

William J. Simmons

Shareholder

Co-Chair, Background Checks Practice Group

Three Parkway

1601 Cherry Street, Suite 1400

Philadelphia, PA 19102

main: (267) 402-3000

direct: (267) 402-3047

fax: (267) 402-3131

wsimmons@littler.com



Focus Areas

Background Checks

Wage and Hour

Healthcare

Discrimination and Harassment

Policies, Procedures and Handbooks

Privacy and Data Security

Overview

Bill Simmons has represented employers in a wide variety of labor and employment matters, ranging from nationwide class and collective actions to individual lawsuits. A large portion of Bill's practice now concerns talent acquisition and compliance with the array of laws governing hiring.

This includes:

- The Fair Credit Reporting Act (FCRA) and state fair credit reporting acts
- State and local "ban the box" laws
- State and local "salary history ban" laws
- Reviewing and revising 50-state employment applications and offer letters for compliance with equal employment opportunity and other state and local laws

Bill has served as lead or co-lead counsel in a variety of putative class action cases against employers for alleged violation of the FCRA's disclosure, authorization and pre-adverse action requirements. He has also defended employers against class action claims alleging disparate impact in background checks, individual claims under state laws such as the Pennsylvania Criminal History Record Information Act, and discrimination charges related to background checks. Bill

frequently trains in-house legal departments and human resources departments on background check processes and substantive decision-making. He enjoys partnering with employers to completely revamp their approaches to background screening when necessary.

Bill leverages a “360 degree” view of advice, compliance and litigation in the background check and hiring space, as he also directly advises staffing agencies and background check vendors (consumer reporting agencies) and defends them in individual and class action litigation alleging claims such as inaccuracy in reporting, failure to properly handle disputes or file disclosure requests, allegedly deficient notices and procedures, and alleged joint responsibility for employer obligations. Bill has conducted in-depth audits for many small and large consumer reporting agencies, leading to streamlined operational workflows and increased compliance.

Bill is a regular speaker for employers, staffing agencies and consumer reporting agencies addressing talent acquisition and background checks and is an active member of the Professional Background Screening Association (PBSA)’s Government Relations Committee.

Professional and Community Affiliations

- Member, Labor & Employment Section, American Bar Association
- Member, Litigation Section, American Bar Association
- Pupil, Sidney Reitman Labor and Employment American Inn of Court

Recognition

- Winner, Nathan Baker Mock Trial Competition, 2005 and 2006
- Recipient, Myron Harkavy Prize
- Named, Marquis Scholar
- Named, Jack Kent Cooke Graduate Scholar
- Named, Saul Tischler Memorial Scholar, *Rutgers University School of Law*
- Order of the Coif

Education

J.D., Rutgers School of Law, 2007, *With Highest Honors*

A.B., Lafayette College, 2004, *summa cum laude*

Bar Admissions

Pennsylvania

New Jersey

Courts

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, District of New Jersey

Publications & Press

Employers Face June 1, 2024 Deadline to Comply with Lehigh County, Pennsylvania’s New Expansive Anti-Discrimination Ordinance

Littler ASAP

May 2, 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

New Pennsylvania Legislation and Philadelphia Ordinance Amendment Tackle Pardoned Convictions, Expunged Records, and Negligent Hiring Liability

Littler ASAP

January 4, 2024

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

Littler Insight

February 1, 2023

Atlanta Amends Anti-Discrimination Ordinance to Include Protections for Gender Expression and Criminal Histories

Littler ASAP

November 10, 2022

Atlanta Amends Anti-Discrimination Ordinance to Include Protections for Gender Expression and Criminal Histories

SHRM Online

November 4, 2022

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

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

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

Littler Insight

August 13, 2021

Philadelphia Passes Ordinance Banning Marijuana Tests for Many Prospective Employees

Littler ASAP

May 4, 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

High Court Declines to Resolve Circuit Split on Whether Prior Salary is “A Factor Other Than Sex” that Can Justify a Pay Disparity Under the Federal Equal Pay Act

Littler Insight

July 10, 2020

When Hiring For Jobs Located In Philadelphia, Salary History Will Soon Be Off Limits Unless Voluntarily and Willingly Disclosed

Littler Insight

February 20, 2020

City of Columbia, SC Clarifies Coverage of Criminal Records and Salary History Ordinance

Littler ASAP

February 10, 2020

Columbia, South Carolina Limits Inquiries About Applicants’ Criminal and Salary Histories

