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# Clearing the Path: Using Legal Interventions to Eliminate Barriers on the Road to Employment

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## EXECUTIVE SUMMARY

More than 50 years after President Johnson declared a war on poverty, millions of Americans continue to live in poverty or struggle to make ends meet. While the causes of poverty and the reasons people find themselves living in poverty are many, employment remains the primary vehicle for moving out of poverty and securing economic stability and mobility.

Many workers, however, face multiple barriers that prohibit them from finding, securing, or maintaining employment.

A review of social science literature identified eight common barriers to employment. These barriers include:

- Lack of education
- Lack of transportation
- Lack of affordable and quality child care
- Mental illness
- Lack of paid time off
- Housing
- Domestic violence
- Criminal records or a period of incarceration

Helping workers to overcome these barriers to employment requires the work and collaboration of many, including lawyers. Civil legal aid lawyers, and other members of the legal community, can and should use legal interventions to reduce the effects of or eliminate the barriers to employment faced by low wage workers. For each barrier identified, there are many opportunities to use direct client representation, systemic advocacy, or client/stakeholder education to fight employment barriers. For example, to address the problems caused by a lack of transportation, an attorney may:

- Provide direct representation to a client whose car is being repossessed due to a delinquent title loan, putting the client's employment at risk;
- Advocate for systemic alternatives to using driver's license suspensions for missed court dates or unpaid court costs; or
- Educate workers through community presentations and printed materials about the pitfalls of title loans allowing consumers to make informed decisions about the use of title loans.

Similarly, to address the barrier of criminal records and/or incarceration an attorney may:

- Provide direct representation to a client in court proceedings to seal a criminal record so that the record no longer shows up on a background check;
- Advocate for changes to laws, policies, and procedures that make the process easier for eligible clients to seal their criminal records; and
- Educate low-wage workers about their rights regarding background checks under the Fair Credit Reporting Act.

Fighting to end poverty, secure economic security, and increase economic mobility for the millions of Americans living in poverty demands that workers have access to employment with good wages and opportunities for advancement, but for many, employment is out of reach because of the barriers along the way. *Clearing the Path: Using Legal Interventions to Eliminate Barriers on the Road to Employment* details the unique role that lawyers and the use of legal interventions can play in addressing the needs of low wage workers as they remove barriers on the road to employment and drive their way out of poverty.

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Family Promise of Greater Cleveland

El Barrio, The Centers for Families and Children

Lutheran Metropolitan Ministries

The Salvation Army

EDWINS Leadership & Restaurant

Towards Employment

East End Neighborhood House

The Literacy Cooperative

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## **INTRODUCTION**

The United States of America, often called “The Greatest Country on Earth” and the “Land of Opportunity,” has a poverty problem. Millions of Americans live in poverty or regularly struggle to make ends meet. Employment is essential to preventing poverty, creating economic stability, and moving up the income ladder. Yet, many Americans, especially low-income workers, face numerous barriers to employment that limit their ability to not only find a job, but to keep a job, and to experience economic security and mobility.<sup>1</sup>

The purpose of this White Paper is to highlight the most common barriers to employment that low-wage workers encounter and detail the legal interventions that can be used to reduce or eliminate these barriers. As part of the research process, the author conducted a social science literature review to identify the most common barriers to employment. Next, an Advisory Council composed of community partners was formed to collect information about the barriers present in the community. Seventeen community partners were invited to serve on the Advisory Council. A meeting was held on July 13, 2016, and the community partners in attendance included Family Promise of Greater Cleveland; El Barrio, The Centers for Families and Children; Lutheran Metropolitan Ministries; The Salvation Army; EDWINS Leadership & Restaurant; Towards Employment; East End Neighborhood House; and The Literacy Cooperative. The Advisory Council was presented with a summary of the social science literature review and had a discussion about whether the most commonly cited barriers to employment were the same for our community; whether there were any barriers missing; and the resources available in the community. Similarly, Legal Aid’s Advocacy Committee met twice as part of this research project, first to gather information from Legal Aid attorneys and advocates about the barriers to employment that their client’s face, and second to identify legal interventions that could be used to reduce or eliminate the identified barriers.

Part I describes the poverty problem in America and the important role that employment plays in trying to end poverty. Part II details the most commonly cited barriers to employment that low-wage workers encounter. Lastly, Part III provides examples of legal interventions that may be used to help knock down the barriers.



## PART I: POVERTY IN THE LAND OF OPPORTUNITY

### The American Dream

The American Dream is a basic tenet of our society. Its origins can be traced back to the Declaration of Independence and the promise of life, liberty, and pursuits of happiness.<sup>2</sup> While the term “American Dream” was first used by journalist Walter Lippman in his 1914 book titled *Drift and Mastery*, it wasn’t until 1931 when historian James Truslow Adams popularized the phrase in his book, *The Epic of America*.<sup>3</sup> Adams described the American Dream as “a dream of social order in which each man and each woman shall be able to attain to the fullest stature of which they are innately capable, and be recognized by others for what they are, regardless of the fortuitous circumstances of their birth ...”<sup>4</sup> Following the Great Depression, President Franklin D. Roosevelt modified Adams’ concept to include the idea of opportunity stating that, “Liberty requires opportunity to make a living decent according to the standard of the time, a living that gives man not only enough to live by, but something to live for,”<sup>5</sup> and the absence of the opportunity to make a living meant “life was no longer free; liberty no longer real; men could no longer follow the pursuit of happiness.”<sup>6</sup> Thus was born the American Dream ideal that we think of today; “that every US citizen should have an equal opportunity to achieve success and prosperity through hard work, determination, and initiative.”<sup>7</sup>

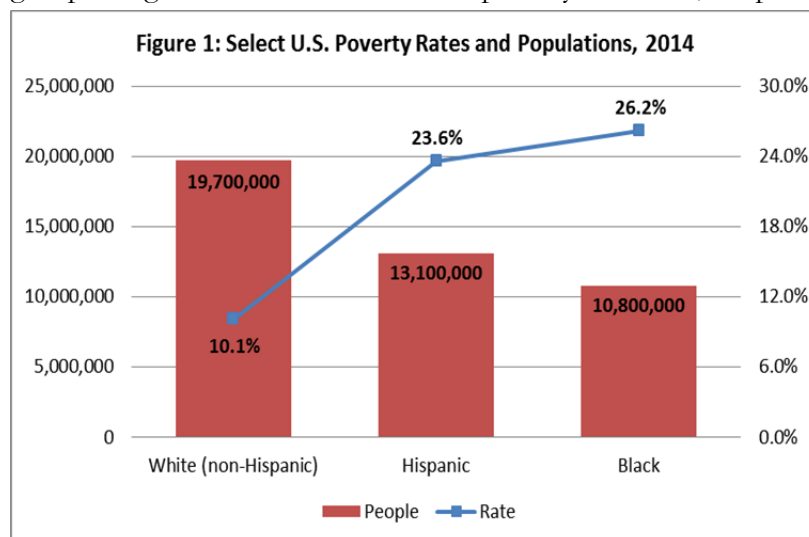
The essence of the American Dream is economic mobility; the ability of individuals and families to move up the rungs of the income ladder in their lifetime and across generations.<sup>8</sup> For decades, the measure for the attainment of the American Dream was a home, a job, and a family.<sup>9</sup> Today, surveys indicate that a once universal “desire to own a home or to move up economically is often replaced by a desire to be debt free and to have financial stability.”<sup>10</sup> Regardless of how the American Dream is defined today, it remains elusive to many.<sup>11</sup>

## Poverty

### National, State, and Local Statistics

Millions of Americans live in poverty. According to the two most recent Census Bureau reports on income and poverty in the United States, in 2014, 14.8 percent of the population or 46.7 million people lived in poverty.<sup>12</sup> In 2015, 13.5 percent of the population or 43.1 million people lived in poverty; a decrease from 2014 of 1.2 percentage points or 3.5 million people.<sup>13</sup> For a family with two parents and two children, that equates to a \$24,008 (2014)<sup>14</sup> or \$24,257 (2015)<sup>15</sup> annually.<sup>16</sup> Even more people hover just above the poverty threshold, and many individuals and families move in and out of poverty.<sup>17</sup> More than a third or 33.4 percent of the population lived at or below 200 percent of their federal poverty threshold,<sup>18</sup> which serves as a good indicator of the number of people that were having trouble making ends meet.<sup>19</sup> Even more troublesome is the increase in families living below one-half of the poverty threshold, or living in “deep poverty.”<sup>20</sup> For a family living in deep poverty in 2014, the annual income was below \$12,004.<sup>21</sup> The proportion of families living in deep poverty has steadily risen since the 1970s, doubling during the past forty years from its low point of 3.3 percent in 1976 to 6.6 percent in 2014.<sup>22</sup>

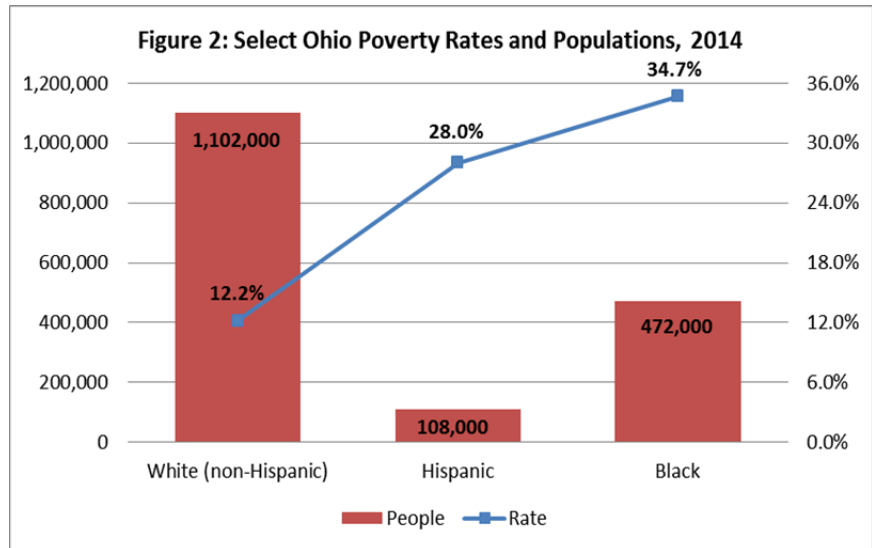
The percentage of people living in poverty in 2014 was even higher for certain demographic groups. Figure 1 details the extent of poverty for Black, Hispanic, and non-Hispanic White



populations in 2014.<sup>23</sup> In the same year, the poverty rate for children under the age of 18 was 21.1 percent or 15.5 million children.<sup>24</sup> Women are poorer than men (16.1 percent versus 13.4<sup>25</sup> percent, respectively).<sup>26</sup>

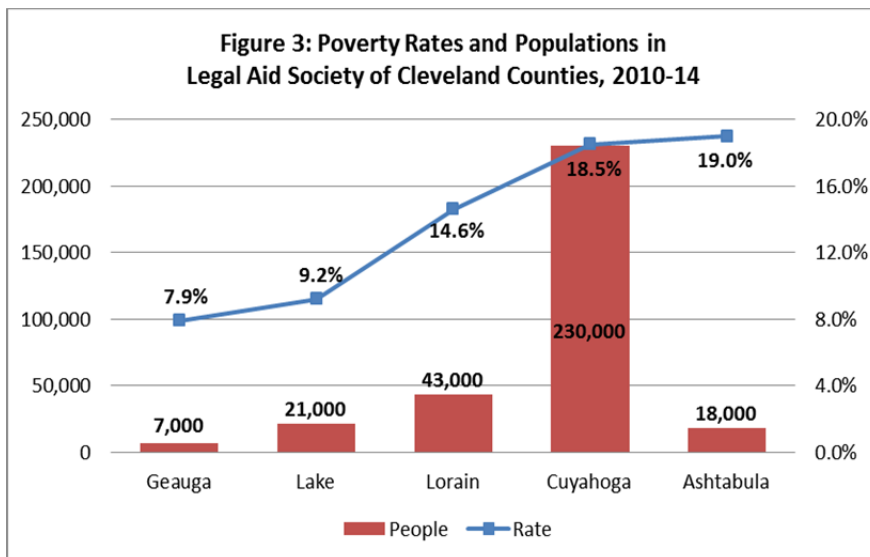
Poverty rates in Ohio mirror those of the entire country. It is estimated that approximately 1.8 million (15.8 percent) of Ohio’s population, for whom poverty status was determined, were poor in 2014.<sup>27</sup> Similarly, 34.3

percent of the population lived at or below 200 percent of the poverty level.<sup>28</sup> Figure 2 details the poverty rates and populations for the same groups in Ohio as identified



in Figure 1. In all cases, the poverty rates in Ohio are higher.<sup>29</sup> Additionally, Ohio has a higher rate of poverty among children (22.4 percent).<sup>30</sup>

Finally, the poverty rates and populations for the counties served by The Legal Aid Society of Cleveland over the period of 2010-2014 appear in Figure 3. To compile these statistics at the county level in a comparable way, survey data from 2010 to 2014 must be combined.<sup>31</sup>



Cuyahoga and Ashtabula Counties also had the highest rate of children living in poverty at 27.9 and 27.1 percent of the population, respectively.<sup>32</sup>

### *The Impact of Poverty*

People from the poorest families are less economically mobile.<sup>33</sup> Intergenerational income mobility, or the analysis of the “extent to which children from the poorest families are able to move up in their relative position as compared with others in their generation,”<sup>34</sup> is a common measure of economic mobility.<sup>35</sup> Forty-three percent of children born into the poorest families will remain poor in adulthood while only 4 percent will become the highest earners.<sup>36</sup> In contrast, 40 percent of children whose parents were the highest earners remain in the highest income quintile, while only 8 percent fell to the lowest income levels.<sup>37</sup> The very top and very bottom quintiles are often referred to as “sticky” because children who grew up in households at the very top or the very bottom, are most likely to remain there as adults.<sup>38</sup> This level of mobility has remained steady over time, but more recently there has been greater income inequality, meaning the rungs on the ladder of economic mobility are moving farther apart, making the ladder harder to climb.<sup>39</sup>

People who live in poverty experience material deprivation, a variety of hardships, and “diminished life prospects.”<sup>40</sup> Poverty is associated with poor housing, homelessness, poor nutrition, food insecurity, poor child care, a lack of access to health care, and unhealthy and unsafe neighborhoods.<sup>41</sup> Living in poverty is linked to shortened life spans,<sup>42</sup> chronic health problems, and higher rates of depression, asthma, diabetes, high blood pressure, heart attacks, and obesity.<sup>43</sup> . Children are especially susceptible to both long- and short-term effects of being poor.<sup>44</sup> Poorer children often have lower academic achievement, higher school dropout rates, behavioral problems, and developmental delays.<sup>45</sup> “Where a child is born and grows up is a ‘tremendously powerful determinant of a child’s health over the life course.’”<sup>46</sup> For example, in Cleveland, residents born in the Hough neighborhood die, on average, twenty-four years earlier than those born in the suburb of Lyndhurst just 8 miles away.<sup>47</sup>

