

WORKFORCE DEVELOPMENT COUNCIL
Minutes of the
Occupational Licensing Reform (OLR) Workgroup
Wednesday, June 24, 2020 1:30 p.m. – 3:30 p.m.

TEAMS Conference Call

Members present: Michelle Kommer, Katie Ralston, Senator Scott Meyer, Senator Kristin Roers, Representative Cynthia Schreiber-Beck, Jace Beehler, Senator Randy Burckhard, Adam Martin, Major Jay Sheldon, Dirk Wilke

Members absent: Phil Davis, Matt Gardner, Rick Gardner, Senator Judy Lee

Guest Speakers: Zach Herman, James Tatum

Staff: Sherri Frieze

Welcome and Introductions

Katie Ralston opened the meeting at 1:30 p.m., welcoming members and guests via the Microsoft TEAMS video conferencing platform.

Approval of Minutes

MOTION: It was moved by Cynthia Schreiber-Beck and seconded by Dirk Wilke to approve the minutes of May 27, 2020, OLR workgroup meeting. Motion carried unanimously.

Council on Licensure Enforcement and Regulation (CLEAR) Update

Kati Ralston

Of the 61 boards/commissions surveyed, it was determined that 10 boards/commissions do not issue licenses, those being referenced as umbrella agencies. These agencies were accounted for earlier on the survey. The remaining 51 boards/commissions had a 96 percent response rate, with two boards/commissions not participating.

Over half of the boards/commissions have special meetings in between their regular quarterly meetings. 83 percent of boards/commissions pay their members, 30 percent have a designated board member to approve routine licenses, 61 percent have a staff member to improve the licenses, 17 percent allow military experience to count in lieu of educational requirements, 41 percent have informal policies in place to expedite applications for out of state licensees, 21 percent have a formal reciprocity agreement, and 72 percent have the military spouse identifier question that was referenced in Senate Bill 2306.

The survey sent to the boards/commissions closed on June 3rd, with a final report from CLEAR to be presented at a special meeting on Friday, July 10th.

Barriers & Opportunities for Individuals with Criminal Records

Adam Martin, F5 Project

Adam discussed the [Free Through Recovery](#) community-based health program in ND. This opportunity program is designed to increase recovery support services to individuals involved with the criminal justice system who have behavioral health concerns. Participants will work with local providers to receive care coordination, recovery services, and peer support.

Barriers discussed were the use of vague and generic terms for determining the issuance of an occupational license, and a need to give the benefit of the doubt for those with criminal backgrounds. Some states require a three-tier system, encompassing stipulations for receiving a license.

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Improving Employment in Licensed Occupations for Individuals with Criminal Records
James Tatum, CSG

James presented on the barriers that impact employment for individuals and communities, collateral consequences that act as barriers, National Inventory of Collateral Consequences of Criminal Conviction (NICCC) database of over 40,000 consequences, and the reality that states are adopting different strategies to address treatment of criminal records in licensing decisions: 1.) limitations on types of convictions considered, 2.) limitations based on time since conviction, 3.) direct relationship requirements, 4.) individualized consideration and specific guidance, 5.) preliminary eligibility determination, 6.) written notice of reasons for denial.

Draft Recommendations
Katie Ralston/Michelle Kommer

A partial list of recommendations was discussed for future revising.

- Centralized and umbrella boards
- Board structures – autonomous boards in ND
- Centralized boards for administrative functions
- Sunrise and sunset review processes or universal recognition
- Individuals with criminal records creating barriers
- Moral character clauses
- Engaging businesses to be receptive and move forward with those coming out of incarceration

MOTION: It was moved by Randy Burckhard and seconded by Adam Martin to support the Commerce staff in drafting preliminary recommendations for the Occupational Licensing Reform workgroup at the next meeting.

Next Steps

A TEAMS Conference call will take place on July 10th, as a special meeting of the OLR Workgroup to review the final report from CLEAR.

A TEAMS Conference call will take place on July 29th, as the next meeting of the OLR Workgroup.

Virtual listening sessions with licensing boards/commissions are being planned for August, that will provide education around the concepts for top priorities for ND.

Adjourn

Meeting was unanimously adjourned at 3:30 p.m.