

Agreement Reached in Criminal History Screening Case

The Fortune Society, Inc. (“Fortune”), a nonprofit community-based organization that supports successful community reentry for people with prior criminal justice involvement, and Macy’s, Inc. (“Macy’s”), have reached an agreement in *The Fortune Society, Inc. v. Macy’s, Inc.*, a case brought under Title VII of the Civil Rights Act of 1964 and the Fair Chance Act (“FCA”) provisions of the New York City Human Rights Law that sought to address Macy’s’ criminal history screening policies and practices in New York City. In 2015, NYC passed the FCA affirming and strengthening the City’s commitment to ensuring that individuals with criminal history records are evaluated fairly during the hiring process. Black and Latino people, who make up over 90% of Fortune’s participants, are typically disproportionately impacted by criminal history screens in hiring because of racial discrimination in the criminal justice system. The agreement affirms Fortune’s commitment to helping individuals with criminal justice involvement turn a corner on their past.

According to JoAnne Page, Fortune’s President and Chief Executive Officer, “Macy’s is a New York City icon providing good job opportunities and we welcome the steps it is taking to ensure compliance with the New York City Fair Chance Act to the benefit of all New Yorkers, including Fortune participants.”

“We are gratified that Macy’s will undertake efforts to hire an expert to review its criminal history screening policies and ensure that they provide economic opportunities for qualified applicants and employees,” said Sherrilyn Ifill, President and Director-Counsel at the NAACP Legal Defense and Educational Fund, Inc., one of the organizations representing Plaintiffs. “Criminal history screening policies must consider factors such as the nature of the conviction, its recency, and any evidence of mitigation and rehabilitation. This settlement provides a valuable example for other employers to follow.”

“We appreciate the work of the Fortune Society to ensure equitable access to jobs. Through the steps we have taken, we will be better able to deliver on our commitment to provide employment opportunities to all,” said Shawn Outler, CDIO. “Macy’s is a major employer in markets across the country and we believe that Macy’s is at its best when our workforce reflects the full diversity of the customer and communities we serve.”

The Fortune Society, Inc. was filed on June 26, 2019 in the U.S. District Court for the Southern District of New York and was brought on behalf of Fortune and its participants and Plaintiff Michael Clark.