

The Labor & Employment Committee of the National Lawyers Guild - New York City, The National Lawyers Guild Mass Incarceration Committee, and the Cardozo Labor & Employment Law Society

present

Overcoming Barriers to Employment for Workers with Criminal Records in New York



WITH DISTINGUISHED SPEAKERS

Avery Bizzell, *Community Organizer, Community Service Society*
Bernadette Jentsch, *Senior Staff Attorney, Mobilization for Justice*
Dana Lossia, *Partner, Levy Ratner, P.C.*
Hasan Washington, *BMCC Student, CSS Client*
Monica Welby, *Senior Staff Attorney, Legal Action Center*

Cardozo School of Law, Room 204
55 5th Avenue, New York, NY

November 14, 2017 ♦ 6:00 - 8:00 pm

2.0 CLE credits in Professional Practice* - Transitional/Non-transitional Credits
***Approval Pending**

Attendance Fees:

Free for students, non-attorneys, NLG members; \$25 for non-NLG members
Fee waivers upon request: cristina.gallo@gmail.com

Registration Required: <http://bit.ly/2uDX9BK>
For information: cristina.gallo@gmail.com / alek.felstiner@gmail.com

CLE Credits provided by the National Lawyers Guild - New York City Chapter

CLE credit will be offered only to those attorneys completing entire sessions; attorneys attending only part of a session are not eligible for partial credit. Attorneys arriving late are welcome to attend the program but will not be eligible for credit. Attorneys wishing to receive CLE credit must sign in the program's attendance register prior to and following the CLE program; once a speaker begins the program, the sign-in sheets will be removed. Similarly, attorneys leaving the session early are also ineligible for CLE credit.

TABLE OF CONTENTS

I. AGENDA	1
II. BIOGRAPHIES	2
III. MATERIALS & AUTHORITIES	4

AGENDA

Introduction

- I. Welcome and Opening** 6:00-6:05
CRISTINA GALLO & DANA LOSSIA

Remarks

- II. Client's Perspective** 6:05-6:30
HASSAN WASHINGTON

- III. Overview of Relevant Legal Issues** 6:30-7:30
BERNADETTE JENTSCH & MONICA WELBY
- A. Criminal Records Overview
 - B. Anti-discrimination Laws
 - C. Ban the Box Legislation
 - D. Fair Credit Reporting Act
 - E. Evidence of Rehabilitation
 - F. Question & Answers

- IV. Sealing and Legislation to Expunge** 7:30-8:00
AVERY BIZZELL
- A. How Criminal Records are Created
 - B. What is Sealing
 - C. What is Expungement
 - D. Question & Answers

Download the materials here: <http://bit.ly/2vgWkUv>

Program Coordinators:

Brittany Ashton

Scott Davis

Alek Felstiner

Cristina Gallo

Elba Galvan

Nora Sullivan

BIOGRAPHIES

AVERY BIZZELL

Avery Bizzell is the Community Organizer for the Community Service Society's start-up Criminal Records Expungement Campaign. Avery brings a wealth of community organizing skills and experience, from organizing cafeteria workers while a student at Morehouse College to working as an Organizing Fellow for SEIU 32-BJ to his most recent position as Program Coordinator and National Organizer at the Center for Third World Organizing and all stops in between. Avery is also a member of the NYC Chapter of Black Youth Project 100 and currently serves on the Advisory Council for Black Organizing for Leadership and Dignity.

BERNADETTE JENTSCH

Bernadette Jentsch is currently Interim Supervising Attorney in the Workplace Justice Project (WJP) at Mobilization for Justice, Inc. (formerly MFY Legal Services), which provides legal assistance in employment matters to low-wage workers throughout New York City. Bernadette implemented the WJP's License to Work Initiative in 2007, which assists and represents individuals with a criminal conviction record in removing barriers to obtaining employment and/or licenses. As part of this initiative, she wrote a manual on how to represent individuals with a criminal conviction record in a security guard licensing hearing and has conducted trainings for the New York County Lawyers Association's Project Restore and the City Bar Justice Center's Reentry Project. In recognition of her extraordinary dedication and outstanding work and contribution in providing civil legal assistance to the poor in New York City, she was the recipient of the New York City Bar Association's Legal Services Award in June 2014. Bernadette is a graduate of the Catholic University of America's Columbus School of Law in Washington, DC, the University of Connecticut and the Eastman School of Music. She previously served on the Corrections and Community Reentry Committee of the New York City Bar Association, and is currently a member of the National Employment Lawyers Association, New York affiliate and the Asian American Bar Association of New York.

DANA LOSSIA

Dana Lossia is a partner at Levy Ratner, P.C., where she practices labor, employment, and civil rights law. Dana was one of the lead litigators in a successful case against the City of New York for discrimination against black firefighters, which has led to the employment of several hundred new black members of the FDNY. Dana represents individual employees as well as unions and union members in New York and New Jersey. The grandchild of Iraqi immigrants, Dana is a member of the Board of Editors of the Employment Discrimination Law treatise and has given presentations at the AFL-CIO's Lawyers Coordinating Committee, as well as the Impact Fund conference. She is a member of the National Employment Lawyers Association of New York, the American Bar Association Labor & Employment Law Section's Equal Employment Opportunity Committee and the National Lawyers Guild. Dana is a graduate of Harvard Law School.

