



## WYOMING LEGISLATIVE SERVICE OFFICE

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**Committee Name:**

Joint Labor, Health and Social Services Interim Committee

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**Committee Meeting Date:**

April 28, 2017

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**Bill number or agenda item the handout addresses:**

1:30 p.m. Occupational Licensing Restrictions Based on Criminal Convictions and Other Factors

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**Document Title (please provide a short and descriptive name for the document):**

3 Published Articles - Information on Impact of Felony Convictions on Licensed Occupations in Wyoming 2013

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**Document Author (Please provide name of the ORGANIZATION and/or individual that wrote document):**

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**Document Provider (complete ONLY if different than author listed above):**

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**Document Date (complete only if different than meeting date):**

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# The Consideration of Criminal Records in Occupational Licensing

A variety of professions, from trucking to barbering to positions in the health care field, require that individuals obtain licenses to practice in the United States. These occupational licenses are regulated at the state level, and in many cases, people who have been trained to or are seeking work in certain fields are ultimately prohibited from receiving the licensing they need because of their criminal records.

Nearly 10 million adults return to the community from jails and federal and state prisons each year in the United States, and they face significant challenges related to employment.<sup>1</sup> Numerous studies have found that people require a combination of family support, community assistance, and economic opportunity to stay out of the criminal justice system.<sup>2</sup> Access to employment is a critical component of this web of support, as a steady job provides financial resources and prosocial connections that build motivation.

As the field develops more knowledge about what works to reduce recidivism and promote job readiness, the National Reentry Resource Center, a project of The Council of State Governments (CSG) Justice Center, will continue to work with expert partners to provide education, training, and resources to policymakers who seek to implement effective legislation and policies.

## What are Collateral Consequences?

When returning to the community after incarceration, people often face severe, unanticipated penalties beyond the court's sentence, which are commonly referred to as "collateral consequences."

**NEW MEXICO'S LEGISLATURE** enacted the Criminal Offender Employment Act, which finds that the public is "best protected" when people with conviction records are "given the opportunity to secure employment or to engage in a lawful trade, occupation or profession and that barriers to such employment should be removed to make rehabilitation feasible."<sup>5</sup>

Nationally, more than 45,000 collateral consequences restrict all aspects of civic life, including the right to vote and access to government benefits, housing, and student loans;

the vast majority of these collateral consequences are employment-related.<sup>3</sup> For example, in an effort to advance public safety and ensure high-quality services, states require licenses for particular

## A LOOK AT THE NUMBERS

- More than one-quarter of U.S. workers require a state license for their occupation, with the sectors in health care, legal, and education requiring the most licensure.<sup>6</sup>
- The American Bar Association National Inventory of Collateral Consequences of Conviction has documented an estimated 32,000 laws specific to occupational licensing and business licenses that include provisions regarding the consideration of criminal records.<sup>7</sup>
- More than one-third of those documented occupational and business license laws include automatic exclusions,<sup>8</sup> such as blanket bans on applicants with any type of a felony conviction.<sup>9</sup>

businesses or occupations, such as for health care professionals, transportation specialists, and cosmetologists.<sup>4</sup> Restrictions specific to these occupational licenses are one significant type of barrier to employment opportunities for people with criminal records.

## Limited Access to Occupational Licensing

License applicants may be barred from their chosen profession no matter how long ago their conviction occurred or whether the offense has a demonstrable relationship to successful performance of the duties of the occupation. Studies that have examined recidivism have found that most repeat arrests occur within three years of the first conviction, and that after four to seven years, the risk of recidivism is greatly reduced.<sup>10</sup>

As explained in the U.S. Equal Employment Opportunity Commission (EEOC) guidance on the use of conviction records in employment decisions, an automatic blanket exclusion from employment because of one's criminal record may have a disparate racial impact, which violates federal civil rights law.<sup>11</sup> Therefore, the EEOC recommends a job-related analysis of an applicant's offense and an individualized assessment prior to any disqualification.<sup>12</sup>

A nationwide survey of collateral consequences by the National Association of Criminal Defense Lawyers indicated that dozens of states have adopted laws generally limiting the consideration of criminal records by occupational licensing

authorities.<sup>13</sup> Although these laws do not fully eliminate the barriers to occupational licensing in those jurisdictions, they provide a starting point upon which advocates can build.