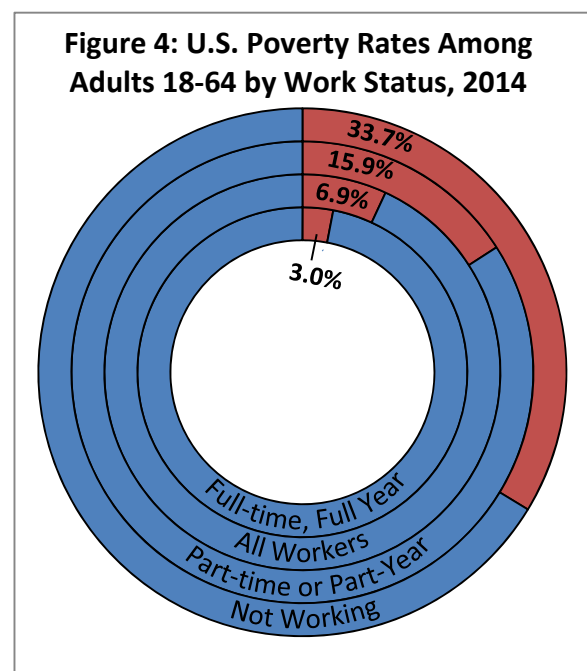
While the statistics and data provide information about how widespread poverty is, the

stories of individuals and families provide insight into the *experience* of living in poverty. Living in poverty in the United States may mean buying one roll of toilet paper at a time instead of a multipack because that is all one can afford.<sup>48</sup> It may mean skipping meals so your child can eat.<sup>49</sup> Being poor may mean buying antibiotics from the pet store because one can't afford to pay for healthcare.<sup>50</sup> Living in poverty may mean buying the \$15 pair of shoes that will fall apart in three months rather than the \$60 pair of shoes so groceries can be purchased or the electric bill can be paid.<sup>51</sup> Being poor often means paying between \$5 and \$50 in fees to cash a check or paying \$700 for a \$200 television because of high interest payment plans.<sup>52</sup>

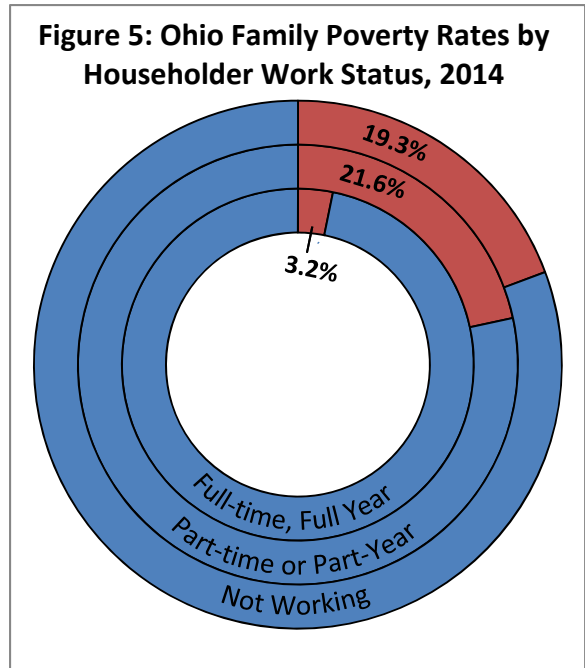
Poverty not only affects individuals and families, but also impacts society and the economy as a whole. “The economic costs of poverty to society include certain public expenditures on poor families, especially for conditions and behaviors—such as poor health and crime—associated with the poor.”<sup>53</sup> Furthermore, the economy becomes less valuable because of the loss of “productive capacity and output” from the income that the poor might have earned.<sup>54</sup>

### **The Role of Employment**

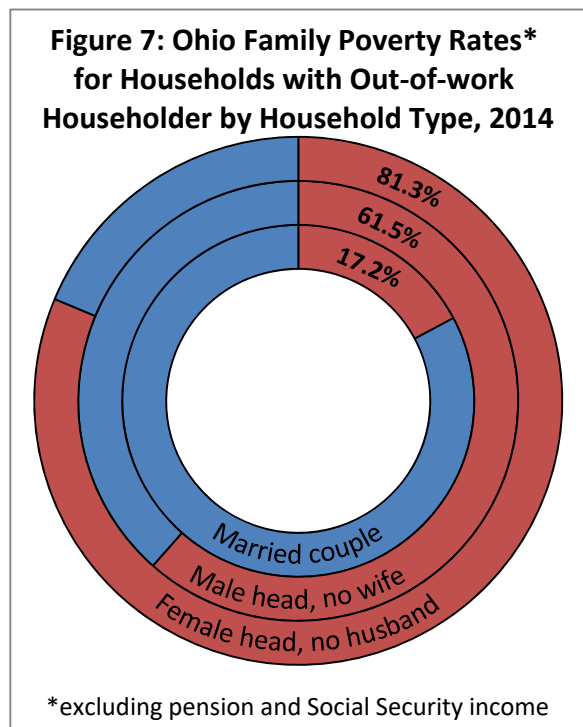
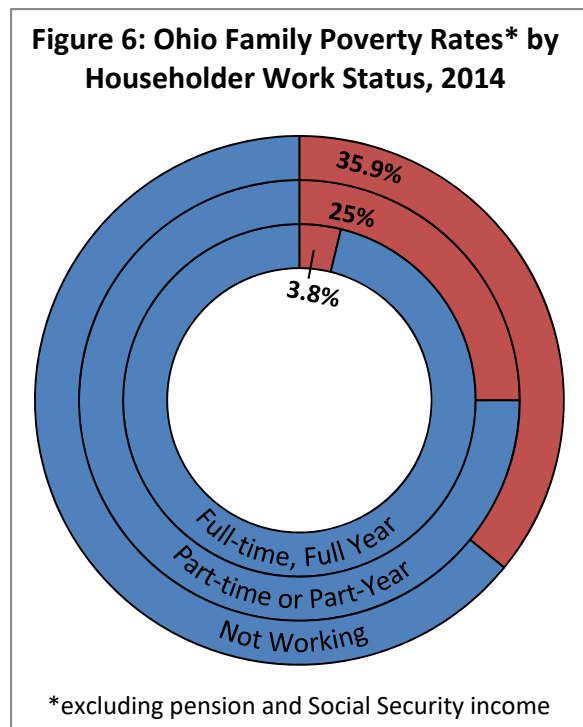
Many factors, such as family structure, educational attainment, physical health, community connections, work-related networks, and access to healthcare, predict and affect the economic status and mobility of individuals and families.<sup>55</sup> But the heart and soul of the American Dream is employment. Being employed is the key factor for economic security and mobility, and is crucial to avoiding poverty.<sup>56</sup> Figure 4 shows how poverty rates clearly decline with improved employment status.<sup>57</sup>



In 2014, the overall family poverty rate in Ohio was 11.3 percent, but that rate fell to 3.2 percent when the householder<sup>58</sup> worked full-time, year-round.<sup>59</sup> Ohio's poverty rates for families by householder work status are detailed in Figure 5.<sup>60</sup> When the rates are analyzed without the inclusion of social security and retirement pensions, however, the relationship between work and the risk of poverty is undeniable, as show in Figure 6.<sup>61</sup> For families where the householder did not work



and no social security or pension income was present, the rate of poverty was 35.9 percent; Figure 7 breaks this population down by household type.<sup>62</sup>



Employment is important for more than just income. Work fulfills the human needs for survival, self-connection, and self-determination.<sup>63</sup> Work helps people define their lives and determine how to meet their physical, emotional, and intellectual needs.<sup>64</sup> It helps people integrate into their families and communities, and society and the economy rely on people working.<sup>65</sup> Employment may also provide individuals with job benefits such as retirement, health insurance, and short-term disability that enable families to build or maintain economic security.<sup>66</sup>

## **PART II: THE BARRIERS**

### **Introduction**

The reality is, however, that for many people the path to finding and keeping employment with good wages, benefits, and the opportunity for advancement is often covered with a multitude of barriers.<sup>67</sup> Much of the social science research regarding barriers to employment has focused on individuals who receive governmental cash assistance. Following welfare reform in the mid-1990s,<sup>68</sup> while caseloads dropped dramatically and employment rates rose,<sup>69</sup> the consensus was that long-term welfare recipients were hard to employ and faced substantial barriers to employment.<sup>70</sup> Thus, the majority of the research regarding barriers to employment has focused on this population and the most commonly cited barriers include: a lack of education or skill; lack of transportation; lack of affordable and quality child care; mental illness; lack of paid time off; housing instability and homelessness; domestic violence; and a criminal record or incarceration.<sup>71</sup>

It is important to note that this White Paper does not cover discrimination, which undoubtedly is a barrier to employment. According to the Equal Employment Opportunity Commission (EEOC), it received 89,385 charges of discrimination in the workplace in 2015.<sup>72</sup> While discrimination in the workplace is a barrier to employment and there are legal interventions available to deal with it as a barrier, it is beyond the scope of this paper and warrants its own separate discussion.

### ***Lack of Education and/or Skills***

Educational attainment protects individuals and families from poverty.<sup>73</sup> Individuals who complete college are less likely to live in poverty than those who do not complete college.<sup>74</sup> Similarly, individuals who finish high school are less likely to live in poverty than those who do not complete high school.<sup>75</sup> The poverty rates for those who do not finish high school are persistently two to three times higher than the poverty rates of high school graduates.<sup>76</sup> But even for workers



with a high school degree, poverty rates have continued to rise from 5.7 percent in 1969 to 14.2 percent in 2014.<sup>77</sup>

Educational attainment is also a determining factor of economic success.<sup>78</sup> Historically, those with higher levels of education, make more money.<sup>79</sup> Ninety percent of the households with annual incomes of 300 percent or more of the federal poverty line, or more than \$72,000 annually, have at a minimum, some college education.<sup>80</sup> Those households with incomes between 100 and 299 percent of the federal poverty line, \$24,000 and \$71,999 respectively, have higher levels of education with approximately 40 percent having at least an associate's degree.<sup>81</sup> The poorest families living at or below 100 percent of the federal poverty line, or roughly \$24,000 annually for a family of four, are consistently among the least educated with over 50 percent having a high school diploma or less and 20 percent having never finished high school.<sup>82</sup> "One year of additional schooling lowers the probability of a student later being unemployed by 3.6 percentage points, of being on welfare by 5.5 percentage points, and of living below the poverty line by 8.1 percentage points. Among those working at least 25 hours per week, an additional year of compulsory schooling is associated with a 10.7 percent increase in annual earnings."<sup>83</sup>

Many workers today, however, lack the education and skills required by employers. Today's workers need at least a high school degree, but increasingly, employers are requiring postsecondary education or occupational certification or licensing for jobs that provide the best wages and career advancement opportunities.<sup>84</sup> "It is estimated that by 2020, two-thirds of jobs will require a postsecondary education."<sup>85</sup> Employers of entry-level jobs want workers who are able to perform certain tasks on a daily basis, such as reading, writing paragraphs, dealing with customers, performing math calculations, and using computers.<sup>86</sup> However, a recent assessment of adult skill levels from 24 developed nations found that 36 million adults have low skills.<sup>87</sup> Furthermore, the average welfare recipient has low literacy, reading at only a sixth to eighth grade level, and

demonstrating difficulty performing basic tasks.<sup>88</sup> Workers also need to have experience and knowledge about workplace expectations such as punctuality,<sup>89</sup> attendance, authority, and responsibility, but many workers with low educational attainment or employment experience fail to understand these workplace norms.<sup>90</sup> Therefore, many workers are unable to secure jobs with good wages, benefits, and career opportunities because they lack the minimum qualifications that today's employers require. When workers lack the education, skill, and experience required for even entry-level jobs, a lack of education and skill presents a significant barrier to employment, especially for jobs with wages, benefits, and career opportunities that provide the best protection against poverty and the greatest opportunity for economic security.

### **Lack of Transportation**

Lack of transportation is consistently cited as a barrier to employment and is a prevalent problem for those living in poverty. One survey of employers from across the country found that more than 50 percent identified transportation as a problem for new hires.<sup>91</sup> Among former welfare recipients surveyed in Minnesota, Illinois, New Jersey, and Missouri, between 10 and 60 percent cited transportation challenges as impediments to work.<sup>92</sup> The problems low-wage workers have because of a lack of transportation have to do with the location of entry-level jobs, either absent or inadequate public transportation, the lack of a drivers license, the lack of car ownership, or the inability to pay for the costs of car ownership.

In many large U.S. cities, the development and growth of suburbs over the course of the past 50 years has led to many entry-level jobs relocating to outside city borders.<sup>93</sup> Meanwhile, the majority of low-income individuals and families have continued to reside in the city core.<sup>94</sup> Workers with deficient access to jobs experience longer periods of joblessness, and research shows that longer commute distances negatively impact the economic mobility of low-income households.<sup>95</sup> But when the available jobs are located in the suburbs, workers have no choice but to face large

commute distances and/or lengthy commute times. For example, in Northeast Ohio, the average commute time by public transportation is at least sixty minutes, compared to a thirty minute commute time by car.<sup>96</sup> Even when public transportation is available and does travel to suburban work locations, the starting and ending times for work may not coincide with public transportation schedules.<sup>97,98</sup>

Car ownership is often a better option for low-income workers<sup>99</sup> and is positively correlated with higher-paying jobs and more hours.<sup>100</sup> Presumably, this correlation is because cars decrease commuting times, increase the geographic area for job search, and reduce the likelihood of job loss due to attendance problems caused by unreliable public transportation.<sup>101</sup> Cars are especially important for working parents who must not only travel to their place of employment, but also transport their child to a child care provider.<sup>102</sup> Unfortunately, however, many low-income families cannot afford to own a car, not only because of the cost of purchasing or leasing a vehicle, but because of gasoline, maintenance, and insurance costs.<sup>103</sup>

Thus, the transportation challenges faced by low-wage workers are widespread and layered. Both employers and workers cite a lack of transportation as a problem for workers. Many low-wage workers must rely on public transportation to transport them to jobs located miles away from their homes in the suburbs. Although car ownership is correlated with higher employment outcomes, many low-wage workers cannot afford the costs associated with owning a car.

### **Lack of Affordable/Quality Child Care**

Working parents need affordable and quality child care in order to succeed at work, knowing their children are being well-cared for.<sup>104</sup> Children need quality child care to provide the “attention, care, stimulation, and education they need for brain development and to do well in school.”<sup>105</sup>

However, “[t]he average annual price of a child care center exceeds \$10,000, and this price is growing. Over a 12-year period from 2000 to 2012, child care costs for a typical middle-class family

grew by \$2,300. In 31 states and the District of Columbia, the cost of full-time, center-based child care trumps the average annual cost of tuition and fees for a public four-year university.<sup>106</sup> The cost is especially intimidating for families living below the federal poverty threshold that can spend as much as 36 percent of their income on child care.<sup>107</sup> The exorbitant cost of child care forces many families to choose between cheaper (and potentially unregulated) child care options or leaving the workforce altogether to care for children full-time.<sup>108</sup>

For many families, the public benefit of subsidized child care<sup>109</sup> can help with the cost burden that working families must bear for child care.<sup>110</sup> In Ohio, to be initially eligible for child care, household income must be at 125 percent or below of federal poverty level.<sup>111</sup> As the household income grows through the employment, and, so long as participation in the program is uninterrupted, the family can continue to receive subsidized child care up to 200 percent of poverty.<sup>112</sup> Parents pay a co-payment which increases as income increases, but it never increases above nine percent of income.<sup>113</sup>

There are several aspects of the child care assistance program, however, that make it hard for families to stay in the system, and often act as a disincentive to higher wages and promotion.<sup>114</sup> First, any change in hours or shifts may lead to difficulty in staying in the system<sup>115</sup> because changes that impact eligibility must be reported within 10 days and often require documentation such as employer letters and pay stubs.<sup>116</sup> Any misstep can lead to termination of the child care subsidy, and if the family's income at the time the benefit is terminated has risen above the initial eligibility threshold of 125 percent of federal poverty level, the family is unable to re-qualify for the child care subsidy.<sup>117</sup> The constantly "churning and bumpy nature of employment in low-wage sectors,"<sup>118</sup> can make it difficult for families to comply with the regulations, leading to a loss of the child care benefit, resulting in a loss of child care and ultimately the employment.

