



Kirsten J. Gross

*Final Analysis*  
*Legislative Service Commission*

**Am. H.B. 128**  
123rd General Assembly  
(As Passed by the General Assembly)

**Reps. Boyd, Lawrence, Pringle, Jones, Ford, Netzley, Opfer, Mead, D. Miller, Hartnett, Barrett, Allen, Verich, Hood, Cates, Distel, Beatty, Barnes, Perry, Vesper, Amstutz, O'Brien, Ferderber, Smith, Britton**

**Sens. Nein, Espy, Drake, White, Mumper, Herington, McLin, Prentiss, Brady, DiDonato**

**Effective date:** \*

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**ACT SUMMARY**

- Creates for a period of six months the Employment Disqualification Study Committee.

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**CONTENT AND OPERATION**

***Creation of the Employment Disqualification Study Committee***

The act creates, for a duration of six months, the Employment Disqualification Study Committee (hereinafter, "Committee") to study and to make recommendations regarding provisions of the Revised Code that disqualify persons who are convicted of or who have plead guilty to certain offenses from obtaining specified employment, contracts, licenses, or from being permitted to perform certain duties in various jobs involving teaching, school district employment, child-care services, and adult-care services.

The Committee consists of 11 members appointed as follows: three members each, coming from both political parties, appointed by the President of the Senate and the Speaker of the House of Representatives appointed from their respective chambers; one member each appointed by the Attorney General, the Director of Rehabilitation and Correction, and the Director of Human Services; and two members appointed by the Superintendent of Public Instruction, of which

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\* *The Legislative Service Commission had not received formal notification of the effective date at the time this analysis was prepared.*

one must represent the Department of Education and the other must be a teacher or school administrator.

The act requires the appointments to the Committee to be made within 30 days of the effective date of the act. Any vacancies that occur will be filled in the same manner as the original appointments. The Speaker of the House is charged with appointing the Committee chairperson.

### **Duties of the Committee**

The Committee is required to review sections of the Revised Code that require various agencies and employers to perform criminal background checks on applicants for employment and to disqualify applicants based on adverse information contained in a criminal background check. The following sections of the Revised Code must be reviewed: 173.41 (PASSPORT agencies), 2151.86 (out-of-home childcare), 3301.32 (Head Start), 3301.541 (all preschools), 3319.31 (licensing as a teacher by State Board of Education), 3319.311 (investigative authority of the State Board of Education), 3319.39 (school districts), 3701.881 (home health care agency), 3712.09 (hospice care programs), 3721.121 (adult day-care programs), 3722.151 (adult care facility), 5104.012 (child day care, type A or B family day care), 5104.013 (child care center license), 5126.28 (Boards of Mental Health and Development), 5126.281 (entities contracting with the Boards of Mental Health and Development), and 5153.111 (public children services agency). Under continuing law, persons who have plead guilty to, or who have been convicted of certain crimes involving violence or dishonesty are not eligible for licensing by or employment with the agencies listed above.

With respect to job eligibility and licensing in the areas listed above, the Committee must develop recommendations including:

(1) Whether a person who is convicted of or pleads guilty to committing one or more of the offenses specified in any of those sections should be prevented permanently or for a specified period of time from obtaining the employment, contract, or licensing described in any of those sections or from being permitted to perform the duties described in any of those sections;

(2) Whether a person who is convicted of or who pleads guilty to committing one or more of the offenses specified in any of those sections can be sufficiently rehabilitated as to merit the person obtaining the employment, contract, or licensing described in any of those sections or being permitted to perform the duties described in any of those sections and, if the person can be sufficiently rehabilitated, what standard should be used to make that determination;

(3) Which of the offenses described in any of those sections, if any, the conviction of or plea of guilty to merit permanently preventing a person from obtaining the employment, contract, or licensing described in any of those sections or from being permitted to perform the duties described in any of those sections and which of those offenses, if any, the conviction of or plea of guilty to merit preventing a person from obtaining the employment, contract, or licensing described in any of those sections or from being permitted to perform the duties described in any of those sections for a specified period of time and what that specified period of time should be.

The act also directs the Committee to determine the impact of those various employment disqualification provisions on the Ohio Works First program. All of the Committee's findings and recommendations are to be submitted in a final report to the Speaker and Minority Leader of the House of Representatives and to the President and Minority Leader of the Senate within six months after the act's effective date.

**Administrative matters**

The members of the Committee serve without compensation and the Committee is required to hold its first meeting no later than 14 days after the initial appointments are made. The Department of Human Services must provide facilities for the Committee to meet as well as clerical and other services required so that the Committee may carry out its official duties. The Department of Human Services also is responsible for administrative expenses incurred by the Committee, however, the Committee also is charged with seeking federal funding from Title IV-A of the Social Security Act in order to assist the Committee's study.<sup>1</sup>

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**HISTORY**

ACTION	DATE	JOURNAL ENTRY
Introduced	02-02-99	p. 164
Reported, H. Commerce & Labor	05-26-99	p. 724
Passed House (97-1)	06-08-99	p. 779
Reported, S. Insurance, Commerce & Labor	06-29-99	p. 815
Passed Senate (32-1)	06-29-99	p. 823
Concurrence	06-29-99	p. 1125

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<sup>1</sup> Title IV-A of the Social Security Act is the general federal welfare program.

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