

Madison Square Garden discriminates against African-American job applicants by illegally using criminal history reports in making hiring decisions, according to a complaint filed with the U.S. Equal Opportunity Commission by Outten & Golden LLP and Manhattan Legal Services, a program of Legal Services NYC.

The EEOC charge was filed Thursday on behalf of Carlene Clarke, 27, of New York, who received an employment offer letter from MSG in September 2007 that was rescinded the following month after a background check indicated that she had pled guilty to misdemeanor assault more than five years earlier.

By revoking its offer of employment to Ms. Clarke, MSG violated Title VII of the Civil Rights Act of 1964 and engaged in "a policy or pattern and practice of discrimination against African-American applicants for jobs at MSG," according to the charge. New York City and State laws also prohibit employers from discriminating against most job applicants on account of their criminal convictions.

Ms. Clarke's legal team alleges that MSG's use of criminal histories in making hiring and other employment decisions has a disparate impact on African-Americans. The charge is "intended to place MSG on notice of class-wide allegations of race discrimination."

Adam T. Klein and Justin M. Swartz, of Outten & Golden LLP, in New York, and Julia Price Rosner, of Manhattan Legal Services, in New York, represent Ms. Clarke.

Attorney Justin M. Swartz, of Outten & Golden LLP, said, "The fact is, about one in five U.S. adults has a criminal record, and a disproportionate number of them are African-Americans and Hispanics. Millions of people like Ms. Clarke are motivated to return to the workforce after they pay their debt to society only to be turned away by employers with unfair hiring policies."

Attorney Roberta L. Steele, of Goldstein, Demchak, Baller, Borgen & Dardarian, P.C., a California firm representing workers in similar cases, said, "This type of discrimination is a worsening problem for workers who have had a brush with the law and has a devastating effect on low-income communities nationwide, and particularly on minority communities."

Ms. Clarke said, "I regret and paid dearly for the mistake I made several years ago, but my life is in order now. I accepted MSG's job offer, and looked forward to starting a new job. They seemed to recognize that I would be a good worker."

Attorney Julia Price Rosner, of Manhattan Legal Services, said, "MSG's unfair decision to deny Ms. Clarke employment dealt her a great blow economically and emotionally. The individual consequences of discriminatory hiring policies should not be overlooked."

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