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Subject: New Regulations for Background Investigations

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Our recent CLE presentation highlighted the importance of complying with both federal and state credit reporting laws, as well as other related laws, when looking into the background of potential and current employees. IMG recommends reviewing the boxed checklists before hiring and/or investing.

March 2013 CLE Presentation

Speakers: Susan Gross Sholinsky and Jeff Landes, Epstein Becker Green

Topic: The New Fair Credit Reporting Act Regulations for Background Investigations

Susan Gross Sholinsky and Jeffrey M. Landes of Epstein Becker & Green, [REDACTED], discussed the importance of complying with both federal and state credit reporting laws, as well as other related laws, when looking into the background of potential and current employees. They reviewed the recent Equal Employment Opportunity Commission (EEOC) guidance on the use of arrest and conviction records, as well as the legality of using certain information obtained in connection with background checks. They also addressed recently-enacted state laws limiting employers' use of credit information as well as laws restricting employers' ability to require applicants for employment to provide social media passwords, as well as the "ban the box" movement, which restricts employers from obtaining certain criminal background information at different stages in the application process. Several states and cities have implemented laws recently addressing this topic. Finally, Susan and Jeff discussed how to properly obtain authorization to perform background checks, and the steps employers must take prior to making an adverse decision based on information obtained through the background check process, including a discussion of the new forms put forth by the newly-formed Consumer Financial Protection Bureau (CPFB), which now shares oversight of the federal Fair Credit Reporting Act with the Federal Trade Commission.

<p><u>Background Check Should Cover</u></p> <ul style="list-style-type: none"> Criminal Records Litigation Judgments Liens Partnership Disputes Sexual Harassment Money Laundering Drug or Alcohol Abuse Education and Employment Verification Social Media Profile Credit and Driving (with signed consent) Global Watch Lists 	<p><u>Choosing a Background Provider</u></p> <ul style="list-style-type: none"> Licensed and Insured Government experience Secure data network Encrypted communication Secure physical office Compliance with Privacy Laws Financial/Legal Compliance Sarbanes-Oxley Act Foreign Corrupt Practices Act Patriot Act Prompt Turn Around Time Fixed Costs Consistent Format/Scope
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LITIGATION SUPPORT - IMG provides a range of investigative and intelligence-gathering services on behalf of attorneys and their clients. IMG assists legal counsel in the discovery process by identifying and interviewing witnesses, locating assets, assessing net worth, and conducting background investigations and surveillance when appropriate.

CORPORATE INVESTIGATIONS - IMG employs experts in Digital Forensics and Forensic Accounting when investigating internal fraud, workplace violence, sexual harassment and discrimination cases. IMG works with companies to uncover early warning signs, create an action and response plan, help deploy professional staff to assist and counsel employees in the aftermath of an incident.

BACKGROUND INVESTIGATIONS/DUE DILIGENCE - IMG provides a comprehensive analysis of a potential business partner, entity, investor, employee or individual, both domestically and abroad.

SECURITY/EXECUTIVE PROTECTION - IMG performs a comprehensive analysis of a company's vulnerability to a range of threats: terrorist attack, natural disaster, workplace violence, theft and spying.

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