Some features of these laws include:

- Prohibiting the denial of a license based solely on an applicant's criminal record unless there is a conviction that directly relates to occupation;<sup>14</sup>
- Prohibiting the consideration of certain criminal record information;<sup>15</sup>
- Requiring a licensing board to consider factors such as whether the offense is relevant to the occupation, the amount of time that has passed since the offense was committed, and evidence of rehabilitation;<sup>16</sup> and
- Requiring a licensing agency to supply an applicant with an explanation of denial and allow for an appeal process.<sup>17</sup>

## Impact of Policies to Reduce Barriers to Licensing

Estimates reflect that occupational restrictions can result in 2.85 million fewer people employed nationwide and raise consumer expenses by more than \$200 billion.<sup>18</sup> Although these statistics demonstrate the impact of licensing restrictions generally, they provide a glimpse into the potential benefit to the economy and labor market if criminal record licensing restrictions were more narrowly tailored.

Lessening these barriers could also help eliminate worker shortages faced by high-growth job sectors, such as health care.<sup>19</sup> One-third of all jobs created between 2012 and 2022 are expected to be health care and social assistance positions.<sup>20</sup> A personal care aide, a position that typically requires a criminal background check,<sup>21</sup> is expected to be the second-fastest growing occupation in the nation during that period.<sup>22</sup>

Some states have concluded that the costs associated with reducing occupational licensing barriers can be minimal. For example, legislation recently passed in New Hampshire was expected to have a fiscal impact of less than \$10,000 per year,<sup>23</sup> while similar bills in Florida and Ohio estimated net gains in state revenue due to increases in application and training fees.<sup>24</sup>

## Implementation Considerations

The successful implementation of any reforms to criminal record restrictions on occupational licensing depends on the application of the laws by state licensing authorities—in some states, there may be dozens of independent boards. Given the number of decision-making bodies potentially involved, it is essential that the laws enacted promote clarity and consistency.

## LESSONS LEARNED FROM LOUISIANA AND OHIO

Several states have passed laws aimed at creating a more uniform policy on the consideration of a criminal record across different occupational licensing boards.<sup>25</sup> With similar standards in place across occupations, greater efficiencies in the implementation of the laws can be expected. In Louisiana, House Bill 295 (2012) prohibited licensing boards from denying a license based solely on an applicant's criminal record. In Ohio, Senate Bill 337 (2012) allowed people to apply for a certificate of qualification for employment that lifts the automatic ban on obtaining a professional license and limits the extent to which a criminal record can be considered in licensing decisions.

Data collection is important for monitoring compliance and measuring outcomes. For example, for a law that prohibits blanket disqualifications and specifies certain criteria for considering a past record, the board should be required to report, at minimum, the following: the number of applicants with criminal records; the number of people denied licenses based on their records; and the type of record that was the basis for the denial. Florida requires each licensing board to file a report every four years detailing the criminal records-based restrictions on occupational licenses.<sup>26</sup> Other states have enacted similar requirements for individual licensing boards.<sup>27</sup> Collecting this information may require additional expenditures, depending on the type of data-collecting infrastructure that already exists. Absent such information, however, policymakers would lack the ability to gauge the success and outcomes of the new law.

1. The count of total prison releases in 2014 was 641,961 as generated using the Corrections Statistical Analysis Tool, U.S. Bureau of Justice Statistics, meanwhile approximately 9 million people are released annually from local jails, according to Beck, A.J. "The Importance of Successful Reentry to Jail Population Growth," presented at the Urban Institute's Jail Reentry Roundtable, June 27, 2016.

2. NLP. "Research Supports Fair Chance Policies" (April 2015).

3. Testimony of Mathias H. Heck, Jr., American Bar Association, Hearing on Collateral Consequences of Criminal Convictions and the Problem of Over-Criminalization of Federal Law before the Committee on the Judiciary.

4. Task Force on Over-Criminalization of the U.S. House of Representatives (June 26, 2016) at p. 8. Because the majority of occupational licensing laws are state regulated, this paper does not cover state-level laws.

5. N.M. Stat. § 28-2-2.

6. White House, "Occupational Licensing: A Framework for Policymakers" (July 2015) at p. 3.

7. American Bar Association (ABA) Criminal Justice Section, ABA National Inventory of the Collateral Consequences of Conviction (revised Nov. 14, 2015).

8. *Id.* (revised Nov. 14, 2015).

9. *Id.* (revised Nov. 15, 2015).

10. Albert Blumstein, Transcript of Testimony before the U.S. Comm'n on Civil Rights at Briefing on "The Impact of Criminal Background Checks and the Equal Employment Opportunity Commission's (EEOC) Conviction Records Policy on the Employment of Black and Latino Workers," (Dec. 7, 2012), at p. 29, lines 6-13 (describing his research in comparing recidivism in a number of states). Research is continuing in this field.

11. See FZOC Taskforce Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq. (Apr. 25, 2012).

12. *Id.*

13. See Margaret Colgate Love, Nat'l Ass'n of Criminal Def. Lawyers "Consideration of Criminal Record in Licensing and Employment" (Oct. 2015).

