

Required security clearance doesn't violate CHRIA

The Pennsylvania Criminal History Records Information Act restricts how employers may use criminal records in hiring. That doesn't mean employers cannot require a security clearance from an outside agency.

Recent case: Sonya committed a criminal act 30 years ago as a juvenile. Her record was expunged. She applied for a job with a prison health service contractor to work within the Philadelphia Prison System. The contractor had to get security clearances from the city before hiring employees to work inside prisons.

The city denied Sonya a clearance, apparently based on the expunged record. She wasn't hired and sued, alleging the contractor violated CHRIA.

The court tossed out her lawsuit, reasoning that the employer hadn't checked her criminal history. It had to rely on a separate clearance over which it had no control. (*Edmonds v. Corizon Health*, Commonwealth Court of Pennsylvania, 2018)