



SUPPORTING JOB SEEKERS WITH CRIMINAL BACKGROUNDS

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2018 MRA Annual Training Conference
May 21, 2018**

CRIMINAL BACKGROUND CHECKS

○ CJIS vs. MACHS?

- Missouri State Highway Patrol's Criminal Justice Information Services (CJIS) Division conducts both Personal Identifier and Fingerprint-based search requests within 4-6 weeks by mail.
 - CJIS gives information consisting of identifiable descriptions and notations of arrests, detentions, indictments, information or other formal criminal charges, and any disposition arising there from sentencing, correctional supervision, and release.
- The Missouri Automated Criminal History Site (MACHS) is administered by CJIS and is the central repository for all Missouri criminal history files with the ability to search by name or fingerprint and get results within 2 business days for:
 - open records including convictions, arrests within 30 days, pending charges and suspended imposition of sentences during probation.
- Missouri State Highway Patrol's Public Window Access can be utilized for in-person records requests completed within 30 minutes from 8am-5pm, Monday-Friday in the Highway Patrol Annex Building located at: 1510 East Elm St., Jefferson City, MO 65101

CRIMINAL BACKGROUND CHECKS

- What you look for:
 - When-What dates did the conviction(s) occur?
 - What-What is the charge or crime involved?
 - Where-What city/county did it occur within?
 - What is the status of the case?
 - Is there a conviction or is it pending?
 - What is the disposition of the case?
 - Is there a conviction, has it been dismissed, or amended down, etc.?
- What employers look for:
 - Nature and gravity of offense
 - Dates of conviction or completion of sentence
 - Nature of the job being held or sought after



FACTORS TO CONSIDER FOR EMPLOYMENT

The following factors must be taken into consideration:

- The type of conviction: felony, misdemeanor, drug charges, theft, sex crimes, violent offenses, etc.
- Is the client on a diversion program, such as: probation, parole, in drug court, or family court?
- What are their restrictions?
 - For example, some things both probation and parole officers might require from an ex-offender are:
 - Random drug screenings
 - Curfews
 - Restrictions to the county and other travel limitations
 - No access to minors and other easily exploitable populations
 - No associating with known felons
 - No possession of firearms
 - Maintain verifiable employment
 - Reports to officers on a regular schedule (can be daily, but is usually once a month)



FACTORS TO CONSIDER FOR EMPLOYMENT

- Are there court dates pending, or are they actively involved in any litigation?
- How do the client's charges impact their driver's license, professional licenses/certifications, living situation, or child custody issues?
- Knowing these answers are important because they may directly affect the job search and/or the type of employment an individual can legally hold.
- Would you try to place a person convicted of embezzlement at a financial institution or a person convicted of sexual abuse of a minor at a daycare?
 - For example, ANY offense that requires registration as a sex offender are NOT eligible for expungement in Missouri.




ADDITIONAL FACTORS TO CONSIDER

- Consumers who are ex-offenders often require assistance in the following areas:
- Following through on referrals
- Seeking mental health services
- Assembling necessary documents (social security cards and school transcripts)
- Locating GED classes
- Budgeting
- Identifying occupations and employers who do not bar ex-offenders
- Developing realistic goals
- Cleaning up official criminal histories (“rap sheets”)
- Knowing when and how to disclose information about a criminal record
- Learning to see their employment situation from the perspective of potential employers
- Maintaining positivity during the job search process



EXPUNGEMENT

- Expungement, or “closure,” is the removal of police and court records, which are available for viewing by the public therefore “clearing” your record of misdemeanor or violation and charges or cases.
 - Missouri Revised Statutes 610.122-126 & 610.130, 140, 145 contains provisions for the expungement of arrest records, court records, and criminal history record information. The statutes specifically detail the requirements and procedures to properly expunge records in Missouri.
 - Any adult arrested based on false information or other 610.22 criteria *Only 1 felony and 2 misdemeanors allowed!
 - Any juvenile arrested, if a petition has not been filed within thirty days of the date that the child was taken into custody; and if a petition for the child has not been filed within one year of the date the child was taken into custody
 - Note that just because the charge is eligible for expungement, it doesn't mean the person is as well!
 - No subsequent misdemeanor (3yr) or felony (7yr) convictions
 - No civil action is pending relating to the arrest or the records sought to be expunged
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EXPUNGEMENT

