

## Rod M. Fliegel

Shareholder

Co-Chair, Background Checks Practice Group

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## Focus Areas

Background Checks  
Wage and Hour  
Class Action  
Discrimination and Harassment  
Home Health and Home Care

## Overview

Rod M. Fliegel learned about the practice of law from his father and considers himself "old school" in terms of his work ethic, responsiveness and devotion to his clients. He bonds with his clients by learning about their priorities, devising strategy and achieving results. He has worked with many of his clients for a decade or more.

Rod has broad subject matter experience and significant knowledge in class action defense and the intersection of the federal and state background check laws, such as Title VII and the Fair Credit Reporting Act (FCRA) and their state law equivalents. He also has extensive experience defending employers in state, federal and administrative litigation, including matters with the Equal Employment Opportunity Commission, the Federal Trade Commission, and the New York Office of the Attorney General. As the national coordinating counsel for a large nationwide retailer and a large nationwide background check company, he handles and oversees civil and administrative matters throughout the country.

Select examples of Rod's litigation experience include the following:

- Led team of Littler lawyers that defeated in the trial court a state court class action invasion of privacy claim brought by Teamsters represented union workers who opposed the company's random drug testing program. Rod's team prevailed in the trial court in a dozen motions, including a dispositive motion that challenged the class-wide

privacy claim as preempted by LMRA Section 301. The court entered judgment for the company on all claims after granting summary judgment against each of the named plaintiff's FEHA, Civil Code and Labor Code claims. In December 2018, Rod's team prevailed on every issue on appeal.

- Defeated with a summary judgment motion a proposed nationwide federal court class action in Texas against a trucking industry employer for alleged violations of the FCRA's authorization, disclosure and notice provisions.
- Defeated with a summary judgment motion a proposed nationwide federal court class action in Texas against an employer for alleged violations of the FCRA's authorization, disclosure and notice provisions.
- Defeated with a Rule 12 motion a proposed nationwide federal court class action in Florida against an employer for alleged violations of the FCRA's authorization, disclosure and notice provisions.
- Defeated with a Rule 12 motion a proposed nationwide federal court class action against an employer in Massachusetts for alleged violations of the FCRA's authorization, disclosure and notice provisions.
- Led team of Littler lawyers that recovered a substantial attorney's fees award after the plaintiff in a prior litigation threatened to sue again based on the same facts. The Littler team prevailed in state court on the company's dispositive motion for breach of contract.
- Led Littler defense teams in the successful defense of several clients in systemic discrimination investigations by the EEOC and separately the FTC concerning their background programs.
- Led the Littler defense team in a sprawling putative California wage and hour class action against a national retailer and prevailed on a motion for summary judgment for the defendant parent company and to dismiss class-wide fraud claims, class-wide restrictive covenant claims, and class-wide claims for injunctive relief under California Business & Professions Code section 17200. The named plaintiff ultimately accepted a nuisance value settlement to resolve her individual claims.
- Led the Littler defense team in a putative California wage and hour class action against a trucking industry employer. The named plaintiff ultimately accepted a nuisance value settlement to resolve his individual claims.
- Led a team of Littler attorneys to a seven-figure pre-trial settlement for Littler's client in a vigorously contested trade secret dispute in California state court.
- Defeated proposed class action claims in a federal court lawsuit against a background check company under California's version of the FCRA.
- Successfully represented several clients in investigations by the FTC concerning their compliance with the FCRA.
- Prevailed on an anti-SLAPP motion in a disability discrimination case and used the attorney's fee award to leverage a dismissal with prejudice.

## Recognition

- Named, Super Lawyer, Northern California, *Super Lawyers*, 2017-2019
- Named, Top 100 Labor and Employment Lawyers in California, *Daily Journal*, 2015
- Recipient, BTI Client Service All-Star Award, 2022, 2024

## Education

J.D., Golden Gate University School of Law, 1993, *With Honors*

B.A., Oberlin College, 1989

## Bar Admissions

California

## Courts

U.S. District Court, Northern District of California

U.S. District Court, Southern District of California

U.S. District Court, Eastern District of California

U.S. District Court, Central District of California

## Publications & Press

### **The CFPB Cautions Employers About Using Technology to Track, Assess, and Evaluate Workers**

*Littler Insight*

October 29, 2024

### **California Limits Employers' Discretion to Insist on a Driver's License**

*SHRM*

October 10, 2024

### **San Diego County Adds a New Layer to California's Complex Web of Laws Regulating the Use of Criminal Records in the Hiring Process**

*Littler Insight*

October 9, 2024

### **California Limits the Discretion Employers Have to Insist on a Driver's License Even for Jobs that Require Driving for Work**

