



The Voice

SPRING 2016

The Employment Issue

LASP -- Working for Justice

Nancy* had been steadily employed and had built a stable life. But things took a sudden turn for the worse when her job was eliminated. **Without work, her financial stability and the security of her housing were at risk.**

Nancy was awarded Unemployment Compensation and began the search for new employment. But her ex-employer appealed the decision, arguing that she had not been an employee but an independent contractor and thus ineligible for UC benefits.

When Nancy came to LASP, she was distraught. But her attorney saw that there was hope in the circumstances of her case. Together they reviewed her employment history and determined that she was due UC benefits. At the hearing the Referee agreed, and the benefits provided Nancy with financial stability as she continued her pursuit of new employment.

*From the LASP Case Files**



LASP helps a mother of four receive the Unemployment Compensation benefits she deserves.

A mother of four, Ms. B* provided in-home nursing care for seniors. When her employer failed to pay her for three pay periods, she made unsuccessful attempts to resolve the issue.

Desperate, she resigned and applied for Unemployment Compensation. She needed this money to survive.

But her application was denied.

Discouraged, Ms. B came to LASP for help. Her attorney listened to her story, explained UC policies, and discussed her rights to the unpaid wages.

At the hearing, Ms. B and her LASP attorney provided the Referee with evidence demonstrating that she met her burden in showing good cause for quitting. The decision was reversed.

Ms. B received the benefits that she deserved. And she felt so empowered by the result and her experience with LASP, that she pursued an employment claim for the unpaid wages.

Employment provides economic self-sufficiency and self-esteem, and when it's unavailable or lost, lives can be fractured. And when unemployment benefits are wrongly denied, low income and vulnerable people can spiral deeper into poverty and even homelessness.

**employment
expungement
UC benefits**

Nancy's story is just one example of how Legal Aid helps people stabilize their lives.

When employment opportunities are impeded by a past minor criminal or arrest record, the search for a job can be an uphill battle. LASP advocates and pro bono volunteers have helped hundreds of clients like Stephanie* (*read her story on page 3*) get their records sealed or destroyed, giving them a fresh start and new opportunities.

LASP also visits dozens of community organizations throughout the year, offering education and resources about employment rights to hundreds of people annually.

By providing people like Nancy and Stephanie with guidance and representation on employment issues, LASP strengthens communities and builds better lives.

*Neither the clients' actual names nor photos are used.

Serving Bucks, Chester, Delaware and Montgomery Counties Since 2001

Mission

The mission of LASP is to provide quality legal representation to low-income and vulnerable people from Bucks, Chester, Delaware and Montgomery Counties; to empower them to solve problems without legal representation through legal education and increased access to the courts; and to change community practices and systems that cause or aggravate poverty.

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“To deny any person their human rights is to challenge their very humanity.”

- Nelson Mandela

Please Note: Articles in this newsletter are intended to provide general information and not specific legal advice. If you have a specific legal problem, you should consult an attorney or call our toll-free Helpline at 1-877-429-5994.



Community Education and Outreach

LASP offers community legal education, staff-in-service training and outreach about our services to a variety of groups in our four-county region. To schedule a LASP representative for an upcoming event, call Kesha James, Esq. at 610-275-5400 x131.

When a Past Charge is a Future Stumbling Block, an Expungement Offers Hope

Stephanie* has a college degree and years of experience working in banking. Her last job paid much more than the average Legal Aid client earns, but when the economy slowed she was laid off. She looked for work for months. As the sole supporter for her three children, she ran through her savings quickly, and unemployment compensation was not enough to make ends meet. She moved into subsidized housing to save her children from homelessness.

After her unemployment benefits ended, she was forced to make do with only food stamps and a few hundred dollars a month in cash assistance. She applied for dozens of jobs, but was repeatedly turned down, or hired only to be fired when her background check revealed a decade-old charge.

She was never convicted of anything, but still could not find work. Meanwhile, her family fell deeper and deeper into poverty.

Nearly 1/3 of Americans have some type of criminal record, many of them charges that were dropped.

Stephanie is one of hundreds of clients seeking expungements that LASP has represented in the last year. Together, we were able to expunge her record, removing it from law enforcement and private databases so future employment-related background checks will come back clear, and she will no longer face the stigma of having been charged, but never convicted, of any crime.

