Increasing Job Opportunities
Improving the Economy
INVESTING IN OKLAHOMA

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WorkforceTulsa
growing talent & growing opportunity
LOBECK TAYLOR
COMMUNITY ADVOCACY CLINIC
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The Authors
This report was written by three law students from The University of Tulsa College of Law’s Lobeck Taylor Community Advocacy Clinic:

Kate Forest plans to become a public policy analyst and advocate after law school. She is a volunteer facilitator for Poetic Justice, a program that brings therapeutic poetry workshops to incarcerated women. She has also been an instrumental advocate working on the commutation efforts led by Oklahomans for Criminal Justice Reform.

Kelsey Harrison envisions a career where she can use her legal expertise and creative problem-solving skills to advocate for women and children, particularly those who have been victims of violence and abuse. She hopes to combine direct representation and public policy advocacy to serve her community.

Emily Turner has spent many years advocating for Oklahomans whose lives have been touched by the child welfare, juvenile justice, and criminal justice systems. She has expertise in child development and plans to leverage this expertise, along with her law degree, to work on reforming the criminal justice system for youthful offenders.

The Lobeck Taylor Community Advocacy Clinic (CAC) at The University of Tulsa College of Law offers student attorneys the opportunity to explore the ethical, strategic, and theoretical dimensions of legal practice by solving real-life legal problems in a structured learning environment. CAC students serve the community by providing representation that increases access to justice for low-income individuals and families, as well as advocacy, capacity-building, and systemic reform on behalf of non-profit organizations and community groups. For more information: http://law.utulsa.edu/legal-clinics/community-advocacy-clinic/.

Workforce Tulsa
The Tulsa Area Workforce Development Board (publicly known as Workforce Tulsa) serves Tulsa, Creek, Osage, and Pawnee Counties. The Board is the workforce “hub” in the Tulsa area. Its mission is to place today’s talent in jobs, prepare individuals for the jobs of tomorrow, ensure that the broader workforce system is as efficient as possible, and fuel economic development by creating relationships that benefit employers and job seekers.

Acknowledgements
We would like to thank the advocacy groups, community leaders, and attorneys that shared their expertise with us. Specific thanks to Beverly Atteberry, Nick Doctor, Ryan Gentzler, Councilwoman Vanessa Hall-Harper, Cathy Hodges, Cherie Stierwalt, Dolores Verbonitz and Laura Wardrip.
Introduction

Workforce Tulsa fuels economic development by creating relationships that benefit employers and job seekers by placing talent today, while preparing individuals for the jobs of tomorrow. We serve employers in the Oklahoma counties of Tulsa, Osage, Creek, and Pawnee.

As a board of more than thirty leaders, the majority of which represent private industry, Workforce Tulsa works to ensure that the workforce system – made up of employers, job seekers, trainers and educators, government agencies and non-profits – is operating as efficiently as possible. We know that workforce is one of the most important components of economic development, and we focus on meeting the needs of industry in our market. Oklahoma has long been one of the leaders in incarceration in the US, which in turn leads the world in incarceration. We were led to become involved in criminal justice reform many years ago, because we realized that a large part of the available Tulsa area workforce was incarcerated or otherwise involved in the justice system. From a resource and economic perspective, that’s difficult to ignore, especially when the majority of Tulsa area companies are struggling to fill jobs.

We commissioned this research, because as we worked with partners and clients, we encountered many anecdotal examples of laws, policies, and other legal components that were keeping justice-involved people out of work.

We were very excited when The University of Tulsa College of Law’s Lobeck Taylor Community Advocacy Clinic selected us for this project, because they bring rare expertise and resources to the table that make this project possible. We are hopeful that this research will help us and our partners to become laser-focused in resolving the issues that have been uncovered, which will greatly benefit Tulsa area employers and the overall Oklahoma economy.

Shelley Cadamy, Executive Director

Workforce Tulsa

growing talent growing opportunity
ABOUT THIS REPORT

Workforce Tulsa asked the Lobeck Taylor Community Advocacy Clinic at The University of Tulsa College of Law to research the barriers justice-involved people face when seeking employment and to recommend steps Oklahoma can take to remove those barriers. In response, a team of clinic students conducted extensive research and analysis including interviewing local and national experts, reviewing data and best practices, and identifying solutions. This report summarizes what they learned.