*Littler ASAP*

September 30, 2024

### **The County of Los Angeles Will Soon Post Notice and Sample Documents to Comply with the County's Sweeping Fair Chance Ordinance**

*Littler ASAP*

August 30, 2024

**Court Thwarts Efforts to Conceal Driving History Information from Employers**

*SHRM Online*

July 10, 2024

**California Court of Appeal Thwarts Efforts to Conceal Important Driving History Information from Employers**

*Littler ASAP*

July 8, 2024

**Massachusetts Latest State Expected to Restrict Access to Credit Reports for Employment Purposes**

*Littler ASAP*

March 25, 2024

**County of Los Angeles Enacts a Sweeping Fair Chance Ordinance for the Unincorporated Areas of the County that Far Exceeds Federal and California Law**

*Littler Insight*

March 13, 2024

**Continuing Privacy Headache for Ordering Criminal Background Checks in California**

*Littler ASAP*

February 23, 2024

**Negligent Hiring Risk Less Than Employers Believe**

*SHRM Online*

November 9, 2023

**California Laws Come into Effect Regarding Off-Duty Marijuana Use**

*Littler ASAP*

October 27, 2023

**Changes in California's Regulations Regarding Criminal Records Approved**

*Littler ASAP*

August 1, 2023

**Second Chance Employment: Addressing Concerns About Negligent Hiring Liability**

*Legal Action Center*

July 27, 2023

**Chicago Enacts Amendments to and Expands Requirements of its Criminal History Screening Ordinance**

*Littler ASAP*

May 10, 2023

**California Bill Would Limit Use of Criminal History Information**

*SHRM Online*

May 3, 2023

**California bill would ban most criminal background checks**

*HR Dive*

April 5, 2023

**California Seeks to Ban Criminal Background Checks for Most Private Sector Employers**

*Littler Insight*

March 27, 2023

**Updated FCRA Summary of Consumer Rights Released with a Mandatory Compliance Deadline of March 20, 2024**

*Littler ASAP*

March 22, 2023

**Gainesville First City in Florida to Pass Fair Chance Hiring Law Restricting Private Employers' Use of Criminal History**

*Littler Insight*

February 1, 2023

**Reports About the Wholesale Demise of Claims Against Employers Under the Fair Credit Reporting Act (FCRA) are Premature**

*Littler Insight*

January 17, 2023

**Upcoming Changes in California's Law Regarding Criminal Background Checks**

*SHRM Online*

January 6, 2023

**Upcoming Changes in California's Law Regarding Criminal Background Checks**

*Littler Insight*

January 5, 2023

**Governor's Veto Will Likely Result in Continued Delayed or Non-Performable Background Checks in California**

*SHRM Online*

October 10, 2022

**Governor's Veto Will Likely Result in Continued Delayed or Non-Performable Background Checks in California**

*Littler ASAP*

October 6, 2022

**New Opinion Allowing Plaintiff to Present His Class Action Willful FCRA Claims to a Jury Reinforces Need to Remain Vigilant About FCRA Compliance**

*Littler ASAP*

April 21, 2022

**Eighth Circuit Holds Article III Standing Was Lacking for an Alleged Violation of the FCRA's "Pre-Adverse Action" Notice Provision**

*Littler Insight*

April 6, 2022

**Bill Seeks to Alleviate the Slowdown of Criminal Background Checks in California**

*Littler ASAP*

March 21, 2022

**Background Checks: How to Protect Yourself**

*Workest by Zenefits*

February 4, 2022

**The Rest of the Story (for Now): Employer Prevails in FCRA Class Action Alleging "Stand-Alone" Disclosure Violation**

*Littler ASAP*

September 27, 2021

**Another Privacy Headache for California: Court of Appeal Ruling Will Slow Down Criminal Background Checks Throughout California**

*Littler Insight*

September 7, 2021

**Ninth Circuit Holds TCPA Prohibits Pre-Recorded Recruiting Calls to Cell Phones Without Prior Express Consent**

*Littler Insight*

August 13, 2021

**New Enforcement Guidance Issued for New York City Fair Chance Act as Key Amendments Take Effect**

*Littler Insight*

July 19, 2021

**The Dust Hasn't Settled Yet: Employers Must Continue to Be Thoughtful About Criminal Record Screening Policies**

*Littler Insight*

July 6, 2021

**“No Concrete Harm, No Standing”: The Supreme Court Reinforces the Requirement for Injury-in-Fact Even for Violations of Federal Statutes**

