



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
LANSING

SUSAN CORBIN
ACTING DIRECTOR

OFFICIAL
Policy Issuance (PI): 20-32 Change 2

Date: May 7, 2021

To: Michigan Works! Agency (MWA) Directors

From: Joseph Billig, Division Administrator **SIGNED**
Targeted Services Division
Workforce Development

Subject: Clean Slate Pilot Program

**Programs
Affected:** Clean Slate Pilot (CSP) Program

References: The Wagner-Peyser Act of 1933, as amended by the Workforce Innovation
and Opportunity Act of 2014

ES Manual, issued September 11, 2019, and subsequent changes

United States Department of Labor Training and Employment Notice 13-19,
Wagner-Peyser Act Staffing Flexibility Final Rule, issued January 13, 2020

Michigan Public Acts 190-193 signed October 12, 2020

PI 20-32, issued December 3, 2020

PI 20-32, Change 1, issued January 28, 2021

Background: To coordinate with, and in support of, the recently enacted Clean Slate laws in Michigan, the Department of Labor and Economic Opportunity, Workforce Development (LEO-WD) has implemented the CSP Program to assist Returning Citizens in expunging eligible convictions from their criminal record to aid them in their pursuit of full-time, self-sufficient employment. This pilot will also expand the pool of potential employees to employers that are restricted on who they can hire based on criminal record. This PI Change revises the program eligibility requirements to align with revisions in state law effective April 11, 2021. This PI Change also revises some document processing specifics.

Policy:

WD has identified \$4,000,000 in Appropriation Year (AY) 2019 Wagner-Peyser Employment Service 7(a) Funding in support of the CSP Program. An initial \$2,000,000 will be awarded to all MWAs in allocations of \$125,000 to each MWA. The \$2,000,000 balance will be awarded by a formula based on potential participant location data derived from information compiled by the Michigan Department of Corrections.

Setting aside a conviction (sometimes called getting an expungement) will remove a specific conviction from a public criminal record. If Returning Citizens get an order setting aside their conviction, they can legally state on any job or school application that they have never been convicted of or arrested for that crime. They will also be able to state on any applications for public benefits, housing, or employment that they have not been convicted of that crime.

The reasons potentially eligible individuals do not seek criminal record expungement include:

- Lack of information about the availability of relief.
- Administrative problems and time constraints.
- The average cost of retaining a private attorney for the expungement process.
- Distrust and fear of the criminal justice system.
- Lack of access to counsel.
- Insufficient understanding of the benefits of expungement.

The basic expungement process program steps include:

- Individual signs the application to set aside the conviction and visits the local police department to be fingerprinted. Completed application forms must be notarized. Notarization is the responsibility of the MWA or a designated partner agency providing expungement services.
- MWA orders court records and attorney reviews to confirm eligibility.
- The MWA files the application with the court. Copies to the local Prosecutor, Attorney General (AG) and the Michigan State Police (MSP). MSP runs a criminal history report and forwards to all parties. This report is the basis for AG support or opposition.
- Individual attorney attends court hearing where the conviction occurred.
- Court sends expungement order to MSP to seal the record.

The Attorney General's office may be contacted at:

G. Mennen Williams Building
525 W. Ottawa Street
P. O. Box 30218
Lansing, MI 48909
miag@michigan.gov

The Michigan State Police may be contacted at:

Michigan State Police Headquarters
P. O. Box 30634
Lansing, MI 48909

The court system and the MSP will maintain a nonpublic record of any convictions. This means that the court and MSP will know of any convictions that were set aside, should Returning Citizens apply to have another conviction set aside in the future. A conviction that has been set aside can also be used as a factor in sentencing if they are convicted of another crime in the future.

To be eligible to be assisted, the potential participant's criminal record must have:

- Up to three felonies and an unlimited number of misdemeanors, with certain conditions on the types of offenses that qualify:

No more than two assaultive crimes may be expunged.

No more than one felony conviction for the same offense if the offense is punishable by more than 10 years imprisonment.

- The waiting period to apply after a person's monitoring by the justice system ends (i.e., sentencing, probation, release from incarceration, parole, whichever occurred last) if they remain conviction-free. The waiting period will be:

Three years for misdemeanors.

Five years for serious misdemeanors or one felony.

Seven years for multiple felonies.

- Most traffic offenses will be eligible for expungement. This excludes convictions for:

Driving while intoxicated.

Traffic offenses that cause injury or death.

Commercial Driver License violations.

- Misdemeanor marijuana possession and use that would not have been considered crimes after recreational marijuana was legalized in Michigan. Judges must grant expungements if prosecutors do not object.

- Multiple felonies or misdemeanors arising from the same 24-hour period as one conviction for the purposes of expungement.

None of the offenses can be assaultive or involve the use or possession of a dangerous weapon.