14. See, e.g., 5 C.C. Code Ann. § 40-1-10.

15. See, e.g., 18 Pa. Cons. Stat. Ann. § 9124.

16. See, e.g., Minn. Stat. Ann. § 364.03.

17. See, e.g., Mich. Comp. Laws Ann. § 338.42, 338.45-46.

18. See Morris M. Kleiner, The Hamilton Project, "Reforming Occupational Licensing Policies," Discussion Paper 2015-01 (Jan. 2015) at p. 6.

19. Institute of Medicine, "Retaining for an Aging America: Building the Health Care Workforce" (2008), at pp. 4-6, 199-200.

20. U.S. Bureau of Labor Statistics (BLS), "News Release: Employment Projections—2013-2022" (Dec. 19, 2013) at p. 2.

21. Office of Inspector General, U.S. Dept. of Health & Human Servs., "Personal Care Services: Trends, Vulnerabilities, and Recommendations for Improvement" (Nov. 2012) at p. 4.

22. *U.S.*, *supra* note 20, table 4.

23. "Fiscal Note," H.B. 1368, 2014 Sess. (H.H. 2014), H.B. 1368 prohibits denying a professional license based solely on an applicant's criminal record and requires licensing boards to consider how a conviction relates to the specific occupation.

24. S.B. 146 (Pa. 2011) requires disqualifying convictions to be directly related to the occupation for which licensure is sought. Fla. Senate, "S.B. 146 Bill Analysis and Fiscal Impact Statement" (Jan. 2011). Similarly, S.B. 337 (Ohio 2012) limits how various licensing boards can consider criminal records when deciding whether to grant an occupational license. Ohio Legislative Serv. Comm'n, "S.B. 337 Fiscal Note & Local Impact Statement" (Jan. 2012).

25. Since 2012, La., N.H., N.C., Ohio, and Tex. have all passed such laws. H.B. 295 (La. 2012) (prohibiting license denial denying a license based solely on an applicant's record); H.B. 1048 (N.H. 2011) (same); S.B. 33 (N.C. 2013) (same); S.B. 337 (Ohio 2012) (allowing people to apply for a certificate of qualification for employment that lifts the automatic ban on obtaining a license and limiting the extent to which criminal records can be considered in licensing decisions); H.B. 1059 & H.L. 796 (Tex. 2013) (restricting the use of certain misdemeanors and felonies in licensing decisions).

26. Fla. Stat. Ann. § 112.011(2).

27. See, e.g., Ohio Rev. Code Ann. § 3772.10(F) | A.B. 661 (Cal. 2006).



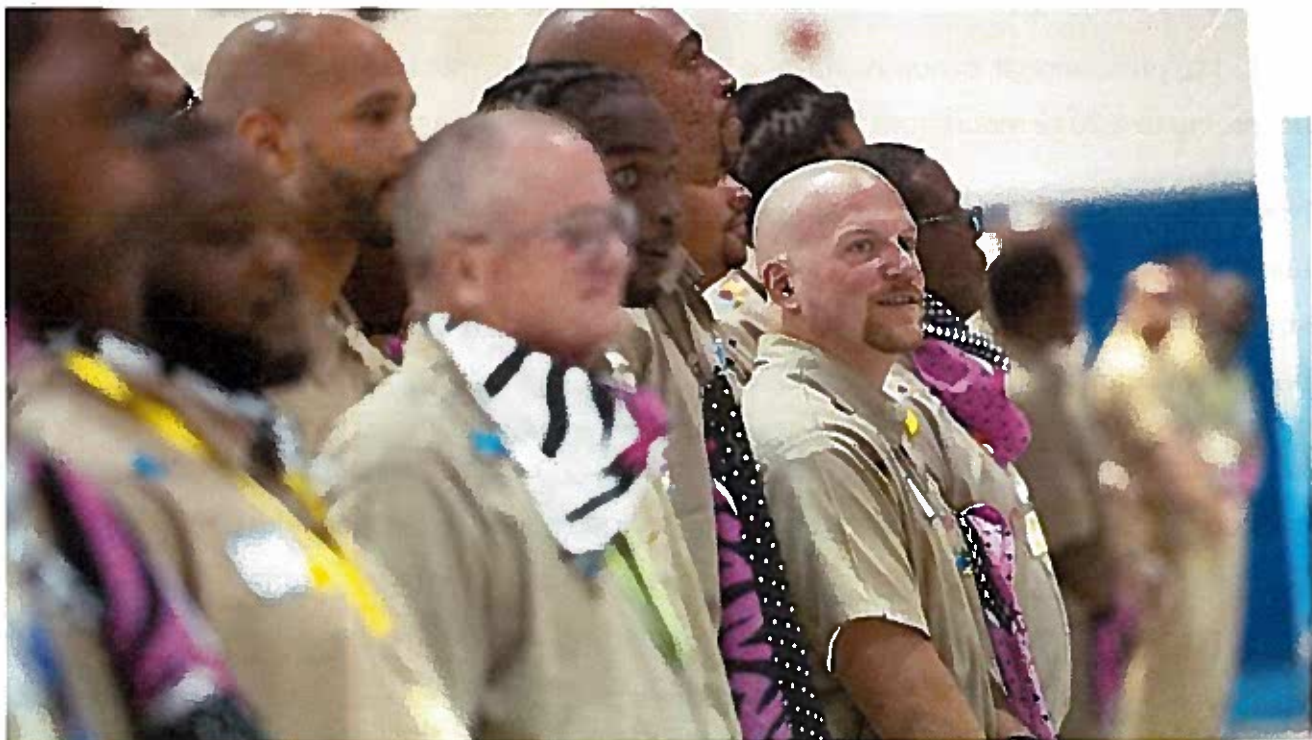
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Licenses

