

CHAPTER 9
CERTIFICATES OF EMPLOYABILITY

205—9.1(906) Definitions. As used in this chapter:

“Direct relationship” means that the nature of criminal conduct for which the eligible offender was convicted has a direct bearing on the offender’s fitness or ability to perform one or more of the duties or responsibilities necessarily related to the certificate of employability sought.

“Eligible offender” means a person who has been convicted of one or more than one eligible crime or eligible offense and has been sentenced to the custody of the director of the Iowa department of corrections. Persons required to register under Iowa Code chapter 692A are ineligible for the certificate of employability program.

“Employment” means any occupation, vocation or employment, or any form of vocational or educational training. For the purposes of this chapter, “employment” shall not include membership in any law enforcement agency.

“Private employer” means any person, company, corporation, labor organization or association.

“Public agency” means the state or any local subdivision thereof, or any state or local department, agency, board or commission.

[ARC 7742B, IAB 5/6/09, effective 6/10/09]

205—9.2(906) Certificates of employability.

9.2(1) The provisions of this chapter shall apply to any application by an eligible offender to any public agency or private employer for employment, except where a mandatory forfeiture, disability or bar to employment is imposed by law and has not been removed by an executive pardon. The provisions of this chapter shall also apply to an application to a licensing agency by an eligible offender to obtain licensure required for employment.

9.2(2) When a certificate of employability is presented to a public agency, the licensing agency cannot deny a license based on the felony conviction or based on a lack of good moral character, unless the agency makes a determination that there is a direct relationship between the offense and the license sought or that the issuance of the license involves unreasonable risk to property or the safety and welfare of specific individuals or the general public.

9.2(3) A certificate of employability shall not, however, in any way prevent any judicial, administrative, licensing or other body, board or authority from relying upon the conviction specified therein as the basis for the exercise of its discretionary power to suspend, revoke, refuse to issue or refuse to renew any license, permit or other authority or privilege in accordance with the provisions set out in this chapter.

[ARC 7742B, IAB 5/6/09, effective 6/10/09]

205—9.3(906) Issuance of a certificate of employability.

9.3(1) The department of corrections shall issue a certificate of employability, at the time of release, to an eligible offender who:

- a. Receives a parole, work release, or early discharge from the board of parole; and
- b. Successfully completes one of the following:
 - (1) Department of corrections registered apprenticeship program; or
 - (2) National Career Readiness Certificate and the life skills program.

9.3(2) Reserved.

[ARC 7742B, IAB 5/6/09, effective 6/10/09; ARC 2678C, IAB 8/17/16, effective 12/19/16]

205—9.4(906) Certificate not to be deemed a pardon. Nothing contained in this chapter shall be deemed to alter or limit or affect the manner of applying for pardons to the governor, and no certificate issued hereunder shall be deemed or construed to be a pardon.

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These rules are intended to implement Iowa Code section 906.19.

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