

# Looking Out For Your Legal Rights®

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It is important to vote to make sure that people you believe will represent your interests are elected. *Page 1*

Has your driver's license been suspended? Part one of a two-part article explains the three steps you must take to get your license back. *Page 4*

Every day, schools offer healthy meals to students through the school nutrition programs. The National School Lunch Program and School Breakfast Program are government-funded meals programs. *Page 8*

If you are an able-bodied, childless adult and you need food stamps, check the chart on page 11 to see if you live in an area where time and work requirements have been waived. *Page 10*

*Cuáles Son Sus  
Derechos Legales*

La versión en  
español la encontrará  
al reverso.

## Voting in New Jersey: What You Need to Know for the Election on November 4, 2008

ON NOVEMBER 4, 2008, people in New Jersey will vote for President of the United States, members of the United States House of Representatives, and a United States Senator. These elected officials will represent New Jersey residents in Washington, D.C., and will make and enforce laws that affect everyone. Examples include laws about welfare, disability, immigration, and education. It is important to vote to make sure that people you believe will represent your interests are elected to these positions.

### *How do I know if I can vote?*

In order to vote, you must first register. You can register to vote if you are:

- A U.S. citizen,
- At least 18 years of age on or before the next election, and
- A resident of New Jersey and your county for at least 30 days prior to the election.

You cannot register to vote if:

- You are serving a jail sentence or you are on parole or probation for an indictable offense under state or federal law. However, once you

*Continued on page 2*

## Voting

*continued from page 1*

serve your sentence and complete probation or parole, you can re-register to vote. You do not lose your right to vote if you are a pre-trial detainee or you are free on bail pending an appeal.

- A judge has determined that you lack the mental capacity to vote.

### ***How do I register to vote?***

You must file a registration application. You can get a voter registration application from:

- Your County Commission of Registration,
- Your County Board of Elections,
- Local libraries,
- NJ Motor Vehicle Commission offices,
- County Boards of Social Services, and
- Other public assistance agencies.

The registration form is also available



with additional information online at [www.njelections.org/forms\\_doe.html](http://www.njelections.org/forms_doe.html). Voters must register at least 21 days before voting in an election. *To vote in the General Election on November 4, 2008, you must register on or before October 14, 2008.*

You can register to vote with your County Commission of Registration (CCR) or Superintendent of Elections (SE) in person or by mail. You cannot register electronically or by fax, because an original signature is required. You can call 1-877-NJVOTER toll-free to find contact information for your CCR or SE, request that a voter registration form be mailed to you, and/or find out whether information is available in languages other than English. You can also call your CCR or SE if you are unsure whether you are registered. Once registered, you can vote in person at the polls on Election Day or by absentee ballot.

If you register by mail, the CCR or SE will send you a request for identification

## *Looking Out For Your Legal Rights®*

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**This newsletter is for general information only. If you have a legal problem, you should see a lawyer.**

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## To vote in the General Election on November 4, 2008, *you must register on or before October 14, 2008.*

form asking for your driver's license number or the last four digits of your Social Security number. If you have neither, you will be asked for other identifying documents. Other forms of acceptable identification include a photo ID, a bank statement, a utility bill, or an official document addressed to you. After your registration is approved, you should receive information about where to vote.

### ***How do I vote once I am registered?*** **Absentee Ballot Rules**

No reason or excuse is required to vote by absentee ballot. However, you must be a registered voter and also submit your absentee ballot application on time to the County Clerk in the county where you live. Absentee ballot applications can be

- Submitted to the County Clerk by mail up to seven days before the election, or
- Filed in person with the County Clerk up until 3:00 p.m. on the day before the election.

Call 1-877-NJVOTER or check at the online address mentioned above to get an absentee ballot application and the County Clerk's contact information. After your application is received and accepted, an absentee ballot will be mailed to you, which you can complete and submit as indicated on the ballot. Your absentee ballot must be received by the County Board of Elections no later than

8 p.m. on Election Day. Once you request an absentee ballot, you must vote by absentee ballot and will not be allowed to vote in person at the polls.