*Littler Insight*

June 28, 2021

**California DFEH Ramps Up Enforcement of FEHA’s Protections Against Criminal Record Discrimination**

*Littler Insight*

March 8, 2021

**Philadelphia Expands Background Screening Ordinances**

*SHRM Online*

February 5, 2021

**Philadelphia Enacts Amendments to and Expands Coverage of its Background Screening Ordinances**

*Littler ASAP*

January 26, 2021

**Updates to California’s Restrictions on Using Criminal Records in Employment Decisions**

*Littler Insight*

October 8, 2020

**Hawaii Amends its Ban the Box Law to Fortify Protections for Ex-Offenders**

*Littler ASAP*

September 16, 2020

**The Next Normal: A Littler Insight on Returning to Work – Recalling Furloughed Employees and the Rehire Process**

*Littler Insight*

April 28, 2020

**Massachusetts Enacts Emergency Regulation on CORI Verifications**

*Littler ASAP*

April 27, 2020

**Ninth Circuit Holds Employers May Provide a Standalone Background Check Disclosure Concurrently With Other Documents**

*Littler ASAP*

April 27, 2020

**Ninth Circuit Reinforces Prohibition Against “Extraneous” Information In Background Check Disclosures**

*Littler ASAP*

March 21, 2020

**Ninth Circuit Rules Only Named Plaintiff Must Have Article III Standing For Class Certification**

*Littler Insight*

March 2, 2020

**New Year, New Local Ban-the-Box Restrictions on Background Checks**

*Littler Insight*

February 12, 2020

**New Federal Fair Chance Act Applies to Federal Contractors and Agencies**

*Littler ASAP*

December 24, 2019

**Dollar General Reaches Settlement with the EEOC in Years-Long Background Check Bias Suit**

*Littler Insight*

November 1, 2019

**Does the FCRA Apply to Background Checks for Independent Contractors?**

*SHRM Online*

September 9, 2019

**Fifth Circuit Deals a Blow to EEOC's Criminal Record Guidance**

*Littler ASAP*

August 6, 2019

**Ruling Raises Important Considerations for Independent Contractor Background Screening**

*Littler Insight*

May 8, 2019

**Employer Prevails in FCRA Class Action in California**

*Littler ASAP*

April 16, 2019

**The Ninth Circuit Adopts an Expansive Reading of the FCRA's Provision Governing Background Check Disclosures**

*Littler ASAP*

January 29, 2019

**EEOC Continues to Scrutinize Criminal Record Screening Policies**

*Littler ASAP*

October 1, 2018



**Third Circuit Holds Individual Plaintiffs Lack Standing for Some Alleged Violations of the FCRA's Pre-Adverse Action Notice Requirement**

*Littler Insight*

September 11, 2018

**Eighth Circuit Holds Individual Plaintiff Lacks Standing for Alleged Violations of the FCRA's Authorization and Disclosure Requirement**

*Littler Insight*

September 10, 2018

**Seventh Circuit Holds Class Action Plaintiff Had Standing for an Alleged Violation of the FCRA's "Pre-Adverse Action" Notice Provision**

*Littler ASAP*

August 30, 2018

**New Amendment May Soon Affect FCRA Pre-Adverse Action Notice Requirements**

*Littler Insight*

August 30, 2018

**The Ninth Circuit Holds Plaintiff Lacked Standing for an Alleged Violation of the FCRA's "Pre-Adverse Action" Notice Provision**

