



Rod M. Fliegel

Shareholder

Co-Chair, Background Checks Practice Group

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Practice 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

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

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

Washington's Amended Fair Chance Act Will Impose Additional Obligations on Covered Employers

Littler ASAP

April 23, 2025

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

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

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 ASAP

February 1, 2023

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

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

September 7, 2021

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

Littler ASAP

August 13, 2021

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

Littler ASAP

July 19, 2021

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

Littler ASAP

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 ASAP

June 28, 2021

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

Littler ASAP

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 ASAP

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 ASAP

April 28, 2020

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

Littler ASAP

April 27, 2020

Massachusetts Enacts Emergency Regulation on CORI Verifications

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 ASAP

March 2, 2020

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

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

September 11, 2018

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

Littler ASAP

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 ASAP

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 ASAP

February 28, 2018

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

Littler ASAP

February 5, 2018

Ring in 2018 with New Ban-The-Box Laws

Littler ASAP

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 ASAP

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 ASAP

October 19, 2017

California Statewide Ban-the-Box Law Signed By Governor

Littler ASAP

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 ASAP

August 15, 2017

California Court Certifies FCRA Class of Over 40,000 Applicants

Littler ASAP

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 ASAP

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 ASAP

May 6, 2017

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

Littler ASAP

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 ASAP

April 26, 2017

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

Littler ASAP

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 ASAP

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 ASAP

May 17, 2016

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

Law360

May 16, 2016

Attorneys React To Supreme Court's Spokeo Ruling

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 ASAP

January 20, 2016

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

Littler ASAP

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 ASAP

September 22, 2015

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

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

April 21, 2015

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

Littler ASAP

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 ASAP

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 ASAP

August 22, 2014

Emerging Trend: FCRA Class Actions Against Employers

Society for Human Resources Management (SHRM)

August 18, 2014

Fair Credit Reporting Act class actions pose threat to employers

InsideCounsel

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 ASAP

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 ASAP

July 7, 2014

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

Littler ASAP

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 ASAP

February 14, 2014

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

Littler ASAP

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 ASAP

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

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

Littler ASAP

August 12, 2013

Judge chastises EEOC in criminal background check case ruling

Business Insurance

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 ASAP

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 ASAP

June 20, 2013

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

Littler ASAP

June 12, 2013

EEOC Makes Good on Promise

Human Resource Executive Online

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 ASAP

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 ASAP

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 ASAP

May 17, 2013

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

Littler ASAP

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 ASAP

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 ASAP

October 22, 2012

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

Littler ASAP

September 4, 2012

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

Littler ASAP

August 29, 2012

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

Littler ASAP

August 10, 2012

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

Littler ASAP

June 26, 2012

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

Littler ASAP

June 18, 2012

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

Littler Report

May 17, 2012

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

Littler ASAP

April 30, 2012

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

Littler ASAP

April 30, 2012

EEOC Updates Enforcement Guidance On Employers' Use of Criminal Histories

Bloomberg BNA Human Resources Report

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 ASAP

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 ASAP

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 ASAP

July 27, 2011

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

Littler ASAP

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 ASAP

April 20, 2011

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

Littler ASAP

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 ASAP

January 24, 2011

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

Littler ASAP

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 ASAP

June 16, 2010

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

Littler ASAP

December 24, 2008

Relief in Sight? DOL Issues Final FMLA Regulations

Littler ASAP

November 25, 2008

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

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

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 ASAP

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 ASAP

January 11, 2005

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

Littler ASAP

January 1, 2005

EEOC Issues New Guidance on Hiring Workers with Intellectual Disabilities

Littler ASAP

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 ASAP

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 ASAP

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 ASAP

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 ASAP

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

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

Reflections on California's At Will Employment Agreement Jurisprudence

37 Santa Clara L. Rev. 1

1997

Events & 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

An Update on the Activist EEOC

Annual Users Group Meeting - HireRight, Inc.

2011

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

Society for Human Resource Management

2011

Seven Best Practice Recommendations for Your Background Check Program

Society for Human Resource Management

2011

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

HireRight, Inc.

2011

Pre-Employment Background Screening: Legal Pitfalls

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Class Action Summit

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

Mastering the 2004 Workers' Compensation Act and Related ADA Issues

Lorman Education Services

2004

Workplace Discrimination and Harassment

Lorman Education Services

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ADA Compliance Training

Client Presentation

2004

California Fair Credit Reporting Law

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2003

Integrating ADA/FMLA/Workers' Compensation

Lorman Education Services

2002

Exacerbating the Exasperating

Association of Legal Administrators

2002

ADA/FMLA Basics

Lorman Education Services

2001

Automate Educate Integrate: A Three Step Approach to FMLA Compliance

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