

Vermont Poverty Law Fellowship 2020-2022 Highlights

- Emily Kenyon was the seventh Poverty Law Fellow and her fellowship focused on the legal issues low-wage workers encounter at work. Following in the footsteps of her predecessors, Emily started her fellowship by consulting with stakeholders around Vermont about the gaps in legal services for low-wage workers and the unique issues encountered by this population.
- Over the course of her fellowship, Emily focused on four different areas of employment law: wage and hour, employment discrimination, unemployment insurance benefits, and expungement/sealing of criminal records. In each area, she provided advice or representation to clients that allowed them to assert their rights, increase their economic opportunities, and/or access benefits to which they were entitled. In total, she provided advice or representation to over 115 clients.
- Emily helped reduce barriers to employment for her clients. Time and time again, Emily saw that old criminal records were preventing her clients from obtaining jobs or advancing at their jobs. Studies demonstrate that the expungement and sealing of criminal records improves public safety because employment reduces the risk of recidivism. Helping justice-involved individuals obtain employment can break the cycle of inequity that persists when people cannot provide for their families.
- Because of the pandemic, Emily had a constant stream of unemployment benefit cases. In total, she helped her clients retain or obtain over \$170,000 in unemployment benefits which helped her clients and their families survive during the height of the pandemic.
- Through her case work, Emily saw first-hand that the unemployment benefit system was failing unemployed Vermonters at a time when they needed it more than ever. The five-to-six-month delays in hearing appeals effectively denied many claimants access to benefits that they needed to survive during that time period.
- To remedy this problem, Emily and her colleagues filed a class action lawsuit against the Vermont Department of Labor (“VDOL”). In early December of 2021, they filed a complaint, motion for class certification, and motion for a preliminary injunction. After negotiating with the VDOL, Vermont Legal Aid and the VDOL entered into an interim settlement agreement requiring the VDOL to use its best efforts to dramatically reduce the delays in scheduling appeal hearings. VDOL is close to meeting its 30-day scheduling obligation in most cases. As a result of Vermont Legal Aid’s work, unemployed Vermonters are able to quickly challenge incorrect VDOL decisions regarding unemployment benefit eligibility or overpayments, which occur with some regularity.