### **Voting in Person**

After you register, the CCR or SE should send you information about where you will vote on Election Day. Shortly before the election, you should receive a sample ballot and polling information. If you have not received any information a few weeks before the election, you should call the CCR or SE (see above) to find out the location of your polling place. The Division of Elections Web site can also provide you with your polling place location at [www.njelections.org/vote\\_doe.html](http://www.njelections.org/vote_doe.html).

It is a good idea to bring identification and proof of address with you when you go to vote, especially if you are voting for the first time. If you registered by mail, you may need to bring a photo ID, utility bill, paycheck, or other document showing your name and address. Call the CCR or SE if you have any questions about what ID is acceptable. Polls are open between 6:00 a.m. and 8:00 p.m. on Election Day.

### **Voting for People with Disabilities**

State and federal laws require that polling places and voting machines be accessible to people with disabilities. In particular, the Help America Vote Act (HAVA) requires that, effective January 1, 2006, the voting process "be accessible

for individuals with disabilities, including nonvisual accessibility for the blind and visually impaired, in a manner that provides the same opportunity for access and participation (including privacy and independence) as other voters.”

People with mental illness are generally permitted to vote unless a judge determines that they lack the capacity to vote. People do not lose the right to vote if they have a guardian, unless the guardianship order declares that the person lacks the capacity to vote.

HAVA can be enforced through private litigation or through the U.S. Department of Justice, Civil Rights Department, Voting Division, which can be contacted at 1-800-253-3931. The

New Jersey Office of the Attorney General has a voting accessibility concern and complaint process and can be contacted at (609) 292-3760.

If you believe that you were improperly denied the right to vote on Election Day, you can apply to the New Jersey Superior Court in your county for relief. Each court has an emergent duty judge available on Election Day with authority to hear your complaint and to issue an order permitting you to vote. To find your local New Jersey Superior Court, check online at [www.judiciary.state.nj.us/trial.htm](http://www.judiciary.state.nj.us/trial.htm) or call 1-877-NJVOTER for further information. □

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By Kevin Liebkemann, Staff Attorney,  
Legal Services of New Jersey

## Understanding Driver's License Suspensions

### PART ONE: THREE STEPS TO DRIVER'S LICENSE RESTORATION

**NOT HAVING A DRIVER'S LICENSE** may make it impossible to take care of daily basic needs, keep a job, keep an important appointment, attend a court hearing, or go to the doctor. Many states allow people with suspended licenses to continue to drive for work or medical reasons. However, New Jersey does not allow a person with a suspended license to drive for any reason. If you have had your license suspended, this two-part ar-

ticle outlines what you need to know to get back behind the wheel. Part one of this two-part article explains the three steps you must take to get your license back. Part two, in a future issue of *Looking Out*, will explain the eight most common reasons for suspensions and how to have each type of suspension lifted. Both parts of this article are available on Legal Services of New Jersey's Web site at [www.LSNJLAW.org](http://www.LSNJLAW.org).

### Step One: Getting More Information

First, you must find out why your driver's license has been suspended. The easiest way to do this is to call the Motor Vehicle Commission (MVC) at (609) 292-6500 or toll-free at 1-888-486-3339. An MVC staff person will review your driver history abstract. A

driver history abstract is the record kept by the MVC listing all information related to your driver's license, including reasons why your license has been suspended. When you speak to the MVC representative, find out the following information:

- ☑ How long you must wait to restore your license;
- ☑ If you owe surcharges to the MVC and how much;
- ☑ If you need to complete an MVC program, such as a Defensive Driving Course or an Intoxicated Driving Resource Center (IDRC) program;
- ☑ Which courts to contact if you need to pay outstanding fines or appear in court; and
- ☑ If you owe child support payments.