Littler Insight

October 3, 2019

New Jersey Adds to Recent Flood of Salary-History Inquiry Bans

SHRM Online

July 30, 2019

New Jersey Adds to Recent Flood of Salary History Ban Laws

Littler ASAP

July 26, 2019

Ruling Raises Important Considerations for Independent Contractor Background Screening

Littler Insight

May 8, 2019

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

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

Littler Insight

August 30, 2018

Hawaii Joins Salary History Ban Trend

Littler ASAP

July 6, 2018

Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference

Bloomberg Law

May 4, 2018

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

Littler ASAP

March 29, 2018

Kansas City, Mo., Enacts 'Ban-the-Box' Ordinance

SHRM Online

February 12, 2018

Kansas City, Missouri, Enacts "Ban-the-Box-Plus" Ordinance

Littler ASAP

February 6, 2018

Background Check Alphabet Soup Creates Nightmares

The Legal Intelligencer

November 17, 2017

Philadelphia Adopts Regulations Clarifying the Still-Stayed Ordinance Banning Salary History Inquiries

Littler ASAP

October 24, 2017

Beware Spokeo?

National Association of Professional Background Screeners Journal

May 1, 2017

Philadelphia Becomes the First Jurisdiction in 2016 to Restrict Employers from Using Credit Information in Employment Decisions

Littler Insight

June 20, 2016

Pennsylvania May Lead Way in 'Clean Slate' Legislation

The Philadelphia Inquirer

March 22, 2016

Philadelphia Criminal Background Checks – Fair Chance Hiring Law Poster

Littler ASAP

March 15, 2016

Pennsylvania Court Rules Background Screening Law Unconstitutional

Littler Insight

January 19, 2016

In Philadelphia, Sweeping Change on Background Checks

Bloomberg BNA Human Resources Report

December 28, 2015

Beyond “Ban the Box” – Philadelphia Makes Sweeping Changes to Criminal Records Screening Ordinance

Littler Insight

December 16, 2015

Littler Elevates 16 Attorneys to Shareholder

Littler Press Release

January 5, 2015

FCRA Compliance Moves up the To-Do List

Today's General Counsel

December 31, 2014

The Old (Law) is New Again: Plaintiffs Increasingly Using Old Pennsylvania Law to Challenge Background Check Decisions

Littler Insight

November 7, 2014

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

Littler Report

August 1, 2014

US patchwork of social media laws creates confusion

Privacy Laws & Business International Report

October 1, 2013

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

Littler Report

September 10, 2013

Workplace Policy Institute: Social Media Password Protection and Privacy — The Patchwork of State Laws and How It Affects Employers

Littler Report

May 31, 2013

Littler Scores Big Win In FLSA Meal Break Suit

Littler Press Release

February 14, 2013

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

Littler Insight

February 4, 2013

FLSA Class Nixed In ManorCare Meal Break Suit

Law360.com

February 1, 2013

FLSA Court Decertifies Nationwide FLSA Action; ManorCare Workers Not Similarly Situated

Bloomberg BNA

February 1, 2013

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

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

Littler Insight

July 22, 2011

She Complained, But I'll Sue: Third-Party Employment Retaliation Claims After Thompson

New Jersey Law Journal

April 18, 2011

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

Littler Insight

April 14, 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

Supreme Court Case Demonstrates Importance of Electronic Media Policies & Training

National Human Resources Association Online Newsletter

Fall 2010

Must Affirmative Defenses In Employment Litigation Be Plausible After Iqbal?

Employment & Labor Relations Law Newsletter

Summer 2010

Where Is My Nest Egg? Three Considerations for 401(k) Plan Sponsors Selecting Funds in an Unpredictable Economy

Journal of Retirement Planning

March–April 2010

Beyond 50 Employees and 33 Percent: Advanced WARN Issues

Employment & Labor Relations Law Newsletter

Summer 2009

Facing the Factors: Handling ERISA Benefits Cases After Glenn

Vol. 194, New Jersey Law Journal 379

October 30, 2008

Remedies for Undocumented Workers

Vol. 190, New Jersey Law Journal, 914

December 3, 2007

Five Years Later: Navigating the Legal Battlefield of IRCA and Undocumented Workers' Remedies After Hoffman

April 2007

Speaking Engagements

Lunch & Learn: Navigating Background Checks

Pennsylvania Homecare Association

July 23, 2024

ChatGPT and Generative AI in the Law: 101

Association of Corporate Counsel, 17th Annual Paralegal/Legal Assistant Forum

October 13, 2023

2023 Littler AI Summit

Washington, DC

September 21, 2023

Avoid The Crosshairs As CRA Dispute Reinvestigations Are Being Targeted

Professional Background Screeners Association (PBSA)

September 11, 2023

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

Littler Executive Employer Conference, Phoenix, AZ

May 12, 2023

Beyond Ban the Box: Perspectives on Criminal Background Checks in Employment Decisions

Society for Industrial and Organizational Psychology, Annual Conference

April 22, 2023

ChatGPT for HR

Bux-Mont Human Resources Association

April 19, 2023

Pardons, Expungements and Post-Conviction Relief, Oh My!

