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**As part of a settlement, Montgomery County will adopt hiring policies giving job applicants with criminal records a fair shot**

*This settlement resolves a lawsuit filed by a job applicant claiming that the County denied her two jobs on the basis of old, unrelated misdemeanor convictions*

Montgomery County, PA – Pennsylvania law protects people with criminal histories from unfair treatment when they are looking for work. Unfortunately, these laws and the protections they provide against bias are often unknown to both employers and job seekers.

As part of a settlement finalized last month, the Montgomery County government—the ninth largest employer in Montgomery County—will adopt written hiring policies affirming that it will follow Pennsylvania law. Under the policy, the County will not consider job applicants’ criminal history except when a criminal conviction is relevant to the position in question, and will inform job applicants in writing if it decides to deny employment based on the results of a background check.

This settlement resolves a lawsuit filed by Kara Gannon, a job applicant who alleged that the County twice rejected her for positions she was qualified for based on old, unrelated misdemeanor convictions in violation of Pennsylvania’s Criminal History Record Information Act (CHRIA). The County denies any wrongdoing and alleges non-discriminatory reasons for its actions. Ms. Gannon was represented by the Public Interest Law Center and Peter M. Newman, a partner at Feldman Shepherd Wohlgeleinter Tanner Weinstock & Dodig, LLP.

[Read more about her case on the Public Interest Law Center’s website.](#)

“Bias against people with criminal records in the job market unfairly prevents people from rebuilding their lives, and it drags down entire communities,” said Ms. De Palma. “The law in Pennsylvania is clear: employers must evaluate each job applicant with a criminal history on case-by-case basis, considering their specific record, the nature of the job, and their qualifications. Montgomery County’s policy should set the tone for other employers in the state.”

Mr. Newman agreed to serve as co-counsel because, he explained, he felt strongly that “an insignificant misdemeanor should not disqualify someone like our client from employment so many years later, particularly where her resume and references demonstrate that she turned her life around and obtained a college degree. We must break down barriers faced by people reentering society after incarceration or a conviction.”

Pennsylvania’s Criminal History Record Information Act (CHRIA) prohibits employers from considering criminal convictions in hiring decisions unless they relate to the applicants’ ability to

perform the job. It also prohibits employers from considering arrests that did not result in a conviction. Under CHRIA, employers are required to provide written notice to job applicants when they do decide to deny applicants employment on the basis of their record.

In the settlement agreement, signed on November 7, Montgomery County has agreed to adopt a written policy that complies with CHRIA by January 6, 2020. This policy—which the Public Interest Law Center and Feldman Shepherd will review—will then be posted on the County’s website in a location that is accessible to job applicants and distributed to all hiring managers, who will receive yearly training on how Pennsylvania law protects applicants with criminal histories.

“I hope that all employers will treat potential candidates with criminal records with fairness, respect and kindness, like they would any other applicant,” Ms. Gannon said. “They should refrain from harsh judgement and bias and see the qualified person in front of them, not just a mistake they have already paid for.”

Kara Gannon has a strong work history and years of experience in social services. She holds a bachelor’s degree in psychology and has worked as a case manager for children with emotional and behavioral issues. In a lawsuit filed against Montgomery County in March, Ms. Gannon alleged that County hiring managers rescinded two job offers for caseworker positions after they learned of two misdemeanors in her past.

Job seekers with criminal records face enormous challenges. More than 90% of employers run background checks on at least some applicants, and many believe that they can’t or shouldn’t hire someone who has been convicted of a crime. The unemployment rate for citizens returning from prison is 27 percent, according to a 2018 study from the Prison Policy Initiative. This barrier to a job disproportionately affects Black and Latino applicants.

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