

CARCO GROUP INC.
CORPORATE HEADQUARTERS
5000 CORPORATE COURT, SUITE 203
HOLTSVILLE, NEW YORK 11742
TEL 631/862-9300
800/969-2272
FAX 631/584-0095



FAYETTEVILLE, NORTH CAROLINA OFFICE
TEL 910/497-0081
FAX 910/497-0162

TUSTIN, CALIFORNIA OFFICE
TEL 714/547-6541
FAX 714/547-5420

News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On October 11th, the House passed a bill (H.R. 2349), which would prevent information about individuals from being placed in the National Instant Criminal Background Check System (NICS) on the sole basis of a Department of Veterans Administration (VA) determination that the individual is mentally incompetent to handle his/her finances. Under the bill, only a court order would justify the entry of a name on the NICS list of individuals unable to purchase a firearm. Rep. Bob Filner (D-CA) spoke in opposition to the provision saying, “While I agree that some of these people who’ve been judged by the VA not to be mentally competent to handle their financial affairs may not pose a threat to themselves or others, the prudent course of action, the reasonable course of action, the commonsense course of action, the course of action that will save lives in this Nation is that we not allow these VA beneficiaries to have access to lethal weapons.” (<http://www.gpo.gov/fdsys/pkg/BILLS-112hr2349rh/pdf/BILLS-112hr2349rh.pdf>)
- On October 6th, Sen. Tom Harkin (D-IA) and Rep. George Miller (D-CA) introduced companion bills (S. 1667, H.R. 3126), which would require staff at facilities providing residential programs to troubled teenagers to undergo criminal history background checks and Federal Bureau of Investigation fingerprint checks. The requirements would apply to staff members with direct contact with minors at any residential facility operated by someone other than a teenager’s parents, except hospitals or foster homes. (<http://www.gpo.gov/fdsys/pkg/BILLS-112s1667is/pdf/BILLS-112s1667is.pdf>) (<http://www.gpo.gov/fdsys/pkg/BILLS-112hr3126ih/pdf/BILLS-112hr3126ih.pdf>)
- On September 28th, the Inspector General of the General Services Administration (GSA) released a report concluding that the GSA must do a better job of performing background checks on prospective employees who would have access to sensitive personal information. The report also noted that sensitive documents were found on the GSA’s public website, which showed a need for better labeling of document sensitivity. (<http://www.gsaig.gov/?LinkServID=4DAA8483-A21C-4EC5-7A0566CC0FC58705&showMeta=0>)

Employment

- On October 4th, the Senate Judiciary Subcommittee on Immigration held a hearing on the mandatory use of E-Verify by agricultural businesses. Subcommittee Chairman Chuck Schumer (D-NY) said that, “mandatory E-Verify laws like those already passed in Alabama, Arizona and Georgia--as well as those proposed in the House and the Senate--now pose an existential threat to American agriculture.” Eric Ruark, Research Director at the Federation for American



Immigration Reform, testified that “E-verify is efficient, effective, and extremely accurate,” and that “there is no compelling reason why employers are not already utilizing” the program.
(<http://judiciary.senate.gov/hearings/hearing.cfm?id=0bd5589287f5bbb3d229c1850f7b44e2>)

News and State Legislation:

Employment

- On October 9th, California Governor Jerry Brown (D) signed into law a bill (A.B. 1236), which prohibits county and municipal governments in the state from requiring private businesses to use the federal government’s E-Verify system. The bill effectively invalidates laws passed in several municipalities regarding the use of E-Verify by private employers, including those with government contracts. The bill, however, leaves intact laws regarding E-Verify use for public employees that have been passed by local governments.
(http://leginfo.ca.gov/pub/11-12/bill/asm/ab_1201-1250/ab_1236_bill_20111009_chaptered.pdf)
- On October 9th, California Gov. Jerry Brown (D) signed into law a bill (A.B. 22), which prohibits employers in the state from requiring credit reports as part of the hiring process. The bill includes certain exemptions from the prohibition, including managerial positions, positions with access to trade secrets or over \$10,000 in cash, and positions with access to sensitive personal data creating a risk of identity theft. The bill will take effect on January 1, 2012.
(http://leginfo.ca.gov/pub/11-12/bill/asm/ab_0001-0050/ab_22_bill_20110920_enrolled.pdf)