## STATELINE

# To Help Ex-Offenders Get Jobs, Some States Reconsider Licenses

March 08, 2017

By Sophie Quinton



An entrepreneurship class for inmates of the Nebraska State Penitentiary. Nebraska and other states eager to connect ex-offenders with jobs are considering making it easier for people with a criminal history to get an occupational license.

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*Editor's note: This story has been updated to give the correct age of Robert Lewis. He is 62.*

Robert Lewis didn't think it would be hard to get a job selling insurance. He was a car salesman for decades and sold insurance for a while after graduating from college. But in Lewis' home state of Illinois, felons can't get a license to sell insurance. And in 1985, Lewis was arrested for felony theft.

Lewis says he long ago kicked the drug habit that contributed to his arrest, and these days the 62-year-old can often be found running around after his grandkids.

"I was a whole other person back then," Lewis said of his Reagan-era brush with the law. But the criminal record derailed his recent job application.

Illinois bans some ex-offenders from getting many kinds of occupational licenses. Residents with felony convictions can't be riverboat owners or horse meat processors. A criminal record may disqualify acupuncturists, auctioneers, boxing referees, dance hall operators, interior designers and massage therapists.

In all, 118 professional, occupational and business licenses must or may be denied to felons, according to a 2012 report from the state General Assembly's nonpartisan research unit.

Now Illinois is among a handful of states reconsidering their licensing rules and giving men and women like Lewis a chance. Although the change can make professional associations squeamish, it's drawing support across the political spectrum as lawmakers try to get more people with criminal records into jobs.

In Kentucky, legislators included changes to licensing in a bill that would also create work-release programs at jails, reduce some probation and parole terms, and take other steps to help prisoners re-enter society. In Nebraska, a Libertarian senator has proposed rolling back licensing restrictions for all state residents — including those with criminal records — in a bid to improve conditions for businesses in the state.

"There's now a marriage of interests," said Lee McGrath, legislative counsel for the libertarian Institute for Justice, a nonprofit law firm. "It's something that both sides can get their head around — it's the great Rooseveltian idea that the best social program is a job."

Research shows that ex-offenders who are steadily employed are less likely to get into trouble with the law again. And at a time when employers are complaining about worker shortages, men and women like Lewis can be an untapped resource.

The Safer Foundation, a Chicago-based nonprofit that helps Lewis and other felons find jobs, says that even health care employers, who have long been wary of hiring people with a criminal history, have become open to doing so. "They're at a point where they can no longer turn away people," said Sodiqa Williams, a vice president at the nonprofit.

## Locked Out

States don't generally track how many people apply for a license and get turned down because of a criminal history. But the number is potentially large.

About one in four U.S. residents — 86 million — is named in the FBI's criminal database. Almost one in three U.S. workers need an occupational license to do their job. And a criminal record can disqualify job seekers from thousands of licensed positions nationwide.

On average, each state has 56 occupational licensing and 43 business licensing laws that ban applicants with felony convictions, according to the Alliance for a Just Society, a left-leaning network of nonprofits.

In some cases, felons are instantly disqualified. In other cases, licensing agencies and boards have leeway to consider felons under certain circumstances, such as if five years have passed since that person's conviction, if he has good references, or if he has obtained a certificate from the state that declares him rehabilitated and ready for employment.

Nonprofits and legal service organizations that work with ex-offenders in Chicago say they don't often work with clients who have applied for an occupational license and been rejected. Many people don't apply because they fear being turned down, they say.

