

2016 Compliance Recap

Country / Jurisdiction	Bill / Statute Reference	Effective / Enacted Date	Impact	Description
United States	Not applicable	8/1/2016	I-9 / E-Verify	U.S. Department of Homeland Security, Department of Justice, and Department of Labor increased civil fines related to Form I-9 and E-Verify violations that occurred after November 2, 2015 and are assessed after August 1, 2016. Additional details can be read on Littler's blog .
United States / CA	A 1843	9/27/2016	Ban the Box	Prohibits employers from asking applicants to disclose information concerning specific juvenile records, or from utilizing these as a factor in determining any condition of employment. The full text can be read here .
United States / CA	A 622	1/1/2016	E-Verify	Prohibits an employer from using the e-verify system in an unauthorized manner to check the employment authorization status of an existing employee or an applicant who has not received an offer of employment, except as a condition of receiving federal funds. Requires an employer that uses the e-verify system to provide specified related information to an affected employee. Provides a civil penalty for an employer violation. Full text of the law can be found here .
United States / CA	A 2036	9/23/2016	Education / Child Care / Children's Activities	Requires online child care job posting services to include a statement about the trustline registry and a written description of the background check provided to it by the background check service provider when posting jobs to any internet web site in California. Full text can be read here .
United States / CA	A 1676	1/1/2017	Salary History	Mandates that prior salary shall not, by itself, justify any disparity in compensation, and explains what conditions an employer must be able to demonstrate when a wage differential exists for substantially similar work (seniority system, merit system, etc.). Additional information can be read in Seyfarth Shaw's article .
United States / CA Los Angeles	Ordinance 184652	1/22/2017	Ban the Box	Employers with 10 or more employees may not ask about criminal history on an applicant's employment application or prior to a conditional offer of employment. Employers may not take adverse action without completing and providing the written assessment(s) to the applicant, when required. Additional information can be read in our Compliance Update .
United States / CT	H 5237	1/1/2017	Ban the Box	Employers may not inquire about a prospective employee's criminal history on an initial application unless they are required to do so by an applicable state or federal law, or a security, fidelity, or equivalent bond is required for the position. Additional information can be read in our Compliance Update .

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United States / NH	S 152	7/19/2016	Education / Child Care / Children's Activities	This law allows school officials to consider criminal history records when making hiring decisions for school employees and volunteers. The final version of this statute can be read here .
United States / IN	S 350	3/21/2016	Healthcare / Caregiving	Requires a home health agency or personal services agency to obtain a national criminal history background check or an expanded criminal history check on employees. The full text can be read here .
United States / LA	H 266	8/1/2016	Ban the Box (Public)	State employers may not inquire about a prospective employee's criminal history until after the interview, or conditional offer if there is no such interview. Criteria is outlined that the state employer may consider when reviewing a prospective employee's criminal history. The full text can be read here .
United States / MA	S 2119 "An Act to establish pay equity"	7/1/2018	Salary History	Employers may not request or require an applicant to disclose prior wages or salary history, or screen applicants based on that information. Employers may inquire about salary history from a current or former employer, but only when the proper process is followed. More details can be found in Lexology's article .
United States / NH	SB 394	1/1/2017	Healthcare / Caregiving	Every applicant for initial or reciprocity licensure or reinstatement for nursing home administrator shall submit to a criminal history background check. The full text can be read here .
United States / OH	HB 56	3/23/2016	Ban the Box (Public)	Prohibits state employers from including questions concerning the applicant's criminal background on an employment application. The full text can be read here .
United States / OR	HB 3025	1/1/2016	Ban the Box	Employers in Oregon must not require an applicant to disclose a criminal conviction on an employment application, prior to an initial interview, or prior to making a conditional offer of employment if no interview is conducted. Additional information can be read in our Compliance Update .
United States / OR Portland	Ordinance 187459	7/1/2016	Ban the Box	Employers may not consider an applicant's criminal history until after making a conditional offer of employment. Employers must conduct an assessment if they want to consider the individual's criminal history in the employment decision. Additional information can be read in our Compliance Update .
United States / PA Philadelphia	Bill 150815	3/14/2016	Ban the Box	Employers within the City of Philadelphia must not consider criminal history before conditional offer. Employers must also conduct an individualized assessment based on the criteria provided, but cannot consider criminal convictions over 7 years from the date of inquiry. If a conditional offer is rescinded, employers must notify the applicant in writing of such decision and its basis, allowing 10 business days for response from the applicant. Additional information can be read in our Compliance Update .

