a href="http://www.drc.ohio.gov/OCSS/AandEbrochure.pdf">http://www.drc.ohio.gov/OCSS/AandEbrochure.pdf</a>.</li> <li>Must name the specific civil impact to be relieved (see <a href="#">CIVICC</a>) — it must be related to the vocational program completed by applicant.</li> <li>Applicant must have completed:               <ol style="list-style-type: none"> <li>DRC-approved vocational program;</li> <li>DRC-approved behavioral program; <i>and</i></li> <li>120 hours of community service;</li> </ol> </li> <li>Applicant may also present other evidence of rehabilitation.</li> </ul>	<ul style="list-style-type: none"> <li>If applicant has <i>ever</i> been incarcerated in a DRC-funded institution: application <u>must</u> go first to DRC through <a href="http://www.drccqe.com">www.drccqe.com</a>; if application is complete, then DRC will forward it to court of common pleas in applicant’s county of residence.</li> <li>If applicant has <i>never</i> been incarcerated in a DRC-funded institution: application <u>may</u> go to DRC through <a href="http://www.drccqe.com">www.drccqe.com</a>, as above, <i>or</i>, depending on your county of residence, may go directly to the court of common pleas using the paper form found at <a href="http://bit.ly/CQEapp">http://bit.ly/CQEapp</a>.</li> </ul> <div data-bbox="662 863 1484 1150" data-label="Image"> </div> <ul style="list-style-type: none"> <li>Must name the specific civil impact to be relieved (see <a href="#">CIVICC</a>).</li> <li>Applicants must submit evidence that:               <ol style="list-style-type: none"> <li>CQE will <i>materially assist</i> them in obtaining employment or related license;</li> <li>They have a <i>substantial need</i> for a CQE in order to live a law-abiding life; <i>and</i></li> <li>Granting a CQE will not create an <i>unreasonable risk</i> to public safety.</li> </ol> </li> <li>Court may also order other reports, investigations, or disclosures by applicants.</li> </ul>

### What if I need more detailed information?

The Ohio Justice and Policy Center has published an Ohio Criminal Records Manual online. It covers criminal-record sealing (“expungement”), criminal-record correction, pardons, juvenile records, and these Certificates. You can view or download it at <http://bit.ly/OJPC-CrimRecManual>

The laws and regulations governing the Certificates of Achievement and Employability can be found at Ohio Revised Code Sections [2961.21-24](#), Ohio Administrative Code Section [5120-14-01](#), and DRC Policy [02-REN-05](#). The law governing the Certificates of Qualification for Employment is at Ohio Revised Code Section [2953.25](#). The regulations for CQEs are at Ohio Administrative Code 5120-15-01.