***How can I get a written copy of my driver history abstract?***

The MVC will *not* mail you a copy of

your driver history abstract just by calling the numbers listed above. To get a written copy of the abstract, you must complete an *Abstract Request Form* and return it along with a \$10 check to the address indicated on the form. You may purchase a copy online at [www.state.nj.us/mvc/Licenses/driver\\_history\\_page.htm](http://www.state.nj.us/mvc/Licenses/driver_history_page.htm) with a credit card and an e-mail address. You can also purchase a copy in person for \$10 at any of the four MVC regional service centers located in Eatontown, Trenton, Wayne, and West Deptford. You can find the addresses of these facilities on the MVC Web site, [www.state.nj.us/mvc/Location/index.htm](http://www.state.nj.us/mvc/Location/index.htm).

**Step Two: Understanding How to Lift the Suspension**

Suspensions can be ordered by the court or the MVC. You can find out who ordered your suspension by calling the MVC or by looking at your driver history abstract.

**Court-ordered suspensions**

A court may order a driver’s license suspension for a variety of reasons, including motor vehicle, criminal, or juvenile justice code violations; failure to pay a parking ticket, a court-ordered fine, or child support; or failure to appear in court. In some cases, a suspension will be ordered for a set amount of time, such as six months. In other cases, a suspension will be ordered until you appear in court or pay a fine. The MVC representative will be able to identify which courts you need to contact to get more information about your type of suspension.

Once you have resolved all outstand-

ing court matters, the MVC will be notified either by the court or by you when you bring documentation to the MVC. Once all court and MVC suspensions have been lifted, you may restore your license.

**Other resources**

The Essex County municipal courts, in connection with the New Jersey Institute for Social Justice (NJISJ), are participating in a new program called the License Reinstatement Program (LRP). The LRP is designed to help people with suspended licenses due to unpaid fines and penalties in more than one municipal court in Essex County. The LRP allows all of their municipal court fines to be grouped together and paid under one payment plan that is based upon their ability to pay. To be eligible for the LRP, you must have:

- ☑ A suspended license,

- ☑ Unpaid fines in more than one Essex County municipal court, and
- ☑ Some source of income.

For more information about this program, call Patricia Copper, LRP Coordinator at the NJISJ at (973) 642-9400 or the LRP Court Coordinator at (973) 693-5765.

### **MVC-imposed suspensions**

Even after you have resolved all court-related matters, you may still not be able to restore your license. This is because the MVC may have ordered the suspension for other reasons, such as:

- Failure to pay MVC fines (called surcharges);
- Failure to complete a course required by the MVC;

- Earning too many points;
- Driving without insurance; or
- Being a *habitual offender*. A habitual offender is someone who has had his or her license suspended three times in a three-year period.

When you speak to the MVC staff, try to find out if the MVC has suspended your license and what you must do to have the suspension lifted. The MVC staff will explain what you must do. For example, you may be able to arrange a payment plan for outstanding surcharges, giving the MVC a down payment and paying the balance over time.

As long as you have no outstanding court-ordered suspensions, you will be eligible to restore your license after you have resolved the reasons for the MVC suspensions.

### **WARNING!**

Arrest warrants may be issued for failure to appear in court, unpaid parking tickets, unpaid court-ordered penalties, or unpaid child support. To avoid being arrested, you should first call each court identified by the MVC to ask if a warrant has been issued. If you appear in person, there may be serious consequences, including arrest, incarceration, or an order that you pay bail. If you find out that a warrant has been issued for your arrest, try to get an attorney to represent you. When you appear in court, a judge has a duty to inform you about the public defender or municipal public

defender. However, by that time it may be too late. It is best to contact an attorney before appearing in court. Each municipal court in New Jersey has a public defender. When you call the court about a possible warrant, ask for the name and phone number of the municipal public defender. You may have to pay a fee for municipal public defender representation. There is also a state public defender's office, but that office only represents people accused of serious (indictable) crimes. For more information about the state public defender's office, call (609) 292-7087 or go to [www.state.nj.us/defender](http://www.state.nj.us/defender).

