

Professional Certification Coalition Member Strategy Call

Wednesday, November 6, 2019

11:00 a.m. EST

I. Strategic Discussions—State Legislation

- a. The PCC is monitoring states that are still in session and those states that will be entering the 2020 session shortly. In particular, we are monitoring pre-filed bills and will alert members when any relevant legislation is introduced/pre-filed.
- b. Please refer to the PCC Watchlist for information about the bills the PCC is monitoring.
- c. Pennsylvania Legislation
 - i. The PCC has retained government affairs consultant, Judy Eschberger.
 - ii. Comments by Judy Eschberger (lobbyist engaged by PCC) on **S.B. 637**: There has been movement on this bill since our last member call in September. The Senate Consumer Protection & Professional Licensure Committee decided to consider S.B. 637, initially thinking that it would not move. Working with Senator Schwank, the bill's Democratic co-sponsor, the bill was reported as amended by the Committee on October 30, 2019. As amended, the bill would require a licensing board to provide a list of exclusionary offenses so formerly incarcerated individuals know upfront whether they can apply for certification. Formerly incarcerated individuals can also apply for a non-binding preliminary evaluation to determine whether they qualify for a field, to avoid spending money and time pursuing an occupation in which they would be precluded from certification. The legislature is aiming to advance the bill through the House by June 2020. The PCC has suggested a few clarifying changes to the language that the Legislative Director for Sen. DiSanto, the bill's prime sponsor, has agreed to consider; Judy has been, and will continue to be, in touch with Sen. DiSanto.
 - iii. Comments from PCC: If this bill, as amended, is passed, we could point to it as an example of how to approach criminal reentry and criminal history licensing legislation correctly. The bill does not prohibit boards from considering any conviction history that relates to the profession or to the safety of members of the public an individual would encounter in performing the licensed profession; it calls for individualized review of license applications and it does not seek to intrude on the decisions or policies of private certification organizations.

d. Michigan Legislation

- i. Michigan **H.B. 4488** deals with eligibility requirements for certain licenses and regulations under the Skilled Trades Regulation. The bill would prohibit licensure boards from considering any misdemeanor conviction or any conviction that does not present a risk to public “safety.”
- ii. There has been no movement since this bill was first referred to committee back in April. The PCC is working with allies in Michigan to monitor this bill, and we will continue to keep an eye on it moving forward.

II. Strategic Discussions – Federal Legislation

a. **S. 379** – Use of 529 plan funds for expenses associated with obtaining certifications

- i. This bill is sponsored by Senator (and presidential candidate) Amy Klobuchar (D-MN) and would allow funds in 529 college savings plans to be used for expenses associated with postsecondary credentials. The PCC strongly supports this bill.
- ii. There has been no movement on S. 379 since our last call.
- iii. The PCC hopes to have a companion bill to S. 379 introduced in the House by freshman Rep. Abigail Spanberger (D-VA) as soon as possible.
- iv. One of the issues that has arisen concerns the ongoing debate over federal funding for the Industry Recognized Apprenticeship Program (IRAP). Traditionally, these programs are registered with the U.S. Department of Labor (DOL). There is uneasiness about language in our draft bill because the terms “industry” and “recognized” evoke the term “industry recognized.” Our draft bill in fact does not relate to IRAPs; however, we are working with Rep. Spanberger to propose alternative language that avoids controversy and maintains bipartisan support for the bill.

b. Fair Chance Licensing Act – criminal conviction history

- i. Introduced by Senator Booker and Rep. Bonnie Watson-Coleman of New Jersey. The Act would place limitations on licensing or “occupational certification” authorities with respect to restricting individuals’ ability to obtain a license/certification if they have a criminal conviction history.
- ii. See NELP outreach below.

III. Stakeholder Outreach

a. National Employment Law Project (NELP)

- i. NELP, a progressive organization on the opposite end of the political spectrum to ALEC and IJ, helped Senator Booker draft the Fair Chance Licensing Act. Its focus is on expanding opportunities for ex-offenders, including those in the *private* sector.
- ii. Prompted by a suggestion from Senator Booker's office, we reached out to NELP and explained the PCC's stance that it is not appropriate for the government to dictate whether private certification organizations can disqualify individuals based on criminal convictions.
- iii. Our discussions with NELP have been positive and forced the organization to contemplate the implications of the Fair Chance Licensing Act on private certification. NELP is reconsidering the definition of "covered entities" in the bill and shared our proposed amendments with Senator Booker's staff.
- iv. NELP also shared with us its own model law that it is seeking to have introduced in state legislatures. We have proposed changes to that model law; our redline and commentary are posted on the *For Members* section of the PCC website.

b. ALEC/IJ

- i. We have prepared proposed amendments to ALEC/IJ's model legislation and are hoping to arrange a meeting with them in the next few weeks regarding these amendments. Our proposed changes and commentary are posted on the *For Members* section of the PCC website. The PCC will keep members apprised of the outcome. Please note that our previous communications with ALEC and IJ have already yielded meaningful changes to their model legislation; although it is unlikely that we will ultimately agree on all issues with those organizations, we are working hard to narrow our differences with them to avoid confrontation on numerous state-level bills.

c. Women in Government

- i. The Women in Government 25th Annual State Directors/13th Biennial Term Legislators Conference is being held in Washington, DC on November 13-14, 2019.
- ii. The PCC is sponsoring a panel discussion on November 14th at 12:00pm and will present on the PCC, our mission, and our basic principles with respect to occupational licensure reform legislation.

The panel discussion is an opportunity to get in front of legislators, including newly elected members.

d. State-Based Advocacy Groups

- i. The PCC is beginning outreach to state level advocacy groups that are affiliated with ALEC and IJ and will keep you updated on what inroads we are able to make. The PCC hopes to narrow the differences we have so introduced bills are more in line with PCC's interests.

e. Update on Written Material

- i. The PCC has finalized its Statement of Principles on legislation restricting consideration of criminal conviction history. The Statement has been posted to the public-facing section of the PCC website, and we have shared it with NELP and others.
- ii. The PCC is working on a white paper on best practices for addressing criminal convictions in ethics codes, for internal distribution to our members and, ultimately, to the public. We anticipate having a draft completed within the next month or so.

IV. Thank you for your continued participation in the PCC.