



## May 2020 - Regulatory Updates

### **State Legislation**

- [Court dismisses lawsuit challenging Waterloo "fair chance" ordinance Suffolk County, New York, Follows 'Ban The Box' Trend](#)
- [New York Employers: Engage in the Interactive Process Before Disciplining Medical Marijuana Users](#)
- [Roeland Park 'bans the box,' eliminates criminal history question from employment applications](#)
- [Virginia Enacts "Ban the Box" for Simple Marijuana Possession](#)
- [Maryland Employers: Take Note of New Employment Laws Effective October 1](#)
- [Another New York Locality Bans the Box](#)
- [Hawaii Legislature Considers Bill Providing Employment Protections to Medical Cannabis Users](#)
- [Another New York Locality Bans the Box](#)

### **Federal Legislation**

- [FCRA Enforcement and the CARES Act](#)
- [CARES Act Amends Furnishers' Duties Under FCRA](#)
- [Ready, Set, Hire.](#)
- [FTC Updates Congress on Efforts to Educate Consumers about Their FCRA Rights](#)
- [ICE announces extension of flexibility in rules related to Form I-9 compliance](#)
- [Ninth Circuit Again Addresses FCRA's 'Standalone' Disclosure Requirement](#)
- [Wolf Admin. provides guidance for people needing FBI background checks during stay-at-home, reopening phases](#)
- [FTC reports on FCRA education and enforcement](#)
- [Fair Credit Reporting Act: Efforts to Promote Consumer Report Accuracy and Disputes, Report to Congress](#)
- [EEOC Updates COVID-19 Technical Assistance Publication](#)
- [FCRA Language in the Heroes Act — Impact on Employers](#)

### **Data Privacy**

- [Wicker, Thune, Moran, Blackburn Announce Plans to Introduce Data Privacy Bill](#)
- [Californians For Consumer Privacy Submits Signatures To Qualify The California Privacy Rights Act For November 2020 Ballot](#)
- [FTC Settles Alleged Privacy Shield Act Violations with Background Check Company](#)

## **Background Checks**

- [5 Reasons to Perform Background Checks](#)
- [Audit finds Harrisburg School District was not having new employees fill out required paperwork](#)
- [90% of Employers Consider an Applicant's Social Media Activity During Hiring Process](#)
- [FTC Consumer Protection Director Provides Guidance on Use of Artificial Intelligence in Automated Decision-Making](#)
- [Audit finds group homes lacking background checks](#)
- [The Importance of Social Media Background Checks in Due Diligence](#)
- [Beware of these futuristic background checks](#)
- [COVID-19: What Should Employers Consider As They Adapt Their Background Screening Program?](#)
- [Q&A: Seyfarth partner says delays in obtaining background checks amid pandemic pose legal risks](#)
- [Audit: Oregon needs to strengthen child care background checks, sex offender registry](#)

## **Lawsuits**

- [Vast FCRA Horizon: Court Casts Simple Breach of Contract as Potential FCRA Violation](#)
- [Employers and Hiring Managers Beware: The Sixth Circuit Reminds Us That Preselection Decisions May Cast Doubt On Hiring Process and Selection Criteria](#)
- [Background Check Disclosures: What's Extra But Not Extraneous?](#)
- [Ninth Circuit Issues Two \(Mostly\) Pro-Employer Background Check Decisions](#)
- [\[FCRA\] Fifth Circuit Agrees: CRAs Reinvestigation Reasonable](#)
- [Ninth Circuit: FCRA Does Not Require Disclosure to be Distinct in Time from Other Employment Documents](#)
- [New York Employers: Engage In The Interactive Dialogue With Medical Marijuana Users](#)
- [Ninth Circuit Holds Employers May Provide a Standalone Background Check Disclosure Concurrently With Other Documents](#)
- [Eleventh Circuit Affirms FCRA Punitive Damage Award But Reduces Ration to 4:1](#)
- [\[FCRA\] No Target Moving: FCRA Plaintiff Cannot Sue to Remedy Inaccurate Reporting Not Raised in Original Dispute to Reporting Agencies](#)
- [U.S. Supreme Court Denies Certiorari Review in FCRA Sovereign Immunity Case, Cementing Circuit Split](#)
- [Ninth Circuit Creates 'Concise Explanation' Standard for Background Check Disclosure Forms](#)
- [Ninth Circuit Examines Standing for Class Members, Upholds \\$8 Million FCRA Jury Award for Statutory Damages but Reduces 'Excessive' Award of Punitive Damages](#)
- [FCRA Case Addressing Definition of "Consumer Report" Headed to the Jury](#)
- [Ninth Circuit Again Addresses FCRA's 'Standalone' Disclosure Requirement](#)
- [Employee Must Dispute Background Check Finding With Credit Agency, Not Employer](#)

## **Big Brands**

- [Uber Technologies : Sixth Circuit Adopts "Inaccurate Or Misleading" Standard In Case Regarding Fired Uber Driver](#)
- [Sixth Circuit Adopts "Inaccurate or Misleading" Standard in Case Regarding Fired Uber Driver](#)

- [7Investigates: Is your ride share driver using someone else's identity to pass background checks?](#)
- [Bank of America Accused of Race Bias in Worker Background Checks](#)

## **Drug Testing**

- [Changing Laws Complicate Drug Testing of Employees](#)
- [Drug and Alcohol Testing Requirements for Carriers Modified in Face of COVID-19 Pandemic](#)
- [Pre-employment drug screening policies are changing for Oregon employers](#)
- [New York City Human Rights Law Ban On Pre-Employment Marijuana Testing Takes Effect](#)
- [Hail Mary \(Jane\): New York City Weeds Out Pre-Employment Marijuana Testing on May 10](#)
- [New York Employers: Engage in the Interactive Process Before Disciplining Medical Marijuana Users](#)
- [Worker fired after CBD oil use caused her to fail a drug test can get unemployment comp: Pa. court](#)
- [Missouri Legislature adopts medical marijuana changes](#)
- [Rhode Island Court Upholds "Reasonable Grounds" Drug Testing Even Where There Is Another Possible Explanation For Employee's Behaviors](#)

## **Credit Checks**

- [CFPB Promises "Flexible" Approach to Credit Reporting During Pandemic](#)

## **Marijuana Legalization**

- [Louisiana Senate And House Both Approve Significant Medical Marijuana Expansion](#)
- [Will New York Fix Medical Marijuana Before Rushing To Legalization? \(Maybe Not\)](#)
- [Pennsylvania CBD User Entitled to Unemployment Benefits](#)