

SB 909

Jill Williams

* For the record I would like to state that I am speaking in a private capacity and not on behalf of county government

Thank you for the opportunity to share my experiences here with you today. In Maryland (1991), my college boyfriend Kevin died in an auto accident. It was his 23rd birthday and we had been off campus at a bar with friends. Kevin had a jealous streak when he drank and that night he was drinking heavily. At midnight I dropped him off at his place and decided to go home myself as I didn't want to continue arguing and didn't want to spend the night with him. Furious that I was leaving, Kevin jumped onto the hood of my car and smashed my windshield. I continued to drive and 2 blocks later he fell off of my car. He died later that night from head injuries. Because we had been drinking and I was behind the wheel, I was later charged and pled guilty to vehicular manslaughter.

I was ordered to 4 years of probation. I had to pay a fine to the court and was ordered to receive counseling due to the trauma and guilt I was experiencing. I was also assigned to perform 1200 hours of community service. Half of these hours were spent caring for patients at a Catholic Charities Hospice, and when the hospice offered me FT employment, I did the remaining hours at a domestic violence shelter. Both of these agencies were supportive of me and knew in detail about the accident and my guilty plea.

I went on to graduate school in 1996 and in 1998 I moved to Portland.

I worked for two years in Clackamas County providing direct services to families with small children who had histories of child abuse and neglect. During this time I also volunteered with Willamette Hospice and visited dying patients in their homes. Both of these places ran criminal checks and made a "fitness determination" and decided to hire me despite my horrible experience 7 years earlier.

In 2000, I was hired as a Long Term Care Case Manager with Multnomah County Aging and Disability Services and for the next 12 years I worked in the North Portland office doing cognitive and physical assessments of low income seniors and people with disabilities. These assessments were done in homes of my clients. Again, my criminal history had been disclosed and I had been deemed "fit" to work in this capacity.

In 2012, due to in part to my good reputation as a case manager, I was chosen for a limited duration promotion to run a 2 year pilot project. I was asked to identify service gaps and trends in over and under system utilization. I also provided direct intensive case management with high risk clients. During this pilot I worked closely with Adult

Protective Service Investigators. When my pilot ended in early 2014, I applied for and was offered a permanent position with the Protective Service team.

Since the 2 year pilot had been a limited duration/temporary promotion, no new criminal check was required. But for the permanent position, I again filled out the disclosure and had my fingerprints sent to Salem. For 23 years, I had disclosed the event from 1991 and for 23 years (and approx 8 different agencies) I was approved for hire or volunteering through a fitness determination process. I suppose my otherwise clean record, reference checks, education and employment history as well as the circumstances of my crime were all taken into account.

The check done in 2014 however, came back to my HR department as Ineligible. ORS 443.004 had gone into effect only 2 years earlier. The way in which it is written allowed no fitness determination and clearly listed some crimes (including mine) as being permanently exempt from hire or promotion.

My initial reaction was shock and disbelief. My HR team was not familiar with the law and agreed to look into it. I called my union who also tried to figure out a way to help. I hired an employment attorney who picked apart the letter of the law to find some way to spare me the job. Nothing seemed likely. Not willing to give up, I called Senator Shields office to ask for help.

I am very lucky that my employer was able to keep me employed by demoting me back to my original case management position for which I was hired for in 2000. I have heard stories of other people at different agencies who were not as fortunate and lost long term careers following a new criminal check under ORS 443.004. For me, being told at the age of 45 that I can never seek a promotion or work for another social service agency in the state of Oregon was very difficult to hear. I have 20 years left that I expect to work. I love my community, my state and my employer. I have finally paid off my student loans. I love social work. I don't want to start at the bottom of a new field of study/employment or move to another state in order to progress in my current one.

My scar that had been fairly healed for years was torn open again while going through all of this. I was reliving Kevin's death everyday and experienced being punished all over again for my role in what happened so long ago. It has been an emotionally difficult and financially expensive past year for me.

After several months and thousands of dollars in fees for attorneys in both Oregon and Maryland, I was able to present the DHS background check unit overwhelming evidence, including the original certified docket sheet from 1992, which explains that my guilty plea was a part of a Probation Before Judgement arrangement. Since my probation requirements were satisfactorily met, I do not have a "conviction". The decision about my eligibility for promotion was eventually reversed but unfortunately my new position had been filled and I remain in my original case management role at this time. The background check unit cannot guarantee that I won't have this same battle again when I apply for a future promotion.

In closing, I'd like to say that I really do understand the intent behind this law.

I have worked with vulnerable populations for over 20 years. I have worked with Adult and Child protective services and testified in abuse and neglect cases. I have seen "predatory" caregivers take advantage of my clients and I have personal experience as well.

My father is bedridden with Multiple Sclerosis. Over the years he has had a dozen or more personal care aides. There have been two that we came to find out had mistreated him and stolen from him. They were both fired and arrested. What their conviction record looks like now I can't be sure, but at the time we hired them they had clean records. I am sure my father was not their first victim. Neither did jail time and nor paid restitution (though ordered to do so).

I also have a 14 year old nephew with severe autism. Henry lives with my brother and sister in law but has respite caregivers. Because Henry is non-verbal, interviews with caregivers are carefully done and many references checked. His parents spend a lot of time getting to know his caregivers. Sadly, because they have simply passed a background check does not give us a guarantee that they are all fit caregivers. It is also true that simply because I failed to pass a check under 443.004 does not indicate that I am unfit as a social worker or abuse investigator. There are many other factors that are just as relevant in making a decision to hire or promote.

Please consider Senator Shield's bill 909 to allow the Back Ground Check Unit and hiring agencies a proper fitness determination or weighing test when reviewing applications and criminal background histories.

Thank you again for your time.