FINDINGS

Justice-involved people – those who have been charged with, convicted of, or incarcerated for a crime – face many barriers to entering the workforce. When justice-involved people have difficulty finding and keeping a job, their families and communities suffer social and economic consequences.

BARRIERS TO JOBS

- Employers who discriminate against workers with criminal records
- Complex expungement process and difficulty in completely erasing a criminal record
- Occupational licensing regulations that ban justice-involved people
- Past-due child support incurred during incarceration, wage garnishment, and under the table jobs
- Barriers to housing and subsequent housing insecurity

REPORT OUTLINE

This report:

- Describes how laws, regulations, and discrimination in the job market stand in the way of employment opportunities for justice-involved people
- Identifies the social and economic cost of keeping justice-involved people out of the workforce
- Explains how hiring justice-involved people is a safe investment and that they are reliable employees
- Recommends solutions to expand job opportunities for justice-involved people

JUSTICE-INVOLVED PEOPLE AND OKLAHOMA

Oklahoma has the highest incarceration rate in the world.\(^1\)

An estimated 8.2% of Oklahomans are in prison or on probation.\(^2\) Given this, barriers to employment for those with criminal records are a serious challenge for the state. When justice-involved people cannot find jobs, Oklahoma’s communities bear the negative consequences of recidivism, lost economic output, and worker shortages.
INVESTING IN OKLAHOMA

JUSTICE-INVOLVED PEOPLE NEED JOBS

The unemployment rate for people who have been justice-involved is nearly 5 times higher than that of the general population.

When justice-involved people cannot find or keep a job, their likelihood of recidivism increases. Formerly incarcerated people who are able to secure a job within 2 months of their release are more likely to successfully avoid recidivism.

A 1% drop in the unemployment rate correlates with a 1-2% decrease in some crimes.

Recidivism is also deeply connected to the breakdown of family relationships. When a justice-involved person reoffends, their family must cope with issues of abandonment, loss, and separation.

Children whose parents reoffend may experience “shame, social stigma, loss of financial support, weakened ties to the parent, changes in family composition, poor school performance, increased delinquency, and increased risk of abuse or neglect.” When justice-involved people are gainfully employed they are less likely to reoffend, and their families are better off.

OKLAHOMA NEEDS WORKERS

Oklahoma’s booming economy and growing businesses need more workers. National data suggests that excluding justice-involved people from the workforce reduces the gross national product somewhere between $78 and $87 billion a year.

Ensuring that justice-involved people are employed will improve the economy. Employing just 100 justice-involved people would increase their lifetime earnings by $55 million, increase their income tax contributions by $1.9 million, boost sales tax revenue by $770,000, and save more than $2 million annually from corrections budgets.

Now and in the future, Oklahoma needs more workers to support its growing economy.

In the first quarter of 2018, Oklahoma’s job market gained nearly 8,000 private-sector jobs. In Tulsa alone, manufacturing, healthcare, and professional service occupations have a high job growth forecast, and many employers report difficulty finding employees to fill these positions.

Oklahoma’s working population is expected to decline by 4.1% in the next 10 years. This decline in the working population coincides with a decline in the population that will replace retiring workers. Oklahoma’s economy and growing businesses cannot afford to turn away willing and able workers.
FACTS ABOUT JUSTICE-INVOLVED WORKERS

Hiring justice-involved people is a safe investment.

Allen spent 4 years at a medium-security facility for a drug-related offense. When he was released at the age of 24, Allen had a GED, no employment history, and a felony conviction on his record. Allen was deeply motivated to work but struggled to find a job. Many employers declined to hire Allen, largely due to his criminal record. However, studies have shown that employing someone like Allen is as safe as employing someone of comparable age, gender and background who has not been justice-involved.

Workers who have been justice-involved tend to stay in jobs longer and get promoted faster than workers without criminal records.

Low turnover rates allow employers to spend less on training and recruitment, which means that employing justice-involved people is better for the bottom line.

When searching for workers, employers should not reject candidates simply because they have a criminal record. Research tells us that, if given a chance, Allen would likely prove to be a loyal and valuable employee.

Justice-involved people are reliable employees.

Teesha was arrested after getting in a fight with a friend. She spent three days in the county jail, but the absences cost Teesha her job at the city library. After her release, Teesha quickly applied for a position at a locally-owned business. Sadly, Teesha was turned away because the owners thought her conviction would conflict with their shop’s “family-friendly” reputation.