In some ways, Stephanie was lucky — her record was eligible for expungement and she was able to get the assistance she needed. Many Pennsylvanians with records are not so fortunate. Until recently, Pennsylvanians with misdemeanor or felony convictions had to wait until turning 70, receiving a pardon, or 3 years after their death before being eligible to expunge or seal the record.

In February a new Pennsylvania Law passed, allowing people with certain misdemeanor convictions the opportunity to seal their records once they have remained free of arrest and conviction for 10 years.

Expansion of the legal right to expungement is a tremendous step to help low-income Pennsylvanians get back to work and support their families. You can read Executive Director Elizabeth Fritsch's commentary on the new law at **Newsworks.org** or on our website at **lasp.org**.

To see if LASP can help expunge your record, contact our toll free helpline at 1-877-429-5994.

Investing in Their Future

LASP works with EARN Centers to help people move forward with employment

“LASP is a positive voice for EARN participants, and LASP’s availability to our clients has been a great asset.”

- Stephanie Cacciavillano, Welfare Programs Manager for Delaware County Office of Workforce Development.

LASP attorneys work closely with the Employment Advancement and Retention Network (EARN) centers in Delaware and Chester Counties. The EARN program helps Temporary Assistance for Needy Families

recipients move into the workforce. LASP attorneys offer guidance to those participants who are trying to overcome legal barriers to obtaining employment.

LASP Staff Attorney Deborah Steeves makes monthly presentations at the Chester County EARN center and says the program turns lives around.

“It’s terrific to see the changes in attitudes of EARN participants as they move through the program.

-Deborah Steeves, Esq., LASP Staff Attorney

“I’ve seen participants revise their goals from getting jobs to establishing careers, goals that are now being supported through the program,” says Ms. Steeves. “One young woman is about to finish college, with a nursing degree. They move beyond just fulfilling the requirements to all of a sudden becoming invested, setting goals and achieving those goals.”

LASP News

LASP received a generous **cy pres award** through cases handled by Cary Flitter of Flitter, Milz, P.C.. The \$35,000 award was a result of successful litigation around improper credit practices, and will be used by LASP to provide legal assistance to clients who are facing issues in the area of consumer law.



Cary Flitter, Esq., presents a cy pres award for \$35,000 to LASP. L to R: Elizabeth W. Fritsch, Esq., LASP Executive Director; Cary Flitter, Esq.; Nancy Paul, Executive Director, Montgomery County Bar Association and former President of the LASP Board of Directors.

Counties

Bucks

Jennifer Pierce (pictured right), LASP Bucks County Staff Attorney, competed in her first Boston Marathon on April 18, finishing in a fantastic time of 3:27.



Chester

We’re excited to announce our new appointment-only, outreach location at Phoenixville Area Community Services, 257 Church St. in Phoenixville. The office is open the first Friday of every month from 9 a.m. - noon. For an appointment call 610-933-1105, ext. 202.

Delaware

LASP has expanded availability in Delaware County with the opening of our new office at 334 W. Front St. in Media. Hours are M- F, 9:00 a.m. - 4:00 p.m. Appointments can be made by calling 610-422- 7053.



LASP Delaware County staff in front of the new Media office. L to R: Christina Drzal, Staff Attorney; Michelle Terry, Managing Attorney; Thomas Kerstan, Staff Attorney; Tamalya Kaywood, Office Manager.

Montgomery

It’s tee time! Join us for the 2016 **Montgomery Bar Association Legal Aid Annual Golf Classic** on June 24 at the Meadowlands Country Club in Blue Bell.

The MBA Legal Aid Golf Classic raises much needed funds for LASP’s legal services for Montgomery County’s vulnerable and low-income residents.



LASP is grateful for the generosity of the Montgomery Bar Association and the sponsors and supporters of the Legal Aid Golf Classic.

For more information, call the MBA at 610-279-9660.

Spring Newsletter

The
Employment
Issue

Connect with LASP



Get your running shoes ready for the 12th Annual LASP Chester County Division's Trial Run 5k Run/Walk on Saturday, June 25, 2016 in Downingtown, PA.

Since its inception in 2005, the race has raised over \$182,000 for LASP. This is a great, fun way to support LASP!

