



*Know-Your-Rights to E-RAILSAFE's New  
Criminal Background Checks  
of Rail Workers*

► **Do you work for the contractor of a Class I railroad?** If so, you will likely be required to undergo a criminal background check conducted by "E-RAILSAFE," the private screening company the railroads have hired to implement a background screening process for rail workers.

► **Do you have a criminal record that will be "flagged" as a result of the E-RAILSAFE background check?** E-RAILSAFE will "flag" certain felony and misdemeanor "crimes of concern" (particularly felony convictions within 7 years). The railroads will then review the flagged criminal records, and will tell the contractor which workers are disqualified from accessing railroad property. The contractor must then decide whether it can employ the worker in some other capacity.

► **You have the right to challenge mistakes E-RAILSAFE made about your criminal record or to show that you pose no security threat.** While the challenge process not been made clear yet, the railroads

have said that workers will be given the opportunity to clear up inaccuracies about their records (like criminal charges that should have been listed as dropped or dismissed), or to show that the convictions should not disqualify them from continuing to work because they no longer pose a security threat.

► **Federal law may soon provide relief to workers who lose their jobs due to E-RAILSAFE background checks, as well as new appeal and waiver rights similar to those of hazmat drivers and port workers.** This legislation, H.R. 1401, is currently pending.

► **Contact your union representative immediately if you need help or information on E-RAILSAFE's criminal background checks.** For additional background information, you can also contact the National Employment Law Project's Second Chance Labor Project: Laura Moskowitz, (510) 663-5705 ([lmoskowitz@nelp.org](mailto:lmoskowitz@nelp.org)).