

Council on the Collateral Consequences of Criminal Record
Employment Subcommittee Roster (10/8/19)

Subcommittee Chair

- Marc Pelka, Undersecretary, Office of Policy and Management

Members

- David McGuire or Melvin Medina, ACLU of Connecticut
- Commissioner Kurt Westby or Lisa Sementilli, Department of Labor
- Representative Craig Fishbein, Labor Committee House Ranking Member
- Senator Craig Miner, Labor Committee Senate Ranking Member
- Rochelle Palache, Services Employees' International Union, Local 32BJ
- Sue Garten, Greater Hartford Legal Aid, or Amy Eppler-Epstein, New Haven Legal Assistance
- Tiheba Bain, Women Against Mass Incarceration
- Chairman Carleton Giles or Rich Sparaco, Board of Pardons and Parole
- Rob Hebert, Bridgeport Reentry Collaborative
- Amber Vlangas, Advocate for Criminal Justice Reform
- Mark Soycher or Eric Gjede, Connecticut Business and Industries Association
- Isabel Blank, Yankee Institute for Public Policy
- Arunan Arulampalam, Department of Consumer Protection
- Andrew Markowski, National Federation of Independent Business

PROPOSED NOVEMBER AGENDA

Council on the Collateral Consequences of a Criminal Record • Employment Subcommittee

Friday, November 8, 2019 • 1:00 to 3:00 pm

Office of Policy & Management • 450 Capitol Avenue, Hartford, CT 06106, Conference Room 2A

Or (646) 749-3122 / 335-328-557

1. Welcome and introductions.
2. Approval of the minutes from the October 4 subcommittee meeting.
3. Review of Employment Subcommittee structure, organization, approach, and timeline.
4. Review of initial employment recommendations shared at October 8 full council meeting and discussion, including:
 - a. Removal or consolidation of recommendations,
 - b. Further analysis and detail needed for recommendations,
 - c. Expansion of recommendations, and
 - d. Further questions or input needed from the Housing and Research Subcommittees or the full council.
5. Identification of subcommittee members to provide update to full council at the November 12 meeting.
6. Additional Comments and input.
7. End.

DRAFT OCTOBER MEETING MINUTES

Council on the Collateral Consequences of a Criminal Record • Employment Subcommittee

Friday, October 4, 2019 / 10:00 am to noon

Office of Policy and Management / 450 Capitol Avenue, Hartford, CT 06106

Or (872) 240-3212 / 143-530-485

Participants:

Subcommittee members: Marc Pelka, Office of Policy and Management, and subcommittee chair; Melvin Medina and Claudine Fox, ACLU of Connecticut; Lisa Sementilli, Department of Labor; Representative Craig Fishbein; Chairperson Carleton Giles, Board of Pardons and Parole; Rob Hebert, Bridgeport Reentry Roundtables; Amber Vlangas, Advocate for Criminal Justice Reform; Mark Soycher, Connecticut Business and Industries Association; Isabel Blank, Yankee Institute for Public Policy; and Andrew Markowski, National Federation of Independent Business.

Also participating: Andrew Clark, Institute for Municipal and Regional Planning, and Research & Logistics Subcommittee Chair; and Eleanor Michael, Office of Policy and Management.

Minutes:

Pelka called the meeting to order and asked everyone participating in person or by phone to introduce him- or herself.

Pelka delivered introductory remarks recapping the August 22 first meeting of the full Council on the Collateral Consequences of a Criminal Conviction (“full council”) and the purpose, goals, and objectives of the full council and Employment Subcommittee (“subcommittee”). Subcommittee members discussed these topics and began identifying their priorities involving strategies to lower barriers to employment for people with criminal records.

The subcommittee reviewed the structure, organization, and approach of the subcommittees under the full council. The subcommittee discussed ways to approach its work effectively and meaningfully. Apparent agreement was reached that the subcommittee would review analysis and recommendations to reduce employment-related collateral consequences. Formal or informal voting is likely to happen when the subcommittee considers final recommendations. Pelka recommended, and subcommittee members participating

apparently agreed, that it made sense to submit all final recommendations raised to the full council with an indication of whether consensus was or was not reached. This would enable the full council both to consider a full slate of recommendations without any of them terminating in the subcommittee and be aware of topics for which consensus was or was not reached. In future meetings, Pelka recommended the subcommittee develop a process for voting and categorizing levels of consensus reached among members.

The subcommittee discussed reports and analysis related to collateral consequences, including additional reports to be pulled and reviewed. A focus was placed on the two-page brief submitted by The Council of State Governments Justice Center covering a review of the 559 collateral consequences appearing in the Connecticut statutes, which were presented at the August 22 full council meeting. Pelka distributed copies to the subcommittee members participating in person or by phone.

