### Criminal Records and Credit Checks: Uses and Abuses

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#### **Criminal Records**

Uses and Usage
Processes
Available Information



## Criminal Records: Too Many Problems!





## Criminal Records: Too Many Problems!

- Philosophical
- Legal
- Arrests vs. Convictions
- Pleas
- Number of convictions; Type; Passage of time
- Disparate Impact



# Criminal Records: EEOC's Enforcement

- EEOC v. Freeman
- EEOC v. BMW
- EEOC v. Dollar General
- Strategic Enforcement Plan for 2012-2016



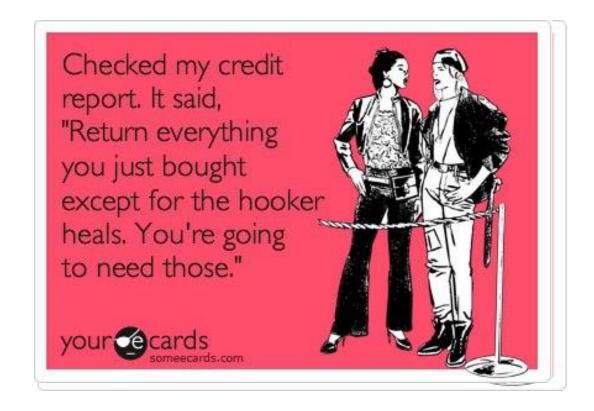
### Criminal Records: Potential Remedies

#### **BAN** THE **BOX!**





#### **Credit Checks**



#### **Credit Checks**

Less justifiable reasons Increased usage



# Credit Checks: Processes

Fair Credit Reporting Act ("FCRA")

- Permissible Uses
- Procedures



# Credit Checks: Problems

- Inaccurate Reports
- Economy
- Healthcare
- Health-related information
- Disparate Impact
- Identity Theft



### Credit Checks: Remedies

- Legislation
- Enforcement
- Education
- Litigation



# Wage & Hour: Issues Facing Legal Aid Clients



### Wage & Hour: Common Issues

- Minimum Wage
- Overtime
- Misclassification



# Wage & Hour: Misclassification

- Independent Contractor
- Exempt vs. Non-exempt



### Wage & Hour: Challenges, Fixes, and Methods

- Susceptibility of low income and elderly clients
- Ways to address challenges
- Good news for employees



#### Thank you!

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