- Records eligible for expunction under 610.122:
Notwithstanding other provisions of law to the contrary, any record of arrest recorded pursuant to section 43.503 may be expunged if:
 - (1) The court determines that the arrest was based on false information and the following conditions exist:
 - (a) There is no probable cause, at the time of the action to expunge, to believe the individual committed the offense;
 - (b) No charges will be pursued as a result of the arrest; and
 - (c) The subject of the arrest did not receive a suspended imposition of sentence for the offense for which the arrest was made or for any offense related to the arrest; or
 - (2) The court determines the person was arrested for, or was subsequently charged with, a misdemeanor offense of chapter 303 or any moving violation as the term moving violation is defined under section 302.010, except for any intoxication-related traffic offense as intoxication-related traffic offense is defined under section 577.023 and:
 - (a) Each such offense or violation related to the arrest was subsequently nolle prossed or dismissed, or the accused was found not guilty of each offense or violation; and
 - (b) The person is not a commercial driver's license holder and was not operating a commercial motor vehicle at the time of the arrest.



EXPUNGEMENT

- Petitioner pays a \$250 application fee and files a “verified petition for expungement in the civil division of the circuit court in the county of the arrest. The petition shall include the following information or shall be dismissed...”
 - Petitioner’s full name, Sex, Race, DOB, DL#, SSN, Address at time of arrest, the charged offense, date of arrest, county where arrested and municipality if applicable, case number and court of the offense, fingerprints on a standard fingerprint card due at filing of petition for expungement for positive petitioner identification purposes
 - The \$250 application fee can be waived if the judge finds the petitioner “to be indigent and unable to pay the costs.”

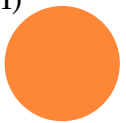


EXPUNGEMENT


- Petitioner must name as defendants all law enforcement agencies, courts, prosecuting attorneys, central state depositories of criminal records or others who the petitioner has reason to believe may possess the records subject to expungement.
 - The court's order directing expungement will not affect any person or entity that is not named as a defendant in the action!
- No sooner than 30 days from the filing of the petition, the court will set a hearing and give notice of the hearing to each official, agency, or other entity named in the petition. The court hearing will be within 60 days if the State files an objection.
- The court will enter an order directing expungement if they find that the petitioner is entitled to expungement of any record that is the subject of the petition. The order of expungement or dismissal will be done within 6 months of filing the petition.

EXPUNGEMENT IN MISSOURI

Title	Introduced	Recent Action
HB 1776 (2018 Regular Session) Modifies provisions relating to good time credit for prisoners and provisions authorizing expungement of certain criminal records	Dec 27, 2017	Mar 6, 2018 Referred: General Laws(H)
SB 654 (2018 Regular Session) Requires every individual who is 17 years or older and is arrested for a felony offense to provide a biological sample for DNA profiling. Creates ...	Dec 1, 2017	Feb 19, 2018 Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee
SB 792 (2018 Regular Session) Creates a procedure for the expungement of criminal records relating to prostitution	Dec 11, 2017	Feb 19, 2018 SCS Voted Do Pass S Judiciary and Civil and Criminal Jurisprudence Committee (4546S.06C)
HB 490 (2017 Regular Session) Changes the laws regarding arrearages and the expungement of certain records related to criminal nonsupport	Jan 9, 2017	Apr 13, 2017 Referred: Rules - Legislative Oversight(H)
HB 491 (2017 Regular Session) Creates provisions providing for the automatic expungement of certain records of a person when the charge or charges against the person were dismissed because of ...	Jan 9, 2017	Apr 12, 2017 Referred: Rules - Legislative Oversight(H)
HB 613 (2017 Regular Session) Modifies provisions authorizing expungement of certain criminal records	Jan 12, 2017	Mar 29, 2017 Referred: Judiciary(H)
SB 344 (2017 Regular Session) Creates a procedure for the expungement of criminal records relating to prostitution	Jan 25, 2017	Feb 20, 2017 Hearing Conducted S Judiciary and Civil and Criminal Jurisprudence Committee