## Step Three: When Can I Drive My Car?

Even after resolving all court and MVC matters, your driving privileges will not be automatically restored. First, you must call the MVC to find out if all your suspensions have been lifted and to make sure that you are eligible to restore your license. Then you must pay the *license restoration fee* of \$100. If you also need to restore your *registration*, you must pay another \$100 *registration restoration fee*. If you have not driven for more than three years, you will probably need to retake the written or road test. Ask the MVC if you are required to take these tests. To get your new license, you must pay \$24 and show six points worth of identification, along with proof of address, at a motor vehicle agency. You can find more information about the six-point ID verification system online at [www.state.nj.us/mvc/Licenses/6PointID.htm](http://www.state.nj.us/mvc/Licenses/6PointID.htm) or by calling the MVC's toll-free number, 1-888-486-3339.

You should drive only after you have a valid new driver's license in your possession and written notice from the MVC that your driving privileges have been restored.

### ***Where can I get more information?***

More information about driver's license suspensions and restoration is available in the following sources:

- *Getting Back on the Road: A Manual*

*for Addressing Driver's License Suspension in New Jersey*, Nancy L. Fishman, Esq., John W. Bartlett, Esq., and Lowenstein Sandler, P.C., New Jersey Institute for Social Justice (May 2003);

- [www.state.nj.us/mvc](http://www.state.nj.us/mvc); and
- *New Jersey Statutes Annotated*, Title 39, Motor Vehicle and Traffic Regulations, Chapter 5 (N.J.S.A 39:5).



**Even after resolving all court and MVC matters, your driving privileges are not automatically restored.**

### ***What if I need more help?***

This article is offered as a general guide, to provide information to help you get on your way to driving again. If your income is low, you may be able to receive legal advice from LSNJ-LAW™, Legal Services of New Jersey's statewide, toll-free legal hotline.

The hotline telephone number is 1-888-LSNJ-LAW (1-888-576-5529). (Outside of New Jersey, please call 732-572-9100 and ask to be transferred to the hotline.) Hotline hours are Monday through Friday, 8 a.m. to 5:30 p.m. If you are eligible, the hotline will be able to discuss the specific facts of your driver's license suspension. If you are not eligible for assistance from Legal Services, the hotline will refer you to other possible resources. □

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*By Shannon McGinn, Staff Attorney,  
Legal Services of New Jersey*

# School Nutrition Programs

## Your Child Could be Eligible for Free or Reduced-Price Meals at School

### ***What are the school nutrition programs?***

Every day, schools offer healthy meals to students through the school nutrition programs. The National School Lunch Program and School Breakfast Program are government-funded meals programs. All meals must meet good nutritional standards.

### ***How do the programs work?***

- Meals are available to all students.
- Some children pay the advertised price, but low- and moderate-income children qualify for free or reduced-price meals.
- The maximum charge for reduced-price meals is 30 cents for breakfast and 40 cents for lunch.
- Children who qualify for free or reduced-price meals are not publicly identified in any way.

### ***Why eat school meals?***

- School meals help family food budgets to go further.
- Healthy meals and snacks are provided from breakfast to the end of the school day.
- School meals are proven to help children do better in school.

### ***How does a child qualify?***

There are two ways to qualify:

1. If a family currently receives food stamps, Temporary Assistance for Needy Families (TANF), or participates in the Food Distribution Pro-

gram on Indian Reservations (FDPIR), the child is eligible for free school meals. Migrant, homeless, or runaway children also qualify.