The other problem with subsidized child care is that the benefit often ends before families achieve self-sufficiency. A family in Ohio does not begin to approach self-sufficiency until the household income reaches 200-280 percent of poverty.<sup>119</sup> “For example, a single mother with two kids—a school aged child and a preschooler—in Cuyahoga County, working full time, needs \$23.20 an hour (248 percent of the federal poverty level for a family of three) to cover basic needs: housing, child care, food, transportation, health care, household expenses, miscellaneous, and taxes.”<sup>120</sup> But once the family income reaches 200 percent of federal poverty level, the child care subsidy abruptly ends, and the cost of child care shoots up from approximately 9 percent of income to approximately 17 percent of income.<sup>121</sup> An increase in hours or a promotion can tip a family living close to 200 percent of poverty over the limit and the cost of child care skyrockets. This effect, often referred to as the child care cliff, can lead to workers declining overtime, pay raises, or promotions for fear of losing benefits.<sup>122</sup>

Even if a family can manage to afford child care, with or without a subsidy, low-wage workers face a plethora of other challenges relating to child care. First, low-wage workers often have unpredictable work schedules, during non-business hours.<sup>123</sup> One-third of low-income parents work weekends, and almost half work rotating shifts while most child care providers, especially higher quality center-based care, only offer care during normal working hours.<sup>124</sup> Add in transportation issues, and low-income families are faced with the challenge of finding affordable, quality child care nearby during non-business hours.<sup>125</sup> Second, employees who have unreliable child care can suffer from absenteeism or tardiness, threatening job security. Research has shown that employees with work disruptions caused by child illness or problems with child care, such as an unreliable provider, are more likely to experience job loss.<sup>126</sup> Finally, low quality child care may lead to parental stress, interfering with work performance and ultimately leading to job loss.<sup>127</sup>

There is no question that working families need affordable and quality child care. Working parents with reliable and stable child care are better able to maintain steady employment and reduce workplace absenteeism.<sup>128</sup> Reliable and steady child care benefits early childhood development and reduces trauma caused by early childhood instability.<sup>129</sup> The reality is, however, that many families are unable to overcome the barriers to employment faced by child care challenges without support.

### **Mental Illness**

In the United States, in 2013, 12.6 percent of persons of all ages had a disability.<sup>130</sup> In 2013, 34.5 percent of working-age people (ages 21-64) with disabilities were working.<sup>131</sup> However, only 21.5 percent were working full-time/full-year.<sup>132</sup> In 2014, approximately 9.8 million adults, aged 18 or older, lived with Serious Mental Illness (SMI).<sup>133</sup> People with SMI are less likely to be working and more likely to be unemployed, underemployed, or out of the workplace altogether.<sup>134</sup> Both employed and unemployed individuals with disabilities cite their disability as a barrier to employment.<sup>135</sup> The barriers identified for those with mental disabilities include low educational attainment, lowered productivity and absenteeism, lack of effective vocational services, lack of effective clinical services, and workplace discrimination.<sup>136</sup>

Many individuals with disabling mental health disorders do not have a high school diploma.<sup>137</sup> Mental health disorders often begin to manifest in early adolescence through early adulthood, interrupting high school and college education.<sup>138</sup> Fifty percent of all lifetime cases of disabling mental health disorders begin by age 14 and 75 percent by age 24.<sup>139</sup> Even if students receive special education services through an Individual Education Program (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), students found eligible under the “emotional disturbance”<sup>140</sup> category dropped out of school “twice as often as students with other types of disabilities and three times as often as students in general education.”<sup>141</sup> This lack of education is

important because, as discussed above, higher educational attainment is associated with higher wages and greater career opportunity.

Individuals with a mental illness often experience lowered productivity and absenteeism as a barrier because either the disability itself prevents the worker from going to work, or inhibits the individual's performance at work. Individuals with a disability may also have higher rates of absenteeism because they lack the paid time off to address their mental health needs. Despite the fact that research shows individuals who receive vocational services have a higher rate of employment, many people with mental health disorders do not receive them or receive very few vocational services.<sup>142</sup> Also, individuals with mental health disorders often receive inadequate mental health clinical services or receive no care at all.<sup>143</sup> Finally, employers have “more negative attitudes about hiring workers with psychiatric disabilities than about almost any other group” and therefore individuals with mental health disabilities often face greater rates of discrimination in the workplace.<sup>144</sup>

### **Lack of Paid Time Off**

Workers must meet many obligations when balancing work and family. They must not only meet the demands of their jobs, but they must care for their children, aging parents, and themselves.<sup>145</sup> “In 2010, 44 percent of women and 48 percent of men said that work interferes with family ‘sometimes’ or ‘often.’”<sup>146</sup> Two-thirds of survey respondents of one study indicated that they had missed days from work over the past three years to care for the health issues of their children.<sup>147</sup><sup>148</sup> Twenty-five percent of respondents indicated they had missed medical appointments for their children because they were unable to take time off from work.<sup>149</sup> Workers' success in meeting the demands of work and family is often dependent upon flexible workplace policies.<sup>150</sup>

Work supports such as paid time off for maternity or parental leave, and to care for one's own health or a sick child, spouse, or parent are essential for a family's economic well-being and

ensure that workers can care for their families without having to worry about being terminated from employment.<sup>151</sup> However, low-income workers are more likely to have jobs that do not provide paid time off, either vacation or sick leave.<sup>152</sup> In 2010, approximately 44 million private sector workers did not have access to paid sick time.<sup>153</sup> Only six percent of workers with three and a half months or less of work tenure have access to paid sick days.<sup>154</sup> Unfortunately, inflexible employer policies, especially for new employees, mean absences can be counted against the worker, regardless of the reason, often leading to job loss.<sup>155</sup> Furthermore, when workers do not have paid leave, they lose wages when they miss work for a sick child or a doctor's appointment. Thus, after successfully finding a job, low-wage workers are faced with the reality that workplace policies often make it difficult to keep the job; having to choose between the health and well-being of their family and themselves and either lost wages or the threat of losing their job due to absenteeism.<sup>156</sup>

### **Housing**

“Housing instability is a clear indicator of poverty.”<sup>157</sup> Employment is necessary in order to overcome poverty, yet not having housing or lacking stable and/or safe housing makes it more difficult to find and keep employment.<sup>158</sup> While there is very little research regarding homelessness and housing instability as a barrier to employment, individuals struggling with housing instability or homelessness may face several barriers to employment because of their housing situation. First, it may be difficult to find affordable housing in areas where there are job opportunities.<sup>159</sup> Second, it might be too hard to maintain employment while trying to find housing.<sup>160</sup> Third, individuals may lack the motivation to keep looking for jobs because their living arrangements are so depressing.<sup>161</sup> Or, they may encounter problems because they lack a stable address or phone number to give to employers.<sup>162</sup> Finally, individuals facing housing instability or homelessness may have to deal with employer stereotypes about the population, such as the belief that they don't want to work, lack motivation or reliability, and concerns about appearance and hygiene.<sup>163, 164</sup>



### *Domestic Violence*

Domestic violence is widespread in the United States. It exists in “every community and affects all people regardless of age, socio-economic status, sexual orientation, gender, race, religion, or nationality.”<sup>165</sup> More than 10 million people are physically abused by an intimate partner every year,<sup>166</sup> and approximately 50 percent of men and women have experienced some form of psychologically aggressive behavior by an intimate partner.<sup>167</sup>

While economic independence is a critical factor in escaping domestic violence<sup>168</sup> and employment is key to economic independence, women in physically or psychologically abusive relationships face multiple barriers to employment caused by the domestic violence.<sup>169</sup> Research indicates that 37-96 percent of women in abusive relationships have been affected at work, and those who have recently left an abusive relationship lasting one year or more are less likely to maintain stable employment than women in nonviolent relationships.<sup>170</sup> Furthermore, 21-60 percent of survivors of domestic violence have lost their job because of reasons relating to the abuse.<sup>171</sup>

There are many reasons why domestic violence serves as a barrier to employment. First, many survivors of intimate partner violence may have trouble succeeding at work because they may have higher rates of tardiness and absenteeism<sup>172</sup> caused by the abuser prohibiting the survivor from attending the job.<sup>173</sup> The abuser may send mixed messages to the survivor about working.<sup>174</sup> For example, the abuser may encourage the survivor to look for work or maintain work,<sup>175</sup> only to then prevent the survivor from attending job interviews or demanding that the survivor quit the job.<sup>176</sup> The abuser may express jealousy about workplace friendships or relationships,<sup>177</sup> or may harass the survivor at work.<sup>178</sup> The survivor may experience difficulty concentrating at work or be absent from work because she is physically and/or emotionally drained from a recent episode of abuse.<sup>179</sup> Finally, the survivor may experience a loss of self-esteem or self-concept affecting her ability to perform at her job.<sup>180</sup>

### *Criminal Records/Incarceration*

Having a criminal record or being formerly incarcerated is a pervasive problem in today's society. Over two million people are incarcerated in state and federal prisons, and local jails, with an additional 820,000 people on parole, and 3.8 million people on probation.<sup>181</sup> More than 70 million people have a criminal record.<sup>182</sup> The statistics are particularly bleak for black Americans. African-American males without a high school diploma have a 70 percent chance that they will be incarcerated by their mid-thirties,<sup>183</sup> and black Americans overall are incarcerated at a rate of 5.1 times that of white Americans.<sup>184</sup> Over 75 percent of formerly incarcerated individuals will recidivate within five years of being released.<sup>185</sup> Employment is crucial to preventing recidivism, especially securing steady work shortly after release.<sup>186</sup> However, "[m]ore than 60 percent of formerly incarcerated individuals are unemployed one year after being released; those who do find jobs take home 40 percent less pay annually."<sup>187</sup> Approximately 87 percent of today's employers conduct background checks prior to hiring,<sup>188</sup> considering both felonies and misdemeanors in the hiring process.<sup>189</sup> Thus, having a criminal record or being formerly incarcerated serves as a significant barrier to employment.

Criminal records and/or past incarceration are barriers to employment for a variety of reasons. First, employers are reluctant to hire people with a criminal record,<sup>190</sup> because employers often view them as being suspicious, especially individuals that were convicted of a felony.<sup>191</sup> Many employers also fear the potential financial and legal liabilities posed by hiring individuals with convictions.<sup>192</sup> Individuals with criminal records or who had a period of incarceration often have lower literacy and education.<sup>193</sup> For example, approximately 70 percent of current and formerly incarcerated individuals do not have a high school diploma and are functionally illiterate.<sup>194</sup> Many formerly incarcerated people had little work experience and skill prior to entering prison. While incarcerated, often no new skills are being developed, therefore, when individuals leave prison they

often lack the experience and skills necessary to enter the workforce.<sup>195</sup> In addition to the erosion of skills while incarcerated, many individuals experience an erosion of the social networks that may lead to finding a job.<sup>196</sup>

People with criminal records and past periods of incarceration also often face discrimination when seeking employment.<sup>197,198</sup> One study on the interplay of race and a criminal record found that "[i]n addition to the strong independent effect of race and criminal record, evidence suggests that the combination of the two may intensify the negative effects; black ex-offenders are one-third as likely to be called [for a job interview] as black applicants without a criminal record. It seems that employers, already reluctant to hire blacks, are even more wary of those with proven criminal involvement."<sup>199</sup>

Finally, individuals who were incarcerated or involved in the criminal justice system face various financial obligations at every stage including fines and fees imposed by the system itself; restitution; mounting child support while incarcerated; and compounding fees or interest when these debts go unpaid.<sup>200</sup> This debt creates significant financial barriers that hinder the individual's ability to reintegrate and find employment.<sup>201</sup> For example, unpaid debt lowers a person's credit score which is often used as an employment screening tool.<sup>202</sup> Additionally, collection and garnishment of wages serves as a disincentive to legitimate jobs, encouraging individuals to work under the table or in jobs that do not provide good wages, benefits, and an opportunity for advancement.<sup>203</sup> Lastly, under some circumstances, unpaid court debt for those involved in the criminal justice system can lead to re-incarceration which disrupts employment.<sup>204</sup>

## **Summary**

It is clear that, in order to rise out of poverty and to create economic security and mobility, low-income families need more than the opportunity and availability of a job. They need strategies

to reduce and eliminate the barriers that stem from almost every aspect of their lives including education, children, housing, health, transportation, and criminal justice system involvement.

## **PART III: THE LEGAL INTERVENTIONS**

### **The Tools for Legal Intervention**

The barriers to employment faced by those living in poverty may seem insurmountable. They are numerous and multifaceted. Finding and creating solutions that remove barriers to employment requires the collaborative and comprehensive efforts of government agencies, social service organizations, private businesses, lawyers, and the very people affected by the barriers—the low-wage workers and unemployed job seekers.

Often the first thing that comes to mind when someone mentions a “lawyer” or “legal intervention” is an attorney arguing before a judge and jury at a trial in a courtroom. While representing a client on a legal matter before a judge and jury, in a court or administrative proceeding, is one form of direct representation, “legal intervention” can also mean advocacy directed at systemic change or legal education to various stakeholders.

Lawyers engaged in direct representation provide a wide range of assistance to clients who may be individuals or groups, including: identifying problems, providing legal information, explaining administrative processes, evaluating strategies, researching legal issues, connecting with decision-makers, drafting contracts or other documents, filing complaints, negotiating settlements, litigating claims, appealing court decisions, implementing settlement agreements, and more. Direct representation often involves negotiation with people in power, leveling the playing field for people of low-income. Ultimately, direct client representation, especially for low-income individuals and families, means providing access to justice in the courts, administrative agencies, and other systems that often hold the keys to the stability of their basic life needs including food, shelter, health, safety, and income.

Systemic advocacy is the process of identifying problems that exist throughout a system, and advocating for changes in policies, rules, procedures, or laws that negatively impact the individuals

involved in the system. Systemic advocacy takes a variety of forms. It may be meeting with legislators to educate them about the problems that low-income individuals and families face. Or, it may be filing an amicus or “friend of the court” brief on an issue that would have a profound, systemic impact on low-income communities, payday lending for example. Lawyers also engage in systemic advocacy when they provide invited testimony to legislative bodies about enactment of new or proposed changes to existing statutes.

Legal education provides information about legal rights, responsibilities, remedies, and services to people so they can make informed decisions about a course of action. The audience may be clients, community groups, service providers, decision-makers, or even other lawyers. Again, legal education takes on a variety of formats including written materials such as brochures or self-help materials, presentations, or continuing education events for professionals.

The following examples illustrate the power of direct representation, systemic advocacy, and legal education in the context of removing barriers to employment. Additionally, Appendix A lists more examples for all of the barriers discussed above.

## **The Legal Interventions**

### ***Lack of Education and Skill***

- ***Direct representation:*** A parent seeks legal help because her child has been suspended from primary or secondary school and is proposed for expulsion. She is concerned about the adverse effects, gaps in learning, and loss of interest in school that her child may experience if expelled. A legal intervention in the form of direct representation would involve a lawyer representing the parent throughout the suspension and expulsion process with the intent of either preventing the expulsion altogether, or mitigating the effect of the expulsion. If warranted, the attorney may also counsel and advise the client to pursue an evaluation for special education services. The use of suspension and expulsion has been linked to negative educational outcomes

and higher dropout rates.<sup>205</sup> Ensuring that a student is not removed from school, increases the student's likelihood for graduation, thereby ultimately removing or limiting the effects of low educational attainment as a barrier to employment.