Regardless of how big the problem is, Williams says lifting licensing barriers is still an important piece of criminal justice reform because licensing can mean economic mobility. "It gives you the power to start your own company."

Some ex-offenders who can't get a license may end up working illegally. "We have spoken with people who wanted a certain type of job without a license, and have been paid under the table," said Kim Buddin-Crawford of the American Civil Liberties Union of Michigan, which is also pushing for changes to licensing.

## Legislative Action

Illinois state Rep. Marcus Evans Jr. sponsored a law last year that forbade the state licensing department from disqualifying aspiring funeral directors, roofers, barbers, cosmetologists, hair braiders and nail technicians solely because of a criminal conviction — unless the conviction directly related to the job. The bill also requires licensing entities to consider mitigating factors, such as the time that's passed since the conviction, before denying or revoking a license.

"The whole point was to open up opportunities," said Evans, a Democrat who represents mostly black, working-class neighborhoods south of Chicago. A separate law allows people with violent felony convictions to become health care workers in some circumstances.

In Kentucky, a criminal justice bill sponsored by Republican Sen. Whitney Westerfield would prevent state licensing entities from rejecting applicants for a conviction that is not relevant to the license being sought. Ex-offenders would also get a hearing before they're denied a license.

Westerfield said that some of Kentucky's 60-odd licensing boards want to get rid of blanket bans on applicants with a criminal history. "You've got people who've applied for licenses, and the board wishes they could give one but they can't," he said.

And in Nebraska, a bill from Libertarian Sen. Laura Ebke that would let the state eliminate unnecessary licenses also mentions ex-offenders. "The goal is to really take a global look at how we're licensing, how we're regulating occupations, and see if there's a way for us to rethink that," Ebke said.

As well as giving the state the power to periodically review licensing rules, her bill would make it harder for licensing boards to reject felons — even those with relevant convictions. Before issuing a rejection, boards would have to determine that licensure would make the applicant more likely to commit another crime.

Ebke said she recently attended a Chamber of Commerce event where business leaders told her they supported her bill. “You have some people in business who say, ‘It’s way too hard for me to find employees because they have to be licensed,’ ” she said.

But professional associations aren’t always comfortable with proposals that go easy on felons. Illinois’ Evans initially included accountants and real estate agents in his bill, but took those occupations out after industry groups objected.

The Illinois Realtors Association argued that giving felons — including violent criminals and sex offenders — a license and thus the keys to private homes would endanger public safety and create legal problems for the industry. “The risk to our members and our clients was simply too high,” said Jon Broadbooks, director of communications for the association, in an email.

## **Cleaning Up the Loopholes**

This year, Evans is among the Illinois lawmakers seeking to build on last year’s licensing changes by creating a set of standards more licensing agencies have to follow when they consider applicants with a criminal record.

He’s put forward a bill, for instance, that would require agencies to tell applicants they don’t need to disclose convictions that courts have “sealed,” or hidden from the public record.

Sealing records doesn’t end ex-offenders’ problems. Lewis has a sealed record, but he says it’s shown up on company background checks. Licensing agencies can look at sealed convictions. Although the records aren’t supposed to be a factor in their decisions, the Safer Foundation says agencies often reject applicants that fail to disclose a sealed record.

Evans' bill also would require more licensing agencies to consider mitigating factors before they deny a license to a felon and to send a more detailed letter of explanation to applicants who are denied.

He has also filed a separate bill that specifically targets the Department of Insurance. It itemizes the types of records the agency can consider when reviewing an application from an ex-offender and requires it to consider evidence of the applicant's rehabilitation.

Lewis, who is trying to re-enter the workforce after years of health problems, has been surprised to find that his arrest record can bar him from all kinds of jobs. He just applied for a job as a school crossing guard, a task he performed as a kid when school "patrol boys" were common, and is waiting to hear if he passed the background check.

"Is this new in America, or what?" he said. "It's ridiculous. Judge me for my character as an individual."

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# STATELINE

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# The Consideration of Criminal Records in Hiring Decisions

Since 2010, the U.S. economy has experienced private sector job growth, a jobless rate below 5.5 percent, and steady growth in the country's gross domestic product. There are still underlying weaknesses, however, as evidenced by the historically low employment rate of prime-age people and the continued high number of workers unemployed for longer than six months.<sup>1</sup> Unemployment is even more prevalent for people with criminal records.

Nearly 10 million adults return to the community from jails and federal and state prisons each year in the U.S., and they face significant challenges.<sup>2</sup> Numerous studies find that people require a combination of family support, community assistance, and economic opportunity to stay out of the criminal justice system.<sup>3</sup> Access to employment is a critical component of this web of support, as a steady job provides financial resources and social connections that build motivation.