*Littler ASAP*

July 18, 2018

**Impending Necessary Ban-the-Box Updates for Criminal Record Inquiries in Massachusetts and San Francisco**

*Littler ASAP*

April 24, 2018

**Criminal Record Screening Policies Continue to Raise Important Compliance Issues**

*Littler ASAP*

April 6, 2018

**San Francisco is Likely to Amend its Ban-the-Box Law**

*Littler ASAP*

March 29, 2018

**Employers Prevail in FCRA Class Actions**

*Littler Insight*

February 28, 2018

**EEOC's Background Check Guidance Suffers Loss in Texas Federal Court**

*Littler ASAP*

February 5, 2018

**Ringling in 2018 with New Ban-The-Box Laws**

*Littler Insight*

January 8, 2018

**Pressure from Trump, Litigation Losses Aren't Stopping EEOC Case Against Dollar General**

*Cook County Record*

January 3, 2018

**The EEOC Continues to Press Litigation Under Title VII Concerning Employer Criminal Records Checks**

*Littler Insight*

December 21, 2017

**Checking in on Employment Background Checks**

*Client White Paper*

November 2017

**High Alert for California Employers and Employers Nationwide for the Second Wave of FCRA Class Actions**

*Littler Insight*

October 19, 2017

**California Statewide Ban-the-Box Law Signed By Governor**

*Littler Insight*

October 16, 2017

**California Statewide Ban-the-Box Law Approved by Legislature**

*Littler ASAP*

September 26, 2017

**No Clear Resolution in Fair Credit Reporting Act Case**

*Business Insurance*

August 22, 2017

**Ninth Circuit Revisits Article III Standing For An Alleged FCRA Violation**

*Littler Insight*

August 15, 2017

**California Court Certifies FCRA Class of Over 40,000 Applicants**

*Littler Insight*

July 17, 2017

**EEOC's Race Discrimination Suit Against Janitorial Company Includes Background Check Allegations**

*Littler ASAP*

July 14, 2017

**Federal District Court Holds Employer to its Promise in FCRA "Pre-Adverse Action" Notice**

*Littler Insight*

June 30, 2017

**"Who Can It Be Now?" New York's Highest Court Explains Who May Be Liable For Discrimination Based On A Criminal Conviction**

*Littler Insight*

May 6, 2017

**FTC Issues "Advice" on Background Check Disclosure and Authorization Forms**

*Littler Insight*

May 2, 2017

**Beware Spokeo?**

*National Association of Professional Background Screeners Journal*

May 1, 2017

**New Changes to Massachusetts Regulations on Criminal History Checks**

*Littler Insight*

April 26, 2017

**Ninth Circuit is the First Appellate Court to Rule on "Extraneous Text" in a FCRA Background Check Disclosure**

*Littler Insight*

January 25, 2017

**Do Ban the Box Laws Work?**

*SHRM Online*

January 12, 2017

**"The Application and Interview Process" and "The Legal and Non Discriminatory Use of Criminal Records in Safe Hiring"**

*The Safe Hiring Manual*

January 1, 2017

**City of Los Angeles Mayor to Sign Long-Awaited “Ban the Box” Law**

*Littler Insight*

December 9, 2016

**The Background Bar Is Rising**

*Human Resource Executive Online*

September 12, 2016

**Boxed In By Good Intentions**

*Retail Leader*

September 9, 2016

**Keeping an Eye on Employees**

*Treasury & Risk*

August 10, 2016

**Plaintiffs Twist Meaning of Fair Credit Reporting Act**

*Today's General Counsel*

June 1, 2016

**U.S. Supreme Court Holds Not Every Violation of a Federal Statute is a Ticket to File a Federal Court Lawsuit**

*Littler Insight*

May 17, 2016

**Attorneys React To Supreme Court's Spokeo Ruling**

*Law360*

May 16, 2016

**High Court's Spokeo Punt Sets Bar For Class Action Injuries**

*Law360*

May 16, 2016

**FTC Releases Updated FCRA Guidance On Background Checks**

*Littler ASAP*

May 11, 2016

**In the Uber Age, a Boom in Background Checks**

*The Wall Street Journal*

May 10, 2016

**New Jersey Agency Issues Regulations on Statewide “Ban-the-Box” Law**

*Littler Insight*

January 20, 2016

**New York City Commission on Human Rights Issues Guidance on Citywide "Ban-the-Box" Law**

*Littler Insight*

November 9, 2015

**Supreme Court May Rein in FCRA Class Actions**

*SHRM Online*

November 5, 2015

**Justices Weigh Concrete Injuries in a Digital Age**

*National Law Journal*

November 2, 2015

**EEOC Won't Forget About Background Checks After Freeman**

*Law360*

October 1, 2015

**NYC Commission Issues Guidance on the Citywide Bill Restricting Employers from Using Credit Information in Employment Decisions**

*Littler Insight*

September 22, 2015

**EEOC Settles Background Check Litigation with BMW, But Also Faces Steep Attorneys' Fees in Freeman Case**

*Littler Insight*

September 22, 2015

**The Big Move Toward Big Data in Employment**

*Littler Report*

August 4, 2015

**Background Screening Companies May Now Report Convictions Older Than Seven Years in Nevada**

*Littler ASAP*

June 24, 2015

**Revisiting FCRA Requirements**

*Human Resource Executive Online*

June 15, 2015

**New York City Council Bans the Box**

*Littler Insight*

June 12, 2015

**Rod M. Fliegel**

*Daily Journal*

June 3, 2015

**5 Tips For Employers Worried About FCRA Class Actions**

*Law360.com*

May 20, 2015

**Federal Court Limits Employer's Right to Discover Information About the EEOC's Own Hiring Policies and Expands the EEOC's Rights on Discoverability**

*Littler Insight*

May 13, 2015

**Supreme Court Will Review FCRA Action**

*Society for Human Resource Management (SHRM)*

May 1, 2015

**High Court Poised To set Pace Of Privacy Class Actions**

*Law360.com*

April 28, 2015

**New York City Council Passes the First Citywide Bill Restricting Employers from Using Credit Information in Employment Decisions**