### **Income Eligibility Guidelines July 1, 2008-June 30, 2009**

Household Size	Free Meals Maximum Family Income		
	Annual	Month	Week
1	\$13,520	1,127	260
2	\$18,200	1,517	350
3	\$22,880	1,907	440
4	\$27,560	2,297	530
5	\$32,240	2,687	620
6	\$36,920	3,077	710
7	\$41,600	3,467	800
8	\$46,280	3,857	890
For each add'l family member, add	+ \$4,680	+ 390	+ 90
Household Size	Reduced-Price Meals Maximum Family Income		
	Annual	Month	Week
1	\$19,240	1,604	370
2	\$25,900	2,159	499
3	\$32,560	2,714	627
4	\$39,220	3,269	755
5	\$45,880	3,824	883
6	\$52,540	4,379	1,011
7	\$59,200	4,934	1,139
8	\$65,860	5,489	1,267
For each add'l family member, add	+ \$6,660	+ 555	+ 129

2. If a household's total income is below certain amounts, a child can eat free or at a very reduced price. The school determines who qualifies based on a completed application.

The charts on page 8 show the income limits for both free and reduced-price meals.

### ***How and when can I apply?***

Applications can be made at any time during the school year—simply contact your child's school office.

An application may not be required at all, depending on what other public benefits a family receives. Also, applications are not needed for migrant, homeless, and runaway children. Contact your child's school for more information. Applications must be signed by the child's parent or guardian and must include either a Social Security number or a check mark in the box marked "none" on the application. Not having a Social Security number will not affect whether a family qualifies and will be kept private.



If a household's total income is below certain amounts, a child can eat free or at a very reduced price. The school determines who qualifies based on a completed application.

Only one application is required each year, even if income changes. And one application is required for each family, not one for each child. Once the application is returned to the school, the family should be contacted within 10 days.

If a family doesn't qualify now, they can apply again later if their income goes down during the year, if they start getting food stamps or other benefits, or if family size increases.

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*This article is taken from materials prepared by the  
Food Research and Action Center, Washington, DC.  
[www.frac.org](http://www.frac.org)*

[www.LSNJLAW.org](http://www.LSNJLAW.org)

Visit our Web site for legal information, forms, publications,  
resource calculators, and much more

## Food Stamps for Able-Bodied Adults

**IN ORDER TO RECEIVE FOOD STAMPS**, adults who don't have minor children must either meet work requirements or show that they can't work due to age, disability, or for other good reasons listed in the food stamp law.

Adults without minor children who can work are called "able-bodied adults without dependent children" or ABAWDs. If you are an able-bodied, childless adult, the federal welfare reform law allows you to get food stamps for only three months in a 36-month period. However, if you work at least 20 hours per week or take part in an approved work or training program, this time limit does not apply.

### Certain areas waived

However, none of this will apply to you, even though you are an able-bodied and childless adult, if you live in certain

**If you live in a waived area, you are treated like every other food stamp applicant even though you are an able-bodied and childless adult.**

areas. The federal law says that states can apply to have certain areas "waived." That means that, if you live in a waived area, you are treated like every other food stamp applicant even though you are an able-bodied and childless adult.

The state of New Jersey has received renewed waivers for the areas listed in the chart on page 11. Some areas have an unemployment rate of 10 percent or more. Some areas are "labor surplus" areas, which means they are areas with higher than average unemployment rates. Some areas have insufficient jobs. If you are an able-bodied, childless adult and you need food stamps, check the chart on page 11 before you apply to see if you live in an area that has been waived.

*By Maura Sanders, Senior Attorney,  
Legal Services of New Jersey*

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9/08

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**ABAWD Exempt Regions for New Jersey**  
**May 1, 2008–April 30, 2009**

<b>Area</b>	<b>15% Waiver</b>	<b>Labor Surplus Area</b>
Atlantic County	N/A	Atlantic County
Bergen County	N/A	Garfield City
Burlington County	Mt. Holly	Pemberton Township Willingboro Township
Camden County	N/A	City of Camden
Cape May County	N/A	Cape May County
Cumberland County	N/A	Cumberland County
Essex County	N/A	Essex County
Gloucester County	Clayton, Pittman, Franklin	N/A
Hudson County	N/A	Hudson County
Hunterdon County	N/A	N/A
Mercer County	N/A	City of Trenton
Middlesex County	N/A	City of Perth Amboy
Monmouth County	N/A	Neptune Township
Morris County	Jefferson Township Victory Gardens	N/A
Ocean County	N/A	Berkeley Township Manchester Township
Passaic County	N/A	Passaic County
Salem County	N/A	Salem County
Somerset County	N/A	N/A
Sussex County	N/A	N/A
Union County	N/A	Elizabeth City Plainfield City
Warren County	Greenwich Hardwick Harmony Independence Lopatcong Mansfield Pohatcong White	N/A

