

Legi-Scan Alert™

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News and Legislation Relating to Employment and Background Checks

News and Federal Legislation:

Background Checks

- On October 23rd, the House passed a bill (H.R. 3619) that would require the Coast Guard to submit a report on the feasibility of, and a timeline to, redesign the merchant mariner document to incorporate a biometric identifier as well as whether a redesign will eliminate the need for separate credentials and background screening. On the House floor, the bill was amended to prohibit a State or political subdivision from requiring a separate security background check if a transportation security card has been issued unless the State or political subdivision can demonstrate that a compelling homeland security reason exists.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h3619eh.txt.pdf)
- October 21st, the Census Bureau announced it was reviewing procedures to fingerprint its employees in order to perform FBI criminal history background checks prior to hiring. A recent report by the Government Accountability Office estimated that the Census Bureau has hired as many as 200 employees with unclassifiable fingerprints or disqualifying criminal histories.
(http://voices.washingtonpost.com/federal-eye/2009/10/census_vows_to_fix_fingerprint.html?hpid=news-col-blog)
- On October 19th, Sen. Max Baucus (D-MT) introduced a health care reform bill (S.1796) that would, among other provisions, require the Secretary of Health and Human Services to establish a program that would assist long term care facilities and providers conduct criminal history background checks on prospective direct patient access employees.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:s1796pcs.txt.pdf)
- October 15th, the House passed by a vote of 307-114 the Homeland Security appropriations bill (H.R. 2892) conference report. Among other provisions, the bill would prohibit the grant of any immigration benefits to individuals without the results of a background check. The bill also contains a 3 year extension of the E-Verify employment verification program.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_reports&docid=f:hr298.111.pdf)
- On October 14th, the House Energy and Commerce Committee reported out a bill (H.R. 2868) that would obligate the Secretary of Homeland Security to issue regulations to require criminal history background checks and ensure appropriate credentials for unescorted visitors and permanent, part-time, temporary, and contract personnel at chemical facilities.
(http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=111_cong_bills&docid=f:h2868ih.txt.pdf)

Employment Verification

- On October 13th, Michael Macleod-Ball, Acting Director of the American Civil Liberties Union (ACLU) Washington Legislative Office issued a statement in response to Rep. Luis V. Gutierrez (D-IL) and other House Democrats' statements outlining priorities for comprehensive immigration reform legislation. Macleod-Ball said, "the ACLU is encouraged by the willingness of congressional leaders to lay out details of immigration reform, but we strongly oppose any reforms that would unnecessarily violate the privacy of



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Americans.” He urged lawmakers to reject any immigration reform measures that include a biometric national worker ID system or a universal compulsory electronic employment verification system.

(<http://www.commondreams.org/newswire/2009/10/13-6>)

(<http://luisgutierrez.house.gov/PRArticle.aspx?NewsID=1399>)

State Legislation:

Background Checks

- On October 23rd, California enacted a bill (S.B. 132) that prohibits an individual from using the title “certified polysomnographic technologist” or from engaging in the practice of polysomnography, the study of sleep, without first undergoing a Department of Justice criminal history background check.
(http://www.leginfo.ca.gov/pub/09-10/bill/sen/sb_0101-0150/sb_132_bill_20091023_chaptered.pdf)
- On October 19th, New Jersey enacted a bill (S.B. 532) that prohibits any individual from volunteering with a youth serving organization if a criminal history background check reveals any crimes involving danger to a person; against a family, children or incompetents; or related to theft as well as controlled substances.
(<http://www.rilin.state.nj.us/BillText/BillText09/SenateText09/S0532.pdf>)



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