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FOR IMMEDIATE RELEASE

Class of Job Applicants Reach Settlement Resolving Lawsuit over Discriminatory Impact of WMATA's Criminal Background Screening Policy

WASHINGTON, D.C. (December 7, 2017) - Today, a class of African-American applicants and employees who were denied employment opportunities by the Washington Metropolitan Area Transit Authority (WMATA) or one of its contractors under a discontinued 2011 criminal background check policy announced that they had reached a [settlement](#) with WMATA to resolve their class action lawsuit.

The class action lawsuit, *Little v. Washington Metropolitan Area Transit Authority*, was originally filed in 2014 against WMATA and several WMATA contractors. The suit alleged WMATA's policy violated Title VII of the Civil Rights Act of 1964 because the policy excluded from employment a disproportionate number of African American applicants. The complaint alleged that WMATA's previous criminal background check policy, which automatically barred individuals with certain types of convictions from employment, had a discriminatory impact on African Americans because a disproportionate number of all persons arrested, convicted, and incarcerated in the Washington, D.C. metro region are African American. The complaint further alleged that WMATA's old 2011 policy, which imposed a lifetime disqualification on certain types of criminal convictions, barred workers from employment, even if they had no further contact with the criminal justice system and had held a steady job for decades.

Earlier this year, in response to the allegations in the lawsuit, among other things, WMATA adopted a new policy that provides for individualized assessments of job applicants who have criminal records. Although WMATA did not admit liability, it agreed, as part of the settlement announced today to pay \$6.5 million to affected class members and

to maintain its new policy for at least one year. This new policy reduces the criminal offenses that result in automatic disqualification; reduces the list of offenses that result in a presumptive disqualification; and provides applicants who are presumptively disqualified with the opportunity to receive an individual assessment of their overall records.

The plaintiffs were represented by the NAACP Legal Defense and Education Fund, Inc. (LDF), the Washington Lawyers' Committee for Civil Rights and Urban Affairs (WLC) and Arnold & Porter Kaye Scholer LLP (APKS).

"This has been a long and challenging struggle, and we have obtained significant relief for our clients, both in terms of damages as well as in changes to WMATA's employment practices going forward," said Matthew Handley, WLC's Director of Litigation.

"Today's settlement is a clear victory for applicants whose job prospects were impacted by actions they took many years before," said [Rachel Kleinman](#), Senior Counsel at LDF. "WMATA's background check policy was out of step with other jurisdictions and limited opportunities for qualified African-American employees."

The use of criminal background checks by employers has grown dramatically over the last several years. With these background checks barring people from being authentically considered for a position for which they may be otherwise qualified, community members and companies are both losing out.

"WMATA's decision to adopt a new policy provides a valuable example for other employers to follow," said John A. Freedman, partner at Arnold & Porter Kaye Scholer LLP. "It represents the promise that individuals seeking employment can and should be assessed on their merits and character, and not automatically disqualified for conduct for which they have already paid their debt to society."

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