# Cuáles Son Sus Derechos Legales

Septiembre 2008

Publicado por Los Servicios Legales de Nueva Jersey

Si usted está solicitando un trabajo, es importante conseguir una copia de sus antecedentes penales para saber la información que contiene y lo que puede hacer para evitar que sus antecedentes le impidan obtener un empleo.

*Looking Out  
For Your Legal Rights*  
Flip issue over for the  
English edition of  
*Looking Out for Your  
Legal Rights.*

## ¿Cuándo puede el empleador o patrón investigar sus antecedentes penales?

**LOS EMPLEADORES** están cada día más atentos a no contratar a obreros con antecedentes penales. Esto se debe a que dichos patrones tienen el deber legal de poner mucho cuidado en el proceso de contratación. Si se contrata a un individuo peligroso o indebido se puede quebrantar dicho deber. A causa de este miedo de ser responsabilizados por las acciones de sus empleados, muchos patrones conducen investigaciones a fondo de los antecedentes penales de los candidatos.

Si usted está solicitando un trabajo, es importante conseguir una copia de sus antecedentes penales para sa-

*continúa en la página 2*

***El boletín de educación jurídica para los habitantes de Nueva Jersey***

Legal Services of New Jersey  
P.O. Box 1357  
Edison, NJ 08818-1357

## Sus antecedentes penales

continúa de la página 1

ber la información que contiene y lo que puede hacer para evitar que sus antecedentes le impidan obtener un empleo.

### **¿Qué preguntas puede hacer el patrón sobre mis antecedentes penales?**

En Nueva Jersey, no hay ninguna ley que le impida al patrón hacer preguntas sobre el historial de un solicitante de trabajo con respecto a la existencia de fallos condenatorios y detenciones, incluyendo detenciones que no condujeron a un fallo.

### **¿Cómo hace un empleador para obtener una copia de mis antecedentes penales?**

El empleador puede conseguir su información por medio de una búsqueda en el Internet, buscar su nombre en los archivos del tribunal o del gobierno, o pidiéndole a usted sus huellas digitales para que la policía estatal de Nueva Jersey, *New Jersey State Police* o la Agencia Federal de Investigaciones, *Federal Bureau of Investigation*, (FBI), hagan una investigación a fondo.

Muchos patrones, para conducir una investigación a fondo, contratan a una de las agencia encargadas de suministrar historiales de crédito. Para hacer tal cosa, el patrón, antes de comenzar el proceso de investigación, tiene que obtener su autorización por escrito. Para poder investigar sus antecedentes a fondo, dichas agencias tienen que seguir las reglas instituidas por la ley de información crediticia imparcial, *Fair Credit Reporting Act* (FCRA). El FCRA es una ley federal que protege al consumidor a quien se le hace una investigación a fondo.

### **¿Tengo derecho de ver el resultado de la investigación de mis antecedentes penales?**

El FCRA protege a los consumidores sólo cuando se utiliza una de las agencia encargadas de suministrar historiales crediticios. Si le niegan un empleo debido al resultado de dicha investigación, según la ley FCRA, le tienen que dar una copia del informe junto con la negativa de empleo. La ley FCRA no se aplica si el patrón no utilizó una de las agencia encargadas de suministrar los informes, y usted no tiene el derecho a que le den una copia de su

## Cuáles Son Sus Derechos Legales

### **Con respecto a *Looking Out***

*Looking Out for Your Legal Rights*® es publicada 10 veces al año por los Servicios Legales de Nueva Jersey. Si usted es un cliente de los Servicios Legales, puede obtener una copia en la oficina de Servicios Legales de su localidad. También puede leer *Looking Out* en nuestro sitio Web [www.lsnj.org/espanol/selfhelp.htm](http://www.lsnj.org/espanol/selfhelp.htm).