None of the offenses can carry a maximum penalty of 10 or more years in prison.

Convictions that cannot be expunged from a criminal record include:

- Felonies that carry a maximum punishment of life in prison.
- Attempt to commit a felony for which the maximum punishment is life.
- Felony domestic violence (if the person had a previous domestic violence misdemeanor).
- Child abuse.
- Most criminal sexual conduct offenses.
- DUIs, and traffic offenses causing injury or death.

Allowable local activities for this program, at the discretion of the MWA, can include, but are not limited to the following:

- The establishment of, or additional support of, an MWA staff position to act as an Expungement Navigator. Navigator activities could include requesting and evaluating criminal records for eligibility, making contact and referrals to local prosecuting attorneys and public defenders offices, participant program registration, referral to other MWA program or legal staff, preparation of required documents, and obtaining required certifications.
- Establishment of a contracted relationship with an attorney or law office with experience in criminal law.
- Establishment of a financial relationship with a local government entity or organization with experience performing expungements.
- The establishment of an attorney position within the MWA or the additional support for an attorney already employed by the MWA or the local governmental entity. This attorney should be experienced in criminal law.
- Establishment of a position in a local government entity or organization with experience performing expungements.
- Outreach and recruitment of potential program participants.

- Pre-screening for eligibility.

If additional supportive services are needed, the participant should be co-enrolled in a suitable program to pay those supportive services expenses.

**Cash Requests
Fiscal Reporting:**

The MWA is required to process all cash requests through the [Management of Awards to Recipients System \(MARS\)](#) in accordance with this policy and the MARS procedures (see MARS Manual). The MWA must retain appropriate documentation to support each cash draw. Grantees are required to report all financial transactions on a full accrual basis. Accrued expenditures are costs incurred for goods and services but not paid during the reporting period.

All reporting of fiscal expenditures of the funds provided through this policy must be reported to WD on a quarterly basis. All quarterly financial expenditure reports are due to WD no later than the 20th calendar day after the end of the calendar quarter. A final close-out report is also required and is due to WD no later than 60 days after the end of the grant period. In the event that the due date falls on a weekend or state government holiday, reports are due on the last business day prior to the due date. Submit reports in [MARS](#). If there are any questions regarding cash requests or submission of expenditure reports, please call Mr. Michael LaCharite at 517-335-6051.

WD will monitor and track expenditures throughout the grant cycle and redistribute funds if and when necessary.

Reporting:

Customers provided expungement services under this pilot, at a minimum, must be entered into the One Stop Management Information System (OSMIS) as a Wagner-Peyser Participant. A new "Expungement Participant" indicator will be added to the "Barriers" tab under the existing "Offender" field. Any participant served under the Clean Slate Pilot must have the "Expungement Participant" indicator set to "Yes". A new Wagner-Peyser "Expungement" activity will be added to the OSMIS to record the service provided under the Clean Slate Pilot. The activity will be under the "Individualized-Staff Assisted" tab on the "Enter Wagner-Peyser Services" page.

MWAs will be required to report the beginning and end dates of the Expungement services being provided, along with if a positive outcome was achieved by indicating if a Misdemeanor or Felony had been dismissed.

If a positive outcome was not achieved, a criminal conviction dismissal was not realized, the selection of a reason should be completed from the list

provided. Reasons include, but not limited to: No Communication with Participant, Participant Did Not Complete Documentation, Participant Did Not Attend Hearing, or Offense Not Eligible For Expungement

Action:

The MWAs participating in this project must submit a plan narrative outlining the types of services and assistance planned to be offered. The name and contact information for the person at the MWA responsible for overseeing this program should be included in the plan narrative as well. If applicable, the plan narrative must also include a Plan of Work for those MWA staff navigators or attorneys whose time is not 100 percent dedicated to the program.

The MWA officials shall prepare and submit a Plan Narrative, a signed Plan Approval Request form, and a Budget Information Summary form. Templates are attached, and documents must be submitted within 30 days of the official date of this policy to LEO-TSDIV@michigan.gov.

MWAs having submitted the required documentation in accordance with PI 20-32 do not need to revise and re-submit the documentation in accordance with this change. The revised AY will be reflected in the Grant Action Notice document when issued.

MWAs should pursue In-Kind Contributions and additional financial support for this pilot from local partner agencies, foundations, advocacy groups, local employers, and voluntary attorneys.

MWAs should also develop relationships with local courts to be receptive and encouraging to the intent and success of this pilot.

Inquiries:

Questions regarding this policy should be directed to Gary Clark by telephone at 517-930-4749 or by email at clarkg1@michigan.gov.

This policy is available for downloading from WD's website.

The information contained in this policy will be made available in alternative formats (large type, audio tape, etc.) upon request to this office. Please contact Ms. Whitney Wasser by telephone at 517-582-1214 or by email at wasserw@michigan.gov for details.

