

SEPTA Background Checks Violate Federal and State Laws

Together with a coalition of legal advocates, we are suing the transportation authority for denying jobs to people with unrelated criminal records.

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On April 27, we filed a federal lawsuit against Southeastern Pennsylvania Transportation Authority (SEPTA) for willfully violating federal and state laws when conducting criminal background checks of prospective employees. We are bringing this class action lawsuit in partnership with Outten & Golden LLP, [Philadelphia Lawyers for Social Equity](#), the [Lawyers Committee for Civil Rights Under Law](#) and [Willig, Williams & Davidson](#).

We represent Frank Long, a 55-year-old resident of Philadelphia and a commercially licensed bus driver. SEPTA offered him a job in October 2014 as a bus operator, but then rescinded the offer because of a drug-related conviction on Mr. Long's record from 1997. SEPTA did so in spite of the fact that Mr. Long has stayed on the right side of the law ever since his conviction nearly 20 years ago.

"I've lived in Philadelphia practically all my life and have experience doing exactly the kind of work SEPTA was hiring for," said Mr. Long. "I care about my community and am not a threat to anyone. This job would make a real difference in my life."

The lawsuit alleges SEPTA fails to comply with the federal Fair Credit Reporting Act (FCRA) in its procurement of consumer reports for employment purposes. According to the complaint, SEPTA fails to provide job applicants with a required "clear and conspicuous" written disclosure that it may obtain a consumer report for employment purposes. The "clear and conspicuous," also known as "stand alone" disclosure is important to ensuring accuracy and preventing employers from distracting job applicants with unrelated information and requests.

SEPTA also is accused of routinely violating Pennsylvania's Criminal History Record Information Act (CHRIA) through its policy and practice of disqualifying job applicants with unrelated felony convictions from employment in positions involving the operation of SEPTA vehicles.

Ben Geffen, staff attorney on this case noted, "Hiring practices barring individuals with conviction history from jobs unrelated to their previous convictions cripple job applicants who have paid their debt to society and seek to move forward with their lives as responsible citizens. Here, SEPTA denied a job to Mr. Long, and to other similarly situated applicants, for no good reason."

Ossai Miazad, partner at Outten & Golden LLP said, "SEPTA systemically violates laws that are intended to ensure accuracy, confidentiality, and fairness in hiring. By failing to provide proper disclosures, SEPTA hinders job applicants, like Mr. Long, in their abilities to preserve their privacy and to correct errors or other problems with the reports. In Mr. Long's case, there's no question he is a good citizen with a solid work history despite his earlier life experiences. Even SEPTA recognized this when its recruiter offered him a job."

Relatedly, recognizing the barriers to reentry that many formerly incarcerated people face, the U.S. Department of Justice designated the week of April 25 as National Reentry Week.

Mr. Long and the legal team seek injunctive and declaratory relief; statutory damages; exemplary and punitive damages; pre-judgment and post-judgment interest; and reasonable attorneys' fees, costs, and expenses associated with this action.

More information about the lawsuit is available at www.SEPTAconvictiondiscrimination.com.

The case is "Frank Long, v. Southeastern Pennsylvania Transportation Authority," no. 16-cv-1991, in the U.S. District Court, Eastern District of Pennsylvania.