As the field develops more knowledge about what works to reduce recidivism and promote job readiness, the National Reentry Resource Center, a project of The Council of State Governments (CSG) Justice Center, will continue to work with the National Employment Law Project to provide broad-based education, training, and resources to policymakers who wish to implement effective legislation and policies.

## A LOOK AT THE NUMBERS

- More than 10 percent of people entering prisons and jails are homeless in the months before their incarceration.
- For the homeless population with mental illnesses, their rates of entering prisons and jails are even higher: about 20 percent.
- One in 10 people incarcerated in state prisons reported prior military service.<sup>4</sup>
- 41 percent of inmates in the nation's state and federal prisons and local jails do not have a high school diploma or equivalency, compared to 18% of the general population age 18 or older.<sup>5</sup>

## What Are Fair-Chance Hiring Policies?

It is estimated that one in three adults in the U.S. have some type of criminal record that may appear on a routine background check for employment.<sup>6</sup> Furthermore, in one recent survey, men with conviction records accounted for about 34 percent of nonworking men of prime working age.<sup>7</sup> Studies have shown that the existence of a criminal record reduces job callbacks by 50 percent on average, with an uptick to 60 percent for black male job candidates.<sup>8</sup> These statistics demonstrate both that involvement with the criminal justice system is a fairly common experience in the U.S. and that a criminal record impacts employment opportunities.

A broad menu of reforms, which some localities have deemed "fair-chance" laws, incorporates "ban the box" policies<sup>9</sup> and builds off the best practices detailed in the U.S. Equal Employment Opportunity Commission (EEOC) guidelines on the use of arrest and conviction records in employment decisions.<sup>10</sup> EEOC recommendations that have been incorporated into fair-chance laws include, for example:

- Prohibiting certain criminal record information from consideration, such as arrests that have not led to convictions;
- Considering only specific job-related convictions in hiring; and
- Providing job applicants an opportunity to explain their criminal record.

Policy reforms aimed at the consideration of records in hiring decisions run the gamut in substance from simply removing the conviction history from the job application to more robust versions. The scope of the reform also varies as to the level of government, the legal mechanism used, and the type of employer included.<sup>11</sup>

As of October 2015, 19 states representing nearly every region of the country have adopted policies to delay conviction history inquiries: California, Colorado, Connecticut, Delaware, Georgia, Hawaii, Illinois, Maryland, Massachusetts, Minnesota, Nebraska, New Jersey, New Mexico, New York, Ohio, Oregon, Rhode Island, Vermont and Virginia.

Each of these states have enacted legislation except for four—Georgia, New York, Vermont, and Virginia; these states have policies in place through gubernatorial actions.<sup>12</sup> Seven states have removed the conviction inquiry from job applications for private employers as well. In addition, major employers such as Walmart, Target, Starbucks, Home Depot, Bed, Bath & Beyond, and Koch Industries have taken the conviction question off of their job applications.<sup>13</sup>

## Impact of Fair-Chance Policies to Date

Although there has been limited formal tracking of the results of these fair-chance policies, existing information indicates an increase in hiring people with records.

In North Carolina, Durham County adopted a policy for county job applicants in 2012 that delayed background checks until applicants were selected for hiring and also incorporated EEOC criteria for considering records. Ninety-six percent of Durham County applicants with criminal records—who were recommended for hire prior to the criminal record check—were ultimately hired after the results revealed some criminal history.<sup>14</sup>

After the City of Minneapolis implemented its policy, it found that removing the conviction disclosure box from initial applications, incorporating EEOC criteria, and postponing background checks until after a conditional offer of employment decreased the amount of transactional work for staff, did not slow down the hiring process, and resulted in more than half of applicants with convictions being hired.<sup>15</sup>

## Fiscal Considerations

An attractive aspect of this reform is its low cost of implementation. Removing the conviction history question from the job application is a minimal expenditure. Incorporating the EEOC best practices into written policies and practices and providing training to human resources decision makers can also be absorbed administratively. Enforcement of the policy, data collection to assess the results, and policy compliance review would require the infrastructure to perform these functions, which would vary in cost depending on the existing systems in place.

## Implementation Considerations

In a case study documenting the implementation of laws in three jurisdictions, a common theme was the importance of stakeholder engagement.<sup>16</sup> Additional components to

ensure successful implementation of a policy include tracking outcomes, identifying any barriers to compliance, and improving upon the policy to ensure the goals are being met. Questions to consider regarding how to meet these goals include the following:

- For tracking compliance of public employers, is there a confidential tracking system in place that documents how many people with records are denied job opportunities based on their records and how many people with records are ultimately hired?
- For private employers, are there low-cost opportunities to document the number of people with records rejected or accepted for job opportunities, such as random audits or simple electronic surveys? In addition, is there a system to track complaints, and can this information be readily made available to the public in the aggregate?

