

**To:** Senate Committee on Judiciary: Chair Senator Prozanski, Vice Chair Senator [Thatcher](#), and committee members [Senator Bentz](#), [Senator Fagan](#), [Senator Gelser](#), [Senator Linthicum](#), and [Senator Manning](#)

**From:** Joanne Fuhrman, Co-Director of Partnerships in Community Living, Inc.

**Date:** February 25, 2019

**Subject:** **SB 725**

My name is Joanne Fuhrman. I am the Co-founder of Partnerships in Community Living, Inc. or PCL. PCL is a private non-profit organization and has been a partner with the State of Oregon for over 32 years providing supports at home, work, and in their communities for over 300 adults, children, and families who live and thrive with Intellectual and Developmental Disabilities (I/DD). PCL provides these services in eight counties including Marion, Polk, Benton, Josephine, Jackson, Linn, Yamhill, and Lane.

**Thank you for the opportunity to talk to you about SB 725 and why it is an important piece to solving the workforce challenges faced by your state partners who employ people to work with Oregonians with Intellectual and Developmental Disabilities.**

First, as a provider dedicated to delivering great person centered services to those we support, we also understand and believe that protecting the health and safety of those we serve is paramount to a quality person centered services system. We support the need for background checks on all employees who work in the I/DD system and believe it has been a long-term safeguard for those we support. Even so, in some cases it has also prevented well-qualified, potentially excellent people from entering our workforce and access to this important and fulfilling career option.

SB 725 clarifies ambiguity in both rule and statute that has prevented qualified potential employees from joining our workforce. It brings clarity around the weighting process so that each candidate is evaluated in a timely and equitable manner. Many applicants for Direct Support positions do not have the means to obtain legal representation to help them through this process nor the time to wait for approval. By the time they are through the process, which can take weeks (and in recent years months), they have found other employment. It's also important to remember that these jobs are offering an entering average wage of \$13.86 – so it can also be unrealistic to hold on for that wage when the In & Out Burger down the street is paying \$15.50.

I would like to provide you with two brief examples. I recently recruited a young man from my community whom I had known for several years through our local gym. (Yes I am always recruiting.) I knew from the moment I met him he had the heart, values, and commitment it takes to be an excellent PCL team member. He had been reluctant to apply as he was worried about the background check process and the embarrassment of “exposing some mistakes, he made as young adult, after growing up in challenging circumstances.” When he did apply, as he feared, he was denied employment due to his background check. Through his tenacity, he challenged the process and submitted a background statement along with letters of support from those who have known him for the past 10 years as a changed person. Ultimately, after several months of waiting, he was approved and as we anticipated, he is an outstanding team member. His story is a success. Sadly, many others do not have the same outcome. He was able to afford to wait it out and with help from his local community, the job came through. However, for every one that this system works for another 10 are lost to our workforce. With our current workforces issues, low wages, and fast food competition, we cannot attract a workforce that does not allow for the belief that some applicants are worthy of this second chance.

I wish I had more success stories to share, unfortunately, most end with either losing a good candidate or a valued long-term employee. An example of this is a long term DSP that had over 17 years of success in her role and was ready to take it to the next step in her career. She applied for, and was promoted to a new position. As part of the process, a new background check was required. Her new background check was rejected. As I came to find out, she had an old offense on her record that had previously been grandfathered in under the initial law on background checks. But because she changed positions and was promoted, she was no longer covered under that exception. She was not only unable to take the new position, she was not allowed to return to her previous position as a DSP that she had done for 17 years. We were forced to terminate her employment. This is fixed in Section 5 of the bill before you. This was not the first or last one of this type of heart breaking circumstances that has occurred. Everyone loses in these type of cases - the employee, the person supported, and our system.

We know our background check is essential to the work we do. SB 725 keeps the core protections of the “never-never” list intact while providing a fair and equitable process for all involved for those lesser crimes that are still holding back the individual 10 or even 15 years later. Thank you for your time.