

## News and Legislation Relating to Employment and Background Checks

### Federal News and Legislation:

#### Background Checks

- On March 17<sup>th</sup>, *Nextgov* reported that Lisa Schlosser, the Deputy U.S. Federal Chief Information Officer, will now serve as the Acting Chief Information Officer (CIO) for the Office of Personnel Management (OPM). Schlosser will be temporarily filling the position vacated by Donna Seymour, who announced on February 22<sup>nd</sup> that she was retiring amid mounting criticism about her response to the agency's massive 2015 data breach. According to OPM Acting Director Beth Cobert, "I worked with Lisa for two years while I was at [the Office of Management and Budget] and can tell you from personal experience that she will bring incredible talent, leadership, and a commitment to public service that will service this agency well." Schlosser will help oversee OPM's major information technology updates, as well as the implementation of the agency's new National Background Investigations Bureau (NBIB).  
(<http://www.nextgov.com/cybersecurity/2016/03/federal-cios-deputy-stepping-opm/126748/?oref=ng-channelriver>)
- On March 29<sup>th</sup>, U.S. District Court Judge Roy B. Dalton Jr. dismissed a proposed class action against Dave & Buster's, Inc. (Dave & Buster's) for allegedly violating the Fair Credit Reporting Act (FCRA). According to the original complaint filed earlier this year, Dave & Buster's rescinded the plaintiff's offer of employment based on the outcome of a background check conducted by a consumer reporting agency. However, the plaintiff contends that Dave & Buster's violated the FCRA by failing to provide him with a copy of the report that was the basis of the adverse decision, as well as the opportunity to dispute the report's findings. Dave & Buster's argued that the plaintiff lacked standing because the company never obtained or used a consumer report in its decision not to hire him. In response to the judge's approval of the joint stipulation for dismissal, counsel for Dave & Buster's told reporters, "there was simply no merit to the case. Dave & Buster's complies completely with the Fair Credit Reporting Act in all

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aspects.” (*Alvarez v. Dave & Buster’s Inc.*, case number 6:16-cv-00252, in the U.S. District Court for the Middle District of Florida)

### **State News and Legislation:**

#### **Background Checks**

- On March 21<sup>st</sup>, Ohio Attorney General Mike DeWine published bid amounts for the contracts submitted to replace the state’s failing background check system. Investigations performed during 2015 revealed that the state’s criminal background check system, which is operated by the Ohio Bureau of Criminal Investigation, contained serious vulnerabilities that often reported clean records for individuals with a criminal history, resulting in former criminals gaining employment as teachers. Earlier this year, DeWine announced that his office would replace the outdated system, but now faces unexpected challenges due to the high costs of the proposed contracts. The proposed bids to replace the background check system range from \$5.97 million to \$17.72 million. The Attorney General is now collaborating with lawmakers to set aside sufficient funds in the 2017 budget that will be used for the update. However, even if lawmakers approve his proposal, the new system will not be implemented for at least another 18 months.

<http://www.dispatch.com/content/stories/local/2016/03/21/attorney-generals-fix-to-background-check-system-to-cost-millions.html>

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