Analysis indicated that the majority of the collateral consequences are indefinite in length (i.e. they aren't time-limited, such as the duration of a probation term), discretionary in their application (e.g. requiring a decision-maker to use a background check while retaining discretion for how said decision-maker is to use the results of the background check), and relate to employment. They employment-related collateral consequences are distributed among occupational licensing (the largest proportion), business licensing, and employment. The consequences impact a variety of fields differently, with the largest number of consequences affecting, in descending order, health care; education and schools; public employment; and gaming, lottery, and racing.

The subcommittee discussed the best means of reporting to the full council at the October 8 meeting. Agreement apparently was reached that it would be a wise to provide initial recommendations to the council. This would feel more structured, specific, and tangible. Pelka suggested organizing recommendations into categories that could help organize the ideas. The categories offered included: (1) increase job readiness and retention & lower recidivism, (2) engage employers, and (3) lower barriers to employment. Subcommittee members offered a diverse and thoughtful range of recommendations.

Subcommittee members indicated that although this was a non-exhaustive list of recommendations, it was a good fit for completion in the time allotted. The subcommittee members accepted Pelka's proposal for him to summarize the items discussed and share them with the full council at the October 8 meeting. He indicated he would create a table consisting of recommendations covered at the meeting and emphasize that they were draft and didn't currently reflect subcommittee-wide consensus.

The subcommittee discussed a timeline for the subcommittee's work. With the full council anticipating monthly meetings until February, the deadline for release of recommendations, there apparently was consensus among the subcommittee that it also should meet on a monthly basis. Although subject to change based on guidance from the full council and determinations within the subcommittee, monthly meetings would enable the subcommittee to keep pace with the full council to which routine updates could be provided.

Several subcommittee members noted the absence of representatives of the Judicial Branch's Court Support Services Division (CSSD), which apparently doesn't have a statutory assignment to the full council, and the Department of Correction (DOC), which doesn't have an assigned representative to the subcommittee. (A representative from the DOC is assigned to the House Subcommittee, however.) Pelka volunteered to contact CSSD Director Gary Roberge and DOC Programs and Services Director William Murphy before the November 8 subcommittee and invite them, or a representative, to attend.

Pelka adjourned the meeting.

Draft Recommendations Discussed at October 4 Employment Subcommittee Meeting

<p align="center">1</p> <p align="center">INCREASE JOB READINESS AND RETENTION & LOWER RECIDIVISM</p>	<p align="center">2</p> <p align="center">ENGAGE EMPLOYERS</p>	<p align="center">3</p> <p align="center">LOWER BARRIERS TO EMPLOYMENT</p>
<p>a) Increase access to workforce development programs prioritizing people in the criminal justice system and specialized based on their risks and needs.</p>	<p>a) Identify growth industries in the state, prioritize training to help the population develop the needed skills to fill those positions, and consult with employers from various sectors to develop programs and pathways to jobs.</p>	<p>a) Prohibit discrimination on the basis of a criminal record.</p>
<p>b) Help people gain stable, long-term employment; engage with them after job placement to promote retention; help with reemployment if a position is lost; and assist with career advancement opportunities.</p>	<p>b) Increase employers’ timely access to the Workforce Opportunity Tax Credit (WOTC) for hiring people with barriers to employment, including those with felony records.</p>	<p>b) Revise statutory and administrative policies to provide individualized assessments of applicants instead of blanket policies barring all applicants with criminal histories.</p>
<p>c) Focus public and foundation funding, such as the Workforce Innovation and Opportunity Act (WIOA) and Adult Reentry and Employment Services (ARES), on job readiness and placement for people with criminal records.</p>	<p>c) Provide information to employers on vocational training, education, supervision, and services that people in the criminal justice system are eligible for.</p>	<p>c) Make certain indefinite collateral consequences time-limited, and restore discretion to certain collateral consequences that currently are mandatory.</p>
<p>d) Further criminal justice system efforts to connect people to identification, transportation, and job training and placement during reentry.</p>	<p>d) Train human resource professionals and employers on considering criminal record in the totality of the application.</p>	<p>d) Pursue clean-slate legislation providing automatic record clearance for eligible offenses after a designated time has passed following completion of the sentence.</p>
<p>e) Analyze any potential unintended consequences of court, supervision, and program requirements on employment and job retention.</p>	<p>e) Help employers reduce liability for hiring, including access to fidelity insurance bonds through the US Department of Labor’s Federal Bonding Program that indemnifies employers for loss of money or property through dishonest acts of employees.</p>	<p>e) Revise the sex offender registry to make it more risk-based than offense-based.</p>
	<p>f) Hold second-chance-hiring forums with business leaders and associations as well as employers to elevate the advantages of hiring people with criminal records and help reduce stigma.</p>	