

Answers to Frequently Asked Questions
Re: Petitions for Certificate of Qualification for Employment

What is a Certificate of Qualification for Employment?

A Certificate of Qualification for Employment (CQE) is a document issued by the Ohio Department of Rehabilitation and Corrections (ODRC) after court approval. A CQE may remove certain barriers to employment for people who have committed felonies or misdemeanors and are finding it hard to get a government issued occupational license or a job with an employer. A CQE does not guarantee a license or a job, but it may help make the process easier.

Who can get a CQE?

Any person who has been convicted of or plead guilty to a felony or misdemeanor and lives in Tuscarawas County may file a petition for a CQE. Someone guilty of a felony must wait one year after the end of their sentence or the end of community control or supervision. Someone guilty of a misdemeanor must wait six months after the end of their sentence or the end of community control or supervision.

Is everyone guilty of a felony or misdemeanor eligible for a CQE?

No. Certain employment barriers (called collateral sanctions) cannot be removed. These include restrictions on sex offenders, some driver's license limitations, limits on who can become a law enforcement officer, and limits on who can be a health care professional or an employee of a pain clinic. The complete list is in Ohio Revised Code section 2953.25(C)(5).

I was convicted of crime(s) in other counties. Where do I file?

The CQE process is based on where you live currently. If you reside in Tuscarawas County, you would file for a CQE here, no matter where the prior convictions or guilty pleas occurred.

How do I start the CQE process?

Anyone seeking a CQE may start by filling out a petition application online with the ODRC at <http://drccqe.com>. At that site, you can fill out the application form online, get an e-mail account if you don't already have one, and submit your petition application for review by the ODRC. The ODRC will review your application to make sure it is legally complete with all the needed information. The ODRC does not make a decision

on the application; they just make sure nothing legally required is left out. This will help you start the process correctly. If you do not have access to a computer, you may access a public access computer at the Tuscarawas County Public Library or the Tuscarawas County Law Library.

What happens next?

Once the ODRC has finished its review and your application is complete, they will notify you by e-mail that it is ready for filing with the Common Pleas Court. You will then print the completed petition and go to the Clerk of Court's office, 125 East High Avenue, New Philadelphia, Ohio. The Clerk will provide you with a blank cover sheet to fill out with your contact information. You attach your printed complete petition from the ODRC and the paperwork is ready to be filed.

Is there any cost to apply for a CQE?

Yes. The Clerk will require a \$50 court cost deposit. There is no fee for the online application with the ODRC. If you cannot afford the filing fee, you may request that the Court approve your filing as an indigent litigant. Petition for Waiver of Filing Fee and Court Cost Deposit with Affidavit is available from the Court's Forms website.

What happens after I file a CQE petition?

Once the CQE petition is filed, the Court gathers information about you from the court(s) where you were convicted or plead guilty, gets the input of the Prosecuting Attorney, checks your criminal record, and gets any other information about you that the Court considers important. If needed, the Court may ask you directly for additional information.

Will there be a trial on my petition?

No. The CQE process is based on your history and your need for relief from collateral sanctions. There is no retrial or appeal of your past offenses. The Court may conduct a hearing on the petition if it feels that is necessary, but those hearings should be rare.

Do I need an attorney, and if I do, can one be appointed for me?

No. You do not need an attorney to petition for a CQE. You may have an attorney represent you at your expense if you want, but it is not required. Because a CQE petition is a civil case, there is no right to a court appointed attorney.

How soon will a decision be made?

The law requires the Court to make a decision within 60 days after your case file is complete. Please remember that there will be some time after you file for your petition while the Court gathers information about you from several sources. The 60 day limit does not start until the Court has all the data it needs.

How will I know what the Court decides?

You will be notified by regular mail of any decision of the Court. If the CQE is granted, the actual certificate will come from the ODRC, and can be downloaded and printed out. If the CQE is denied, you will be notified of the reasons. The Court may impose certain conditions (waiting a certain time, additional efforts at rehabilitation, etc.) on you refiling another petition after a denial.

What happens if I don't agree with the decision?

The denial of a CQE is a final order and can be appealed to the Fifth District Court of Appeals.

If I get a CQE, are all my rights given back to me?

No. A CQE only deals with employment or getting a government license for an occupation. If you were guilty of a felony, you still have important limits on your rights to have a gun, vote, or hold public office. A CQE does not change any legal requirements or penalties that come from your original conviction or plea of guilty.

Does a CQE automatically get a license for me?

No. Once you have been granted a CQE, you still need to apply to the Board or Agency that grants the government license. That Board or Agency will make a separate decision based on the law, their rules, your license application, and any standards that apply.

Can the Clerk of Courts help me with my petition?

No. The Clerk cannot give you legal advice. The Clerk can only provide you with a blank cover sheet to be filled out, and accept your completed paperwork for filing.

Will my personal information be made public if I file a CQE petition?

Your personal information is protected by law in the petition process. The Clerk and Court will take all necessary steps to protect your Social Security number and other confidential information. Matters that are already public record stay that way in the petition process.

This publication is for information only and is not intended as legal advice. You may review the law in Ohio Revised Code section 2953.25 and/or consult with legal counsel of your choice.