*Littler Insight*

April 21, 2015

**Update on Criminal Background Checks: Impact of EEOC v. Freeman and Ongoing Challenges in a Continuously Changing Legal Environment**

*Littler Insight*

February 23, 2015

**FCRA Compliance Moves up the To-Do List**

*Today's General Counsel*

December 31, 2014

**San Francisco's OLSE Issues "FAQs" On Fair Chance Ordinance**

*Littler Insight*

December 17, 2014

**Time for FCRA Refresher Course?**

*Human Resource Executive Online*

September 15, 2014

**A Spike In FCRA Lawsuits Against Employers**

*Today's General Counsel*

September 3, 2014

**Private Sector Employers in the District of Columbia Will Soon Be Required to Comply with a New Law Restricting Their Ability to Rely on Criminal Records for Employment Purposes**

*Littler Insight*

August 22, 2014

**Fair Credit Reporting Act class actions pose threat to employers**

*InsideCounsel*

August 18, 2014

**Emerging Trend: FCRA Class Actions Against Employers**

*Society for Human Resources Management (SHRM)*

August 18, 2014

**Employer Credit Checks Create Growing Litigation Risk**

*Corporate Counsel*

August 15, 2014

**New Jersey's "Opportunity to Compete Act" Continues the Nationwide "Ban-the-Box" Trend**

*Littler Insight*

August 12, 2014

**The Swelling Tide of Fair Credit Reporting Act (FCRA) Class Actions: Practical Risk-Mitigating Measures for Employers**

*Littler Report*

August 1, 2014

**Federal Court Grants Class Certification in Title VII Disparate Impact Suit Over Alleged Discriminatory Criminal Records Screening Policy**

*Littler Insight*

July 7, 2014

**Sixth Circuit Upholds Dismissal of EEOC Suit Against Employer Screening Applicants Based on Credit History Information**

*Littler Insight*

April 17, 2014

**SF curbs criminal background checks**

*Daily Journal*

February 25, 2014

**“Ban-the-Box” and Beyond: Employers That Do Business In or Contract with the City of San Francisco Should Review Sweeping Restrictions Regarding Inquiries Into, and the Use of, Criminal Records**

*Littler Insight*

February 14, 2014

**Weathering the Sea Change in Fair Credit Reporting Act Litigation in 2014**

*Littler Insight*

January 6, 2014

**A Close Look At Calif.'s New Protections For Ex-Offenders**

*Law360.com*

December 2, 2013

**New California Laws Restrict the Discretion Employers Have to Inquire Into and Use Criminal Record Information**

*Littler Insight*

October 24, 2013

**Criminal Records Restrictions**

*Security Management*

October 1, 2013

**Checking In On Employment Background Checks: Are You In Compliance with the EEOC, FCRA, Federal and State Requirements?**

*HireRight*

October 2013

**Fair Credit Reporting Act Amendment Offers Important Protections From Lawsuits Targeting Background Check Programs**

*Littler Report*

September 10, 2013

**Employers In Dark After EEOC Loses Background Check Suits**

*Law360.com*

August 16, 2013



**Judge chastises EEOC in criminal background check case ruling**

*Business Insurance*

August 12, 2013

**Federal Court Dismisses EEOC Title VII Disparate Impact Suit Over Alleged Discriminatory Background Checks Without Trial**

*Littler Insight*

August 12, 2013

**Civil rights act at heart of states' battle with EEOC over hiring**

*Reuters Legal*

August 2, 2013

**Rhode Island Enacts "Ban the Box" Law Prohibiting Employment Application Criminal History Inquiries Until the First Job Interview**

*Littler Insight*

July 17, 2013

**EEOC's Ongoing Interest In Criminal Background Checks**

*Law360.com*

July 12, 2013

**Seattle Adopts Ordinance Limiting Inquiries Into and Use of Criminal Records for Employment Purposes**

*Littler Insight*

June 20, 2013

**EEOC Makes Good on Promise**

*Human Resource Executive Online*

June 12, 2013

**Two New EEOC Criminal Record Lawsuits Underscore Important Strategic and Practical Considerations for Employers Conducting Background Checks**

*Littler Insight*

June 12, 2013

**The Flurry of New Employment Laws Regulating the Use of Criminal Records Continues with Expanded Restrictions in Indiana, North Carolina, Texas, and Buffalo, New York**

*Littler Insight*

June 7, 2013

**Mandatory Background Checks**

*Private Duty Insider*

June 2013

**Nevada is the Latest State to Restrict the Use of Credit Reports for Employment Purposes**

*Littler Insight*

May 30, 2013

**Minnesota Enacts "Ban the Box Law" Prohibiting Employment Application Criminal History Checkmark Boxes and Restricting Criminal Record Inquiries Until After Interviews or Conditional Job Offers**