- ***Systemic Advocacy:*** The exposure to environmental lead because of deteriorating lead paint, leaded plumbing, or other sources has been linked to lower IQ, learning disabilities, lower educational attainment, and lowered reading readiness at the start of kindergarten.<sup>206</sup> Cleveland has been identified as having an environmental lead problem, largely from deteriorating lead paint.<sup>207</sup> Systemic advocacy regarding environmental lead involves serving on community boards and committees that are working to address the problem; identifying legal avenues for enforcement of lead abatement programs; and working with community partners to facilitate change in the policies and practices that have led to failed lead abatement in the past. The goal for this systemic advocacy is to improve environmental conditions that threaten a child's success in school, and in the long run, improving opportunities for higher educational attainment.

- ***Legal Education:*** At the same time, the parents and caregivers of children at risk for lead exposure need education. Informing parents about potential risks; identifying the symptoms of lead poisoning; their legal rights regarding the removal and abatement of lead in their homes; the impact on education and the potential need for special education evaluation; and the steps they can take to protect their children from lead exposure, will work to not only improve educational outcomes, but health ones as well. Outreach and education may also involve the development of a brochure that can be distributed widely throughout the community.

### **Lack of Transportation**

- ***Direct Representation:*** A single mother took an auto title loan for \$700 to help make ends meet. She could not pay back the loan when due because she lost her job. The mother

knew the title to her car was at risk, but did not realize her car could be repossessed for failure to pay back the loan. A few months later, her car was repossessed, and she was told to pay over \$2,000 to get it back. Despite offering \$900 immediately, the lender refused to negotiate. The mother could not resume her work because it required she have a car. An attorney representing the mother negotiated a settlement for less than the amount owed, secured financial assistance from a social service organization, and ultimately helped this mother return to work by helping her get her car back about a month after it was repossessed.

Even though this mother had tried to negotiate with the auto title lender, the company would not agree to any settlement with her until she was represented by an attorney. While she understood some parts of the auto title transaction, she did not know her car could be taken. Without her car, she could not work, and without a pay check, she could not get her car. Her attorney's ability to interrupt this vicious cycle created the opportunity for this mother to regain her employment and care for her children.

- ***Systemic Advocacy:*** Driver's license suspensions<sup>208</sup> are transportation barriers to employment, not only because the worker cannot drive without a license, but often because certain low-wage worker occupations require a driver's license.<sup>209</sup> The most common cause of driver's license suspension is a failure to appear in court or pay a court fine.<sup>210</sup> Often these court appearances and fines are for parking or driving infractions, or low-level non-driving related offenses.<sup>211</sup> Advocacy on this issue could involve contacting local courts and agencies with the authority to suspend licenses, providing education about the effects on employment caused by the use of driver's license suspension, and advocating for alternative strategies to address the problems of failing to appear in court or non-payment of court fines. This barrier to transportation will be removed when judges and administrative agencies no longer use driver's license suspensions as a form of punishment.



- ***Legal Education:*** Many people do not understand how auto title loans and other types of payday lending work. Outreach to clients through community partnerships to provide presentations and materials, such as brochures, about these types of loans would educate clients about how payday lending works, the pitfalls of using these types of loans, and their rights as consumers. Therefore, clients would be better equipped to make informed decisions about their use of auto title and payday lending loans.

### ***Lack of Affordable/Quality Child Care***

- ***Direct Representation:*** A client was receiving subsidized child care vouchers, but the vouchers were proposed for termination because the child care provider claimed the client never paid her co-pays. The client worked for the child care provider and was told that she did not have to pay the co-pays as a benefit of her employment. If the client's child care benefits were terminated, she would not have any child care available enabling her to work. An attorney representing the client investigated the facts, researched the statutes and regulations governing subsidized child care, and determined that the child care provider had not complied with the applicable rules and, therefore, could not prove that the client was liable for the co-pays. The attorney presented this argument and supporting evidence at an administrative hearing resulting in the client's child care vouchers remaining intact, with no lapse, allowing the client to continue working.

- ***Systemic Advocacy:*** Systemic advocacy is an excellent tool to address the requirements and regulations for subsidized child care that often create hurdles to maintaining eligibility and disincentives for higher wages and upwardly mobile work opportunities.<sup>212</sup> Meeting with legislators to educate them about the benefits cliff and disincentives to better work caused by the benefits cliff could encourage changes to the statutes and regulations that govern child care subsidies. For example, advocating for a phase out approach where someone remains eligible for

child care benefits until self-sufficiency is achieved, rather than the complete and abrupt end to eligibility that exists now. These or similar changes to the program would allow parents to maintain eligibility until they achieve self-sufficiency, thereby eliminating the benefits cliff and, in turn, removing the hurdles and disincentives to employment.

- ***Legal Education:*** Parents and caregivers of children ages 0-5, who would most routinely use child care, should be informed about subsidized child care, the availability of universal pre-k,<sup>213</sup> and the State of Ohio's Step Up to Quality child care rating system.<sup>214</sup> Educating parents on these topics would give parents the tools to identify quality and affordable child care for their children.

### ***Mental Illness***

- ***Direct Representation:*** A child is repeatedly suspended and expelled from school because of behavioral issues. The child's mother suspects that he has a mental health disorder that is affecting his behavior at school and home. She works with her medical providers to try to determine if there is a mental health diagnosis. At the same time, she requests to have her son evaluated for an Individual Education Program (IEP) at school under the Individuals with Disabilities Education Act (IDEA).<sup>215</sup> Despite the child's routine behavioral issues and disciplinary removals from school, the school refuses to evaluate the child. He is falling behind in his studies and losing interest in school. The intervention of a lawyer succeeds in getting an evaluation, determining the child is eligible for an IEP, securing special education services, and preventing future disciplinary removals from school. The child remains in school and ultimately graduates, removing the barrier of mental illness caused by lower educational attainment for individuals with a mental health disorder.

- ***Systemic Advocacy:*** Individuals with mental health disorders often lack access to healthcare and vocational services. Advocates with systemic advocacy goals related to mental illness as a barrier to employment could meet with legislators, healthcare providers, social workers, and other community stakeholders to advocate for greater access to healthcare and vocational services.

- ***Legal Education:*** Organizations such as the National Association for Mentally Ill (NAMI), local Alcohol and Drug Addiction and Mental Health Services Boards in Ohio counties, along with the community mental health organizations and advocates invite legal aid lawyers to train members and staff. The topics covered include protections under the Family Medical Leave Act, the Americans with Disabilities Act, IDEA, and the Fair Housing Act. Non-attorney advocates learn what they can do on behalf of a person with mental illness, as well as when to seek legal advice. The presentations also include what legal services are available and how to access them if needed. Even employment lawyers request training on mental illness to better understand the issues their clients face, and provide effective representation. In addition to training, print and online materials, pro se forms, and telephone hotlines help educate the community about the issues. Such awareness is a crucial first step to reducing barriers such as stigma and discrimination facing people with mental health problems at work.

### ***Lack of Paid Time Off***

- ***Direct Representation:*** Although most low-wage workers do not have access to paid time off, some workers are eligible for unpaid leave for a serious health condition under the Family Medical Leave Act (FMLA). A client's child was born with a congenital kidney defect requiring multiple surgeries, hospital stays, and doctor appointments. The client finds out about an upcoming surgery that will require the child to be hospitalized for several weeks. The client is worried because he doesn't have any paid time off. The client is afraid that if he takes the time off

he will lose his job. When the client found out about the upcoming surgery, he told his employer. Although he meets the eligibility requirements for leave under the FMLA allowing him to take up to 12 weeks of unpaid leave per year,<sup>216</sup> the employer never told him about FMLA leave. The client does not know what to do because he needs his job to pay his bills and the employer provided medical benefits to pay for his child's medical expenses. Panicked, the client seeks help. An attorney recognized immediately that the employer violated the client's rights by not informing him about his right to unpaid leave, the maintenance of medical benefits, and the return to work in the same or similar position at the end of the leave, all pursuant to his rights under the FMLA.<sup>217</sup> The attorney intervened immediately, ensuring the medical benefits remained intact, negotiated the leave, and ensured the client's return to work to the same position he held prior to the FMLA leave.

- ***Systemic Advocacy:*** The lack of paid time off for individuals and families is a large barrier to employment. Systemic advocacy could focus on educating policymakers and advocating for laws, rules, regulations, and policies that provide paid time off thereby stabilizing families and ensuring economic security.

- ***Legal Education:*** Outreach and education to workers about their right to FMLA leave would ensure that workers are knowledgeable about their rights and able to identify when they have been violated. An informed and educated worker is better able to know when to seek legal advice.

### **Housing**

- ***Direct Representation:*** A client signed a year-long lease for a two bedroom apartment. Shortly after she moved in she discovered that there were many problems with the apartment including a water leak in the ceiling which was causing mold, problems with the plumbing, and heating that only worked in one room. The client decided she would not pay rent

until the landlord fixed everything. Soon she received an undated letter in her mailbox from the landlord giving her two days to pay all the rent owed or he would lock her out of the apartment. The client didn't pay. After two days, she was still able to access the apartment but the water, electric, and gas utilities had all been shut off. She also received a summons from housing court for her to appear before a judge for an eviction hearing. The client sought the advice of a lawyer. Through direct representation, the lawyer gathered the facts of the case; educated the client about the proper procedure for withholding rent because of unsafe and unhealthy living conditions; responded to the eviction proceeding by filing a counterclaim for housing conditions violations, for failure to provide client with a 3-day notice as required by law, and for illegally shutting off client's utilities. The lawyer successfully represented the client in court, ultimately avoiding the eviction and ensured repair of the apartment. Having stable and healthy housing ensures stability for an individual or family, thereby eliminating it as a barrier to employment.

- ***Systemic Advocacy:*** There is a lack of affordable housing in high opportunity neighborhoods for low-income people. Advocating for the use of affordable housing tax credits in neighborhoods where there is a high concentration of good jobs for low-income workers would help remove housing as a barrier to employment, but also address transportation issues caused by the spatial mismatch between job location and employee residence.

- ***Legal Education:*** The U.S. Department of Housing and Urban Development recently issued guidance on the use of criminal records in the housing context under the Fair Housing Act. Outreach and education to low-income renters about the Fair Housing Act, generally, and the new guidance more specifically, would allow renters to better know and understand when they are being discriminated against.

### **Domestic Violence:**

- **Direct Representation:** A mother of three children wants to divorce her psychologically and physically abusive husband. She has left the home and is living in a shelter. Despite the chaos in her life, she has been able to continue to go to work with the help and support of many people. However, her husband shows up at work; stalking her and harassing her. The client needs help with the divorce and to end the harassment at work. She seeks the help of an attorney. The attorney not only represents the client in the divorce action, but immediately files for a Domestic Violence Civil Protection Order (DVCPO) in order to give the client possession of the family's residence, temporarily give parental rights to the client, and to refrain the husband from entering the home, schools, or client's place of employment. While leaving the abusive relationship and getting a DVCPO is one step in removing domestic violence as a barrier to employment, survivors need additional support and protection against workplace discrimination.

- **Systemic Advocacy:** Advocacy directed at improving workplace protections for survivors of domestic violence such as discrimination, job loss due to workplace harassment by the abuser, job loss because of absences related to the abuse, denial of unemployment compensation, or adverse employment actions because of performance deficits caused by the abuse would address systemic failures that make it more difficult for survivors of intimate partner abuse to find and keep employment. The development of an electronic resource that would enable more survivors to apply for civil protection orders, pro se, would improve survivors' access to the courts.

- **Legal Education:** Many survivors may not know about what rights they currently have in the workplace, or they may not know about civil protection orders or the process for getting one. Targeted outreach and education to the survivors of domestic violence, including presentations, brochures, and pro se clinics, would raise the awareness and knowledge of survivors about their rights in the workplace and how to obtain a civil protection order.

### *Criminal Records/Incarceration*

- ***Direct representation:*** A client has been trying to find a job for many months. He knows that potential employers have been doing a background check, but he has never been told why he is being turned down for the jobs. The client believes that he is being turned down because he has a felony and some minor misdemeanors on his criminal record. The client saw a brochure about sealing a criminal record and decided to get some advice about whether he is eligible. The client contacted an attorney. The lawyer reviewed the facts of his case and determined that he is eligible for a record sealing; prepared and filed in court the request to have the record of criminal conviction sealed; responded to the prosecutor's objections to the sealing of the record; and attended a hearing in court, before a judge. The lawyer successfully argued on the client's behalf and the judge granted the sealing of the record of criminal conviction. After the record was sealed, the client was able to find a job. Through the direct representation, counseling, and education provided by the lawyer the client also now knows his rights under the Fair Credit Reporting Act (FCRA) when an employer requests a criminal background check, as well as how to dispute a criminal background check if his sealed record ever shows up on a background check.

- ***Systemic Advocacy:*** It is undeniable that criminal records affect a large segment of society, but navigating the courts to get records sealed can sometimes be confusing, difficult, and cumbersome. Systemic advocacy directed at creating greater access to record sealing and streamlining the process to seal records would reduce the employment barrier. For example, advocating for changes in laws, policies, regulations, and procedures regarding criminal records that allow for the automatic sealing of a record after a specified period of time; or the development of statewide electronic resources that could be used by clients to determine their eligibility for record sealing, as well as, create pro se pleadings.

- ***Legal Education:*** Many individuals do not know about or understand the eligibility requirements for sealing a criminal record. Many clients also do not know about their rights under the FCRA when an employer does a background check. Outreach and education to this client population on both of these issues raises awareness about the availability of record sealing and what employers and background check companies can and cannot do when conducting background checks.



## **Public Work Supports and Safety Nets to Bridge the Gap**

It is important to note that even when people find work, they still may struggle to make ends meet and often will not make enough money to get by. For example, in Ohio, a family made up of two parents, one infant, and one preschooler, must make \$5,892 per month to cover all expenses including housing, child care, food, transportation, health care, miscellaneous items (e.g. clothing, diapers, personal hygiene products, etc.), taxes, and emergency savings.<sup>218</sup> If both parents were working full-time, full-year jobs at Ohio's minimum wage rate of \$8.10, their monthly gross income would only be \$2,808; a difference of over \$3,000. This is where work supports come into play, making an incredible difference in the lives of low-income families and keeping many from teetering over the edge into poverty.<sup>219</sup>

Public work supports are “any publicly-provided income that either boosts the earnings of low-income workers, or helps offset the cost of a family budget component, including health care, child care, housing, and transportation.”<sup>220</sup> Examples of work supports include the Earned Income Tax Credit (EITC), the Child Tax Credit (CTC), Supplemental Nutrition Assistance Program (SNAP)(i.e. food stamps), Medicaid, and Supplemental Security Income.<sup>221</sup> Unemployment compensation insurance is an important safety net program when individuals and families lose work.<sup>222</sup> “Extensive research indicates that these supports lift millions of American out of poverty, help ‘make work pay’ by supplementing low wages, and enable millions of Americans to receive health care who otherwise could not afford it.”<sup>223</sup> The EITC and CTC together boosted 10 million people out of poverty in 2014.<sup>224</sup> SNAP lifted approximately 4.7 million people above the poverty line.<sup>225</sup> Supplemental Security Income (SSI), which assists elderly and disabled individuals, assisted 3.8 million people.<sup>226</sup> Medicaid provided 70 million people with health care coverage.<sup>227</sup> Finally, 0.8 million people were lifted out of poverty with the support of unemployment insurance.<sup>228</sup>

These work support and safety-net programs are important to low-income and struggling families.<sup>229</sup> They reduce poverty and promote work; they reduce hardship when families are not making ends meet; they ensure access to health care; and they promote positive long term outcomes for families and children.<sup>230</sup>

### **Resources in the Community**

The reasons low-income individuals and families face barriers to employment are varied and layered. People often face multiple barriers simultaneously.<sup>231</sup> To try to find solutions that reduce or remove barriers for people who are looking for work, trying to keep work, or trying to move up the ladder at work, requires the attention and assistance of a variety of people and organizations, such as social workers and lawyers, or social service organizations that help with housing or job training and readiness. Many, if not all, of these resources exist in Northeast Ohio. Some focus on one issue or service, for example, The Legal Aid Society of Cleveland only handles civil legal matters providing some of the legal interventions discussed above. Other organizations provide a full menu of services. For example, Towards Employment provides job readiness and training, assistance with some legal issues, all while connecting clients to jobs. Below is a sampling of the resources available in Northeast Ohio.