WD is funded by state and federal funds; more details are available on the Legal Disclaimer page at www.michigan.gov/workforce

**Expiration
Date:**

June 30, 2022

JB:GC:ww

Approval Request Form Instructions

1. Michigan Works! Agency (MWA) Name and Number: Enter the name and assigned number of the MWA.
2. Plan Title(s): Enter the appropriate title(s) for the plan being submitted. *“AY 19 Wagner-Peyser 7(a) Clean Slate Pilot Program”* has been entered for you.
3. Policy Issuance (PI) Number: Enter the PI number that the Approval Request form pertains to. *“20-32 Change 1”* has been entered for you.
4. Plan Period: Identify the time period covered by the plan. *“December 1, 2020 – June 30, 2022”* has been entered for you.

The required signatories are designated in accordance with PI 19-38, issued December 30, 2019. Signatures are required from the Workforce Development Board Chair and the Chief Elected Official(s), or their authorized designee(s).

Note: Approval Request Forms are only required for initial grant allocations. Subsequent allocations for the same grant or de-obligations of funds will not require another signed form.

Approval Request Form

1. Michigan Works! Agency (MWA) Name and Number:
2. Plan Title(s): AY 19 Wagner-Peyser 7(a) Clean Slate Pilot Program
3. Policy Issuance Number: 20-32 Change 1
4. Plan Period: 12/1/2020 thru 6/30/2022

The Chief Elected Official(s) and Workforce Development Board hereby request approval of this document. Please insert the printed name for each signature provided below.

Signature of Authorized Chief Elected Official	Date:
Printed Name:	
Signature of Authorized Chief Elected Official	Date:
Printed Name:	
Signature of Authorized Chief Elected Official	Date:
Printed Name:	
Signature of Workforce Development Board Chairperson	Date:
Printed Name:	

Wagner-Peyser Employment Services
Budget Information Summary (BIS) Instructions

Section I - Identification Information

Michigan Works! Agency (MWA) Name: Enter the name of the MWA.

Policy Issuance Number: Enter the Policy Issuance number applicable to the BIS. “20-32 Change 1” has been pre-printed.

Grant Name: Enter the name of the grant associated with the funding being awarded. “AY 19 Wagner-Peyser 7(a)” has been pre-printed.

Project Name: Enter the name of the project associated with the funding being awarded. “Clean Slate Pilot Program” has been pre-printed.

Plan Period: Enter the start and end dates of the plan period. “12-1-20 through 06-30-22” has been pre-printed.

Catalog of Federal Domestic Assistance (CFDA) Number: Enter the CFDA number associated with this grant. “17.207” has been pre-printed.

Section II - Total Funds Available

Beginning Allocation: Enter the amount of the allocation.

Additional Allocation: Enter the amount of any additional allocation, if applicable.

Total Funds Available: This cell will automatically calculate the sum of Section II.

Section III - Planned Expenditures by Cost Categories

Administration: Enter the amount of funding to support MWA administration.

Programs: Enter the amount for program activities.

Total Planned Expenditures: This cell will automatically calculate.

Section IV – Limitation Percentage

Administration Percentage: This cell will automatically calculate the percentage of planned administration expenditures in comparison to total funds available.

The BIS may be found as an Excel attachment to this email.

**Clean Slate Pilot Program
Appropriation Year 2019 Allocations**

Michigan Works! Agency	Initial Allocation	Formula Allocation	Total
Berrien/Cass/Van Buren	\$125,000	\$92,547	\$217,547
Capital Area	\$125,000	\$72,245	\$197,245
Detroit Employment Solutions Corporation	\$125,000	\$206,875	\$331,875
GST Michigan Works!	\$125,000	\$125,667	\$250,667
Great Lakes Bay	\$125,000	\$111,863	\$236,863
Macomb-St. Clair	\$125,000	\$214,001	\$339,001
Northeast	\$125,000	\$36,884	\$161,884
Northwest	\$125,000	\$46,789	\$171,789
Oakland	\$125,000	\$189,486	\$314,486
Region 7B	\$125,000	\$41,366	\$166,366
Southeast Michigan Consortium	\$125,000	\$133,510	\$258,510
SEMCA	\$125,000	\$166,271	\$291,271
Southwest	\$125,000	\$160,220	\$285,220
UPWARD Talent Council	\$125,000	\$54,273	\$179,273
West Central	\$125,000	\$40,873	\$165,873
West Michigan Works!	\$125,000	\$307,130	\$432,130
Total	\$2,000,000	\$2,000,000	\$4,000,000

The formula is based on Fiscal Year 2019 MDOC data of criminal dispositions by county for prison, jail, jail/probation, and probation offenses.