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## **National Employment Law Project (NELP) Files Complaint with the EEOC Against Lowe's for Race Discrimination Based on a Minor Criminal Record**

### **NELP Urges Policy Improvements at EEOC Forum in D.C.**

New York -- When Johnny MaGee, a 49-year old African American was denied a position at Lowe's home improvement store in Dublin, California solely because of a nine-year-old misdemeanor drug conviction, and despite being qualified for the job, he like thousands of job-seekers with criminal records faced a predictable roadblock. For support, he turned to the National Employment Law Project (NELP).

NELP, a research and legal organization advocating the employment rights of low-wage workers, filed charges today in San Francisco on behalf of Mr. MaGee with the Equal Employment Opportunity Commission (EEOC) alleging that Lowe's violated federal civil rights laws by denying employment to an African-American based on his minor criminal record. NELP's complaint relies on EEOC policy, which holds employers liable for race discrimination when they deny employment based on a criminal record that is not directly related to the individual's ability to perform the job.

Mr. MaGee, who is also developmentally disabled and has no other criminal record, applied for a garden attendant position and was denied employment in June 2008 because of the store's broad policy against hiring people with criminal records. NELP contends that he was a qualified candidate for the position.

"Lowe's policy is unfair to me and lots of other good people," said MaGee. "It's unfair because they only see something that happened to me many years ago, even though I've never been in trouble since. And I've been working hard as a landscaper for the past six years, which makes me qualified for the Lowe's job I applied for."

"Mr. MaGee is a trustworthy and experienced worker whose situation is proof positive that most employers, even large companies like Lowe's, still make blanket assumptions that anyone with a criminal record is not qualified for employment, despite decades of EEOC policy to the contrary," said Mr. MaGee's attorney, Jessie Warner of NELP.

"We hope this complaint will help Mr. MaGee and many more in his situation to get a fair shake at employment based on his skills and abilities, not just his criminal record," added Warner.

This complaint highlights NELP's Second Chance Labor Project, which seeks to promote a more fair and accurate process of criminal background checks for the one-in-five Americans

who have a criminal record that shows up on a routine background check. The project has been working to remove unfair barriers to employment for people with criminal records.

Laura Moskowitz, a staff attorney with NELP, delivered testimony at an EEOC forum held today in Washington, D.C. Taking into account the vast growth in criminal background checks for employment, Moskowitz and other interested groups are urging improvements to the EEOC policy. Figures from the U.S. Department of Justice show that the records that frequently show up on routine criminal background checks overwhelmingly involve non-violent crime. And they often consist solely of an arrest that did not lead to a conviction or a conviction for a minor, non-serious offense.

The complaint against Lowe's is one of several recent cases seeking to enforce Title VII of the Civil Rights Act, which strictly limits hiring policies that screen out people with criminal records because of the disproportionate impact on African-Americans, Latinos and other people of color.

If you would like to speak with Maurice Emsellem, the Policy Co-Director of NELP and head of NELP's Second Chance Program, Jessie Warner, or Laura Moskowitz, please contact Jeanine Plant at 212.245.0510 or [jplant@pro-mediacomunications.com](mailto:jplant@pro-mediacomunications.com).

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## **ABOUT NELP & THE SECOND CHANCE LABOR PROJECT**

The National Employment Law Project is a policy and legal advocacy organization that specializes in the employment rights of people with criminal records. NELP is based in New York City with a California office located in Oakland, California, where the Second Chance Labor Project is based. NELP's Oakland office provides advice and representation to workers of color seeking to file complaints with the EEOC because they were unfairly denied employment based on a criminal record that was not directly related to the individual's ability to perform the job.