- ***The Legal Aid Society of Cleveland:*** “Legal Aid’s mission is to secure justice and resolve fundamental problems for those who are low income and vulnerable by providing high quality legal services and working for systemic solutions. Founded in 1905 ... Legal Aid’s 40 staff attorneys, 25 other staff members, and 2900 volunteer lawyers ensure access to justice for low income people ... in Ashtabula, Cuyahoga, Geauga, Lake and Lorain counties. ... Legal Aid handles cases that impact on basic needs such as health, shelter and safety, economics and education, and access to justice. Legal Aid’s attorneys practice in the areas of consumer rights, domestic violence,

education, employment, family law, health, housing, foreclosure, immigration, public benefits, utilities, and tax.”<sup>232</sup>

- ***Towards Employment:*** “Since 1976, we have helped over 122,000 people prepare for a job, get a job, keep a job, and move up the career ladder through job readiness training, placement, retention and supportive services provided in a comprehensive and responsive manner. We have a dual customer approach, ensuring our programming for job seekers is informed by industry demand and responsive to hiring needs of local businesses.”<sup>233</sup>

- ***El Barrio, The Centers for Families and Children:*** “At the El Barrio Workforce Development Center we focus on matching qualified candidates to companies looking for diversity in their organization. Our training and intensive case management services prepare individuals to enter the workforce ready and motivated. We work with both the individuals seeking training and employment opportunities and the employers who understand that economic development is directly linked to employment.”<sup>234</sup>

- ***EDWINS Leadership & Restaurant:*** “EDWINS Leadership & Restaurant Institute is a unique approach at giving formerly-incarcerated adults a foundation in the hospitality industry while providing a support network necessary for a successful reentry. EDWINS goal is to enhance the community of Cleveland’s vulnerable neighborhoods by providing its future leaders.”<sup>235</sup>

- ***East End Neighborhood House:*** “East End Neighborhood House’s mission is to provide the families of our community culturally diverse and compassionate social services, education and activities so that each member—from child to senior—can become self sufficient and thrive.”<sup>236</sup>

- ***The Literacy Cooperative:*** “The Literacy Cooperative of Greater Cleveland works on behalf of the community to improve literacy levels among children, youth and adults in Greater Cleveland.”<sup>237</sup> The mission of The Literacy Cooperative is “to work to advance literacy by raising

awareness of the issue, promoting effective public advocacy, and fostering a delivery system with maximum impact on the region.”<sup>238</sup>

- ***The Salvation Army Harbor Light:*** “The Salvation Army Harbor Light Centers seek to bring hope to those who have fallen captive to substance abuse. Each center provides detoxification services, residential treatment, transitional housing, and outpatient treatment for men and women. Treatment includes group and individual counseling, education, skills for managing grief and anger, and training for independent living and meaningful employment. The development of life skills such as anger and money management is an important part of the program.”<sup>239</sup>

- ***Lutheran Metropolitan Ministry:*** “Lutheran Metropolitan Ministry serves with people who are oppressed, forgotten and hurting including individuals who are homeless, unemployed and involved in the criminal justice system and individuals with behavioral health, guardianship and life-skill needs. LMM helps empower people to overcome barriers, obtain job skills, gain employment, locate stable housing, access counseling and support services, stay out of prison, secure second chances and become self-sufficient, productive members of our community.”<sup>240</sup>

- ***Family Promise of Cleveland:*** “Our mission is to inspire and empower homeless families to transform their lives, become self-sufficient, and fulfill their promise. The agency helps over 100 homeless families each year secure independent housing and the means to sustain it. Families of any composition reside free of charge in Family Promise facilities while benefiting from work with dedicated case managers who assist parents in finding housing and employment; securing financial support; linking to needed medical, mental health, and legal services; and engaging in important activities to ensure the well-being of their children. Case management services continue for at least four months after families leave shelter to help prevent returns to homelessness. The

agency keeps families together through the trauma of homelessness and beyond as they strive to achieve long-term stability.”<sup>241</sup>

This is only a handful of the hundreds of organizations in Northeast Ohio that provide resources to low-income individuals, families, and communities that are struggling with poverty, trying to make ends meet, and who are trying to overcome the barriers standing in their way on their road to employment, and economic security and mobility.

### **Summary**

It is clear that people of low-income face many barriers, especially on the road to employment. The complete removal of barriers to employment requires the collaborative efforts of an innumerable list of organizations, people, and resources including federal, state, and local government, government agencies, social service organizations, judges, social workers, healthcare systems, etc. A necessary part of the effort to remove barriers includes lawyers and legal interventions. Using the skills, knowledge, and tools of a lawyer can successfully clear the path to finding, maintaining, and improving employment for many people.

## **CONCLUSION**

Millions of people live in poverty in the United States. Millions of people lack the ability to find economic security and move up the income ladder because they cannot find or maintain quality employment that pays good wages, benefits, and provides opportunity for advancement. For many, employment is unattainable because there are just too many barriers standing in their way. Indeed, a review of social science literature identified at least seven barriers that most frequently affect low-income workers, families, and communities. Legal interventions to reduce the effect of or eliminate these barriers are only one piece of the puzzle, but in collaboration with a myriad of organizations and people, the lawyer, with the use of his or her toolbox, can successfully and creatively clear the path for individuals facing barriers on their road to employment.

**APPENDIX A**

<b>Barrier</b>	<b>Problem</b>	<b>Legal Intervention</b>
Lack of Education/Skill	<ul style="list-style-type: none"> <li>• Lack of a high school education</li> <li>• Low levels of education</li> <li>• Functional illiteracy (reading, writing, and language skills below minimum level of literacy required for everyday life and employment)</li> <li>• Lack of understanding and experience of workplace norms (e.g. appropriate language, understanding lines of authority, responsibility in the workplace, being punctual, respect towards coworkers)</li> </ul>	<ul style="list-style-type: none"> <li>• Access to education issues (enrollment, limited English proficiency, disability, discipline, access to higher education)</li> <li>• School mobility issues (moving frequently leading to absenteeism; gaps in learning)</li> <li>• Lead advocacy (higher levels of lead linked to reduced kindergarten readiness; success in early childhood and primary education linked to higher outcomes in secondary and post-secondary education)</li> <li>• Policy advocacy regarding GED testing (access and cost)</li> <li>• Policy advocacy regarding education and training under the Workforce Investment and Opportunity Act (WIOA)</li> <li>• Any direct representation, policy/systemic advocacy, or outreach/education directed at supporting and stabilizing parents and family that will have a positive impact on a child's success in school</li> </ul>
Lack of Transportation	<ul style="list-style-type: none"> <li>• Spatial mismatch (jobs not located where the workers live)</li> <li>• Lack of access to a car</li> <li>• Lack of drivers license</li> <li>• Jobs inaccessible by public transportation</li> <li>• Inadequate public transportation</li> <li>• Inability to pay for a car or costs of car ownership</li> </ul>	<ul style="list-style-type: none"> <li>• Direct representation in automobile cases (title loan, repossession, purchase and repair)</li> <li>• Advocacy regarding driver's licenses (reinstatement; suspension due to dischargeable debt in bankruptcy)</li> <li>• Education and outreach regarding limiting the use of driver's license suspensions for minor infractions (e.g. minor probation violations, failure to pay child support, nonpayment of courts costs and/or fees)</li> <li>• Advocacy when public transportation systems propose rate increases/route changes that</li> </ul>

		<p>will affect access to jobs</p> <ul style="list-style-type: none"> <li>• Participate in existing transportation coalitions or committees</li> <li>• Advocate for the use of TANF funds for transportation for workers transitioning from welfare to work</li> <li>• Advocacy regarding the development of affordable housing in areas where jobs are available (e.g. advocate for the use of tax credits for affordable housing in the suburbs)</li> </ul>
Lack of Affordable/Quality Child Care	<ul style="list-style-type: none"> <li>• High cost of child care</li> <li>• Child care only being available during business hours</li> <li>• Child care provider disruptions</li> <li>• Low quality child care</li> <li>• Lack of access to child care</li> </ul>	<ul style="list-style-type: none"> <li>• Direct representation in child care voucher cases</li> <li>• Advocate for changes in regulations of subsidized child care that create the child care cliff</li> <li>• Advocate for the inclusion of child care as a “supportive service” under the WIOA</li> <li>• Advocate for tuition free pre-school</li> <li>• Direct representation in child care provider licensing cases</li> <li>• Advocate for development of high quality child care providers in low income neighborhoods (e.g. investigate prohibitions about in home child care in subsidized housing)</li> </ul>
Mental Illness	<ul style="list-style-type: none"> <li>• May lead to low educational attainment</li> <li>• Disability discrimination</li> <li>• Missing work because of health problems (absenteeism/lower productivity)</li> <li>• Physical/mental limitation impeding individual’s ability to work</li> <li>• Lack of time off to seek treatment</li> </ul>	<ul style="list-style-type: none"> <li>• Direct representation in special education cases</li> <li>• Direct representation and advocacy regarding access to medical coverage</li> <li>• Direct representation in disability discrimination cases</li> <li>• Direct representation in accommodation cases</li> <li>• Direct representation in FMLA cases</li> <li>• Advocate for greater access to vocational services and mental</li> </ul>



		<p>health care</p> <ul style="list-style-type: none"> <li>• Direct representation and advocacy regarding the applicability of the Fair Housing Act to utility providers (e.g. medical certificates)</li> </ul>
Lack of Time Off	<ul style="list-style-type: none"> <li>• Worker unable to take time off for health issues (themselves or other family member)</li> <li>• Worker unable to take time off for other important meetings (court, caseworker, school)</li> </ul>	<ul style="list-style-type: none"> <li>• Direct representation in Family Medical Leave Act (FMLA) cases</li> <li>• Education and advocacy regarding the need for paid time off</li> </ul>
Housing Instability/Homelessness	<ul style="list-style-type: none"> <li>• High cost of housing</li> <li>• Limited availability of housing near job opportunities</li> <li>• Lack of stable address, phone number, or ID</li> <li>• Too difficult to search for housing and maintain employment</li> <li>• Employer stereotypes about homeless individuals (e.g. homeless population lack the ability and motivation to work; cannot integrate into workplace; concerns about appearance and hygiene)</li> </ul>	<ul style="list-style-type: none"> <li>• Direct representation in foreclosure, subsidized housing, and landlord-tenant cases</li> <li>• Direct representation in identification cases</li> <li>• Outreach, education, and advocacy regarding housing condition enforcement</li> <li>• Outreach, education, and advocacy regarding the denial of subsidized housing because of a criminal record</li> <li>• Advocate for affordable housing in higher opportunity neighborhoods</li> <li>• Outreach, education, and advocacy regarding the presence of lead in affordable and subsidized housing</li> <li>• Direct legal representation in litigation to prevent the renting of properties that have been deemed to be unhealthy</li> </ul>
Domestic Violence	<ul style="list-style-type: none"> <li>• Violent partner prevents workplace participation</li> <li>• Development of mental health issue from abuse which interferes with work attendance and performance</li> <li>• Tardiness or absenteeism</li> <li>• Violent partner harasses</li> </ul>	<ul style="list-style-type: none"> <li>• Direct representation in domestic violation cases</li> <li>• Direct representation in civil protection (CPO) order cases</li> <li>• Advocate for and development of electronic resources for pro se civil protection orders</li> <li>• Education and advocacy regarding the need for workplace</li> </ul>

	<p>survivor at work</p> <ul style="list-style-type: none"> <li>• Losing work opportunities (e.g. physical abuse is so bad that the survivor cannot physically go to work)</li> </ul>	<p>protections for survivors of domestic violence</p> <ul style="list-style-type: none"> <li>• Outreach and education regarding civil protection orders</li> <li>• Education and advocacy regarding civil protection identification enabling survivors to easily identify themselves as holders of a CPO</li> <li>• Outreach and education to employers about the issues employee survivors of domestic violence face</li> </ul>
<p>Criminal Records/Incarceration</p>	<ul style="list-style-type: none"> <li>• A period of incarceration reduces employment opportunities and earnings; erodes social networks that may lead to job opportunities; erodes previously acquired skills; and creates financial barriers</li> <li>• Individuals with criminal records or former incarceration are ineligible for certain occupations</li> <li>• Employers fear financial and legal liabilities.</li> <li>• Race discrimination</li> </ul>	<ul style="list-style-type: none"> <li>• Outreach, education, advocacy and direct representation in the sealing of adult and juvenile criminal records cases</li> <li>• Outreach and education regarding child support modification for incarcerated individuals</li> <li>• Direct representation in race discrimination cases</li> <li>• Advocate for alternatives to incarceration for minor probation violations</li> <li>• Monitor and ensure enforcement of state ban the box legislation</li> <li>• Outreach, education, and direct representation in Fair Credit Reporting Act (FCRA) cases</li> <li>• Education and advocacy to employers regarding redemption research</li> <li>• Development, distribution, and outreach of electronic resources for pro se record sealing</li> <li>• Advocate for the use of poverty affidavits for applications for Certificates of Qualification for Employment (CQE)<sup>242</sup></li> <li>• Outreach and education regarding Certificates of Qualification for Employment (CQE)</li> </ul>

## ENDNOTES

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<sup>1</sup> This white paper only addresses barriers to employment that prevent workers from getting a job, keeping a job, or moving up in a job. It does not address other issues that inhibit individuals and families from rising out of poverty (e.g. wage suppression) or issues related to ensuring that people with low income get the full benefit of their work (e.g. tax issues or wage theft).

<sup>2</sup> J.K. White & S.L. Hanson, *The Making and Persistence of the American Dream*, in S.A. HANSON THE AMERICAN DREAM IN THE 21ST CENTURY 1-16, AT P.2.

<sup>3</sup> *Id.* at 3.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.* at 4. (quoting Franklin D. Roosevelt, Acceptance Speech, Democratic National Convention (Jun. 27, 1936)).

<sup>6</sup> White & Hanson, *supra* note 2, at 4.

<sup>7</sup> Oxford Dictionaries, AMERICAN DREAM  
[https://en.oxforddictionaries.com/definition/us/american\\_dream](https://en.oxforddictionaries.com/definition/us/american_dream).

<sup>8</sup> THE PEW CHARITABLE TRUSTS, COLLATERAL COSTS: INCARCERATION'S EFFECT ON ECONOMIC MOBILITY (2010)  
[http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs\\_assets/2010/collateralcosts1pdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/collateralcosts1pdf.pdf)

<sup>9</sup> Marianne Cooper, TheAtlantic.com, *The downsizing of the American dream*, (Oct. 2, 2015),  
<http://www.theatlantic.com/business/archive/2015/10/american-dreams/408535/>.

<sup>10</sup> *Id.*

<sup>11</sup> White & Hanson, *supra* note 2, at 7.