*Littler Insight*

May 17, 2013

**Colorado is the Latest and Ninth State to Enact Legislation Restricting the Use of Credit Reports for Employment Purposes**

*Littler Insight*

April 26, 2013

**How Can Motor Carriers Reduce Their Potential Liability for Negligent Hiring and Negligent Retention?**

*HireRight*

March 2013

**EEOC Suit Against Employer Screening Applicants Based on Credit History Information Dismissed**

*Littler Insight*

February 4, 2013

**Silence Is (Not Always) Golden**

*NAPBS Journal*

November 1, 2012

**New Federal Guidance Complicates Criminal Background Checks**

*Compliance Week*

October 30, 2012

**Employers in Newark, New Jersey Must Comply with a New Ordinance Broadly Restricting Their Discretion to Rely on Criminal Records for Employment Purposes**

*Littler Insight*

October 22, 2012

**Employers Must Update FCRA Notices for Their Background Check Programs Before January 1, 2013**

*Littler Insight*

September 4, 2012

**Another Court Upholds the Employer's Right to Discover Information About the EEOC's Own Hiring Policies**

*Littler Insight*

August 29, 2012

**Ohio Joins Handful of States that Offer Tort Liability Protections for Businesses that Hire and Employ Rehabilitated Ex-Offenders**

*Littler Insight*

August 10, 2012

**Indiana Passes New Legislation Restricting Criminal History Information Reported in Background Checks**

*Littler Insight*

June 26, 2012

**Vermont Becomes the Eighth State to Restrict the Use of Credit Reports for Employment Purposes**

*Littler Insight*

June 18, 2012

**Criminal Background Checks: Evolution of the EEOC's Updated Guidance and Implications for the Employer Community**

*Littler Report*

May 17, 2012

**"Do As I Say, Not As I Do:" EEOC Required to Provide Discovery of Its Employment Practices**

*Littler Insight*

April 30, 2012

**EEOC Updates Enforcement Guidance On Employers' Use of Criminal Histories**

*Bloomberg BNA Human Resources Report*

April 30, 2012

**EEOC Issues Updated Criminal Record Guidance that Highlights Important Strategic and Practical Considerations for Employers**

*Littler Insight*

April 30, 2012

**EEOC Hints Case-By-Case Criminal Checks A Better Bet**

*Law360.com*

April 27, 2012

**EEOC tells companies to reconsider not hiring certain workers**

*Daily Journal*

April 26, 2012

**Criminal Background**

*HR Magazine*

February 1, 2012

**The FTC Staff Report on "40 Years of Experience with the Fair Credit Reporting Act" Illuminates Areas of Potential Class Action Exposure for Employers**

*Littler Report*

December 12, 2011

**EEOC Advisory Guidance Offers Insight on the Use of Arrest and Conviction Records**

*Littler Insight*

October 25, 2011

**Restricting Credit Report Use for Employment Purposes**

*Law360.com*

October 19, 2011

**California Joins States Restricting Use of Credit Reports for Employment Purposes**

*Littler Insight*

October 10, 2011

**Facing Limits on Background Checks**

*The Recorder*

September 29, 2011

**California Joins States Restricting Employer Use of Credit Reports**

*Daily Journal*

September 15, 2011

**Pressure on the Policy: Trends in the External Environment Driving Employers to Review Employment Background Screening Practices**

*Journal of Corporate Recruiting Leadership*

September 1, 2011

**Guarding Against Abuse Of Criminal Records By Employers**

*Law360.com*

August 24, 2011

**The EEOC's Priorities Still Include Regulating the Use of Criminal Records by Employers**

*Littler Insight*

July 27, 2011

**Use of Credit Reports by Employers Will Soon Be Restricted in Connecticut**

*Littler Insight*

July 22, 2011

**Internet Lets a Criminal Past Catch Up Quicker**

*The New York Times*

April 28, 2011

**Legislation Roundup: Maryland Law Restricts Use of Applicant's or Employee's Credit Report or Credit History**

*Littler Insight*

April 20, 2011

**Philadelphia Passes Ordinance Restricting Certain Employer Inquiries Into, and Use of, Criminal Record History**

*Littler Insight*

April 14, 2011

**Conviction Records and Disparate Impact**

*Journal of Labor & Employment Law*

Spring 2011

**U.S. Supreme Court Holds that Constitutional Privacy Rights Do Not Restrict the Government's Discretion to Background Check Federal Contractors**