Look for registration information on our website at www.lasp.org.



FREE LEGAL HELP

Legal Aid of Southeastern PA provides free civil legal services for low-income residents of Bucks, Chester, Delaware and Montgomery counties.

For free help, call:

LASP Helpline
1-877-429-5994
Mon-Fri, 9 am-1pm
TOLL-FREE

Se habla español.
www.lasp.org

Toll-Free Helpline
1-877-429-5994

Fact Sheet

Issues in Employment Law | Spring 2016

Employment Law: Answers to some common questions

Prepared by Legal Aid of Southeastern Pennsylvania

This fact sheet is intended to provide general information and not specific legal advice. The law often changes. Each case is different. If you have a legal problem, you should consult an attorney or call the LASP Toll-free Helpline at 1-877-429-5994.

Se habla español.

Asistencia Legal del Sureste de Pennsylvania provee servicios legales civiles gratis para ciudadanos de bajos ingresos de los condados de Bucks, Chester, Delaware, y Montgomery.



PALawHelp.org
(www.palawhelp.org)
offers legal information
and resources about
employment topics.

Do I qualify for Unemployment Compensation?

You are eligible to receive Unemployment Compensation if:

- You were fired from your job through no fault of your own; or
- You were laid off from work because no work was available; or
- You were forced to quit your job because of a compelling and necessitous reason.

How do I apply for Unemployment Compensation Benefits?

File an application with the UC Service Center at www.state.pa.us or 1-888-313-7284. The UC Service Center will interview you and your former employer to determine if you are eligible for UC benefits. The Service Center will then send you a "Notice of Determination" telling you whether you will receive UC benefits.

What if my claim is denied?

If you are denied, you can appeal the denial within 15 days from the date of the notice.

How do I appeal a Notice of Determination?

To appeal, complete the "Petition for Appeal" form mailed to you with the Notice of Determination. Under "Reason for Appeal" state: *I disagree with the decision of the Service Center.* Bring the completed form to your local Career Link Office for filing. To find the office nearest you, call 1-888-313-7284. You can also file your Petition for Appeal by mail. Send the appeal certified mail return receipt requested or with a Postal Service Form 3817, Certificate of Mailing.

If you appeal, you will receive notice in the mail of a hearing in front of a UC Referee, at which time you are entitled to be represented by an attorney, paralegal, or other non-legal representative if you so choose.

What happens at an Unemployment Compensation hearing?

- The Referee's hearing is your only chance to present testimony and witnesses on your behalf and ask questions of your former employer.
- The Referee will decide if the decision of the Service Center was correct.

Toll-Free Helpline
1-877-429-5994

Fact Sheet

Issues in Employment Law | Spring 2016

Employment Law: *Answers to some common questions*

What are my employment rights if I have a criminal record?

- Under Federal law, employers usually cannot consider arrests that did not lead to convictions. Employers can consider convictions, but must take into account:
 1. how minor the conviction is,
 2. how long ago it happened, and
 3. the nature of the job to which the individual is applying.
- Under Pennsylvania law, employers can consider felony and misdemeanor convictions only to the extent they relate to the job.

Can I have my record expunged?

- If you were arrested, but never convicted; the charges filed against you were withdrawn or nolle prossed, the case against you was dismissed, or after a trial you were acquitted, you are eligible to have the record of your arrest erased. If, after being arrested, you were placed into a special probation program sometimes called Accelerated Rehabilitative Disposition ("ARD") and told that after completing the terms of your probation the charges against you would be dismissed, you are eligible to have the record of your arrest erased. If you were "adjudicated delinquent" (found guilty of a crime by a juvenile court judge), you are eligible to have your entire juvenile record erased.
- Persons who are convicted of a summary offense (usually an offense requiring only the paying of a fine such as disorderly conduct, public intoxication or the first offense of retail theft) can have their criminal histories expunged provided they do not have any arrests or convictions within five years of their summary offense conviction.
- Beginning in November, 2016, Pennsylvanians with certain misdemeanor convictions have the opportunity to seal their records once they have remained free of arrest and conviction for 10 years.



**Call our Toll-Free
Helpline at
1-877-429-5994 if
you have questions
about unemployment
compensation,
criminal record
expungement, wage
claims, or other
employment-related
issues.**