Katie's Korner Q3 2020

July 1st, 2020

About Peopletrail

Peopletrail® is a leading US-based consumer reporting agency, providing advanced background checks and pre-employment screening solutions globally.

As a leading consumer reporting firm, we make ordering a background check more secure, accessible, and flexible for our clients. The depth of our background screening products serves a broad client base ranging in multiple industries and company sizes.

👉 Learn more about our services.

New York City and Marijuana Testing

Peopletrail would like to remind our New York City clients or clients that have applicants in New York City of a new law that is currently in effect.

The bill prohibits New York City employers from requiring a prospective employee to submit to testing for the presence of any tetrahydrocannabinols (THC), the active ingredient in marijuana, in such a prospective employee's system as a condition of employment. There are exceptions for positions such as safety and security-sensitive jobs, and those tied to a federal or state contract or grant.

The City Council approved the ban last year, and it was enacted without Mayor Bill de Blasio's (D) signature. It stipulates that generally speaking, companies in the city cannot conduct pre-employment tests for THC metabolites unless it is a part of the exceptions that the bill allows.

We urge our clients to discuss with competent legal counsel to know how this bill may affect your organization and hiring practices.

If you would like to request a change in your drug testing panel, please reach out to us at 801-307-4100 or support@peopletrail.com.

Here is a hyperlink to the bill.

Expungement and Record Sealing

A criminal conviction under the Fair Credit Reporting Act can follow a person for the rest of their life, and arrest records for 7 years. There are times that a person may seek to wipe their criminal record from existence, and the typical methods are expungement and record sealing.

When a person has their records sealed, this means that no one may view the contents of his or her file without a court order. An expungement has the criminal file removed from the public record entirely.

The ability for a criminal record to be sealed or expunged depends on the state in which the record exists, and that state's criteria for eligibility. Peopletrail will not be able to report expunged or sealed records.

Providing the Actionable Insight® you can trust.

Intelligent solutions for advanced background checks and pre-employment screening.

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Federal Crimes

In the American criminal justice system, most prosecutions occur at the state level in municipal or county courts. The federal government exercises jurisdiction over criminal matters when the states lack jurisdiction, including areas specifically reserved to the federal government by the U.S. Constitution, and over criminal offenses that occur on federal property. Federal authorities may also prosecute certain crimes that, while normally handled by the states, become federal offenses by crossing from one state to another.

In these types of cases, federal and state prosecutors may be able to pursue separate actions against a defendant, despite the Fifth Amendment's protection against "double jeopardy."

It's vital to know that federal crimes will not show in the state level in municipal or county courts. To search for federal crimes, this will require a search of federal courts.

The Heroes Act and the Fair Credit Reporting Act

The Heroes Act, H.R.6800, is an exceptional broad piece of legislation. This bill responds to the COVID-19 (i.e., coronavirus disease 2019) outbreak and its impact on the economy, public health, state and local governments, individuals, and businesses. The bill is 1854 pages of a wide array to respond to the crisis at hand, and one thing this legislation responds to is the Fair Credit Reporting Act.

Section 110401 of the Heroes Act would amend changes the CARES Act made to the Fair Credit Reporting Act (FCRA) by adding, *"[n]o person may furnish any adverse item of information (except information related to a felony criminal conviction) relating to a consumer that was the result of any action or inaction that occurred during a covered period,"* with "covered period" referring to the COVID-19 emergency or any major disaster.

Leading Attorneys and organizations have highlighted this language for being exceptionally broad. This language could also impact the information employers receive when requesting an employment background check.

Currently under the Fair Credit Reporting Act, CRAs, like Peopletrail, may furnish adverse information for a period of seven (7) years, including information such as certain criminal charges, arrests (such as an active arrest warrant), and misdemeanor convictions.. The Heroes Act, H.R. 6800, if passed, would only allow the reporting of felony criminal convictions. This would take away the ability to report arrest, and misdemeanor convictions.

The bill also includes language that would require credit bureaus (i.e., 603(p) CRAs) and nationwide specialty CRAs to delete adverse information from consumers' files upon request. Meaning, they would have to delete adverse information that, but for COVID-19,would have been lawfully reportable.

H.R. 6800 now awaits consideration in the Senate, having passed in the House of Representatives in May. If you would like to contact your Senators to voice concerns

about the language in Title IV of H.R. 6800, call the U.S. Capitol Switchboard at (202) 224-3121 and ask them to connect you to your Senators offices.

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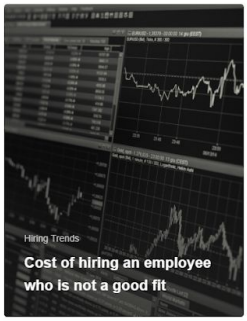

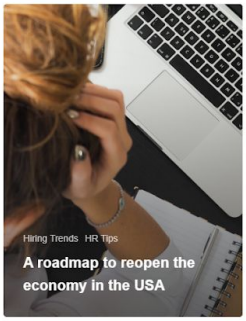

The Peopletrail Difference is more than a mantra, it permeates our culture and drives every interaction. We take pride in developing solutions that address your unique needs. Learn how Peopletrail has streamlined screening services.

Case Study of the Quarter

View June 2020 Regulatory Updates

Peopletrail® is committed to providing up-to-date relevant information regarding State Federal and local legislation updates, The General Data Protection Regulation (GDPR), background

check lawsuits, big brands in background screening news, drug testing resources and information, credit check updates, marijuana legalization, and other topics that affect the Consumer Reporting Agency, Background and employment drug screening industry.