



October 2020 – Regulatory Updates

State Legislation

- Recent Developments At The California Department Of Fair Employment And Housing
- Colorado DOL Issues Proposed Rules Clarifying Several New Employee Rights
- Updates to California’s Restrictions on Using Criminal Records in Employment Decisions
- Hawaii Tightens Ban-The-Box Law, Further Limiting Use Of Past Criminal History In Work Decisions
- DFEH Releases FAQ, Updates Regulations For Fair Chance Act
- Hawaii Tightens Ban-the-Box Law, Further Limiting Use of Past Criminal History in Work Decisions
- NYC could ban criminal background checks on potential tenants
- ‘It’s a scarlet letter that never leaves you’: NYC Council bill would help ex-offenders by barring landlords’ criminal record checks
- More States and Localities Enact and Strengthen Ban the Box Laws
- Updates to California’s Restrictions on Using Criminal Records in Employment Decisions
- “Ban the Box” Update: St. Louis Enacts Ordinance; California and Hawaii Expand Existing Laws
- New Guidance Clarifies Protections For California Workers With Criminal Records

Federal Legislation

- EEOC Requests Public Comment on Changes to Conciliation Process
- FTC Proposes Changes to Scope of Prescreen Opt-Out Notice Rule
- DFEH Updates “Ban The Box” Regulations And Provides FAQ
- EEOC Issues Final Rule Revising Procedural Regulations Under Title VII, ADA, and GINA
- CFPB and FTC file joint amicus arguing consumers not applying for credit are “applicants” under ECOA
- Mitigating FCRA Risks in the COVID-19 World

Data Privacy

- CLC releases Brexit data protection and GDPR guide

Background Checks

- Can algorithms violate fair housing laws?
- AstroShapes sues temp agency

Lawsuits

- 11th Circuit: Credit Pulls Didn't Violate FCRA or Settlement
- Incomplete Doesn't Always Mean Inaccurate: Fifth Circuit "Hammers" In Denial of Plaintiff's Complaint
- Eleventh Circuit Examines Meaning of 'Legitimate Business Need'
- Eleventh Circuit Weighs in on FCRA "Legitimate Business Purpose," Affirms Dismissal in Favor of Defendant Who Accessed Credit Report to Verify Identity and Eligibility
- Maine federal district court rules FCRA preempts 2019 amendments to state's credit reporting law
- Florida Appellate Court Shuts Down Financial Discovery on Employers: The Buck Stops Here
- October 2020: The Top 11 Labor And Employment Law Stories

Drug Testing

- Court upholds challenge to drug testing in Pennsylvania
- Truck drivers testing positive for drugs increased 8% in September
- Suspension of Employee Based on Marijuana Odor and Positive Test Result Did Not Violate CBA
- New Drug Screening Guidelines for Federal Workers Include Hair Testing
- Know the risks of marijuana
- The cost of an accident at work
- Request For Medical Examination Was Permissible Under ADA After Positive Drug Test Result

Credit Checks

- Here's What Really Shows Up on a Credit Check for Employment

Marijuana Legalization

- These states are voting on marijuana legalization in 2020
- The Week in Weed: October 9, 2020
- Missouri Begins Testing Medical Marijuana, Expected To Hit Dispensary Shelves Soon

- Federal Court Finds Pennsylvania's Medical Marijuana Act Contains Implied Private Right of Action
- The Week in Weed: October 16, 2020
- The Week in Weed: October 23, 2020
- PA Federal Court Upholds Private Right of Action under the PA Medical Marijuana Act
- Montana Supreme Court Rejects Challenge To Marijuana Legalization Initiative
- MJ in NJ is on the Ballot in 2020
- The Week in Weed: October 30, 2020
- And the Winner of the 2020 Election Is...Weed!
- New Jersey Residents Vote To Legalize Recreational Marijuana
- Arizona voters approve Proposition 207, making recreational marijuana legal in state