*Littler Insight*

January 24, 2011

**Third Circuit Clarifies that Bankruptcy Code Does Not Prohibit Employers from Considering Previous Bankruptcies in Hiring Decisions**

*Littler Insight*

December 22, 2010

**The Deadline is Fast Approaching: Effective July 1, 2010, Employers Have New Compliance Obligations Under the Federal Fair Credit Reporting Act**

*Littler Insight*

June 16, 2010

**Starbucks Ruling is No "Pot of Gold" for Class Action Plaintiffs**

*Littler Insight*

December 24, 2008

**Relief in Sight? DOL Issues Final FMLA Regulations**

*Littler Insight*

November 25, 2008

**The California Supreme Court's First CFRA Opinion Underscores The Need To Make Informed Decisions About Eligibility For CFRA Leave**

*Littler Insight*

April 8, 2008

**California Supreme Court Gives Bosses Leeway to Fire Medical Pot Users**

*The Recorder*

January 25, 2008

**California Employers No Longer Holding Their Breath: Applicants Using Medical Marijuana May Be Denied Employment**

*Littler Insight*

January 24, 2008

**Calif. Justices, Eyeing Leave Act, Lean Toward Boss**

*Law360.com*

January 11, 2008

**California Disability Discrimination Law - Employees Must Show They Can Do the Job**

*Littler Insight*

August 27, 2007

**Family obligation is growing field of discrimination law**

*StarTribune.com*

August 2, 2006

**Evaluating Eligibility for FMLA Leave: Federal Case Law Underscores the Need for Informed Decision Making**

*The Labor Lawyer*

August 1, 2006

**California Supreme Court Clarifies Who Has Standing to Sue Under California's Unfair Competition Law**

*Littler Insight*

July 28, 2006

**Evaluating Eligibility for FMLA Leave: Federal Case Law Underscores the Need for Informed Decision Making**

*The Labor Lawyer*

Summer 2006

**The Importance of Getting It Right: Court Rules Reasonable Accommodation Must be Provided to Workers "Regarded As" Disabled**

*Littler Insight*

June 15, 2006

**Law that gave public more insight stops employers' discrimination**

*The Merced Sun-Star*

December 2, 2005

**The Domestic Partner Rights and Responsibilities Act Presents Thorny Issues for Some California Employers**

*Littler Insight*

January 11, 2005

**California's New Megan's Law Website: Employers Are Cautioned Not to Make Precipitous Employment Decisions**

*Littler Insight*

January 1, 2005

**EEOC Issues New Guidance on Hiring Workers with Intellectual Disabilities**

*Littler Insight*

November 24, 2004

**California Supreme Court Upholds Grant of Class Certification in Wage and Hour Class Action Case: Sav-on Drug Stores, Inc. v. Superior Court**

*Littler Insight*

August 17, 2004

**The Impact of the FACT Act on Employee Misconduct Investigations and Implications for FCRA and Title VII Compliance**

*The Labor Lawyer*

Summer 2004

**Managing Suspected Abuse of Family and Medical Leave**

*Cal. Lab. & Employ. L.Q.*

February 2004

**The FACT and How It Affects FCRA and Employment Investigations (the Vail Letter)**

*Littler Insight*

January 15, 2004

**The EEOC's "Telework Fact Sheet" Reaffirms the Agency's Position That Employers Can Reasonably Accommodate Qualified Disabled Workers Through Telecommuting Programs in Some Circumstances**

*Littler Insight*

February 28, 2003

**Reasonable Accommodation Under the Americans With Disabilities Act (ADA): Managing the Interactive Process**

*Legal Learning Group*

2003

**The EEOC's Updated ADA Enforcement Guidance Incorporates the "Reasonableness" Standard Endorsed by the U.S. Supreme Court in *US Airways, Inc. v. Barnett***

*Littler Insight*

November 30, 2002

**Background Checks and Investigations of Applicants and Employees: Four Steps to Basic Compliance with Federal and State Laws**

*Legal Learning Group*

2002

**Managing Performance Problems in the Leave of Absence Context**

*Cal. Lab. & Employ. L.Q.*

Winter 2001

**An Employer's Road Map Through Slander Law**

*Cal. Lab. & Employ. L.Q.*,

Winter 1999

**Courts Split Over Whether Secretly Recording Conversations With a Supervisor Can Be Protected Evidence-Gathering Activity Under Antidiscrimination Laws**

*The National Law Journal*

March 2, 1998

**Reflections on California's At Will Employment Agreement Jurisprudence**

*37 Santa Clara L. Rev. 1*

1997

**Returning to First Principles: Willful Disobedience as Good Cause for Disciplinary Action Against Recalcitrant Employees Under California Labor Code Section 2856**

