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Removing Barriers to Work for Ex-Offenders

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Pennsylvania has the highest [incarceration rate in the Northeast](#) and a 3-year recidivism rate of [nearly 61 percent](#). While [recent reforms](#) have sought to address these problems, [research shows](#) one of the most critical components of successful re-entry is a job. But for [255 Pennsylvania occupations](#), state licensing laws stand in the way.

[Ericka Miller](#) is a mom and youth minister who worked for several years in a local hospital. She took out student loans to become a cosmetologist and achieve her dream of opening a salon with her daughter. But Ericka's license application was denied due to a felony conviction for trying to break up a fight outside her Philadelphia-area home. Ericka was forced to go to court to prove her "good moral character."

Vague statutes and wide sweeping licensing bans are preventing ex-offenders from going to work, making it more likely they'll re-offend. A recent study found states with the highest occupational licensing burdens saw their [recidivism rates rise 9 percent over a three-year period](#). In contrast, states with minimal licensing saw recidivism rates decline by 2.5 percent.

Overall, the [National Employment Law Project](#) ranks Pennsylvania minimally effective at removing unnecessary barriers for ex-offenders. Pennsylvania maintains an outdated practice called automatic licensure bans for individuals convicted of a drug-related felony.

Automatic Licensure Bans

Many jobs in health care, including massage therapy, are completely closed off to those with drug-related felony convictions for 10 years under Pennsylvania's mandatory licensure ban.

- 13 of the 29 licensing boards in Pennsylvania apply automatic 10-year felony bans.
- Other licensing boards can deny licensure to applicants with criminal records.

The growing number of Pennsylvanians with felony convictions combined with a growth in licensed occupations is leaving large swaths of the job market off-limits to ex-offenders. For example, the Department of Labor and Industry lists licensed occupations such as nurses and accountants as high-opportunity careers in almost every Pennsylvania county.

- Approximately [4 to 5 percent](#) of Pennsylvanians had a felony conviction in 2010, up from 2 to 3 percent in 1980.
- Over [1 in 5](#) of Pennsylvanians must obtain a state-issued occupational license to work. In the 1950s, approximately [1 in 20](#) workers throughout the U.S. required a license to work.

Other Job Barriers Faced by Ex-Offenders

State laws also impose restrictions on where individuals with criminal records can work (e.g., those with a felony cannot work in facilities regulated by the [Older Adult Protective Services Act](#)), where they can live, and if they can [recover their driving license](#).

In addition, many high-demand occupations, such as carpentry and trucking, require credentialing that disqualifies those with criminal records, much like automatic licensing bans. For example, any criminal conviction in the past two years [automatically disqualifies](#) an individual from obtaining a commercial driver's license (CDL).

Pennsylvania Solutions

Nationally, states are pursuing reforms to help ex-offenders to find quality jobs in state-licensed fields. Since 2015, [16 states have revised their occupational licensing laws](#).

In June, Governor Wolf [proposed](#) ending the 10-year bans for anyone convicted of a drug felony and recommended eliminating 13 licenses. A month later the State Board of Veterinary Medicine [voluntarily eliminated](#) the automatic ban for vet techs and Senator Anthony Williams [proposed legislation](#) to eliminate 300 hours of cosmetology school for natural hair braiders.

Additionally, Pennsylvania should:

- **Repeal All Automatic Bans:** This is a critical step towards creating a licensing process that assesses each applicant's unique credentials and circumstances.
- **Eliminate Vague Statutory Terms:** Licensing boards in Pennsylvania use vague and subjective language that can serve as an automatic ban for former offenders. Examples include "good moral standing" and crimes of "moral turpitude."
- **Strengthen Scope of Inquiry Requirements:** Pennsylvania limits licensing boards to consideration of felonies and occupation-related misdemeanors. The law can be improved by eliminating consideration of older offenses, lesser offenses, and felonies unrelated to the occupation under consideration.
- **Offer Preemptive Evaluation:** [Seven states](#) have laws allowing anyone with a criminal record to petition a licensing board for a determination of whether their record will disqualify them from licensing. Petitioners can request evaluation at any time, including before they enroll in an expensive training program. [See model legislation](#).
- **Continue to Reassess the Value of Occupational Licenses:** Recently states from Michigan to Nebraska to Rhode Island have [eliminated occupational licenses](#) for nutritionists, auctioneers, nurses, massage therapists, lab scientists, audiologists, and barbers/cosmetologists.
 - Pennsylvania should establish a sunset board or further identify unnecessary licenses that are holding Pennsylvanians back. [See model legislation](#) on page 6.

Conclusion

Ericka Miller's story has a happy ending. With the help of a free legal clinic, she took the licensing exam. She and her daughter are now the proud owners of a beauty salon, benefitting their family and their community. With many alternatives to state licensing, such as voluntary certification, and the high cost of re-incarceration or welfare dependence, lawmakers should be eager to enact sensible licensing reforms and prevent unnecessarily denying opportunity to ex-offenders.