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United States / PA Philadelphia	Bill 160072	7/7/2016	Credit	Employers must not inquire about or consider an applicant or employee's credit history in employment decisions unless the position meets certain criteria for exemption, for example a position with significant financial responsibility. The law calls for additional adverse action requirements the employer must follow if they meet any of the criteria and consider the applicant's credit information. Additional information can be read in our Compliance Update .
United States / PA Philadelphia	Bill 160840	5/23/2017	Salary History	Prohibits employers from inquiring about a prospective employee's wage history, requiring disclosure of wage history, or conditioning employment or consideration for an interview or employment on disclosure of wage history. It is also unlawful to rely on wage history from any current or former employer in determining the wages for a prospective employee. The full text can be read here .
United States / TN	S 2103	3/17/2016	Ban the Box (Public)	Local government shall not, as a condition of doing business within the jurisdictional boundaries of or contracting with the local government, prohibit an employer from requesting any information on an employment application or during the hiring process. The full text can be read here .
United States / TN	S 2440	4/14/2016	Ban the Box (Public)	State employer shall not inquire about an applicant's criminal history on the initial application form, but may inquire after the initial screening of applications and must provide the applicant with an opportunity to provide an explanation of their criminal history to the employer. Criteria to consider is outlined, as well as a notice that must be including on applicable employment announcements. The full text can be read here .
United States / TN	H 1830 S 1965	1/1/2017	E-Verify	Prior to 1/1/2017 employers with 6 or more employees could opt to collect and retain documents on their employees instead of utilizing the e-verify system. The new law mandates that private employers with fifty or more employees must enroll in the E-Verify program. The final version of this bill can be found here .
United States / TX Austin	Ordinance 20160324-019	4/4/2016	Ban the Box	Employers may not inquire about criminal history unless a conditional offer has been made. Employers may not take adverse action unless they have determined the individual is unsuitable for the job based on an individualized assessment. Additional information can be read in our Compliance Update .
United States / UT	H 90	5/10/2016	Education / Child Care / Children's Activities	This bill modifies provisions regarding criminal background checks for individuals associated with education entities. Specifically, in order to be eligible to enroll scholarship recipients into eligible private schools, nationwide, fingerprint-based criminal background checks will be required for certain employees and volunteers. To read the specific text of this law, click here .

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United States / VA	HB 536	7/1/2016	Healthcare / Caregiving	Establishes a requirement for a national fingerprint-based background check for providers of sponsored residential and shared living services. The full text can be read here .
United States / VT	H 261	7/1/2017	Ban the Box	Requires employers to wait until an interview or once the prospective employee has been deemed otherwise qualified for the position to inquire about their criminal history record, and the individual must be afforded an opportunity to explain the information and circumstances regarding any convictions, including post-conviction rehabilitation. Additional information can be read in our Compliance Update .
European Union / United States	Not applicable	7/12/2016	EU-US Privacy Shield	Safe Harbor certification was deemed to be invalid in September 2015. "The EU-U.S. Privacy Shield Framework was designed by the U.S. Department of Commerce and European Commission to provide companies on both sides of the Atlantic with a mechanism to comply with EU data protection requirements when transferring personal data from the European Union to the United States in support of transatlantic commerce." Additional information can be read at PrivacyShield.gov .