



September 2020 – Regulatory Updates

State Legislation

- Maryland's New Employment Laws and How to Implement Them in Your Workplace
- Ten Years for a Second Chance? New York's Sealing Statute Lags Behind Other States
- Hawaii Amends its Ban the Box Law to Fortify Protections for Ex-Offenders
- Employers Likely to Receive One-Year Reprieve from Full California Consumer Privacy Act
- California 'Mini-CFPB' Passed by State Legislature
- [CFPB California Style: The California Consumer Financial Protection Law Brings More Providers of Consumer Financial Products and Services Into the Regulatory Tent](#)
- Cook County Criminal Courts Restorative Justice program helps non-violent offenders find jobs
- Maryland Employers: New Employment Laws Become Effective October 1, 2020
- Opioid Guidance, Lactation Breaks, and Liability Shields: Recent Employment News You Might **Have Missed**
- Proposal to Bar Ex-criminals from Affordable Housing in Texas Called Unfair
- New California Pay Data Reporting Obligations Aimed At Closing Pay Gap
- State & Local Employment Law Developments: Q3 2020

Federal Legislation

- FTC Seeks Comment on Proposed Changes to FCRA Rules for Motor Vehicle Dealers
- FTC Seeks Comment on Proposed Changes to Five FCRA Rules
- FTC proposing FCRA changes
- Consumer Groups Urge CFPB To Rescind Credit Reporting Guidance Issued in April
- CFPB Urged To Drop Credit Reporting Dispute Deadline Relief

Data Privacy

- To Pay or Not to Pay? Evolving Legal Considerations With Ransomware Switzerland cancels Privacy Shield
- Everyone Agrees – We Need a Comprehensive U.S. Privacy Law

- Federal Privacy Commissioner Confirms Express Consent Not Required For Cross-Border Data Transfers

Background Checks

- What is Employee Background Check?
- INSIGHT: Employers Need to Grasp Risks of Continuous Monitoring Services
- NYC Council eyes ban on landlords conducting criminal background checks
- Reasons Why Pre-Employment Background Checks Get Delayed
- [Canada: Keeping Criminal Background Checks In Check: Privacy Law Limits On Employee Criminal Background Checks In B.C.](#)
- Landlords upset over possible ban on background checks for renters in New York City
- Give Job Applicants with Criminal Records a Fair Chance
- Background Checks and the Fair Credit Reporting Act: Keep It Simple!
- 4 Reasons Why Employee Background Checks Are Important
- Should entertainment workers undergo background checks in the industry?
- Roundup of August and September Employment Law Lookout Blogs
- How to Conduct a Background Check on New Employees

Lawsuits

- [Recent Court Decision Should Prompt CRAs to Initiate Reinvestigations Even When the Disputed Information Appears to be Accurate](#)
- FCRA Allegations Dismissed Due to Plaintiff's Lack of [Alleged] Confusion
- Fifth Circuit Affirms Dismissal FCRA Claims Based on Failure to Include a Single Credit Item on Credit Reports
- Backers of change in Arkansas' vote districting sue in U.S. court
- 11th Cir. Holds Obtaining Consumer Report for Verification and Eligibility Is a Permissible Purpose
- Federal Court Holds Pennsylvania Medical Marijuana Act Provides Private Right Of Action
- Eleventh Circuit Weighs in on FCRA "Legitimate Business Purpose," Affirms Dismissal in Favor of Defendant Who Accessed Credit Report to Verify Identity and Eligibility
- Eleventh Circuit Examines Meaning of 'Legitimate Business Need'

Big Brands

- Macy's to Pay \$1.8 Million, Revise Criminal Checks to End Suit
- Macy's To Pay \$1.8M Over Minority Background Checks
- 'That's got to be illegal:' Local man part of lawsuit against Target over illegal background checks

Drug Testing

- Rhode Island Employee May Proceed with Lawsuit Alleging That Termination For Failed Breath Test Violated State Law
- Employee's Request to Revise Drug Policy To Address CBD Use Was Not A Reasonable Accommodation
- Ohio Supreme Court holds that "direct observation" of drug testing is not an invasion of privacy
- Federal Proposal Would Expand Hair Testing of Job Applicants and Employees To Make Sure They Are Obeying Drug Prohibition
- Truckers hold differing opinions over potential hair follicle testing, poll reveals
- Non-Prescription Fentanyl Abuse Up During Pandemic
- FEDS PUSH FOR HAIR FOLLICLE DRUG TESTING DESPITE KNOWN RACIAL DISPARITIES IN RESULTS
- Federal Workplace Drug Testing Proposal Could Discriminate Against People Of Color
- Supreme Court of Ohio Gives Employers the Green Light to Drug Test At-Will Employees Under Direct Observation When the Employees Give Broad Consent
- Can Employers Watch Drug Testing? (Podcast)
- The Navy revised its ban on hemp and CBD to include topical products like lotions and shampoos
- New Federal CCF coming soon
- Navy Explains Why It Banned Hemp Shampoos And Lotions For Sailors
- Should Federal Employees Have to Provide Hair Samples for Their Drug Tests?
- Come together for International Overdose Awareness Day
- Pre-employment drug testing
- Marijuana positivity in America's workplace
- DOT COVID-19 Drug & Alcohol Testing Statement of Enforcement Discretion for Substance Abuse Professionals and Service Agents
- EEOC SUES STAFFING FIRM FOR RELEASING WORKER FROM EMPLOYMENT OVER DRUG TEST INCIDENT
- Positive drug tests rising with coronavirus pandemic, report shows
- Confused about 'mandatory' hair testing regs for driver drug tests? Here's what to know...
- Trucking Law: No false positives, no room for excuses in today's drug tests
- Can you test employees working from home for drug and alcohol abuse?
- CBD Oil & Its Implication on Drug Policies in the Workplace
- Proposed guidelines for hair drug testing stir debate in trucking industry

Credit Checks

- Landlords and credit checks: What you should know

- Understanding the Tenant Background Check: A Guide for Landlords

Marijuana Legalization

- The Week in Weed: September 4, 2020
- The Week in Weed: September 11, 2020
- The Week in Weed: September 18, 2020
- Advocates of medical marijuana react to Supreme Court decision
- Nebraska Supreme Court removes medical marijuana from ballot
- Vermont House approves marijuana expungement bill
- Medical Marijuana Measure Removed From Nebraska's November Ballot By State Supreme Court
- The Week in Weed: September 25, 2020
- The Week in Weed: October 2, 2020