

ANNUAL LEGAL UPDATE

Recent and Upcoming Legislative Changes

Federal	Amended December 18, 2010	The FTC "Red Flag" Rules were amended slightly on December 18 th , 2010 to limit the circumstances where creditors are covered under the legislation. The FTC has launched this informative website for financial institutions and creditors with requirements under the Act.
Illinois HB 4568	Effective January 1, 2011	New Illinois Law Prohibits Most Employment Credit Checks
California Code 11357b	Effective January 1, 2011	Possession of one ounce (28.5 gms) or less of marijuana is now an infraction in California, punishable by a maximum \$100 fine (plus fees) and, under the new law, this type of offense will <u>not</u> result in a criminal record on the individual.
California SB 909	Effective January 1, 2012	California Senate Bill 909 requires California employers to give provide additional disclosures to job applicants if your background screening provider is sending personal data outside of the United States for domestic searches. For example, this regulation is imposed if your background screening provider outsources customer service to a call center in another country and that call center is given access to the applicant's personal information (PII) such as SSN and Date of Birth. Accurate Background never off-shores your applicant's personal information if their address history and experience (ex. education/employment) is solely domestic and we are in full compliance with CA SB 909 . In addition, our standard Disclosure and Authorization forms include full contact information for Accurate Background as required by CA SB 909.
Federal	Revised January 5, 2011	USCIS released a revised Handbook for Employers to help employers better understand the Form I-9 process. It has been revised and updated with new information about applicable regulations, including new regulations about electronic storage and retention of Forms I-9; it clarifies how to process an employee with a complicated immigration status; and, it addresses public comments and frequently asked questions. Some of the many improvements, new sections, and tools included in <i>The Handbook for Employers</i> are: <ul style="list-style-type: none"> ▪ New visual aids for completing Form I-9; ▪ Examples of new relevant USCIS documents; ▪ Expanded guidance on lawful permanent residents, refugees and asylees, individuals in Temporary Protected Status (TPS), and exchange visitors and foreign students; ▪ Expanded guidance on the processing of employees in or porting to H1-B status and H2-A status; and, ▪ Expanded guidance on extensions of stay for employees with temporary employment authorization.
Massachusetts	Effective November 4, 2010 (Additional provisions go into effect on February 6, 2012)	CORI Reform Prohibits Massachusetts Employers from Inquiring About Criminal Convictions on the "Initial Application"

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Regulations Impacting Health-Related Employers

Oklahoma SB 1289	Effective November 1, 2010	Expands list of persons who may not be hired or contracted by long-term care facilities. The bill closed a loophole in state law aimed at restricting dangerous criminals from working in nursing homes, assisted living centers or adult day care centers. Previously, the law didn't address those individuals who pled guilty or no contest, or were given a deferred sentence.
Maine LD 1464	Effective October 1, 2010	This bill requires licensed, certified or registered providers to secure a criminal background check prior to hiring or placing a person who will have direct contact with a patient/citizen. Some providers were already required by statute to obtain criminal background checks. This bill adds several more providers, including hospitals, nursing facilities, ambulatory surgical facilities, intermediate care facilities for persons with mental retardation, assisted housing programs, children's homes, end-stage renal disease facilities, drug treatment centers, child placing agencies, hospice programs, agencies and facilities providing mental health services, temporary nurse agencies and nursery schools.
Iowa SB 2149	Effective July 1, 2010	Requires criminal history and abuse registry background checks for employees of health care facilities and other health-related providers and requires the same background checks for certified nurse aide training program students.
Kansas HB 2323	Effective July 1, 2010	Requires criminal history background checks on employees of adult care homes and home health agencies.
Delaware SB 122	Signed on June 15, 2010	Requires that all Delaware psychiatric center employees providing direct care to patients be subject to criminal background checks and drug testing. The drug testing provides for both pre-employment testing and Signed on June 15, 2010 testing where reasonable suspicion that an individual is impaired by an illegal drug exists.

Regulations Impacting School Districts

New Hampshire HB 1286	Effective September 18, 2010	Requires public schools to obtain a criminal history records check on employees and volunteers and permits nonpublic schools to do the same.
Delaware SB 245	Signed On July 12, 2010	Requires that student teacher candidates must undergo a criminal background check similar to public school employees before being placed in a student teaching placement within a public school.
Kentucky HB 447	Effective July 8, 2010	Permits private, parochial, and church schools to require a national and state criminal background check on each certified teacher at initial check.

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Oklahoma SB 2199	Effective July 1, 2010	Requires school districts to conduct criminal record search on prospective employees.
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Additional Regulations

New Mexico SB 254	Effective May 19, 2010	Prevents public employers from asking job applicants about their criminal background on the initial application for employment. Public employers must wait until the interview phase before inquiring about criminal history.
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Oregon SB 1045	Effective March 29, 2010	<u>New Oregon Law Prohibits Most Employment Credit Checks</u>
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