EXPUNGEMENT IN MISSOURI

- **SB588**: Modifies provisions relating to petitions for the expungement of criminal records
 - Effective January 1, 2018!
 - All misdemeanors and non-Class A felonies eligible, subject to many exceptions!
 - Governor Jay Nixon said, “Missourians who have paid their debt to society and become law-abiding citizens deserve a chance to get a job and support their families.”
 - More information on expungement can be found at:
 - <https://www.expungementmissouri.com/>
 - <http://ccresourcecenter.org/state-restoration-profiles/missouri-restoration-of-rights-pardon-expungement-sealing/>
 - Federal charges go through the federal court system for the expungement process.
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FELONY DIVERSION

- A judge will often put someone on “felony diversion,” typically this is offered to first time, non-violent offenders.
- This legal status will show up on a criminal record as “pending”.
- Recently, the Supreme Court ruled that felony diversion is a felony conviction until it is lifted, usually after one year if the person has not committed another crime – then, they are no longer a “convicted felon”.
- The only other way a person can “undo” a felony is by obtaining a pardon from the governor.
 - This is not completely unheard of, but not probable for most. Best of luck!



FILLING OUT APPLICATIONS

- Read the application questions very carefully before answering them.
- Answer the questions to the best of your ability.
- Make sure you address all parts of the questions.
 - Convictions? Dates? Places?
- Make sure you answer the question being asked.
 - Have you been convicted of violating any law?
 - Is this supposed to include or omit minor traffic violations?
- Be thorough and remember to proofread!
- **BE HONEST!!!**
 - The worst thing a client can do on an application is to overtly lie or to lie by omission. Always answer application questions truthfully and to the best of your knowledge. You may answer yes about convictions, but instead of giving the details say “details provided at the interview” (K. Martinez).



FILLING OUT APPLICATIONS

- “A person who has been granted an expungement of records pertaining to a misdemeanor or felony offense, an ordinance violation, or an infraction may answer “no” to an employer’s inquiry into whether the person has ever been convicted of a crime if, after the granting of the expungement, the person has no public record of a misdemeanor or felony offense, an ordinance violation, or an infraction. The person, however, shall answer such an inquiry affirmatively and disclose his or her criminal convictions, including any offense or violation expunged under this section or similar law, if the employer is required to exclude applicants with certain criminal convictions from employment due to federal or state law, including corresponding rules and regulations.”

• (Missouri Revised Statute 610.140.10)



ANSWERING INTERVIEW QUESTIONS

○ BE YOURSELF!!!

- Being real and genuine is best. Employers want to know upfront what kind of an employee they can expect when hiring someone. If an employer thinks you're trying to hide something, it can leave a bad taste in their mouth. There is a direct correlation between how you make people feel in your presence and what they are willing to do for you.* We want the employer to feel comfortable and good around a client because we want them to offer that client a job.

○ BE HONEST!!!

- The worst thing a client can do in an interview is to overtly lie or to lie by omission. Always answer interview questions truthfully and to the best of your knowledge and ability. If a client can explain their criminal record in a logical and reasonable manner, many people are more understanding and willing to give someone a second chance than you may think!



ANSWERING INTERVIEW QUESTIONS

○ BE ACCOUNTABLE!!!

- Taking responsibility for a conviction(s) and expressing how it allowed for learning and growth can help show an employer how your life is different now and that it is not a current reflection of who you are as a person. Be polite/humble and be prepared!
- Choose your words wisely! Try to avoid negative language when explaining a criminal history by being clear and concise. Keep it short, sweet, and simple.
- Sincerely express an appropriate amount of remorse/regret for what you have been convicted of in the past, but keep your attention on the future.
- Stay focused on why you would be a good fit for the position you are applying for with a business and how you are a qualified candidate with skills to offer. Employers already know what they can do for you, but what can you do for them?




EFFECTIVELY MARKETING YOURSELF

- According to a survey amongst hiring managers, here is what job seekers with criminal records can do to make themselves more marketable:
 - 68% be upfront & honest while stressing learning
 - 48% be willing to work your way up
 - 46% stay positive
 - 39% prepare while in prison (school, training, etc.)
 - 31% don't apply to jobs you're automatically disqualified from due to your record
 - 31% volunteer
 - 26% take temporary assignments/freelance work
 - 18% consider joining the military
 - 16% start your own business
 - 13% monitor what is said on social media

