

Members of our community who have been impacted by the criminal legal system may lose certain rights as part of their conviction history, but your rights in the workplace and as a consumer remain - we must protect them! Submitting civil and consumer complaints helps create protections, policy, and precedent needed to restore economic mobility in our daily lives.

Employment Discrimination | The Equal Employment Opportunity Commission and United States Department of Justice: Civil Rights Taskforce

Passed by Congress on July 2, 1964, the Civil Rights Act outlawed segregation and discrimination throughout our society. Within Title VII of this Act are found protections for pre-employment candidates and employees. These protections have specific impacts for workers who are directly impacted. Common warning signs for workforce discrimination against directly impacted citizens could include:

- Blanket statements on marketing materials or in screening tools excluding all convictions

Blanket criminal record bans disproportionately impact Black employees.

- Having a job offer withdrawn after receiving background check results that would have no impact on carrying out the essential job functions

Using arrest/conviction records to deny employment can be illegal if it's irrelevant for the job

- In states and localities with ban the box policies, being asked about your arrest/conviction record **before** a contingent job offer - learn more about your state [here](#).

Key Fair Chance Hiring Terms

Ban the Box: The fair chance employment policy of removing the conviction history check-box from a job application. Fifteen states have both public and private employment ban the box policies.

Fair Chance Employment: The discretion for both candidates and employers to determine suitability for employment based on the qualifications of the

Fair Chance to Compete Act: Passed in 2019, this Act prohibits most **federal** agencies and contractors from requesting information on a candidate's arrest and conviction record until after a job offer.

Contingent Offer for Employment: An offer for employment that is dependent on specific criteria being met in the process - typically including a background check. Candidates should obtain this in writing as well as any denial letters. These documents are vital to employment discrimination filings.

If you believe you have been discriminated against in the employment process, the resources below can assist in filing a complaint and collecting information from your experience.

	Examples	How to File a Report
Private Employers	Non-government, Companies, Organizations	The Equal Employment Opportunity Commission Complaint Filing Information
Public Employers	Government (City, County, State)	The Department of Justice Civil Rights Taskforce - Employment Litigation Services Unit Report a Violation

Consumer Traps | The Consumer Financial Protection Bureau

The [Fair Credit Reporting Act \(FCRA\)](#) became effective on April 25, 1971. The FCRA is a part of a group of acts aimed at protecting information collected by consumer reporting agencies such as credit bureaus, medical information companies and tenant screening services. The [Fair and Accurate Credit Transactions Act](#) added many provisions primarily relating to record accuracy and identity theft. To learn more about the FACT Act, check out page three.

Have You Ever....

- Been harassed by debt collectors associated with used car lots or payday lenders?

The CFPB has stated auto dealers of any kind cannot be overly aggressive.

- Refused credit even though you qualify for it based on advertised requirements?

Loan applications asking if you have “ever been convicted/arrested” create the same disproportionate impact as above both in banks and in the workplace.

- Been denied employment or housing due to a background report with sealed, expunged or inaccurate information?

The CFPB held TransUnion, one of three major credit bureaus, accountable for inaccurate and deceptive credit and background reporting data.

If So...

You can submit a complaint to the Consumer Financial Protection Bureau. This branch of the Federal government will collect information about your issue with the credit or consumer service, forward it to the company and work to get you a response, generally within two weeks.

You can contact them via:

Online:

<http://www.consumerfinance.gov/complaint>

Phone:

(855) 411-CFPB (2372)

The FACT about Background Checks

In 2003, Congress took steps to improve accuracy for information reported on consumers for everything from leasing a car to obtaining a job. The Fair and Accurate Transactions Act (FACT) adds extra requirements for consumer agencies to make sure what they report is correct - and often it is simply not happening. In the day and age of Clean Slate efforts and record sealing and expungement, without updated records, the benefit of “cleaning the slate” is void.

Important Terms

Credit Report - The primary document used when determining risk-based lending and services is the credit report. This document lists your history of creditor-based lending and repayment as is monitored and provided by one of three national credit bureaus. Each year, you are entitled to one free copy of this report - please note that the free credit report generally does NOT list your FICO score.

Consumer Disclosure Report - This document is different from your credit report and not only lists lines of credit, but also every inquiry on your file by outside entities. For more information about ordering a copy of this second type of credit worthiness report, please see below.

Background Check - Utilizing data from multiple law enforcement databases, this is the report that typically is most damaging for consumers who are directly impacted. In most instances not only convictions, but also arrests and dismissed charges are reported to requesting agencies. Even with a record expungement

Investigative Consumer Report - Designed to assess reputation and background, this is what is commonly known as a “background check” and in most instances not only convictions, but also arrests and dismissed charges are reported to requesting agencies.

Ensuring accuracy on these reports is central to our rights as consumers. While both credit and consumer disclosure reports can be requested annually for free, running a background check on yourself can be more challenging. Remember that for an employer to use background checking information to deny your application they must:

1. Obtain your **written** consent before beginning the process
2. Disclose the information received - consumers should *always request this in writing*
3. Provide the name, address, and contact information of the reporting agency
4. Allow you to correct errors through the consumer agency at no cost and request a re-check

If your rights have been violated in the background checking process, you may report the employer using the links on page 2 and you may report the consumer agency to the Federal Trade Commission.