

Legi-Scan Alert™

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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On January 6th, Rep. Judy Biggert, (R-IL) introduced a bill (H.R. 27) to amend title XVIII of the Social Security Act to establish additional provisions to combat waste, fraud, and abuse within the Medicare Program, including a provision that would set forth rules for the Secretary of Health and Human Services to conduct a criminal history background check on any individual or entity that applies for a Medicare provider number.
(<http://www.govtrack.us/data/us/bills.text/111/h/h27ih.pdf>)
- On January 6th, Rep. Bobby L. Rush, (D-IL) introduced a bill (H.R. 45) that would provide for the implementation of a system of licensing for purchasers of certain firearms and for a record of sale system for those firearms, prohibiting the transfer of a firearm to any person other than a licensee, unless the transfer is processed through a licensed dealer in accordance with national instant criminal background check system requirements.
(<http://www.govtrack.us/data/us/bills.text/111/h/h45ih.pdf>)

Employment Verification

- On January 28th, the House passed an economic stimulus bill (H.R. 1, previously reported) that would prohibit stimulus funds to be used to enter into a contract with an entity that does not participate in the E-verify program. The bill also contains language that would extend the E-Verify program beyond the current expiration in March 2009 by requiring the Social Security Administration and the Department of Homeland Security to reach an agreement to provide funds for the full costs of the responsibilities of E-Verify.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h1eh.txt.pdf)
- On January 28th, the U.S. Chamber of Commerce announced an agreement with the federal government to postpone the implementation of E-Verify among federal contractors and subcontractors until May 21, 2009. E-Verify is a free online system through which participating employers can check the work status of new hires by comparing information from an employee's I-9 form against Social Security Administration and Department of Homeland Security databases.
(http://www.uschamber.com/press/releases/2009/january/090128_verify.htm)
- On January 15th, Rep. Sue Wilkins Myrick (R-NC) introduced a bill (H.R. 589) that would establish procedures for the issuance by the Commissioner of Social Security of "no match" letters to employers, and for the notification of the Secretary of Homeland Security regarding such letters.
(<http://www.govtrack.us/congress/billtext.xpd?bill=h111-589>)

State Legislation:

Background Checks

- On January 23rd, the North Dakota Senate passed a bill (H.B. 1263) that would require background checks of an applicant's prior employment before consideration as an employee at an assisted living facility.
(<http://www.legis.nd.gov/assembly/61-2009/bill-text/JBHA0100.pdf>)



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- On January 22nd, the Virginia House passed a bill (H.B. 1679) that would require a local school board to take reasonable steps to determine whether an applicant, who has resided in another state within the last five years, was the subject of any cases of child abuse and neglect by contacting the relevant state's central child abuse and neglect registry if the state provides access the registry to out-of-state entities.
(<http://leg1.state.va.us/cgi-bin/legp504.exe?091+ful+HB1679H1+pdf>)
- On January 15th, Michigan enacted a bill (S.B. 1252) that allows a school district to use the results of a criminal history background check obtained by another district to evaluate an applicant for a position as a substitute bus driver if the applicant gives written consent.
(<http://www.legislature.mi.gov/documents/2007-2008/billconcurrent/Senate/pdf/2008-SCB-1252.pdf>)
- On January 9th, Michigan enacted a bill (H.B. 6057) that establishes requirements for certain mental health facilities to incur costs related to employee criminal history background checks.
(<http://www.legislature.mi.gov/documents/2007-2008/billengrossed/House/pdf/2008-HEBS-6057.pdf>)
- On December 12th, Michigan enacted a bill (S.B. 1413) that allows the state to join an electronic information sharing system with the federal government and the states that will exchange criminal history records.
(<http://www.legislature.mi.gov/documents/2007-2008/billengrossed/Senate/pdf/2008-SEBH-1413.pdf>)



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