



Legi-Scan

News and Legislation Relating to Employment and Background Checks

Federal News and Legislation:

Background Checks

- On April 28th, the FTC published an article about how companies can comply with the FCRA when conducting background checks on prospective employees. The FTC recommends keeping it simple when disclosing to applicants that their background screening report will be used for employment purposes. According to the FTC, companies should not include in their disclosure document:
 - Language that claims to release a company from liability for conducting, obtaining, or using the background screening report;
 - A certification by the prospective employee that all information in his or her job application is accurate;
 - Any wording that purports to require the prospective employee to acknowledge that hiring decisions are based on legitimate non-discriminatory reasons; and
 - Overly broad authorizations that permit the release of information that the FCRA doesn't allow to be included in a background screening report – for example, bankruptcies that are more than 10 years old.

State News and Legislation:

Background Checks

Enacted

- In April, Arizona enacted:
 - H.B. 2247, which requires each person that applies for a school bus driver certificate to submit an identity verified fingerprint card.
- In April, Arkansas enacted:
 - H.B. 2000, which requires employers to provide employees or applicants for employment a copy of their background check report upon request.



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Proposed

- On April 27th, the Illinois House of Representatives passed H.B. 690, which would prohibit an agency or third-party client from charging a laborer for the expense of conducting a consumer report, a criminal background check, or a drug test.
- On April 24th, the Colorado House of Representatives passed H.B. 1305, which would limit the types of questions employers could ask regarding applicants' criminal history.

- In April, the Illinois Senate passed:
 - S.B. 1688, which would not require applicants for employment to report certain criminal history information and would prohibit the Department of Financial and Professional Regulation from inquiring about such information.
- In April, the Nevada Assembly passed:
 - A.B. 26, which would revise provisions governing the dissemination of certain records of criminal history by the Central Repository for Nevada Records of Criminal History.