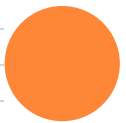


EX-OFFENDER FRIENDLY EMPLOYERS

- I have provided a list of over 475+ employers, made up primarily of nation-wide employers (and some Kentucky), that are more friendly towards hiring individuals with a criminal history or have official hiring practices that do not restrict those applicants with a criminal background.
 - Ban the Box Movement: In 2013, Target became the first major national employer to put this into policy & practice.
 - Over 100 U.S. Cities & Counties have adopted this “Fair Chance” initiative to hire by qualification and not by stigma.
 - The Federal Government endorses it by delaying job applicant’s record checks until later in the hiring process.
 - **The Missouri state government employment application does not ask for any information related to criminal history or convictions, so while priors may not disqualify you, a false statement most certainly will!**
 - Executive Order 16-04 (April 11, 2016) Governor Jay Nixon
 - Note: Some state agencies may require additional information related to convictions of misdemeanors, felonies, or traffic violations.
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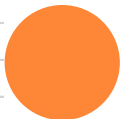


2 Men and a Truck	AT&T
A&A Commercial Cleaning	Atlas Van Lines
A&B Construction & Remodeling	Avis Rent-A-Car
A&H Construction	Avon Products
AAMCO	B & B Painting
ABC Roofing Supplies	Backyard Burger
Abbott Laboratories	Bailey Home Improvement
ACE Hardware	Bailey Tree Service
Advantage Linen	Bally's
Aerotek Staffing	Baskin-Robbins
Aichi Forge USA	Baxter International
Air Time Inflatables	BD's Mongolian Grill
Alamo Rent A Car	Belladonna Dancewear LLC
Alaska Airlines	Benjamin Franklin Plumbing
Alberto-Culver	Best Foods
All Season's	Best Western
Allen Carter Contracting	BF Goodrich
Allied Van Lines	Big Brother Concrete
Allstate Insurance	BJM & Associates, INC
AM Cleaning	Black and Decker
Amazon	Black Diamond LLC
America West Air	Blue Cross/Blue Shield
American Wire Products	Blue Star Plastics, INC
American Airlines	Bluegrass Taxi
American Express	Bluegrass Truss Company
American Greetings	Bob Evans
Amteck Of Kentucky	Boeing
Anderson Windows	Brannon Express Car Wash
ANM Services, LLC	Breath of fresh air
Another man's treasure	Bridgestone/Firestone
AON	British Airways
Apple Computer	Brunswick Corp
Applebee's	Bryant Heating and Cooling Inc
Aramark	Buddha Lounge
Archer Daniel's Midland	Budget Rent-A-Car
ARCO	Burger King
Arthur J. Gallagher & Co.	Burnett Son's Roofing
Asbury Seminary	Burnette Brothers
Ashland Oil Inc	Business Concepts
Asplundh Tree Expert Co.	Butt Rubb BBQ





Cable Construction	Core Trans LLC
Calvin Klein	Crothall Healthcare Inc.
Camelin Construction	Crown Services
Campbell Soups	Crown Stair LLC
Canon USA	Crown Towing
Captain D's	Dairy Queen
Career Education Group	DAP Products
Carey Enterprise	Darae and Friends Catering
Carpet World Carpet One	DB Communications
Carrier A/C	Deer & Co
Cars Recon	Dell Corporation
Casio, Inc.	Del Monte Foods
Caterpillar	Delta Airlines
Cattleman's	Delta Faucets
Caywood Enterprise	Denny's Inc.
CDW Computers	Diamond Landscapes
Cecils Heating and Air	Diversified Maintenance
Central KY Fiber Resources	Dixon Electric
Chatham's	Dole Foods
Chase Bank	Dollar Rent A Car
Cheesy Mac	Domino's
Chicago Mercantile Exchange	Donato's Pizza
Chipotle	Dow Brands
Chuy's Restaurant	Dunkin Donuts
Cintas	Dunlop Tires
Circuit City	DuPoint Co.
CLARK PUMP AND SHOP	Duracell
CLAY INGLES COMPANY	DW Wilburn Inc.
Clean Sweep Car Wash	Easy Breezy Cleaning
Clyde's Bluegrass Roofing	Eddie Bauer
Coes-Coin	Employment Plus Staffing
Coldwell Banker	Employment Solutions
Columbia's Steakhouse	Epson
Commonwealth Cleaning LLC	Equity Office Property
Compaq Computers	Event Tenders
ConAgra Foods	Ever Clean Gutter System
Concord Cleaners	Exelson
Concord Custom Cleaners	Exxon
Constructions-Roofing	



