

Kevin L. Hutchinson
1229 W. Allegheny Avenue
Philadelphia, Pennsylvania 19133
Cell: (267) 407-5929/Alternative: (215) 382-8881
khutchinson2004@hotmail.com

Shannon A. Sargent, Esq.
Legislative Counsel
State Senator Anthony H. Williams
Democratic Whip
The State Capitol - Room 11 EW
Harrisburg, PA 17120-3008

I would like to start by thanking State Senator Anthony Williams for inviting me to speak at this hearing, along with Shannon Sargent, Legal Counsel for Senator Williams, members of State and Local Government in attendance, my Attorney David Koller for all his work and Reporter Stephanie Farr of The Philadelphia Daily News, For if was not for her work in reporting my story in the December 13th, 2010 edition of The Philadelphia Daily News, I would not be here today.

The Purpose of my testimony is to give you my personal account of how a third party background check company sent false information in regards to a criminal background check and cost me two jobs, how my life was affected, and to use information and statements from Ms. Farr's article to detail why these errors are not just small, isolated issues and must be addressed to aid all Pennsylvania citizens.

In late August of 2010, I applied and was granted a position at GameStop located in North Philadelphia. In my application, I detailed my misdemeanor crimes which I was convicted of June 2002. It was the only time I have ever been in trouble legally. Though regretful and ashamed of my past actions, I have made strides to be a better person than even I was before the events of 2002. I graduated from Thompson Institute in 2005 and have held positions at Comcast, Famous Footwear and Yellowbook USA. After being laid off in 2009, I tried continuously to find employment and GameStop was the first job that gave me a chance. Being a confessed "closet geek" and having a good customer service background I felt it was the perfect fit in a company I can grow with. A month within working at GameStop, I also was granted an interview with Wal-Mart in Warminster, PA for an over-night manager position. After being out of consistent work since 2009, I was going to work with both companies. I again informed Wal-Mart of my misdemeanor convictions in 2002. I was granted the position and was given documentation to sign in regards to having a background check done for me.

On October 19th, while working a day shift at GameStop, I was called into the back office by my manager and the district manager. I was informed that there were things found on my background check that I failed to inform them. I was asked, "If there were more charges on my background check, would I be surprised?" I told them that I would be "shocked." Minutes later, I

was fired for "non disclosure of information." I asked was it from 2002 and was repeatedly told that it was not.

A few weeks later, Wal-Mart sent me a denial letter with a copy of the background check which was done by General Information Services. In the background check, they claimed that I was convicted of Felony Cocaine Possession in Gloucester County, Virginia in 1996. I am a graduate of William Penn High School in North Philadelphia...CLASS OF 1997. I have never been to Gloucester County, Virginia. I called GIS and lodged a complaint and demanded that this error be fixed. Two weeks later, I was informed by a GIS representative that it was removed from their background check and sent me a resubmitted copy with the corrections. I also went to a State Police Barracks and had my fingerprints sent to Virginia, who also removed the Felony conviction from my record. By then it was too late. I was red flagged by Wal-Mart and GameStop told me I could reapply for another position, though losing my original position was of no fault of mine. I called GameStop's Human Resources to complain. It was then that I found out that GIS also did the background check in my behalf for GameStop via the HR Representative I spoke with. It was also confirmed by a GIS representative I spoke with via telephone that evening. That's two error ridden background checks to two different companies. Since then I have had issue obtaining employment. Financially it has been a burden. I am no longer eligible for unemployment and have struggled to maintain my bills and rent.

According to Lillie Coney, Associate Director of The Privacy Information Center in Washington D.C., my case is not a rarity. Coney mentioned in the daily news article that many companies do background checks, "even for positions that do not require trust that they manage money or things of value. There is no way to know that the error rates (of background checks) are off the charts." Chris Lemens, General Counsel for GIS stated in the article that GIS has "fewer than two errors in 10,000 cases." Ironical that Mr. Lemens said that. I guess the "two errors in 10,000 cases" Mr. Lemens spoke of were both for the false reports done on me. He even goes on to say that GIS background checks are not "guaranteed accurate." He then throws the blame to local court systems, saying that GIS has seen cases where records are inaccurate or "even made up." Lillie Coney adds that "They (Data Brokers) know the documents they are getting have errors, but it does not stop them from using them." I was even informed by a GIS representative that the company primarily runs checks via "full name and birth date" which does not ensure accuracy. Coney also added that since many employers prospective employers never give applicants a copy of a background check that the company had run on them, they may never know how many inaccurate background checks there are out there, saying, "For every one person you hear this happens to, there may be THOUSANDS of people who don't know this happens."

The questions I bring before this State Government are as follows: 1) How do we ensure that Pennsylvania citizens are getting an accurate assessment from these third party companies? 2) How do we regulate these third parties to ensure inaccurate background checks are not given? First, these third party companies are not being held accountable for their errors. Coney adds that "The problem is they (third party companies) are not being penalized for doing this, so they keep using bad data practices." Second, companies use entities like GIS because it's cheaper than a real background check from State and Local Authorities. We must develop ways to hold companies like GIS accountable on a Government level. PA Government tries everyday to create job growth for individuals and families. Similar situations like mine and many others simply are

the last thing the citizens under your watch should have to worry about when it comes to seeking employment. You can create laws that could ensure that people obtain a copy of a background check before prospective employers do to give time to check for inaccurate information before it is released and penalize these companies when they release false information, but the rabbit hole may run to deep at this point. The real solution is to cut out the middle-man and have companies use the most accurate background check available....the one from our State and Local authorities.

In closing, I have heard the phrase, "A chain is as strong as its weakest link." I believe a Government is as strong as its most needful citizens. The unemployed men and women of Pennsylvania deserve to have a fair shake when it comes to searching for employment. It is time to eliminate these errors and help make it easier to earn a paycheck. Ladies and gentlemen involved in this hearing, I thank you for your time.