### **Suscripciones**

La suscripción cuesta \$10 dólares por año.

### **Números atrasados**

Puede ver números atrasados en [www.lsnj.org/espanol/selfhelp.htm](http://www.lsnj.org/espanol/selfhelp.htm). Los números atrasados impresos, en caso de estar disponibles, cuestan \$3 dólares cada uno.

### **Cambio de Dirección**

Si se muda, envíenos su nueva dirección y una copia de la etiqueta pegada al ultimo ejemplar de *Looking Out*.

### **Comentarios**

Si tiene alguna sugerencia o comentario con respecto a *Looking Out*, nos gustaría oírlo. Envíe toda correspondencia a:

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Edison, NJ 08818-1357  
[publicaciones@lsnj.org](mailto:publicaciones@lsnj.org)

**Este boletín de noticias es sólo una información general. Si tiene un problema jurídico, usted debería ver a un abogado.**

**Una parte del costo de esta publicación se cubrió con la ayuda proporcionada por el fondo IOLTA del colegio de abogados de Nueva Jersey.**

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## El empleador que le descalifica basado en su prontuario de arresto tiene que darle una oportunidad de explicar las circunstancias que rodean dicho arresto.



informe. De hecho, dependiendo del método de investigación utilizada por el patrón, tal vez no haya un informe disponible.

De acuerdo a la ley FCRA, antes de que el patrón pueda usar los historiales crediticios para negarle un empleo, terminar su empleo, retirar una oferta de trabajo o negarle un ascenso, el patrón tiene que darle una copia de dicho informe.

- El nombre, la dirección y el número de teléfono de la agencia que suministró el informe crediticio;
- Una declaración indicando que fue el patrón, no la agencia, quien tomó la decisión; y
- Una notificación informándole que usted tiene el derecho de disputar la veracidad o la exactitud de cualquier parte de la información suministrada en el informe.

Si el empleador se rehúsa a darle una copia del informe, usted puede pedirle una directamente a la agencia que proporcionó el historial de crédito.

### ***¿Qué puedo hacer si el informe de la investigación de mis antecedentes penales hecha por la agencia contiene información incorrecta?***

Si el informe contiene información inexacta, usted debería presentar una disputa ante la agencia encargada de suministrar el historial crediticio que preparó dicho informe. La agencia tiene 30 días para investigar la disputa. Se le tiene que mandar un aviso por escrito de los

resultados obtenidos no más tarde de cinco días laborables después de la conclusión de la investigación.

Hay diferentes agencias que se encargan del manejo de la información crediticia de todo consumidor, y el resolver la inexactitud ante una de estas agencias no necesariamente impedirá que en el futuro, otra agencia descubra la misma información errónea. Para corregir el error, siempre que le sea posible, usted tiene que ir a la fuente de la inexactitud. Para encontrar la fuente de tal error, pídale a la agencia que suministró el informe crediticio que le diga a usted dónde halló la agencia esa información. Póngase en contacto directamente con aquella fuente para indagar los pasos que usted tiene que tomar para corregir el error.

### ***¿Si tengo antecedentes penales, cómo contesto cuando me lo preguntan?***

Si usted tiene antecedentes penales y le preguntan si tiene algún antecedente, usted tiene que decir la verdad. Es mejor dar una explicación honesta durante una entrevista que esconder dichos antecedentes y que el patrón lo descubra más tarde. Si el patrón descubre que usted no le dijo la verdad, le podría negar el trabajo basándose en la falta de honestidad, sin tener en cuenta la naturaleza de la ofensa.