HASAN WASHINGTON

Hasan Washington is a student in Human Services at Borough of Manhattan Community College, and a volunteer counselor for the Fortune Society's I-CAN program. He has also worked as a youth counselor for Goodwill Industries. Mr. Washington is a former client of the Community Service Society. Since being released Mr. Washington has been an advocate for individuals reentering the community after incarceration. He expects to receive his Associate's degree in 2018, and plans to pursue a Bachelor's degree and a career in Human Services.

MONICA WELBY

Monica Welby joined the Legal Action Center's Legal Department in 2011. She represents and advises individuals who have suffered discrimination because of a criminal record, drug/alcohol history, or HIV status, as well as those who suffered a breach of their HIV confidentiality rights. Ms. Welby is actively involved in the Center's development of impact litigation. She also advises and trains service providers about privacy and anti-discrimination laws protecting the Center's constituencies. Ms. Welby is a member of the National Employment Lawyers Association, New York affiliate and of the Hispanic National Bar Association. She is a former member of the New York City Bar Association's Labor & Employment Law Committee. Prior to joining the Legal Action Center, Monica Welby was a Litigation Associate at Willkie Farr & Gallagher LLP for five years. She also was a law clerk to the Honorable Barry T. Albin of the Supreme Court of New Jersey. She is a graduate of Duke University and Rutgers School of Law – Newark.

MATERIALS & AUTHORITIES

[Download from Dropbox at: <http://bit.ly/2ygWkUv>]

- ❑ Bernadette Jentsch & Monica Welby, *Overcoming Barriers to Employment for Workers with Criminal Records in New York* [dropbox]
- ❑ Collateral Consequences Resource Center – Collateral Consequences of Criminal Conviction and Restoration of Rights: News, Commentary, and Tools, <http://ccresourcecenter.org/> [web link only]
- ❑ Community Service Society, *Next Door Project Brochure* [dropbox]
- ❑ Equal Employment Opportunity Commission, *Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions Under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e et seq.* (April 25, 2012) [dropbox]
- ❑ Legal Action Center, *Your New York State Rap Sheet: A Guide to Getting, Understanding, and Correcting Your Criminal Record* (2015) [dropbox]
- ❑ Legal Action Center, *Lowering Criminal Record Barriers: Certificates of Relief/Good Conduct and Record Sealing* (2015) [dropbox]
- ❑ Legal Action Center, *Certificates of Relief and Good Conduct: What You Should Know (Part 1)* (2016) (English and Spanish short videos for clients and providers), <https://lac.org/certificates-relief-good-conduct-videos/> [web link only]
- ❑ Legal Action Center, *The Problem of RAP Sheet Errors: An Analysis By the Legal Action Center* (2013) [dropbox]
- ❑ Legal Action Center, *Are you Somebody with HIV/AIDS? An Alcohol or Drug History? A Criminal Record?* (Updated 2017) [dropbox]
- ❑ Legal Action Center, *Overcoming Barriers Webinar Series*: This webinar series can help New Yorkers with criminal records overcome barriers to jobs and housing. It is designed for people who have been through the criminal justice system as well as their service providers. The series contains the following four webinars:
 - ❑ Part 1: [Criminal Records](#). Discusses what criminal records are, where they are kept, and who can access them, https://youtu.be/BG6vSONkM_Q [web link only]
 - ❑ Part 2: [Housing](#). Discusses criminal record-related housing barriers, legal protections, and ways of overcoming some of these barriers, <https://youtu.be/uwkpjXrRZs> [web link only]
 - ❑ Part 3: [Employment](#). Reviews laws protecting people with criminal records from employment discrimination; also gives tips on applying for jobs and completing job applications, <https://youtu.be/SEVayjqP4Aw> [web link only]

- ❑ Part 4: [Evidence of Rehabilitation](#). Describes what evidence of rehabilitation is and how to gather it; also explains Certificates of Relief from Disabilities and Certificates of Good Conduct — what they are, how they can help, and how to get them, <https://youtu.be/2Q1O03B8Ayk> [web link only]
- ❑ Legal Aid Society, Practice Advisory: New Sealing Law [dropbox]
- ❑ Legal Aid Society, Practice Advisory: Comparison of Sealing Provisions [dropbox]
- ❑ National Employment Law Project, Michelle Natividad Rodriguez & Beth Avery, Ban the Box Guide (May 2017) [dropbox]
- ❑ National Inventory on the Collateral Consequences of Conviction, <https://niccc.csgjusticecenter.org> [web link only]
- ❑ NYC Commission on Human Rights, <https://www1.nyc.gov/assets/cchr/downloads/pdf/FCA-InterpretiveGuide-112015.pdf> [Note: a public hearing was held on March 21, 2016; amendment to rules forthcoming.] [dropbox]

Licensing-Related Links

- ❑ NYC Department of Education, Chancellor’s Regulations C-105 [dropbox]
- ❑ NYS Department of State, Division of Licensing Services, List of Licenses, <https://www.dos.ny.gov/licensing> [web link and dropbox]
- ❑ NYS Department of Education, Office of the Professions, List of Licensed Professions, <http://www.op.nysed.gov/prof/> [web link and dropbox]
- ❑ NYS Department of Health, Criminal History Review Check, Part 1 [dropbox]
- ❑ NYS Department of Health, Criminal History Review Check, Legal Review [dropbox]