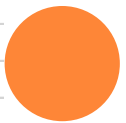


Facilities Management Cleaning	GTS Staffing	
Fades Barbershop	HAGINS PAINTING	
Family Dollar	Hallis School	
Fazolis	Hamilton Ryker	
Federal Express	Hands on Originals	
First American Truck Wash	Hanes Hosiery	
First Health Group	Happy Glassman	
Five Guys Burgers and Fries	Harbor Steel & Supply Corp.	
Fortune Brands	Hardee's	
Fourth Street Garage	Have Tools Will Travel	
Freedom Dodge	Haynes Trucking	
Frisch's/Big Boy Restaurant	H.C.H. Mobile Truck Wash Inc	
Frito-Lay	Henkel Denmark	
Fruit of the Loom	Herald Painting Contracting	
Fuji Foto	Hewitt Associates	
Full Flavor Foods	Hilton Hotels (Doubletree, Hampton,	
G & G Utility Construction	Hop Cat	
Galuoub Toys	Hope Center for Men	
Gambrel's Plumbing	Hubble Meat Market LLC	
Gate Precast Comp	Hurley Marble & Tile Inc.	
Gates Nissan	Hyatt Regency Hotel	
General Electric	IBM	
General Growth Properties	IHOP Resturant	
General Mills	Illinois Tool Works	
Georgia-Pacific	Indi's	
Gibbs Electrical Solutions	Innovation Installations, INC	
GMAC	Integrity Staffing Services	
Goff Tents & Events Inc	Interphase Electrical	
Golden Corral	Interplex Plastics Inc	
Golf Tents Inc	Jani-King Cleaning Services	
Goodwill Industries	JaRa's New Fashion	
Goodwill Staffing	Jason kidd hardwood	
Grayhawk	JJ McBrewster's	
Grayhound Bus Inc.	Johnny Carino's	
Great Scapes Landscaping		



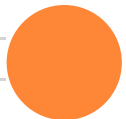


K-Mart	Macy's
Keeneland	Maftco Tire
Ken tower's tire and autocare	Malones
Ken Tyson Plumbing	Mancino's Pizza & Grinders
Kennedy and Associates	Marathon Gas Station
Kentucky Foot	Marina Bros
KFC	Marriott (Fairfield Inn, etc.
Kids Konnection	Mason Structure Inc.
Kids Unlimited	McCoy Masonry
Kohl's Department Store	McDonald's
Kraft Foods	McKechnie Vehicle Components
Kreations by Karen	McKinney Painting
Kroger	Men and Mowers Lawn
KY Punch Lifts	Miss Fish Food Truck
KY Staff Solutions	Mobil Oil
L.A. Times	Molex
LA Gourmet Pizza Downtown	Monoglian Grill
Labor Finders	Monro Muffler Brake Inc.
Labor Ready Temp Service	Montgomery Contracting
Laundry Connection	Motorola
Larkin stonecrest	Mr. Sparkle Car Wash
Lawn Care Inc	Natalies Cafe and Caterer
Learn and Grown Academy	Nature's Creations
Leena Enterprises	Navistar International
Lee's Famous Recipe	Nescoe Resources
Leggett & Platt, Inc.	New York Times
Lexington Fayette Urban County	Newsweek
Lexington Hotel Management	Next Life Recycling
Lexington Lawn and Landscape	Niki
Lexington Paint and Supply	Nisource
Lexington Pavement Sweep	Noodles and Company
Lexington Prof. Cleaning	Northern Trust
Lexington Tree Service	Northside RV
Little Caesar's	O'Charley's
Logan's Roadhouse	OK Interiors Corp
Long Horn's	Old Chicago Pizza
Lowes	Old Republic
Luckys Market	Outback Steakhouse
Maaco	OWL (Opportunities for Work & Learn



