

Business

FedEx Sued in New York Over Job Applicant Background Checks

By [Robert Burnson](#)

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FedEx Corp. was sued by a job applicant who says the company violated New York City law when it checked his criminal history before deciding whether to offer him a job.

Henry Franklin, who admits to an unspecified criminal record, said he applied online for a job as a FedEx package handler in November and that as part of the application, he consented to a background check.

After the company sent him a copy of the results, he never heard from it again, he said in the lawsuit.

Franklin's lawyers claim FedEx's actions violated New York's Fair Chance Act, a six-year-old civil rights law intended to protect people with criminal records from undue job discrimination. Under the act, companies are prohibited from considering or inquiring about the criminal history of applicants until after they extend conditional job offers.

Once offers are made, companies can ask about criminal histories, but even if they find

something, they are prohibited from revoking offers unless the it has a “direct relationship” to the job or involves public safety.

“The Fair Chance Act was enacted to protect individuals with criminal convictions against irrational discrimination in employment and thus facilitate their reentry into society,” Franlin’s lawyers said in the lawsuit. “Defendants’ policy of discriminating against individuals with conviction histories frustrates these public policy objectives.”

The company said it’s reviewing the allegations and will defend the lawsuit.

“FedEx Ground is committed to complying with all laws that apply to our operations in New York,” the company said in a statement.

Franklin is asking the court to allow him to represent a class of job applicants with criminal records who were turned down by FedEx in New York.

The suit is similar to one settled last year by Macy’s Inc. for \$1.8 million. In that case, the retailer was accused of using overly broad criminal background checks to screen out qualified minority job seekers based on race.

The case is Franklin v. FedEx Ground Package System, Inc., 21-cv-02204, U.S. District Court, Southern District of New York (Manhattan).

(Updates with company comment in eighth paragraph.)

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FEDEX CORP

265.35 USD ▼ -2.94 -1.10%

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MACY'S INC

14.78 USD ▼ -0.48 -3.14%