### LESSONS FROM SEATTLE

Seattle's fair chance ordinance, passed in June 2013, directed the agency responsible for enforcement to convene a panel of stakeholders from the employer, social service, and legal community sectors. After seeking the broader community's input through public meetings and a robust education and outreach campaign, the enforcement agency developed rules interpreting the ordinance and resource materials for job seekers and employers.<sup>17</sup>

1. "Occupational Wage Declines Since the Great Recession," Nat'l Emp't Law Project (NELP) (Sept. 2015).

2. The count of total prison releases in 2014 was 641,261 as generated using the Corrections Statistical Analysis Tool, U.S. Bureau of Justice Statistics, while approximately 9 million people are released annually from local jails according to Beck, A.J., "The Importance of Successful Reentry to Jail Population Growth," presented at the Urban Institute's Jail Reentry Roundtable, June 27, 2006.

3. "Research Supports Fair-Chance Policies," NELP (April 2015).

4. U.S. Bureau of Justice Statistics, "Veterans in State and Federal Prison, 2000," (April 29, 2007).

5. U.S. Bureau of Justice Statistics, "Education and Correctional Populations, 2002," (Jan. 1, 2003).

6. "Advancing a Federal Fair-Chance Hiring Agenda," NELP (Jan. 2015).

7. Benjamin Appelbaum, *The Yearning Male Worker: How America Fell Behind*, *The New York Times* (Dec. 11, 2011).

8. See *infra* fn. 3.

9. "Ban the box" refers to the removal of the check-box on job applications inquiring about conviction information.

10. San Francisco and NYC provide examples of fair-chance laws. See "Ban the Box: U.S. Cities, Counties, and States Adopt Fair Hiring Policies to Reduce Barriers to Employment of People with Conviction Records," NELP (Sept. 2015). See also "EEOC Enforcement Guidance: Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964," EEOC (Apr. 2012).

11. See *infra*, NELP fn. 10.

12. *Id.* New York Governor Andrew Cuomo announced on September 21, 2015 that the state would adopt "fair chance hiring" for state agencies.

13. NELP's "Values in Support" factsheet includes citations to private employer endorsements.

14. Daryl Atkinson & Kathleen Lockwood, "The Benefits of Ban the Box: A Case Study of Durham, NC," *The Southern Coal. for Soc. Justice* (Oct. 2014).

15. Letter from City Council Member Elizabeth Glidden & Conviction in History Summary 2001-2008 YTD (Mar. 16, 2009).

16. "Fair-Chance Implementation Case Studies for Government Agencies," NELP (June 2015).

17. *Id.*

Established by the Second Chance Act, the National Reentry Resource Center (NRRRC) provides education, training, and technical assistance to states, tribes, territories, local governments, community-based service providers, nonprofit organizations, and corrections institutions involved with prisoner reentry. The NRRRC is administered by the U.S. Department of Justice's Bureau of Justice Assistance and is a project of The Council of State Governments Justice Center, in cooperation with the Urban Institute, the National Association of Counties, the Association of State Correctional Administrators, the American Probation and Parole Association, and other key partner organizations. Points of view or opinions in this document are those of the authors and do not necessarily represent the official position or policies of The Council of State Governments Justice Center or members of The Council of State Governments.

## Information on Impact of Felony Conviction on Licensed Occupations in Wyoming 2013

Occupation	Felony Conviction N – Cannot have O – OK P - Possible	Explanation
Accountant, Certified Public	N	No, per Rules & Statutes, Chapter 2, Section f(ii)
Administrator, Education	N	
Administrator, Nursing Home	N	No, per Rules & Statutes, Chapter 7, Section 1(a)
Aircraft Mechanic	O	OK, per WY Aeronautics
Aircraft Pilots & Flight Engineers	O	OK per WY Aeronautics
Appraiser, General	P	Possible per Exec. Dir. Trenton Hogg on a case-by-case basis. Also must be 2 years out from completing all sentencing requirements.
Appraiser, Residential	O	Does not specify either way
Architect	P	Possible, on a case-by-case basis
Architect, Landscape	P	Possible, on a case-by-case basis
Artificial Insemination Technician	P	Possible, deniability based on immoral or unprofessional conduct
Audiologist / Speech Pathologist	O	Was referred to Rules & Statutes – it does not specify either way
Athletic Trainer	P	No felony or misdemeanor involving moral turpitude although board may grant – board may revoke or deny license if offense involves a controlled substance
Barber	P	Yes, on a case-by-case basis, approved by the Board
Bus Driver, School	P	Possible, on a case-by-case basis, approved by the Board, based on license regulations
Chemical Dependency Specialist, Certified Addictions specialist, assistant, licensed addictions therapist	P	Possible, on a case-by-case basis, approved by the Board, have no felony convictions, and no misdemeanor convictions involving moral turpitude, although exceptions to this requirement may be granted by the Board if consistent with the public interest; and (c) are legal inhabitants of the United States, and (d) satisfy the requirements established in these rules. W.S. 33-38-101 through W.S. 33-38-113.
Counselor, Professional	P	See Chemical Dependency specialist
Marriage & Family Therapist	P	See Chemical Dependency specialist
Clinical Social Worker	P	See Chemical Dependency specialist