<sup>12</sup> CARMEN DENAVAS-WALT & BERNADETTE D. PROCTOR, U.S. CENSUS BUREAU, INCOME AND POVERTY IN THE UNITED STATES 2014 43 (2015), p. 43.  
<https://www.census.gov/content/dam/Census/library/publications/2015/demo/p60-252.pdf>

<sup>13</sup> BERNADETTE D PROCTOR ET AL., U.S. CENSUS BUREAU, INCOME AND POVERTY IN THE UNITED STATES: 2015 CURRENT POPULATION REPORTS 12 (2016).  
<http://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-256.pdf>

<sup>14</sup> DENAVAS-WALT & PROCTOR, *supra* note 12.

<sup>15</sup> PROCTOR ET AL., *supra* note 13, at 43.

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<sup>16</sup> Statistical measures of poverty are based on poverty thresholds which were originally created in 1963-1964. Results.com, *Poverty in the United States*, [http://www.results.org/print/poverty\\_in\\_the\\_united\\_states](http://www.results.org/print/poverty_in_the_united_states). (last visited Sep. 19, 2016). The original thresholds were based on data from the U.S. Department of Agriculture regarding the cost of basic foods. *Id.* At the time poverty thresholds originated in the early 1960s, low-income families spent approximately one-third of their income on food and, thus, the thresholds were set at three times the USDA Thrifty Food Plan. *Id.* The poverty thresholds are set annually by the U.S. Census Bureau and are used solely for statistical purposes not eligibility guidelines. *Id.*

<sup>17</sup> KAREN L. ANDERSON ET AL., *Introduction*, in MELISSA S. KEARNEY ET AL. POLICIES TO ADDRESS POVERTY IN AMERICA 1 (The Hamilton Project 2014).

<sup>18</sup> *Id.* at 18.

<sup>19</sup> LAWRENCE MISHEL ET AL., *Poverty*, in LAWRENCE MISHEL ET AL., THE STATE OF WORKING AMERICA 419, 422 (Cornell University Press 12<sup>th</sup> ed. 2012)

<sup>20</sup> AJAY CHAUDRY ET AL., DEPARTMENT OF HEALTH AND HUMAN SERVICES, POVERTY IN THE UNITED STATES: 50-YEAR TRENDS AND SAFETY NET IMPACTS 19 (2016).  
<https://aspe.hhs.gov/sites/default/files/pdf/154286/50YearTrends.pdf>

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.* at 13.

<sup>24</sup> *Id.*

<sup>25</sup> DENAVAS-WALT & PROCTOR, *supra* note 12, at 15.

<sup>26</sup> The recently released report from the U.S. Census Bureau shows that in 2015, 14.8 percent of women lived in poverty, down from 16.1 percent in 2014. PROCTOR ET AL., *supra* note 13, at 15.

<sup>27</sup> DON LARRICK, OFFICE OF RESEARCH, OHIO DEVELOPMENT SERVICES, AGENCY, THE OHIO POVERTY REPORT 7 (2016), <https://development.ohio.gov/files/research/P7005.pdf>

<sup>28</sup> *Id.* at 21.

<sup>29</sup> *Id.* at 36.

<sup>30</sup> TalkPoverty.org, Ohio 2014 report, <https://talkpoverty.org/state-year-report/ohio-2014-report/> (last visited Sept. 26, 2016).

<sup>31</sup> CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE—ASHTABULA (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/ashtabula.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/ashtabula.pdf);  
CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE—CUYAHOGA (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/cuyahoga.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/cuyahoga.pdf);

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CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE—GEAUGA (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/geauga.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/geauga.pdf);  
CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE—LAKE (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/lake.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/lake.pdf);  
CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE—LORAIN (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/lorain.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/lorain.pdf)

<sup>32</sup> CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE--CUYAHOGA (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/cuyahoga.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/cuyahoga.pdf),  
CENTER FOR COMMUNITY SOLUTIONS, COUNTY PROFILE--ASHTABULA (2016)  
[http://www.communitysolutions.com/assets/docs/County\\_Profiles/2016/updated/ashtabula.pdf](http://www.communitysolutions.com/assets/docs/County_Profiles/2016/updated/ashtabula.pdf).

<sup>33</sup> AEI/BROOKINGS WORKING GROUP ON POVERTY AND OPPORTUNITY, AMERICAN ENTERPRISE INSTITUTE FOR PUBLIC POLICY RESEARCH AND THE BROOKINGS INSTITUTION, OPPORTUNITY, RESPONSIBILITY, AND SECURITY: A CONSENSUS PLAN FOR REDUCING POVERTY AND RESTORING THE AMERICAN DREAM 19 (2015). <https://www.brookings.edu/wp-content/uploads/2016/07/full-report.pdf>.

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Brookings Institution, Brookings.edu *Facts on poverty and opportunity that progressives and conservatives can agree on*, <https://www.brookings.edu/research/facts-on-poverty-and-opportunity-that-progressives-and-conservatives-can-agree-on/>. (last visited Sep. 16, 2016).

<sup>37</sup> AEI/BROOKINGS WORKING GROUP ON POVERTY AND OPPORTUNITY, *supra* note 33.

<sup>38</sup> *Id.*

<sup>39</sup> John Ydstie, NPR.org, *On the economic ladder, Rungs move further apart*, <http://www.npr.org/2012/05/29/153918852/on-the-economic-ladder-rungs-move-further-apart>. (last visited Sep. 19, 2016).

<sup>40</sup> Anderson et al., *supra* note 17.

<sup>41</sup> American Psychological Association, APA.org, *Effects of poverty, hunger and homelessness on children and youth*, <http://www.apa.org/pi/families/poverty.aspx> (last visited Sep. 16, 2016).

<sup>42</sup> Brie Zeltner, Cleveland.com *Pediatricians urged to screen for poverty*. . [http://www.cleveland.com/healthfit/index.ssf/2016/03/pediatricians\\_urged\\_to\\_screen.html](http://www.cleveland.com/healthfit/index.ssf/2016/03/pediatricians_urged_to_screen.html). (last visited Sep. 19, 2016).

<sup>43</sup> Brown Alyssa, Gallup.com, *With poverty comes depression, more than other illnesses*, <http://www.gallup.com/poll/158417/poverty-comes-depression-illness.aspx>. (last visited Sep. 19, 2016).

<sup>44</sup> American Psychological Association, *supra* note 40.

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<sup>45</sup> *Id.*

<sup>46</sup> Zeltner, *supra* note 41.

<sup>47</sup> *Id.* Hough is a neighborhood within the city of Cleveland. It has a total population of 11,475. City of Cleveland, *Neighborhood Fact Sheet: Hough* (Cleveland City Planning Commission 2014) <http://planning.city.cleveland.oh.us/2010census/downloads/Hough.pdf>. Ninety-eight percent of the population in Hough is Black; 33 percent have a high school diploma or equivalent while only 6 percent have a Bachelor's Degree; and 51 percent of the population participates in the labor market. *Id.* Lyndhurst, in contrast, is a suburb of Cleveland. It has a population of 14,001. Rich Exner, Cleveland.com, *Lyndhurst, Ohio, demographics, other city information*, [http://www.cleveland.com/datacentral/index.ssf/2015/02/lyndhurst\\_ohio\\_demographics\\_ot.html](http://www.cleveland.com/datacentral/index.ssf/2015/02/lyndhurst_ohio_demographics_ot.html). (last visited Sep. 20, 2016). It is 88.99 percent White; 19.99 percent have a high school degree or equivalent and 29.83 percent have a Bachelor's Degree, *Id.*; and 65.8 percent of the population is in the labor force. U.S. Census Bureau, *American FactFinder - results*, <https://factfinder.census.gov/faces/tableservices/jsf/pages/productview.xhtml?src=CF>. (last visited Sep. 20, 2016).

<sup>48</sup> Max Ehrenfreund, WashingtonPost.com, *This powerful Reddit thread reveals how the poor get by in America*, (Jan. 14, 2015), <https://www.washingtonpost.com/news/wonk/wp/2015/01/14/this-powerful-reddit-thread-reveals-how-the-poor-get-by-in-america/>. (last visited Sept. 27, 2016).

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> HARRY HOLZER ET AL., CENTER FOR AMERICAN PROGRESS, *THE ECONOMIC COSTS OF POVERTY IN THE UNITED STATES: SUBSEQUENT EFFECTS OF CHILDREN GROWING UP POOR 1* (2007). [https://cdn.americanprogress.org/wp-content/uploads/issues/2007/01/pdf/poverty\\_report.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2007/01/pdf/poverty_report.pdf)

<sup>54</sup> *Id.*

<sup>55</sup> STUART M. BUTLER ET AL., THE PEW CHARITABLE TRUSTS, *PATHWAYS TO ECONOMIC MOBILITY: KEY INDICATORS* (2008) [http://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/economic\\_mobility/pewempchartbook12pdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/economic_mobility/pewempchartbook12pdf.pdf)

<sup>56</sup> CHAUDRY ET AL., *supra* note 20, at 28.

<sup>57</sup> *Id.* At 31.

<sup>58</sup> The householder is the individual who owns or rents the housing unit. *See* LARRICK, *supra* note 27, at 82.

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<sup>59</sup> *Id.* At 25.

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> DAVID L. BLUESTEIN ET AL., ISTANBUL INTERNATIONAL CENTER FOR PRIVATE SECTOR IN DEVELOPMENT, EDUCATION, AND WORK AS HUMAN BIRTHRIGHTS: ERADICATING POVERTY THROUGH KNOWLEDGE, INNOVATION, AND COLLABORATION (2014) [http://www.undp.org/content/dam/istanbul/docs/2014\\_Barriers\\_to\\_and\\_Prospects\\_for\\_Poverty\\_Reduction.pdf](http://www.undp.org/content/dam/istanbul/docs/2014_Barriers_to_and_Prospects_for_Poverty_Reduction.pdf).

<sup>64</sup> Gary Shaheen & John Rio, *Recognizing Work as a Priority in Preventing or Ending Homelessness*, J Primary Prevent 341, 343 (2007)

<sup>65</sup> *Id.*

<sup>66</sup> HANNAH THOMAS ET AL., INSTITUTE ON ASSETS AND SOCIAL POLICY, THE HELLER SCHOOL FOR SOCIAL POLICY AND MANAGEMENT, BRANDEIS UNIVERSITY, EMPLOYMENT CAPITAL: HOW WORK BUILDS AND PROTECTS FAMILY WEALTH AND SECURITY 3 (2013). <https://iasp.brandeis.edu/pdfs/2013/Employment.pdf>

<sup>67</sup> NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES, NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES, DETOURS ON THE ROAD TO EMPLOYMENT: OBSTACLES FACING LOW-INCOME WOMEN 1 (1999). <http://www.nationalpartnership.org/research-library/more/economic-security/detours-road-employment.pdf>.

<sup>68</sup> Prior to 1996, the most well-known cash assistance program was called “Aid to Families with Dependent Children (AFDC). Robert Moffitt, *A Primer on U.S. Welfare Reform*, 26:1 FOCUS 15 (2008). In 1996, AFDC went through major reform including the imposition of work requirements and the creation of sanctions for noncompliance which could reduce or eliminate benefits. *Id.* AFDC became known as “Temporary Assistance for Needy Families” or TANF. *Id.* Under TANF, states were given the freedom to design its own programs and many adopted a “Work First” approach where TANF recipients were moved to work, any kind of work, as quickly as possible. *Id.* at 20.

<sup>69</sup> *Id.*

<sup>70</sup> Laura A. Schmidt, et al., On the Declining Health Status of Welfare Caseloads: Emerging Dilemmas for Serving the Poor (2011)(author manuscript, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4052977/>); MICHIGAN STATE UNIVERSITY, UNIVERSITY OUTREACH & ENGAGEMENT, BOARD OF TRUSTEES OF MICHIGAN STATE UNIVERSITY, MOVING FROM WELFARE TO WORK: RESULTS, BARRIERS, AND TRANSITIONAL BENEFITS (2003) <http://outreach.msu.edu/bpbriefs/issues/brief27.pdf>.; L. Theriault, *Non-financial Barriers to Employment Faced by Welfare Recipients: A Review of the American Literature*, CAN SOCIAL WORK REVIEW 129 (2002).

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<sup>71</sup> Aouie R. Rubio, Barriers to Leaving Poverty (Dec. 18, 2015) (Master's Projects, University of San Francisco) (on file with USF Scholarship Repository); Theriault, *supra* note 69; Timothy J. Haney, *Off to Market: Neighborhood and Individual Employment Barriers for Women in 21<sup>st</sup> Century American Cities*, J OF URBAN AFFAIRS 303 (2012); Schmidt et al., *supra* note 69.; ELLEN MEARA & RICHARD G. FRANK, NATIONAL BUREAU OF ECONOMIC RESEARCH, WELFARE REFORM, WORK REQUIREMENTS, AND EMPLOYMENT BARRIERS (2006) <http://www.nber.org/papers/w12480.pdf>.; MICHIGAN STATE UNIVERSITY, *supra* note 69. SANDRA DANZINGER ET AL., UNIVERSITY OF MICHIGAN, POVERTY RESEARCH & TRAINING CENTER, BARRIERS TO EMPLOYMENT OF WELFARE RECIPIENTS (2002). <http://www.psc.isr.umich.edu/pubs/pdf/rr02-508.pdf>.

<sup>72</sup> U.S. Equal Employment Opportunity Commission, EEOC.org, *EEOC Releases Fiscal Year 2015 Enforcement and Litigation Data*, <https://www.eeoc.gov/eeoc/newsroom/release/2-11-16.cfm>. (last visited Sep. 20, 2016).

<sup>73</sup> CYNTHIA HESS, PH.D. & STEPHANIE ROMAN, INSTITUTE FOR WOMEN'S POLICY RESEARCH, POVERTY GENDER, AND PUBLIC POLICIES 3 (2016). <http://www.iwpr.org/publications/pubs/poverty-gender-and-public-policies>.

<sup>74</sup> Chaudry et al., *supra* note 20, at 28.

<sup>75</sup> *Id.*

<sup>76</sup> *Id.* at 29.

<sup>77</sup> *Id.*

<sup>78</sup> DIANE WHITMORE SCHANZENBACH ET AL., THE HAMILTON PROJECT, FOURTEEN ECONOMIC FACTS ON EDUCATION AND ECONOMIC OPPORTUNITY (2016). [http://www.hamiltonproject.org/assets/files/education\\_facts.pdf](http://www.hamiltonproject.org/assets/files/education_facts.pdf)

<sup>79</sup> AEI/BROOKINGS WORKING GROUP ON POVERTY AND OPPORTUNITY, *supra* note 33, at 28.

<sup>80</sup> SCHANZENBACH ET AL., *supra* note 77, at 7.

<sup>81</sup> *Id.*

<sup>82</sup> *Id.*

<sup>83</sup> *Id.* at 9.

<sup>84</sup> KISHA BIRD ET AL., CENTER FOR LAW AND SOCIAL POLICY, NEW OPPORTUNITIES TO IMPROVE ECONOMIC AND CAREER SUCCESS FOR LOW-INCOME YOUTH AND ADULTS 6 (2014). <http://www.clasp.org/resources-and-publications/publication-1/KeyProvisioinsofWIOA-Final.pdf>.

<sup>85</sup> *Id.*

<sup>86</sup> DANZINGER ET AL., *supra* note 70, at 5.



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<sup>87</sup> BIRD ET AL., *supra* note 83.

<sup>88</sup> DANZINGER ET AL., *supra* note 70, at 5.

<sup>89</sup> The White Paper Advisory Council commented that their clients struggle with being on time for work.