*26 Southwestern U. L. Rev. 259*

1997



## **Speaking Engagements**

### **Law and Order: Cutting Edge Science in Criminal Background Check Decisions**

Littler Executive Employer Conference, Phoenix, AZ

May 11, 2023

### **The Research Case for Hiring People with Criminal History Records: California in Focus**

Rand Webinar

February 21, 2023

### **Another Privacy Headache for California: Criminal Background Check Delays Throughout California**

November 3, 2021

### **Rethinking How Employers Understand Risk in Background Checks**

Virtual Workshop

June 16, 2021

### **Background Checks Webinar**

March 27, 2019

### **California Restricts Employer's Ability to Make Decisions Based on an Individual's Criminal History**

November 15, 2017

### **The Nuts and Bolts of Criminal Background Checks in California**

April 17, 2017

### **Ban the Box Restrictions in Hiring**

March 30, 2017

### **Why You Should Screen Your Workforce and How To Do It Lawfully**

BrightTALK webinar

February 1, 2017

### **Running Proper and Thorough Background Checks that Will Protect Your Business, Employees, and Customers**

HireRight Webinar

June 24, 2015

### **Criminal Records and Employment: Legal Update and Guidance on Compliance in a Continuously Changing Legal Environment**

March 13, 2015

**Avoiding FCRA Night Terrors**

February 26, 2015

**Criminal Record Issues for Transportation Industry Employers**

Management Conference - American Trucking Association

October 19, 2013

**Take-aways From Freeman's Victory Against the EEOC About Disparate Impact and Background Checks**

September 10, 2013

**How Can Motor Carriers Reduce Their Potential Liability for Negligent Hiring and Retention**

HireRight Webinar

August 7, 2013

**New Challenges in the Hiring Process - An Employer's Guide to Sorting Through this Legal Maze**

Littler Mendelson, Scottsdale, AZ

May 10, 2013

**Social Recruiting and Hiring: Sourcing the Best Talent, Doing Due Diligence and Avoiding Liability**

Littler Mendelson, San Francisco, CA

April 10, 2013

**Background Checks for the 21st Century: How to Protect Your Organization Without Sinking in the Quagmire of New Laws**

Bloomberg BNA Webinar

October 30, 2012

**The EEOC's Updated Criminal History Guidance, Strategic Plan and More — What Does This Mean for Your Company?**

May 31, 2012

**Background Checks 2012: Can Employers Still Investigate their Employees & Applicants?**

Littler Mendelson, Scottsdale, AZ

May 10, 2012

**The Retail Industry Summit**

Littler, Scottsdale, AZ

May 9, 2012

**Maintaining Compliance in Employment Screening**

HR.com Webinar

March 22, 2012

**Laws that Affect Your Hiring Practices: Four Basic Steps for Compliance**

HireRight, Inc.

2011

**Pre-Employment Background Screening: Legal Pitfalls**

HireRight, Inc.

2011

**An Update on the Activist EEOC**

Annual Users Group Meeting - HireRight, Inc.

2011

**Seven Best Practice Recommendations for Your Background Check Program**

Society for Human Resource Management

2011

**Employment-Related Credit Checks: Is Your Company Over-Extended?**

Society for Human Resource Management

2011

**Class Action Summit**

Rancho Palos Verdes, CA

September 23, 2010

**Seven Best Practice Recommendations for Your Background Check Program**

HireRight, Inc.

2010

**Strategies for Addressing Contingent Labor Risk**

HireRight, Inc.

2010

**Advanced Decision Making and Risk Analysis: Update on the EEOC's View of Pre-employment Screening**

Annual Users Group Meeting - HireRight, Inc.

2010

**The Richard Netter Conference on Race, Criminal Records and Employment**

New York, NY

October 10, 2009

**Advanced Decision Making and Risk Analysis: Understanding the Interplay Between the Various Laws Regulating Employment-related Background Checks**

Client Presentation

2008

**Simplifying Wage and Hour Compliance**

HR.com

2007

**Safe Hiring**

Lorman Education Services

2006

**Workplace Discrimination and Harassment**

Lorman Education Services

2004

**Mastering the 2004 Workers' Compensation Act and Related ADA Issues**

Lorman Education Services

2004

**ADA Compliance Training**

Client Presentation

2004

**California Fair Credit Reporting Law**

Annual Users Group Meeting - Hiring, Inc.

2003

**Exacerbating the Exasperating**

Association of Legal Administrators

2002

**Integrating ADA/FMLA/Workers' Compensation**

Lorman Education Services

2002

**ADA/FMLA Basics**

Lorman Education Services

2001

**Automate Educate Integrate: A Three Step Approach to FMLA Compliance**

HR.com