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Chiropractor	O	Was referred to Rules & Statutes – it does not specify either way
Claims Adjuster	P	Yes, on a case-by-case basis, approved by the department
Cosmetologist	P	Yes, on a case-by-case basis, approved by the Board
Cosmetology Instructor	P	Yes, on a case-by-case basis, approved by the Board
Dental Hygienist	N	No, per Rules & Statutes, Chapter 8, Section 1(i)
Dentist	N	No, per Rules & Statutes, Chapter 8, Section 1(i)
Dispatchers: Police, Fire	N	No, per website
Electrician	O	Yes, per WY State Fire Marshal (must work as an apprentice for 4 years)
Embalmer/Funeral Director	P	Possible on a case-by-case basis, approved by the Committee
Emergency Medical Technician	P	Restricted if felony or crime against a person
Engineer, Professional	O	
Esthetician	O	
Geologist	O	
Guide, Professional	N	
Hearing Aid Specialist	O	
Home Health Aides	P	No sex convictions
Horse Racing, Miscellaneous Occupations	P	
Law Enforcement Officer, (Wyoming Highway Patrol Officer)	N	
Law Enforcement Officer / Police Officer /Corrections Officer/ Deputy Sheriff – Lawyer (Background Investigation)	N	
Librarian, School	N	
Manicurist / Nail Technician	P	May be refused a license if the criminal offense adversely relates to the practice
Mine Examiner	O	
Midwifery	P	Not convicted of crime which in the boards judgment renders one unfit to practice
Mine Foreman	O	
Mine Shotfire	O	
Miscellaneous Agriculture Licenses	O	
Nurse, Licensed Practical	P	Possible, may be refused if misdemeanor or felony that relates adversely to the practice of nursing or to the ability to

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		<b>practice nursing</b>
Nurse Practitioner	P	Possible, may be refused if misdemeanor or felony that relates adversely to the practice of nursing or to the ability to practice nursing
Nurse, Registered	P	Possible, may be refused if misdemeanor or felony that relates adversely to the practice of nursing or to the ability to practice nursing
Nursing Aides	P	May reapply and submit evidence for reinstatement
Occupational Therapist	P	Possible, on a case-by-case basis, approved by the Board
Occupational Therapy Assistant	P	Possible, on a case-by-case basis, approved by the Board
Occupational Therapy Assistant	P	Possible, on a case-by-case basis, approved by the Board
Optometrist	N	
Outfitter	N	
Pesticide Applicator, Commercial	O	
Pharmacist	N	
Pharmacy Technician, Registered	N	
Physical Therapist	N	
Physician Assistant	N	
Physician, Medical	N	
Podiatrist	N	
Psychiatrist	N	
Psychologist	N	
Radiation Technician	N	
Radiologic Technologist	P	can apply if the conviction will not impair ability to provide competent health care or pose a safety threat
Real Estate Broker / Associate Broker	P	subject to background check & review of felony charge/conviction
Salesperson, Insurance	P	cannot have committed any act that is grounds for denial of a license pursuant to the Wyoming Insurance Code
Salesperson, Real Estate	P	subject to background check & review of felony charge/conviction
Securities Representatives	N	
Surveyor, Professional	P	must be of good moral character and subject to background check
Teacher, Early Childhood / Special Education	N	
Teacher, Elementary	N	
Teachers, Substitute	N	
Truck Driver	P	dependent on rules of individual trucking companies, Hazmat transportation limited

## Information on Impact of Felony Conviction on Licensed Occupations in Wyoming 2013

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		<b>by federal standards</b>
Veterinarian	<b>N</b>	
Water and Wastewater Treatment Plant Operators	<b>N</b>	<b>Allowed to get a license for waste water treatment but not water treatment</b>
Acupuncturist	<b>P</b>	<b>New Statute - 2017</b>