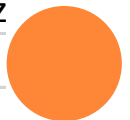


Packaging Corp of America	S & D Construction Management	
PACTIV	S & S Tire Services	
Palumbo Lumber	S & K Detailing	
Papa Johns	Safeway Mayflower	
Parkette Restaurant	Sally's Beauty Supply	
Parks Landscape Group	Sams Home Improvement	
Patchen Wilkes Farms	Sara-Lee	
Paul Miller Ford	Save-A-Lot	
PeopleLink Staffing	Schlotzskys Deli	
Pepsi-Co	Sears & Roebuck	
Perdue Environmental	Senninger Plumbing Company	
Phillip Morris	Service Master	
Popeyes	Seven Up, Inc.	
Premier Electric Solutions	Shamrock Bar and Grill	
Puccini's Smiling Teeth	Sharp Lawn Inc	
Qdoba Mexican Grill	Shell Oil	
Quad Graphics	Sheraton Hotel	
Qualex Manufacturing	Shoney's	
R T Automotive	Showtime Networks	
Rafferty's Restaurant	Signature Landscapes, LLC	
Rainbow Restoration	Smashburgers	
Raising Cane's Chicken Fingers	Smiley's Air Tool Inc	
Rally's	Smurfit-Stone Container Corp.	
Red State BBQ	Sonic	
Regard Law Group PLLC	Sony	
Richard Barnes Construction	Southwest Air	
Richmond Auto Parts Technology	South Van Events	
Rio Grande Fencing	Sprint	
Rod Hatfield Chevrolet	Spuds Bar and Grill	
Rogers Windows	St. James Place	
Rooster's	Star Manufacturing	
Rose's Car Wash	Stone Farms	
R.R. Donnelley	Subway	
Rubbermaid Inc.	Sutton's Restaurant	
Russ Young Painting	Swiftly	





Target Stores	University Trails	
Ted's Montana Grill	U.S. Cellular	
Telephone & Data Systems	VA Hospital	
Tellabs	Valvoline	
Terminix	Verizon	
Texas Roadhouse	Veterans Work Therapy Program	
The Lab Autobody	Waffle House	
The McElwee Group-WP-KY	Walgreens	
The Patty Tipton Company	Wallace Harrison	
Third Wave Communications	Wal-Mart	
Tipton Staffing	Ward Masonry	
Tolly Ho Restaurant	Wayne and Marks Barber shop	
Total Auto Movers	Wendy's	
Toys*R*Us	Wildcat Moving	
Townsend Tree Service	Wildcat Wearhouse	
Tradesmen International	Wilson's Nurseries	
Tri-State Roofing	Window Solutions	
Tribune Co.	Wrigley Co	
Turf Catering	W.W. Granger	
Turf Catering Company	Wyndham Hotel Group (Days Inn, Ramada)	
Turner Sanitation	Xerox/Conduent	
UK	Yokohama Industries Americas	
Underfoot Inc	Yum Brands (Taco Bell, A&W, KFC, Piz	
Uneven Investments	Yumahn	
United Airlines	Zebra Technologies Group	
United Building Services Inc	Zenith Electronics	
Universal Piping Industires		



DISCUSSION

- What have you found works best? Worst?
 - What kind of experiences have you had working with job seekers facing this barrier to employment?
- What kind of responses have you received from employers?
- What words of wisdom would you give job seekers with criminal backgrounds? Other professionals?
- Are you utilizing the Work Opportunity Tax Credit (up to \$2,400 for the “Vocational Rehabilitation Referral” Target Group E)?
 - A new hire meets the criteria for the “Ex-Felon” Target Group C, if the individual: 1) Has been convicted of a felony AND 2) Has a hiring date that is not more than 1 year after the conviction or release from prison.
 - **Missouri Department of Economic Development**
Jennifer Cheshire, MO Division of Workforce Development
Employer Relations Section
421 East Dunklin, P.O. Box 1087 Jefferson City, MO 65102-1087
Phone: 573-522-9581 **Fax:** 573-751-9896
Email: Jennifer.Cheshire@ded.mo.gov or wotc@ded.mo.gov
Website: <https://jobs.mo.gov/employer/incentives/work-opportunity-tax-credit>
- The Federal Bonding Program lets employers hire convicted felons and have them bonded against theft, forgery, larceny, or embezzlement if their insurance won't allow them to bond them.
 - **Missouri Department of Economic Development**
Lamont Brown, MO Division of Workforce Development
421 East Dunklin, P.O. Box 1087, Jefferson City, MO 65102
Phone: (573) 526-8217 **Fax:** (573) 522-9496
Email: lamont.brown@ded.mo.gov



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THANK YOU!

Enjoy the rest of the
2018 MRA Annual Training Conference
in beautiful Osage Beach!

THE END 😊