Professional Background Screening Association, Mid-Year Conference

April 17, 2023

2022 Philadelphia Regional Employer Conference

Philadelphia, PA

October 28, 2022

Your Data Can Help or Hurt You: What Should You Do?

Professional Background Screening Association (PBSA) Annual Conference 2022

September 12, 2022

Upgrading Your People Practices To Enhance Compliance

PBSA Annual Conference

September 13, 2021

State of the States

2021 PBSA Mid-Year Legislative & Regulatory Conference

April 20, 2021

Background Check Litigation Update

Professional Background Screening Association, End User Advisory Group

February 10, 2021

Brain Twisters in Employment Screening

PBSA Annual Conference

September 2020

Upgrading Personnel Practices to Enhance Compliance

PBSA Webinar

May 27, 2020

We're (Almost) Open: Obligations Employers Will Need to Consider as Businesses Prepare to Resume

May 27, 2020

Between a Rock and a Hard Shelter-in-Place | Challenges Employers Will Face When Returning to Work

May 12, 2020

FCRA Basics: Spotting Common Traps for CRAs

NAPBS Annual Conference

September 10, 2019

How to Ride the Next Wave of Background Check Class Actions? Get Up to Speed Now on Gnarly State and Local Requirements

2019 Executive Employer Conference, Phoenix, AZ

May 9, 2019

Employers and CRAs as Partners: 5 Tips for Enhancing Compliance and Applicant Experience

NAPBS Mid-Year Legislative and Regulatory Conference, Arlington, VA

March 25, 2019

Local Law Headaches: Philadelphia and Beyond

Philadelphia, PA

March 14, 2019

Human Resource Law from Start to Finish

NBI Seminar, Philadelphia, PA

March 13, 2019

Background Checks

Littler Executive Employer, Phoenix, AZ

May 4, 2018

Hiring Traps for Even the Wary: How Fair Chance Acts, Salary History Bans and Consumer Reporting Laws Continue to Catch Employers Off Guard

Littler Executive Employer, Phoenix, AZ

May 3, 2018

Local Ordinances Impacting the Employment Relationship

Pennsylvania Bar Institute, Employment Law Institute 2018

April 26, 2018

Investigative Consumer Reports: Litigation Trends and the Salary History Ban Movement

National Association of Professional Background Screeners Mid-Year Legislative & Regulatory Conference
April 16, 2018

What Staffing Companies Want (And Don't Realize They Need Yet) In Screening

National Association of Professional Background Screeners (NAPBS) Annual Conference
September 19, 2017

The Million Dollar Sentence and Other Recent Trends in Employment Background Check Litigation

Philadelphia Bar Association
August 25, 2017

Confidentiality Issue Spotting: A Panel Discussion

City of Philadelphia Law Department CLE
July 27, 2017

Digging into Background Checks: Advanced Issues and Complex Relationships

May 30, 2017

Digging into Background Checks: Advanced Issues and Complex Relationships

May 11, 2017

Addressing Complex Employment Relationships in Background Checks

National Association of Professional Background Screeners, Washington, D.C.
March 21, 2017

What Keeps Clients Up at Night?

Littler Philadelphia Employer Conference, Philadelphia, PA
March 7, 2017

Beyond "Ban the Box" – Building Effective Background Screening Programs

Philadelphia, PA
March 17, 2016

Red Flag Employment Issue-Spotting for Busy Businesses

Philadelphia, PA
February 18, 2016

Beyond "Ban the Box" - Building Effective Background Screening Programs

Philadelphia, PA
February 11, 2016

Classifying Workers Properly: Maximize Profits, Minimize Risk

Philadelphia, PA

October 29, 2015

Compliance Strategies for Multi-Jurisdictional Employers

Philadelphia, PA

March 26, 2015

Avoiding FCRA Night Terrors

February 26, 2015

Criminal Records and Background Checks: What Every Employer Needs to Know

Philadelphia, PA

September 14, 2011