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Contact:

Barb Grimaldi, Public Interest Law Center, 267.546.1304, bgrimaldi@pilcop.org

Ryan Hancock, Esq., Willig, Williams & Davidson, 215.656.3679, rhancock@wwdlaw.com

Michael Lee, Esq., Philadelphia Lawyers for Social Equity, 215.995.1230, lee@plsephilly.org

Employee with Criminal History Settles Employment Discrimination Case

Global software firm to change its hiring practices to eliminate automatic disqualification of candidates with criminal records

Philadelphia, Pa. – Marc Kitchens of Cherry Hill, NJ, recently settled a case against his former employer Veeva Systems Inc. for the company's decision to terminate him based on a five-year-old criminal record that was unrelated to his job. Mr. Kitchens successfully settled his case against Veeva with support from the Public Interest Law Center, Philadelphia Lawyers for Social Equity, and Willig, Williams & Davidson.

Mr. Kitchens, a father of three, worked for nearly two years as a data specialist for a predecessor to Veeva, "scrubbing data" to ensure the accuracy of medical provider databases. The predecessor company promoted him to a supervisory role after nine months. Veeva acquired the company in 2014, invited Mr. Kitchens to apply for a higher-ranking job, and initially promoted him again. But after Veeva conducted a background check, it terminated Mr. Kitchens because of a drug charge from more than five years earlier.

Mr. Kitchens says this about his experience: "I paid my debt to society for a previous mistake and I did everything the right way. I got my affairs in order, started school, and got a steady job. I started at the lowest possible position and worked hard, earned promotions, and got great recommendations from company executives. But at the end of the day, all of that didn't matter, and it was really unfair that I was let go because of my past record."

A Pennsylvania state law protects people like Mr. Kitchens from this type of automatic disqualification. Under the state's Criminal History Record Information Act, employers making hiring decisions cannot consider arrests that did not lead to convictions, nor can they consider convictions unrelated to a particular job. Unfortunately, many employers fail to comply with this law, which can turn even minor brushes with the law into lifetime sentences of unemployment. Mr. Kitchens' previous history was not related to database work or supervisory responsibilities, as demonstrated by his high job performance and promotions.

As part of the settlement agreement, Veeva is financially compensating Mr. Kitchens and committing to hiring policies that do not automatically disqualify applicants with criminal records.

"Employers should take notice of this settlement, because it shows that our state law has teeth, and it reminds employers that people with criminal histories who have paid their debts to society should have the opportunity to secure employment and become self-sufficient, contributing

members of our economy,” said Ben Geffen, staff attorney with the Public Interest Law Center and one of the lead attorneys on the case.

“Philadelphia’s economy will face even greater constraints if our regional employers continue to unlawfully use criminal records to exclude valuable, productive employees from gaining good jobs,” said Ryan Allen Hancock, a partner in the Philadelphia labor and employment law firm of Willig, Williams & Davidson and a lead attorney on the case. “Employment is critical to the livelihoods of individuals, and when employers like Veeva improve their hiring policies, it gives individuals an opportunity to stabilize their lives and contribute to our community.”

“Individualized assessment of each applicant benefits the employer, the potential employee, and our region by allowing for hard work, rehabilitative efforts and cognitive changes to count more in the hiring process than past mistakes,” said Michael Lee, executive director of Philadelphia Lawyers for Social Equity and a lead attorney on the case.

In Philadelphia, an estimated 20% of adults have a criminal record that could affect their ability to gain employment. Nationwide, the use of criminal background checks has skyrocketed over the last two decades, with recent estimates showing that more than 80% of employers view criminal histories during hiring. The increased use of background checks results in especially large barriers for minorities, who are disproportionately convicted of crimes. In Pennsylvania, male minorities represent only 16.2% of the state population, but account for 61% of prison inmates.

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About Philadelphia Lawyers for Social Equity (PLSE)

PLSE works toward just outcomes for low-income individuals who have had contact with the Pennsylvania criminal justice system. For more information visit www.plsephilly.org or on Twitter @PLSEPhilly.

About the Public Interest Law Center

The Public Interest Law Center uses high-impact legal strategies to improve the well-being and life prospects of vulnerable populations by ensuring they have access to fundamental resources including a high-quality public education, access to health care, employment, housing, safe and healthy neighborhoods and the right to vote. For more information visit www.pubintl.org or on Twitter @PubIntLawCtr.

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