<sup>90</sup> DANZINGER ET AL., *supra* note 70, at 5.

<sup>91</sup> HEIDI GOLDBERG, CENTER ON BUDGET AND POLICY PRIORITIES, STATE AND COUNTY SUPPORTED CAR OWNERSHIP PROGRAMS CAN HELP LOW-INCOME FAMILIES SECURE AND KEEP JOBS 2 (2001). <http://www.cbpp.org/archives/11-8-01wel.htm>.

<sup>92</sup> *Id.*

<sup>93</sup> MARGARET PUGH, THE BROOKINGS INSTITUTION, CENTER ON URBAN AND METROPOLITAN POLICY, BARRIERS TO WORK: THE SPATIAL DIVIDE BETWEEN JOBS AND WELFARE RECIPIENTS IN METROPOLITAN AREAS 4 (1988), <https://www.brookings.edu/wp-content/uploads/2016/06/mismatch.pdf>; *See* GOLDBERG, *supra* note 90, at 1.; Brett Barkley & Alexandre Gomes-Pereira, FEDERAL RESERVE BANK OF CLEVELAND, *A Long Ride to Work: Job Access and Public Transportation in Northeast Ohio*, A LOOK BEHIND THE NUMBERS (2015), available at <https://www.clevelandfed.org/newsroom-and-events/publications/a-look-behind-the-numbers/albtn-20151123-a-long-ride-to-work-job-access-and-public-transportation-in-northeast-ohio.aspx>. (last visited Sep. 16, 2016); JOHN PAWASARAT & FRANK STETZER, EMPLOYMENT AND TRAINING INSTITUTE, UNIVERSITY OF WISCONSIN-MILWAUKEE, REMOVING TRANSPORTATION BARRIERS TO EMPLOYMENT: ASSESSING DRIVER'S LICENSE AND VEHICLE OWNERSHIP PATTERNS OF LOW-INCOME POPULATIONS, INITIAL FINDINGS 1 (1998). <https://www4.uwm.edu/eti/reprints/DOTbarriers.pdf>.

<sup>94</sup> *See* PUGH, *supra* note 92, at 5.

<sup>95</sup> *See* Barkley & Gomes-Periera, *supra* note 92, at 1.

<sup>96</sup> *Id.* at 2.

<sup>97</sup> *See* PUGH, *supra* note 92, at 5; GOLDBERG, *supra* note 90, at 2; Barkley & Gomes-Pereira, *supra* note 92.

<sup>98</sup> The White Paper Advisory Council commented that public transportation in Cuyahoga County through the Regional Transit Authority (RTA) can be unreliable. They also indicated that many of the jobs that provide good wages and opportunities are located in the outlying suburbs, for example Solon, and that commuting by public transportation to workplaces in those locations requires a number connections and is not a realistic and viable option for many workers.

<sup>99</sup> GOLDBERG, *supra* note 90.

<sup>100</sup> Timothy J. Haney, *Off to Market: Neighborhood and Individual Employment Barriers for Women in 21st Century American Cities*, J OF URBAN AFFAIRS 303, 315 (2012).

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<sup>101</sup> GOLDBERG, *supra* note 90, at 5.

<sup>102</sup> GOLDBERG, *supra* note 90, at 1; PAWASARAT & STETZER, *supra* note 92, at 27.

<sup>103</sup> GOLDBERG, *supra* note 90, at 4.

<sup>104</sup> WENDY PATTON, POLICY MATTERS OHIO, OHIO'S CHILDCARE CLIFFS, CANYONS AND CRACKS 1 (2014), <http://www.policymattersohio.org/childcare-may2014>.

<sup>105</sup> *Id.* “A 2000 National Academies of Science report, *Neurons to Neighborhoods*, showed that brain development is most rapid during the first five years of life. Nurturing and stimulating care in the early years were found to build optimal brain architecture, fostering potential for learning. Hardship in early years can lead to later problems. Other studies have demonstrated that the benefits of childcare last well into adolescence. Interruptions in care reduce benefits for individual children, with a long-term societal impact.” *Id.* at 11. “The business community and economist recognize the societal and economic value of early childhood education. Professor James J. Heckman of the University of Chicago is a leading advocate for increased investment in young children as a way of lowering long-term societal costs. Increasingly, jobs with a living wage require literacy and numeracy. For workers to earn a living, and for employers to have the workforce they need, a literate workforce is essential. Early childhood education can increase essential skills basic to tomorrow’s workforce, like literacy.” *Id.*

<sup>106</sup> KATIE HAMM & CARMEL MARTIN, CENTER FOR AMERICAN PROGRESS, A NEW VISION FOR CHILD CARE IN THE UNITED STATES: A PROPOSED NEW TAX CREDIT TO EXPAND HIGH QUALITY CHILD CARE 1 (2015), <https://cdn.americanprogress.org/wp-content/uploads/2015/08/31111043/Hamm-Childcare-report.pdf>.

<sup>107</sup> *Id.* at 4.

<sup>108</sup> JESSICA TROE ET AL., CENTER FOR AMERICAN PROGRESS, FACT SHEET: STATE EXAMPLES OF THE HIDDEN COSTS OF A FAILING CHILD CARE SYSTEM 1 (2016), <https://cdn.americanprogress.org/wp-content/uploads/2016/06/16124514/ChildCareCalculator-factsheet2.pdf>.

<sup>109</sup> In Ohio, the largest public childcare assistance program is administered by the Ohio Department of Job and Family Services. *See* Patton, *supra* note 103, at 2. Funding for this program comes from the federal Childcare and Development Fund and Temporary Aid for Needy Families, and General Revenue Funds. *Id.* Approximately, 17 percent of children living in or near poverty receive childcare assistance. *Id.*

<sup>110</sup> *Id.* at 1.

<sup>111</sup> *Id.* at 2.

<sup>112</sup> *Id.*

<sup>113</sup> *Id.* at 4.

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<sup>114</sup> *Id.* at 1.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.* at 6.

<sup>117</sup> *Id.*

<sup>118</sup> *Id.* at 7.

<sup>119</sup> *Id.* at 8.

<sup>120</sup> *Id.* at 8.

<sup>121</sup> *Id.* at 4.

<sup>122</sup> *Id.* at 10.

<sup>123</sup> SHAYNE SPAULDING, URBAN INSTITUTE, THE WORKFORCE INNOVATION AND OPPORTUNITY ACT AND CHILD CARE FOR LOW-INCOME PARENTS: OPPORTUNITIES AND CHALLENGES UNDER THE NEW LAW 3 (2015), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/2000309-The-Workforce-Innovation.pdf>.

<sup>124</sup> ELIZABETH OLTMANS ANANAT & ROBIN PHINNEY, GERALD FORD SCHOOL OF PUBLIC POLICY, UNIVERSITY OF MICHIGAN, CHILD CARE AS A BARRIER TO EMPLOYMENT (2004), <http://fordschool.umich.edu/research/poverty/pdf/anatphinney.pdf>.

<sup>125</sup> CAMPAIGN FOR A WORKING CONNECTICUT, ADDRESS THE EFFECTS OF EMPLOYMENT BARRIERS ON CONNECTICUT'S WORKFORCE. [http://www.cwealf.org/i/assets/employment\\_barriers\\_final\\_11102.pdf](http://www.cwealf.org/i/assets/employment_barriers_final_11102.pdf).

<sup>126</sup> Nicole D. Forry & Sandra L. Hofferth, *Maintaining work: The influence of child care subsidies on child care-related work disruptions (author manuscript)*, J FAM ISSUES 1 (2011).

<sup>127</sup> ANANAT & PHINNEY, *supra* note 123.

<sup>128</sup> HANNAH MATTHEWS, CENTER FOR LAW AND SOCIAL POLICY, CHILD CARE ASSISTANCE HELPS FAMILIES WORK: A REVIEW OF THE EFFECTS OF SUBSIDY RECEIPT ON EMPLOYMENT 1 (2006), <http://www.clasp.org/resources-and-publications/files/0287.pdf>.

<sup>129</sup> HAMM & MARTIN, *supra* note 105, at 3.

<sup>130</sup> W. ERICKSON ET AL., CORNELL UNIVERSITY EMPLOYMENT AND DISABILITY INSTITUTE, 2013 DISABILITY STATUS REPORT 5 (2013), [http://www.disabilitystatistics.org/StatusReports/2013-PDF/2013-StatusReport\\_US.pdf](http://www.disabilitystatistics.org/StatusReports/2013-PDF/2013-StatusReport_US.pdf). “There is no single accepted definition of disability. Different definitions and disability questions may identify different populations with disabilities and result in larger or smaller estimates.” *Id.* at 3. The data used for this statistical analysis was from the U.S. Census Bureau’s American Community Survey (ACS). There are six questions that the ACS uses to

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identify persons with disabilities in the following areas: hearing, visual, cognitive, ambulatory, self-care, and independent living. *Id.*

<sup>131</sup> *Id.* at 5.

<sup>132</sup> *Id.* at 6.

<sup>133</sup> National Institute of Mental Health, *Prevalence of serious mental illness among U.S. Adults (2011)*, <http://www.nimh.nih.gov/health/statistics/prevalence/serious-mental-illness-smi-among-us-adults.shtml>. (last visited Sep. 19, 2016). The National Survey on Drug Use and Health defines Serious Mental Illness (SMI) as “[a] mental, behavioral, or emotional disorder (excluding development and substance abuse disorders); diagnosable currently or within the past year; of sufficient duration to meet diagnostic criteria specified within the 4<sup>th</sup> edition of the Diagnostic and Statistical Manual of Mental Disorders (DSM-IV); and resulting in serious functional impairment, which substantially interferes with or limits one or more major life activities.” *Id.*

<sup>134</sup> JA Cook, *Employment Barriers for Persons with Psychiatric Disabilities*, PSYCHIATRIC SERVICES 1391 (2006).

<sup>135</sup> BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR, PERSONS WITH A DISABILITY: BARRIERS TO EMPLOYMENT, TYPES OF ASSISTANCE AND OTHER LABOR-RELATED ISSUES (2013), [http://www.bls.gov/news.release/archives/dissup\\_04242013.pdf](http://www.bls.gov/news.release/archives/dissup_04242013.pdf).

<sup>136</sup> Cook, *supra* note 133.

<sup>137</sup> *Id.* at 1393.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

<sup>140</sup> For students with a mental health disorder to be found eligible for an IEP, they must meet the definition of “emotional disturbance” or other health impairment under the IDEA. IDEA defines “emotional disturbance” as “a condition exhibiting one or more of the following characteristics over a long period of time and to a marked degree that adversely affects a child’s educational performance: (A) An inability to learn that cannot be explained by intellectual, sensory, or health factors. (B) An inability to build or maintain satisfactory interpersonal relationships with peers and teachers. (C) Inappropriate types of behavior or feelings under normal circumstances. (C) A general pervasive mood of unhappiness or depression. (E) A tendency to develop physical symptoms or fears associated with personal or school problems.” 34 C.F.R 300.8(c)(4) (2007). “Other Health Impairment” is defined as “having limited strength, vitality, or alertness, including a heightened alertness to environmental stimuli, that results in limited alertness with respect to the educational environment that (i) is due to chronic or acute health problems such as asthma, attention deficit disorder or attention deficit hyperactivity disorder, diabetes, epilepsy, a heart condition, hemophilia, lead poisoning, leukemia, nephritis, rheumatic fever, sickle cell anemia, and Tourette syndrome; and (ii) Adversely affects a child’s educational performance.” 34 C.F.R 300.8(c)(9) (2007).

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<sup>141</sup> Sarah D. Sparks, EdWeek.org, *Emotionally Disturbed Students at Greatest Risk of Dropping Out, Study Finds*, (Nov. 26, 2014), [http://blogs.edweek.org/edweek/inside-school-research/2014/11/emotionally\\_disturbed\\_students.html](http://blogs.edweek.org/edweek/inside-school-research/2014/11/emotionally_disturbed_students.html).

<sup>142</sup> *Id.* at 1394.

<sup>143</sup> *Id.* at 1395.

<sup>144</sup> *Id.*

<sup>145</sup> THE COUNCIL OF ECONOMIC ADVISERS, EXECUTIVE OFFICE OF THE PRESIDENT OF THE UNITED STATES, *THE ECONOMICS OF PAID AND UNPAID LEAVE 5* (2014), [https://www.whitehouse.gov/sites/default/files/docs/leave\\_report\\_final.pdf](https://www.whitehouse.gov/sites/default/files/docs/leave_report_final.pdf).

<sup>146</sup> *Id.* at 7.

<sup>147</sup> Lauren A. Smith et al., *Employment Barriers Among Welfare Recipients and Applicants with Chronically Ill Children*, *AM J PUB HEALTH* 1453, 1455 (2002).

<sup>148</sup> Members of the White Paper Advisory Council noted that one of the biggest problems for their client workers is that they do not have any time off to care for ill children.

<sup>149</sup> Smith et al., *supra* note 147.

<sup>150</sup> NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES, *supra* note 66, at 4; THE COUNCIL OF ECONOMIC ADVISERS, *supra* note 145, at 7.

<sup>151</sup> HESS, PH.D. & ROMAN, *supra* note 72, at 6.

<sup>152</sup> SMITH ET AL., *supra* note 147, at 1453.

<sup>153</sup> CLAUDIA WILLIAMS ET AL., INSTITUTE FOR WOMEN'S POLICY RESEARCH, *FACT SHEET: 44 MILLION U.S. WORKERS LACKED PAID SICK DAYS IN 2010* (2011), <http://www.iwpr.org/publications/pubs/44-million-u.s.-workers-lacked-paid-sick-days-in-2010-77-percent-of-food-service-workers-lacked-access>.

<sup>154</sup> *Id.*

<sup>155</sup> NATIONAL PARTNERSHIP FOR WOMEN & FAMILIES, *supra* note 66.

<sup>156</sup> *Id.*

<sup>157</sup> Theriault, *supra* note 69, at 140.

<sup>158</sup> *Id.*

<sup>159</sup> *Id.* See the Lack of Transportation section, *supra* at 16, and the discussion regarding the lack of jobs in the neighborhoods where the workers live.

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<sup>160</sup> *Id.*

<sup>161</sup> *Id.*

<sup>162</sup> *Id.*

<sup>163</sup> NATIONAL ALLIANCE TO END HOMELESSNESS, NATIONAL ALLIANCE TO END HOMELESSNESS, OVERCOMING EMPLOYMENT BARRIERS FOR POPULATIONS EXPERIENCING HOMELESSNESS (2013) <http://www.endhomelessness.org/page/-/files/Overcoming%20Employment%20Barriers%20for%20Populations%20Experiencing%20Homelessness.pdf>.

<sup>164</sup> The White Paper Advisory Council provided a number of reasons why housing often poses a barrier to employment. Specifically they cited that many housing programs require a period of sobriety prior to qualifying for housing; The Cuyahoga Metropolitan Housing Authority (CMHA) requires applicants to be off probation for six months; and people who share housing to make it more affordable run into problems with eviction when the friendship falls apart.

<sup>165</sup> NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, DOMESTIC VIOLENCE NATIONAL STATISTICS (2013) [http://www.nchh.org/portals/0/contents/childhood\\_lead\\_exposure.pdf](http://www.nchh.org/portals/0/contents/childhood_lead_exposure.pdf).

<sup>166</sup> *Id.*

<sup>167</sup> NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, FACTS ABOUT DOMESTIC VIOLENCE AND PSYCHOLOGICAL ABUSE (2015), <http://ncadv.org/files/Domestic%20Violence%20and%20Psychological%20Abuse%20NCADV.pdf>.

