



## August 2020 – Regulatory Updates

### State Legislation

- [Hiring and wage & hour law in Ohio](#)
- [Hiring and wage & hour law in Nevada](#)
- [Philadelphia Soon To Enforce Ban On Wage History Inquiries](#)
- [Shelby County votes to 'ban the box' for ex-offenders on applications for many county jobs](#)
- [New Bill Would Delay Criminal Background Checks On Job Candidates](#)
- [Maryland salary history ban and wage range notice requirement to take effect October 1](#)
- [State official issues reminder on background check requirements](#)
- [Cooper to 'ban the box' for state government hiring, in latest NC criminal justice reform](#)

### Federal Legislation

- [FDIC Issues Final Rule to Codify Section 19's Policy on Hiring Individuals with Convictions for Minor Criminal Offenses](#)
- [CFPB Announces Plan to Issue ANPR on Consumer-Authorized Access to Financial Data](#)
- [FTC Seeks Comments On Proposed Changes To FCRA Rules](#)

### Data Privacy

- [Do job applicants need to be given a privacy notice?](#)
- [7 Tips to Make Your Website CCPA Compliant](#)
- [CCPA Compliance: Going Beyond Compliance Checkboxes](#)
- [Twitter Error Highlights Importance of Proper Handling of Customer Data](#)

### Background Checks

- [What to make of job-hoppers?](#)
- [Peopletrail® Introduces a new AI-Powered Social Media Background Screening Product](#)
- [The Business of Background Checks During a Pandemic](#)
- [HOW TO DO A BACKGROUND CHECK BEFORE HIRING](#)
- [Avoiding the Talent Gap — Managing Your HR Risks](#)
- [Technology's Impact on Background Screening Process](#)
- [The Business of Background Checks During a Pandemic](#)

- The Perils of ‘Zoom Justice’
- How Long Should a Background Screening Check Really Take?
- Human services urging those needing background checks to stay up-to-date
- Employment background check extension ending soon
- ‘Hi this is Cher’: Legendary singer told she would need to have a ‘background check’ after inquiring if she could volunteer at her local post office
- ‘Living Nightmare’; Man mistaken for someone with criminal record
- Blackpool care home ‘put people at risk’ by failing to background check staff

## Lawsuits

- No harm, no foul? Maybe yes, maybe no.
- 10 Key FCRA Decisions and Why Companies Should Care About Them
- Oompa Loompa Doompety Doo, Willy Wonka’s Got an Employment Law Issue for You!
- 2nd Circuit: Furnisher’s duty to investigate triggered only after it receives notice of dispute from CRA
- No Article III Standing for Class Representative Seeking Damages for Failure to Provide Notice of FCRA Rights
- Recent Court Decision Should Prompt CRAs to Initiate Reinvestigations Even When the Disputed Information Appears to be Accurate
- Second Circuit Upholds Dismissal of FCRA Claim Due to Customer’s Failure to Allege Dispute to CRA
- Sixth Circuit Upholds Mandated Use of CPAP Device for Driver With Sleep Apnea
- Court Emphasizes that CRAs Must Reinvestigate Disputed Inquiries
- Use of OFAC Data in Spotlight: Consumer Reporting Agency Sued Again for False Positive Terrorist Watch List Data in Consumer Reports
- Second Circuit Reaffirms that if You Don’t Dispute with the CRA, You Don’t Have a Claim
- Pennsylvania Federal Court Finds Lack of Article III Standing in Purely Procedural FCRA Violation and Dismisses Putative Class
- Recent Court Decision Should Prompt CRAs to Initiate Reinvestigations Even When the Disputed Information Appears to be Accurate
- Make It Clear, Make It Broad: The D.C. District Court Determines A Plaintiff Has Standing To Pursue FCRA Claims Against His Former Employer Based On A Background Check Used To Justify His Termination

## Big Brands

- Apple and Amazon Fall to OFAC Enforcement for “Screening Errors” (Part III of III)
- Madison Square Garden Resolves Background Check Case (Corrected)
- Black Bank of America Job Seeker Drops Background-Check Lawsuit
- San Francisco Superior Court Judge Grants Preliminary Injunction Requiring Uber and Lyft to Re-Classify Independent Contractors as Employees

## Drug Testing

- EEOC Releases Guidance on Employee Opioid Use and the ADA
- Employers Must Accommodate Some Workers' Opioid Use and Treatment
- Will CBD Show up on a Drug Test?  
Firms with more than 250 employees should carry out random drug tests on their employees to help identify middle class cocaine users, Tory London mayoral candidate says
- Workforce drug testing positivity at highest rate in 16 years
- Positive Drug Tests Among U.S. Workers Reach Highest Level in 16 Years
- Workplace drug test data shows increases in marijuana use, opioids and heroin down
- Directly-Observed Urine Collections Do Not Constitute Invasion Of Privacy Where Employees Consented To Drug Testing
- U.S. workforce drug testing positivity at 16-year peak
- American workers are failing drug tests at the highest rate in 16 years, despite a growing trend of marijuana legalization
- Employers Can Watch Drug Test Urination, Ohio Court Rules (1)
- Positive drug tests for employees hit 16-year high as marijuana legalization expands: report
- FMCSA Relaxing Driver Drug Tests
- DRUG TESTING: WHAT EMPLOYERS NEED TO KNOW
- Ohio Supreme Court issues ruling against woman suing former employer over privacy issues during drug tests; lawmakers consider changes to state law to better protect employees
- HR Quick Takes: Injured Employee Drug Test
- EEOC's Opioid Guidance Works For All Legal Drugs\*
- New CBD Oil Drug Test Could be the Key to Keeping Your Clearance
- Can Traces of Illegal Substances Really Be Found in Hair?
- Workforce Drug Testing Positivity Climbed to Highest Rate in 16 Years, New Quest Diagnostics Drug Testing Index™ Analysis Finds
- Drug use rises again in the American workforce

## Credit Checks

- Councilors seek end to employer credit checks

## Marijuana Legalization

- The Week in Weed: August 7, 2020
- The Week in Weed: August 14, 2020
- Lawmakers poised to pass expansion of marijuana expungements
- House announces cannabis vote details (Newsletter: September 1, 2020)
- The Week in Weed: August 28, 2020