Studies have shown that people with criminal records are hard workers because they are more committed to their work and grateful for the opportunity.

When compared to workers without criminal records, justice-involved workers are 1-1.5% more productive and 82% of managers believe that the quality of justice-involved employees is comparable or higher than that of other workers. By quickly rejecting Teesha, the shop owners likely lost the opportunity to have a hard-working and committed employee.
PRIVATE MARKET CHALLENGES

Justice-involved people face many challenges in the job market due to employer discrimination. Research suggests that employers discriminate against people with criminal records, even though they may deny this is true when asked. When surveyed, employers say they are willing to hire people with criminal records, but research shows that when a person indicates that they have a criminal history, there is a 50% reduction in the likelihood that they will receive a call back.

76% of formerly incarcerated people state that seeking employment is “very difficult or nearly impossible.”

Some employers may fear they will be liable for an employee’s actions if something goes wrong on the job. Some courts have held that an employer’s knowledge of an individual’s criminal background could suggest that they were negligent in their hiring, even if the harm had no connection to the past conviction. Fear of liability has incentivized some employers to avoid hiring justice-involved people at all.

The intersection of race, gender, and justice-involvement means that getting a job is even more difficult for justice-involved people of color. In general, people of color have higher unemployment rates than whites and formerly incarcerated black and Latina women experience even more severe levels of unemployment.

PRIVATE MARKET RECOMMENDATIONS

Pass a Law Authorizing Certificates of Rehabilitation

- A Certificate of Rehabilitation is an official document that, with appropriate laws in place, lifts statutory bars to jobs, licenses or other necessities such as housing that result from justice-involved background
- At least 6 states have implemented Certificates of Rehabilitation and have found them to be an essential resource supporting reentry

Incentivize Employers to Hire Justice-Involved People

- Federal funds are available to incentivize employers to hire individuals from marginalized groups, including those with criminal records
- The Work Opportunity Tax Credit (WOTC) is a Federal tax credit available to employers who hire people from targeted groups that have consistently faced significant barriers to employment
- The Federal Bonding Program specifically targets justice-involved people and offers employers “insurance-like” protections against employee theft or fraud

Take a Fair Chance Pledge

- Employers can take a Fair Chance Pledge where they commit to providing a fair chance to all job applicants, considering an applicant’s criminal history in its proper context, and engage in hiring
practices that don’t exclude those with criminal records32

Educate Employers on the Benefits of Hiring Justice-Involved People

• Ensure employers understand benefits of hiring justice-involved people
**EXPUNGEMENT CHALLENGES**

Expungement is the destruction, sealing, or dismissal of a criminal record. Justice-involved people in Oklahoma can apply to have their criminal records expunged after a designated time and only if their offense was nonviolent. Expungement allows justice-involved people to seek work, housing, and other opportunities without the burden of a criminal record.

*The expungement process is complex.*

The complexity of the expungement process may effectively bar some justice-involved people from clearing their records. The process can require an attorney, involve challenging paperwork, and take up to a year to complete.

Oklahoma’s expungement process has two steps:

1) expunging the court records and the conviction; and
2) expunging the arrest record.

Successfully completing step 1 does not erase both sets of records and many people with records may not understand the need to complete step 2.

Arrest records are not automatically sealed when a criminal conviction is expunged. Sealing arrest records is a separate process. With a $15 fee, anyone can use the Oklahoma State Bureau of Investigation system to access arrest records. This leaves justice-involved people vulnerable to potential employers finding their arrest record, though the conviction has been expunged.

Expungement alone may not fully erase a justice-involved person’s criminal record.

Finally, expungement does not guarantee the criminal record will not show up later. When records are expunged, they are removed from public records, but not from private entities such as background check companies. Private background check companies buy bulk government records, collect documents from courthouses, and use sweeper technology to collect data from certain public databases. These companies are resistant to discarding old records and argue they should not be required to remove those records. Since the private background check companies are unregulated, they can continue to release inaccurate, outdated information.

**EXPUNGEMENT RECOMMENDATIONS**

Create a one-step expungement process

- People should be able to erase convictions, court records, and arrest records from the court, private background check companies, and Oklahoma’s court and law enforcement databases.

