

Statement of Marcello Virgil

Plaintiff in *Little et al., v. Washington Metro Area Transit Authority et al.*

I am joining this lawsuit today because I don't think it's fair that a mistake I made 15 years ago should keep me from supporting myself and my family today.

I was convicted of a drug felony in Virginia in 1998 and served 22 months. I completed probation and have worked steadily since then; I have not been arrested or convicted for any other crimes since then. I am a father of five children – my youngest is 13 -- and I coach kids through the Pop Warner football program. I try to give back to my community and I believe everyone deserves a second chance.

I lost my job in March 2013 after Metro changed its policy on criminal background checks. Until then, I had been working successfully as a custodian and seasonal landscaper through Executive Personnel Services Inc. (EPSI), a contractor for Metro. In fact, I was so successful at my job that my supervisors, who worked for Metro, suggested that I apply for a full-time job directly with Metro, where I could get better benefits and pay. They both wrote letters of recommendation for me. My supervisor Ernest Jackson said in his letter, and I quote, "Mr. Virgil was a valuable employee who highly valued attendance and

punctuality. His friendly personality was contagious. His work ethic raised the level of productivity of his colleagues.” I felt pretty good about my chances for getting the job with Metro based on that letter and I was looking forward to the new position.

When I applied for the job at Metro I didn’t even have to fill out an application because of my supervisor’s recommendation. I was told that I would have to pass a background check, but that didn’t worry me because I had already been cleared when I began working at EPSI. However, a few weeks later, I was called in and told to hand in my keys and badge – I wasn’t given any explanation. I found out later that it was because of changes to Metro’s criminal records policy my 15-year-old conviction prevented me from working for Metro or for its contractor, EPSI. I have been out of a job since then.

It hasn’t been easy. My partner works for Red Top cabs, but the money she makes isn’t enough to fully support our family. My mother helps out when she can, and we’re grateful for that. I have health problem that limit the types of jobs I can take, and that’s why I thought the job at Metro was perfect for me. I’m here today so that I -- and others like me -- can get their jobs back.

We're not saying Metro shouldn't do background checks – we all want to be safe. We're just asking them to be fair and not disqualify people for conduct that occurred decades ago and is unrelated to our ability to do the job safely and effectively.