### ***¿Existe alguna protección para una persona que tenga antecedentes penales?***

No existe ninguna ley en Nueva Jersey y ninguna federal que expresamente proteja

a la gente con antecedentes penales de ser víctimas de la discriminación en el empleo. (Algunos estados, como Nueva York, tienen tales leyes). Sin embargo, la ley federal ofrece algunas protecciones, sin explícitamente proteger a la gente de la discriminación en el empleo debido a alguna detención o fallo condenatorio.

La comisión para la igualdad de oportunidades en el empleo, *Equal Employment Opportunity Commission* (EEOC), una agencia federal, ha decidido que los patrones quienes por medio de alguna política o práctica, automáticamente niegan un empleo a alguna persona debido a una detención o a la existencia de antecedentes penales, están quebrantando el Título VII de la ley de 1964 para la protección de los Derechos Civiles. El negar un empleo por la existencia de una detención o un fallo condenatorio, tiene un impacto adverso en las personas de la raza negra y la hispana, debido a que estos dos grupos reciben condenas en mayores números que a las personas de la raza blanca y de otras nacionalidades.

La comisión EEOC ha desarrollado unas pautas que los patrones tienen que seguir al negarle un trabajo a un candidato debido a sus antecedentes.



**Si usted tiene antecedentes penales y le preguntan si tiene algún antecedente, usted tiene que decir la verdad.**

### ***¿Si tengo un prontuario de arresto, puede el patrón rehusarse a contratarme?***

Ningún patrón puede usar el informe de alguna detención para excluir a una persona de un empleo. Los arrestos por si solos no son considerados como prueba confiable de que una persona en realidad haya cometido un delito. El empleador que le descalifica basado en su prontuario de arresto tiene que darle una oportunidad de explicar las circunstancias que rodean dicho arresto. También, el patrón debe considerar si (1) la detención está relacionada con un comportamiento que no es adecuado para el trabajo; (2) usted de veras presentó el comportamiento por el cual le detuvieron; y (3) el acontecimiento es relativamente reciente.

### ***¿Hasta qué punto se puede usar el historial de las condenas en la toma de decisiones relacionadas con la contratación?***

Si el patrón descubre que usted tiene antecedentes penales, puede que no le niegue el empleo debido a su historial a menos que conduzca algún tipo de la investigación a fin de obtener más información. El empleador tiene que considerar (1) la naturaleza y gravedad de la infracción u infracciones; (2) cuánto tiempo ha pasado desde que cometió la infracción y/o la finalización de la sentencia; y (3) la naturaleza del trabajo que usted está solicitando.

Después de considerar estos factores, si el patrón todavía cree que sus antecedentes le hacen un candidato inaceptable, él o ella puede negarle el puesto.

Si el patrón no investiga sus antecedentes, o si usted no está de acuerdo con la decisión del patrón, y han pasado menos de 300 días desde que la negativa

del puesto, usted puede pedirle a la comisión EEOC que decida si el patrón tuvo una buen motivo para negarle el trabajo.

***¿Dónde puedo conseguir más información?***

Para obtener más información, póngase en contacto con el proyecto de los Servicios Legales de Nueva Jersey para la reincorporación del prisionero, *Prisoner Reentry Project*, llamando a la línea directa gratuita de asistencia jurídica de los Servicios Legales para todo el estado en el

1-888-LSNJ-LAW (1-888-576-5529). (Fuera de Nueva Jersey, por favor llame al 732-572-9100 y pida que lo comuniquen con la línea directa). Usted también puede escribir a:

Legal Services of New Jersey  
Prisoner Reentry Project  
P.O. Box 1357  
Edison, New Jersey 08818-1357

*Escrito por Elizabeth Jiménez, Asistente jurídica principal del proyecto de los Servicios Legales de Nueva Jersey para la Reincorporación del Prisionero, Prisoner Reentry Project*  
*Traducido del inglés por Al Moreno, M.A., coordinador de los servicios lingüísticos en LSNJ.*

[www.LSNJLAW.org/espanol](http://www.LSNJLAW.org/espanol)

Para información acerca  
de las leyes y asuntos relacionados con la ley

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