<sup>168</sup> R.R. Runge et al., *Domestic Violence as a Barrier to Employment*, CLEARINGHOUSE REVIEW J OF POVERTY LAW AND POLICY 552 (2001).

<sup>169</sup> Kara Brita Wettersten et al., *Freedom Through Self-Sufficiency: A Qualitative Examination of the Impact of Domestic Violence on the Working Lives of Women in Shelter*, J OF COUNSELING PSYCHOLOGY 447 (2004).

<sup>170</sup> *Id.*

<sup>171</sup> NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, FACTS ABOUT DOMESTIC VIOLENCE AND ECONOMIC ABUSE (2015) <http://ncadv.org/files/Domestic%20Violence%20and%20Economic%20Abuse%20NCADV.pdf>.

<sup>172</sup> Wettersten et al., *supra* note 165, at 447.

<sup>173</sup> NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, *supra* note 167.

<sup>174</sup> Wettersten et al., *supra* note 165, at 452.

<sup>175</sup> *Id.*

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<sup>176</sup> NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, *supra* note 167.

<sup>177</sup> Wettersten et al., *supra* note 165, at 452.

<sup>178</sup> Wettersten et al., *supra* note 165, at 452; NATIONAL COALITION AGAINST DOMESTIC VIOLENCE, *supra* note 167.

<sup>179</sup> Wettersten et al., *supra* note 165, at 453.

<sup>180</sup> *Id.*

<sup>181</sup> Peter Wagner & Bernadette Rabuy, PrisonPolicy.org, *Mass incarceration: The whole pie 2016*, <http://www.prisonpolicy.org/reports/pie2016.html>. (last visited Sep. 19, 2016).

<sup>182</sup> MAURICE Emsellem & Jason Ziedenberg, CENTER ON BUDGET AND POLICY PRIORITIES, STRATEGIES FOR FULL EMPLOYMENT THROUGH REFORM OF THE CRIMINAL JUSTICE SYSTEM (2015), [http://www.cbpp.org/sites/default/files/atoms/files/3\\_30\\_15fe\\_emsellem.pdf](http://www.cbpp.org/sites/default/files/atoms/files/3_30_15fe_emsellem.pdf).

<sup>183</sup> Melissa S Kearney & Benjamin H Harris, Brookings.edu, *Ten Economic Facts About Crime and Incarceration in the United States*, <https://www.brookings.edu/research/ten-economic-facts-about-crime-and-incarceration-in-the-united-states/>. (last visited Sep. 21, 2016).

<sup>184</sup> Nicole Puglise, TheGuardian.com, *Black Americans incarcerated five times more than white people – report*, (Jun. 28, 2016), <https://www.theguardian.com/us-news/2016/jun/18/mass-incarceration-black-americans-higher-rates-disparities-report>.

<sup>185</sup> Office of Justice Programs, NIJ.gov, *Recidivism*, <http://www.nij.gov/topics/corrections/recidivism/pages/welcome.aspx>. (last visited Sep. 21, 2016).

<sup>186</sup> NATIONAL EMPLOYMENT LAW PROJECT, FACT SHEET: RESEARCH SUPPORTS FAIR-CHANCE POLICIES (2016) <http://www.nelp.org/content/uploads/Fair-Chance-Ban-the-Box-Research.pdf>; *see* AEI/BROOKINGS WORKING GROUP ON POVERTY AND OPPORTUNITY, *supra* note 33, at 152.

<sup>187</sup> THE SENTENCING PROJECT, AMERICANS WITH CRIMINAL RECORDS (2014) <http://www.sentencingproject.org/wp-content/uploads/2015/11/Americans-with-Criminal-Records-Poverty-and-Opportunity-Profile.pdf>.

<sup>188</sup> *Id.*

<sup>189</sup> Emsellem & Ziedenberg, *supra* note 182, at 4.

<sup>190</sup> HARRY J. HOLZER ET AL., URBAN INSTITUTE REENTRY ROUNDTABLE, EMPLOYMENT BARRIERS FACING EX-OFFENDERS 11 (2003), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/410855-Employment-Barriers-Facing-Ex-Offenders.PDF>; Steven Raphael, *The Employment Prospects of Ex-Offenders*, FOCUS, Vol. 25, No. 2 21 (2008); Office of Justice Programs, *supra* note 185.

<sup>191</sup> THE PEW CHARITABLE TRUSTS, *supra* note 8, at 11.

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<sup>192</sup> *Id.*

<sup>193</sup> HOLZER ET AL., *supra* note 190, at 5.

<sup>194</sup> *Id.*

<sup>195</sup> HARRY HOLZER ET AL., CENTER FOR AMERICAN PROGRESS, THE ECONOMIC COSTS OF POVERTY IN THE UNITED STATES: SUBSEQUENT EFFECTS OF CHILDREN GROWING UP POOR (2007) [https://cdn.americanprogress.org/wp-content/uploads/issues/2007/01/pdf/poverty\\_report.pdf](https://cdn.americanprogress.org/wp-content/uploads/issues/2007/01/pdf/poverty_report.pdf); THE PEW CHARITABLE TRUSTS, *supra* note 8, at 11; Raphael, *supra* note 190.

<sup>196</sup> THE PEW CHARITABLE TRUSTS, *supra* note 8, at 11.

<sup>197</sup> HOLZER ET AL., *supra* note 190, at 5; Devah Pager, *The Mark of a Criminal Record*, AMER J OF SOCIOLOGY 937 (2003).

<sup>198</sup> The White Paper Advisory Council indicated that many clients face discrimination from employers because of a period of incarceration.

<sup>199</sup> Devah Pager, *The Mark of a Criminal Record*, FOCUS, VOL. 23, NO. 2 44, 46 (2004).

<sup>200</sup> DOUGLAS N. EVANS, JOHN JAY COLLEGE OF CRIMINAL JUSTICE, THE DEBT PENALTY: EXPOSING THE FINANCIAL BARRIERS TO OFFENDER REINTEGRATION 1 (2014), <https://jjrec.files.wordpress.com/2014/08/debtpenalty.pdf>.

<sup>201</sup> *Id.*

<sup>202</sup> ALICIA BANNON ET AL., BRENNAN CENTER FOR JUSTICE, CRIMINAL JUSTICE DEBT: A BARRIER TO REENTRY 27(2010). <http://www.brennancenter.org/sites/default/files/legacy/Fees%20and%20Fines%20FINAL.pdf>.

<sup>203</sup> *Id.*

<sup>204</sup> *Id.* at 28.

<sup>205</sup> RUSSELL SKIBA ET AL., THE EQUITY PROJECT AT INDIANA UNIVERSITY, THE SAFE AND RESPONSIVE SCHOOLS PROJECT: A SCHOOL REFORM MODEL FOR IMPLEMENTING BEST PRACTICES IN VIOLENCE PREVENTION (2005), at p. 632, [http://www.indiana.edu/~equity/docs/A\\_School\\_Reform\\_Model.pdf](http://www.indiana.edu/~equity/docs/A_School_Reform_Model.pdf).

<sup>206</sup> NATIONAL CENTER FOR HEALTHY HOUSING, ISSUE BRIEF: CHILDHOOD LEAD EXPOSURE AND EDUCATIONAL OUTCOMES (2013), [http://www.nchh.org/portals/0/contents/childhood\\_lead\\_exposure.pdf](http://www.nchh.org/portals/0/contents/childhood_lead_exposure.pdf).

<sup>207</sup> Michael Wines, NYTimes.com, *Flint is in the news, but lead poisoning is even worse in Cleveland*, (Mar. 4, 2016), [http://www.nytimes.com/2016/03/04/us/lead-paint-contamination-persists-in-many-cities-as-cleanup-falters.html?\\_r=0](http://www.nytimes.com/2016/03/04/us/lead-paint-contamination-persists-in-many-cities-as-cleanup-falters.html?_r=0).



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<sup>208</sup> The White Paper Advisory Council stated that automatic driver's license suspensions for certain criminal offenses such as driving without a license or insurance, or the possession of drugs, as a problem that interferes with employment.

<sup>209</sup> MARGY WALLER ET AL., THE BROOKINGS INSTITUTION, DRIVER'S LICENSE SUSPENSION POLICIES 2 (2005), <http://www.aecf.org/m/resourcedoc/AECF-driverslicensesuspensionpolicies-2005.pdf>.

<sup>210</sup> *Id.*

<sup>211</sup> *Id.*

<sup>212</sup> *See* Lack of Affordable and Quality Child Care section under Barriers to Employment, *supra* at 17.

<sup>213</sup> Cuyahoga County has a Universal Pre-K program that is designed to make high quality early education more affordable for families. CUYAHOGA COUNTY OFFICE OF EARLY CHILDHOOD, INVEST IN CHILDREN (2013), [http://investinchildren.cuyahogacounty.us/pdf\\_investinchildren/en-US/UPK%20Marketing%20Brochure%202014.pdf](http://investinchildren.cuyahogacounty.us/pdf_investinchildren/en-US/UPK%20Marketing%20Brochure%202014.pdf). Universal Pre-K is available through a variety of early education settings and provides scholarships to families who are at or below 400 percent of the federal poverty level. *Id.*

<sup>214</sup> “Step Up To Quality (SUTQ) is a five-star quality rating and improvement system administered by the Ohio Department of Education and the Ohio Department of Job and Family Services. SUTQ recognizes and promotes learning and development programs that meet quality program standards that exceed licensing health and safety regulations. The program standards are based on national research identifying standards which lead to improved outcomes for children.” OHIO DEPT. OF JOB AND FAMILY SERVICES, STEP UP TO QUALITY (2016), <http://jfs.ohio.gov/cdc/stepUpQuality.stm>.

<sup>215</sup> *See supra* note 139.

<sup>216</sup> To be eligible for FMLA leave, an employee must have worked for a covered employer for at least 1,250 hours during the 12 month period prior to leave, at a work location with 50 or more employees within a 75 miles; and worked for the employer for at least 12 months (but not necessarily consecutively). United States Department of Labor, Wage and Hour Division, *FAQs: FMLA - wage and hour division (WHD) - U.S. Department of labor*, <https://www.dol.gov/whd/fmla/fmla-faqs.htm>. (last visited Sep. 24, 2016). The leave must be for the birth and bonding of a new child or a child through adoption; to care for a family member with a serious health condition; or to take medical leave for one's own serious health condition. *Id.*

<sup>217</sup> *Id.*

<sup>218</sup> DIANA M. PEARCE, PH.D., DIANA PEARCE AND THE OHIO ASSOCIATION OF COMMUNITY ACTION AGENCIES, THE SELF-SUFFICIENCY STANDARD FOR OHIO 2015 (2015) <http://depts.washington.edu/selfsuff/drupal/sites/default/files/selfsuff/docs/OH2015.pdf>.

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<sup>219</sup> National Center for Children in Poverty, *Making work supports work*, [http://www.nccp.org/publications/pub\\_824.html](http://www.nccp.org/publications/pub_824.html). (last visited Sep. 20, 2016).

<sup>220</sup> JARED BERNSTEIN, ECONOMIC POLICY INSTITUTE, *WORK, WORK SUPPORTS, AND SAFETY NETS: REDUCING THE BURDEN OF LOW INCOMES IN AMERICA 7* (2007), <http://www.sharedprosperity.org/bp200/bp200.pdf>.

<sup>221</sup> ARLOC SHERMAN ET AL., CENTER ON BUDGET AND POLICY PRIORITIES, *VARIOUS SUPPORTS FOR LOW-INCOME FAMILIES REDUCE POVERTY AND HAVE LONG-TERM POSITIVE EFFECTS ON FAMILIES AND CHILDREN* (2013), <http://www.cbpp.org/research/various-supports-for-low-income-families-reduce-poverty-and-have-long-term-positive-effects>.

<sup>222</sup> JULIA ISAACS & OLIVIA HEALY, URBAN INSTITUTE, *PUBLIC SUPPORTS WHEN PARENTS LOSE WORK 3* (2014), <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413115%20-%20Public-Supports-When-Parents-Lose-Work.pdf>.

<sup>223</sup> SHERMAN ET AL., *supra* note 221.

<sup>224</sup> Chye-Ching Huang, *Working-family tax credits lift Millions out of poverty*, CENTER ON BUDGET AND POLICY PRIORITIES, <http://www.cbpp.org/blog/working-family-tax-credits-lift-millions-out-of-poverty>. (last visited Sep. 21, 2016).

<sup>225</sup> Arloc Sherman, *Safety net programs lift Millions from poverty, new census data show*, CENTER ON BUDGET AND POLICY PRIORITIES, <http://www.cbpp.org/blog/safety-net-programs-lift-millions-from-poverty-new-census-data-show>. (last visited Sep. 21, 2016).

<sup>226</sup> *Id.*

<sup>227</sup> JULIA PARADISE, THE KAISER COMMISSION ON MEDICAID AND THE UNINSURED, *MEDICAID MOVING FORWARD* (2015) <http://files.kff.org/attachment/issue-brief-medicaid-moving-forward>.

<sup>228</sup> Sherman, *supra* note 225.

<sup>229</sup> SHERMAN ET AL., *supra* note 221, at 17.

<sup>230</sup> *Id.*

<sup>231</sup> Theriault, *supra* note 69, at 144.

<sup>232</sup> The Legal Aid Society of Cleveland, *Overview « legal aid society of Cleveland*, <https://lasclv.org/about-us/overview/>. (last visited Sep. 21, 2016).

<sup>233</sup> TOWARDS EMPLOYMENT, *GET A JOB KEEP A JOB ADVANCE IN A CAREER PREPARE FOR A JOB TOWARDS EMPLOYMENT* (2016) [http://towardsemployment.org/wp-content/uploads/2016/08/TEOnePage\\_Final.pdf](http://towardsemployment.org/wp-content/uploads/2016/08/TEOnePage_Final.pdf).

<sup>234</sup> The Centers for Families and Children, TheCentersOhio.org, *El barrio - WFD, The Centers for Families and Children*,

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<http://www.thecentersohio.org/WhatWeDo/ElBarrioWorkforceDevelopment.aspx>. (last visited Sep. 21, 2016).

<sup>235</sup> EDWINS Leadership & Restaurant, EdwinsRestaurant.org, *Tradition & passion*, <http://edwinsrestaurant.org/>. (last visited Sep. 21, 2016).

<sup>236</sup> East End Neighborhood House, EENH.org, *East end neighborhood house*, <http://www.eenh.org/>. (last visited Sep. 21, 2016).

<sup>237</sup> The Literacy Cooperative, LiteracyCooperative.org, *About the literacy cooperative*, <http://www.literacycooperative.org/aboutus.htm>. (last visited Sep. 21, 2016).

<sup>238</sup> *Id.*

<sup>239</sup> The Salvation Army, SalvationArmyUSA.org, *The salvation army - harbor light*, <http://www.salvationarmyusa.org/usn/harbor-light>. (last visited Sep. 21, 2016).

<sup>240</sup> Lutheran Metropolitan Ministry, LutheranMetro.org, *Mission*, <http://www.lutheranmetro.org/Mission/>. (last visited Sep. 21, 2016).

<sup>241</sup> Family Promise of Greater Cleveland, FamilyPromiseCle.org, *Welcome to Family promise of greater Cleveland*, <https://familypromisecle.org/>. (last visited Sep. 21, 2016).

<sup>242</sup> A Certificate of Qualification for Employment (CQE) is a certificate issued by a judge that removes the automatic bar created by a criminal record for certain occupational certifications, licensing, or employment in general. The White Paper Advisory Council stated that courts will not accept poverty affidavits for CQEs, which often have expensive filing fees, therefore individuals who may benefit from a CQE are discouraged from applying for one.