- Allows justice-involved people to navigate the workforce without the stigma of a criminal record

Regulate the information private companies are allowed to release

- Reform the background check process to ensure accuracy in private company’s records
CONTINUE CRIMINAL JUSTICE REFORM

Make SQ 780 Retroactive

- In November 2018, Oklahoma reclassified simple drug offenses and some property crimes from felonies to misdemeanors status by implementing SQ 78041

- This reclassification has cut down felony charges, but it does nothing for the people who were convicted of a felony before the new law took effect

- To remedy this, the Oklahoma legislature should pass a bill to apply the reclassification retroactively, changing all qualifying felony convictions to misdemeanors

- This would help remove barriers to employment for justice-involved people

Give Courts Discretion to Change Felony Conviction to Misdemeanor Convictions

- The Oklahoma legislature should also consider passing a bill that gives courts discretion to reduce a felony to a misdemeanor offense after a set amount of time

- This would enable Oklahoma courts to clear old convictions efficiently and allow Oklahomans to get back into the workforce more quickly
OCCUPATIONAL LICENSING

A license is a credential that a worker must obtain to practice in a particular job. 42

Today, occupational licenses are required in nearly 25% of all jobs. In the 1950s, licenses were only required for 5% of all occupations.43 The growing prevalence of licensing has limited employment opportunities for justice-involved people because many licenses have blanket bans against those with criminal backgrounds.

“Licensing raises prices for consumers, restricts job opportunities, and hinders innovation.” 44

OKLAHOMA’S BURDENSOME LICENSING

Oklahoma has the 18th most burdensome licensing laws in the country due to exam fees, required education, and blanket bans excluding those with felony and misdemeanor convictions. Oklahoma requires licenses that other states do not and over-regulates occupational licenses that have limited public safety concerns. 45 For example, an EMT has a relatively low burden of licensing requirements. Cosmetologists, however, face 10 times more requirements than an EMT faces. 46

Nationally, licensing requirements lead to 2.85 million fewer jobs and cost consumers $203 billion each year. 47

Licensing is further complicated by the structure of Oklahoma’s occupational licensing boards. There is no centralized oversight process for regulating occupational licensing boards, so burdensome licensing requirements and restrictive blanket bans can go unchecked. 48

It is nearly impossible for formerly incarcerated job seekers to compete in an economy that increasingly demands highly skilled, credentialed workers. 49

BLANKET BANS

Restrictive licensing requirements affect justice-involved people more than those without a criminal conviction. 50 Many licensing boards utilize “blanket bans,” or bans which automatically disqualify an individual with a criminal history from obtaining a license. This ban applies even if the conviction has no direct relationship to the occupation being pursued. 51 As such, many relatively low-skilled positions, such as a veterinary technician, are completely inaccessible for justice-involved people in Oklahoma. 52 Furthermore, once a license has been denied, justice-involved people face challenges in appealing the decision. 53

In 2017, Governor Mary Fallin pushed the legislature to set aside $20 million for the Critical Occupations Fund. 54 This fund is designed to provide greater access to skilled jobs that are in high demand. Of the 60,000 unfilled jobs in Oklahoma, 18,000 (or 30%) of these unfilled jobs are in high growth industries like healthcare and trucking. 55 However, even with this initiative, blanket bans still bar people with criminal convictions from entering these professions.
OCCUPATIONAL LICENSING REFORM EFFORTS

In January 2018, the Occupational Licensing Task Force, commissioned by Governor Mary Fallin, released a report on the state of occupational licensing in Oklahoma. The Task Force Report criticized Oklahoma’s occupational licensing policies and offered multiple recommendations to ease the burden that licensing requirements place on employers and justice-involved people.

TASK FORCE SUGGESTIONS

- Establish an Independent Commission to ensure progress on proposed reforms
- Create a Legislative Review Committee to provide oversight for licensing boards
- Continue work on a public, comprehensive database of licensing requirements

OCCUPATIONAL LICENSING RECOMMENDATIONS

- Eliminate all blanket bans to occupational licensing based on felony and misdemeanor convictions
- Ensure restrictions based on prior convictions have a nexus between the offense and the license being sought
- Provide an accessible appeals process for addressing denied license applications
PAST-DUE CHILD SUPPORT CHALLENGES

Nationally, roughly 2.5 million children have a parent in prison and 40% of past-due child support is owed by parents who have criminal records and no income.56

Some justice-involved people are parents who are required to make child support payments. Given that incarcerated people cannot work to earn income, these parents cannot afford to make child support payments while in prison. If these parents do not get a modification of the payments they are required to make, past-due child support will build up while they are incarcerated.

