

## FTC Asked to Probe Background Checks on Rail Workers

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(July 12, 2007) A coalition of privacy, labor and civil-liberties advocates filed a complaint with the Federal Trade Commission yesterday, urging the agency to investigate railroad and other transportation employers who violate the Fair Credit Reporting Act by failing to give employees proper notice when conducting criminal background checks on them.

About 100 railroad workers were fired after background checks conducted by the company, e-Verifile, which received its data on the workers from the commercial data broker Acxiom, said **Tamara Holder**, an attorney representing the workers. The background checks were conducted after a 2006 recommendation by the Department of Homeland Security and the Transportation Department.

The complaint alleges several violations of the act: Employees were not told they were under investigation or were told that the checks were required by the federal government when they were not. Some allege they were informed in English when they spoke only Spanish. They also say they were not given access to their reports or a written explanation of why they were about to be fired and were not notified why they were fired.

The alleged actions violate the Fair Credit Reporting Act's requirement for "clear and conspicuous" disclosure to workers, said the groups, which include the Center for Democracy and Technology, Rainbow/PUSH, the National Workrights Institute, the Legal Action Center and the National Employment Law Project.

The contractors cited in the complaint are H&M International Transportation, Quality Transportation Services, Rail Terminal Services and Renzenberger.

The workers allege they were fired because of felonies found on their records. The case also highlights the problem of relying on commercial data brokers whose information may not always be accurate, said Ari Schwartz, deputy director of the Center for Democracy and Technology. One worker, for example, had been the victim of identity theft, Schwartz said. Some workers had been at the same job for more than 10 years with no problems raised by their employer.

The groups want the FTC to investigate the allegations and other similar infractions that they say may be widespread in the transportation sector, and to create a set of clear standards for employers to follow in giving notice to employees.