Currently, Oklahoma has policies and procedures that allow for modification and reduction of child support payments while a parent is incarcerated. Once the incarcerated parent has been in jail or prison for 6 months—and if Child Support Services is notified of the incarceration—a child support obligation may be modified. Unfortunately, Child Support Services may not be notified in all cases and not all parents are aware that they can pursue a modification.57

If incarcerated parents do not get a modification to reduce the amount they owe, child support debt will continue to build and compound over the course of their time in prison.58 To make matters worse, past-due child support payments can be garnished from bank accounts and paychecks.59 For justice-involved parents in the U.S., the average amount of child support debt is $36,500.60

For parents who owe past-due child support, because of their incarceration, there is a strong incentive to avoid legitimate employment and seek under the table jobs to avoid wage garnishment. Often, this kind of work involves illegal activities, increasing the odds that an individual will be arrested and incarcerated again. This under the table employment causes Oklahoma to lose vital tax revenue.61

If justice-involved parents do not know about the child support modification process, they may reenter society only to find that their bank accounts have been levied and wages garnished.

Learning that their wages have been garnished may be the first time a justice-involved person discovers the past-due payments have accrued while they were incarcerated.62

Justice-involved parents need more education about child support payment plan modification. If justice-involved parents can be released with manageable payments, they can enter the already fraught workforce without the additional burden of past-due payments and the risk of garnishment.

PAST-DUE CHILD SUPPORT RECOMMENDATIONS

Educate Justice-Involved Parents About Child Support Modification

- Educating justice-involved people on the modification process will minimize under the table jobs and increase workforce involvement
- For example, Child Support Services presents information outreach to the Federal Correctional Institution in El Reno, Oklahoma to inform justice-involved parents about the child support process63
• A 1-hour presentation explains common occurrences, such as, having a child born while incarcerated and what steps to take when a child support case is opened

Provide Accessible Forms to Justice-Involved Parents

• Nebraska implemented a **modification handbook and video project** to make the child support modification forms and process accessible to incarcerated parents⁶⁴
BARRIERS TO HOUSING

Finding stable, affordable housing is a serious challenge for justice-involved people and reliable housing is an integral piece to overcoming barriers to employment.

Private landlords often require tenants to disclose convictions or get background checks when applying for a lease. Studies show that 43% of landlords state they would be inclined to reject an applicant with a criminal conviction.65 Unfortunately, discrimination based on a criminal record alone is not prohibited under the Fair Housing Act.66

Many justice-involved people have discovered that public housing authorities may not accept tenants with felony convictions. Federal housing assistance programs ban sex offenders and people who have committed certain drug crimes.67

Local housing authorities have independent discretion to create even more restrictive practices; in Tulsa and Oklahoma City, housing authorities even consider “certain patterns of arrest” sufficient to justify banning tenants.68

Some justice-involved people stay with friends or at shelters, but these arrangements come with problems. In these places, justice-involved people may be exposed to conditions that trigger substance abuse issues while shelter policies may restrict access to jobs that require odd hours.69

HOUSING RECOMMENDATIONS

Apply for Public and Private Grants

- The Federal Department of Housing and Urban Development has several funding and grant options available to address housing issues such as Community Development Block Grants, Section 8 Vouchers, and Emergency Shelter Grants Program70

Establish Risk Mitigation Funds

- An “insurance-like” protection for landlords that provides reimbursements in the case of “excessive damages to the unit, lost rent, or legal fees beyond the security deposit”71
SOURCES

8 See note 7.
10 See note 3.
13 See note 12.
14 Stories are fictional representations of real-life situations.
17 See note 9.
19 See note 9.
20 See note 4.
21 See note 3.
22 See note 3.
25 See note 4.
26 See note 3.
27 See note 3.
32 See note 4.
35 See note 33.
37 See note 34.
38 See note 34.
39 See note 34.
40 See note 34.
43 See note 42.
46 See note 45.
48 See note 47.

See note 45.


See note 51.


See note 51.


See note 54.


See note 57.

See note 57.

See note 57.


See note 597.

See note 597.


See note 597.

See note 597.


