



THE STERLING ADVANTAGE

industry leader in web-based technology

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Jackson Lewis Help Line.....

Did you know that - as a Sterling customer - you have complimentary access to our Jackson Lewis Help Line to assist you with employment and labor issues and legal questions?

Jackson Lewis is the preeminent workplace law firm representing management in over 40 offices nationwide. The ability for our clients to have direct access to a legal specialist to help navigate employment and labor law matters is a key point of differentiation for Sterling customers.

Please click [here](#) to log in.....

Complimentary Webinars.....

Did you know that - as a Sterling customer - you can participate in complimentary online webinars offered throughout the year by our resident subject matter experts?

Here's our schedule through the end of June:

- ▶ Understanding the HHS/DOT Drug Testing Revisions – July 22, 2010
- ▶ Being Prepared For DOT Drug-Free Workplace Testing Audits – August 26, 2010
- ▶ The Fair Credit Reporting Act and the Background Check Process - September 24, 2010

Please click [here](#) to register.....

- ▶ E-Verify regulations for federal contractors, and Sterling's solution for companies that need to verify their existing workforce- July 14, 2010

Please click [here](#) to register.....

Sterling is also holding a series of webcasts presented by Jackson Lewis. This complimentary series, "*Top Ten Mistakes in Hiring*", is designed to address topics of particular interest to employers and hiring professionals, including interviewing practices, background checks, FCRA compliance, wage law, etc. Each hour long webinar is followed by a half hour Q&A session for attendees.

Two remaining sessions are scheduled for *September 14, 2010, "A Primer on FCRA & Related State Law Compliance: Can We Disqualify?"* and *December 14, 2010, "Year End Legal Update: What Happened in 2010 & What is Expected in 2011"*. Dates/topics subject to change.

Please check the [Upcoming Events](#) page of the Sterling Infosystems website for the latest webcast details.

Screening Vendors & Contractors.....

Are your vendors and contractor employees being screened to meet your screening standards?

Can you afford to make important decisions without the confidence that your vendor and contractor employees are held to the highest standards that you are accustomed?

Contact your Sterling representative to discuss effective programs for vendor accountability.

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Helpful Links.....

[Fair Credit Reporting Act \(FCRA\)](#)
[Equal Employment Opportunity Commission \(EEOC\)](#)
[Federal Trade Commission \(FTC\)](#)
[Department of Labor \(DOL\)](#)
[Department of Transportation \(DOT\)](#)
[Department of Health and Human Services \(DHHS\)](#)
[Substance Abuse and Mental Health Services Administration \(SAMHSA\)](#)
[National Institute on Drug Abuse \(NIDA\)](#)
[Office of National Drug Control Policy](#)
[Drug & Alcohol Testing Industry Association \(DATIA\)](#)
[Substance Abuse Program Administrators Association \(SAPAA\)](#)

www.sterlinginfosystems.com

Background Screening Focus – Maryland.....

No consumer reporting agency may make any ... consumer report containing records of arrest, indictment, or conviction of crime which, from date of disposition, release, or parole, antedate the report by more than seven years. However, the time limit provision does not apply to the employment of any individual at an annual salary that equals, or that may reasonably be expected to equal \$20,000 or more. (Md. Ann. Code §14-1203)

New Oregon Credit Check Limitations.....



Effective July 1, 2010, Oregon employers' rights to conduct credit checks and use the information for employment purposes has been significantly restricted. Similar to the Washington law, this new enactment, subject to limited exceptions will: (i) prohibit Oregon employers from obtaining or using for employment purposes any information regarding credit history, unless such information is substantially related to the individual's current or potential job; and (ii) require Oregon employers who believe credit information meets this job-related standard to provide the employee or applicant the reasons for their determination in writing.

Employers that are federally insured banks or credit unions, required by federal or state law to use individual credit history or who are hiring employees in positions responsible for enforcing criminal laws, such as public safety officers, are not limited by this new legislation.

Sterling has prepared a revised consent form incorporating the new Oregon statutory requirements as well as other minor language updates.

HHS & DOT Drug Testing Revisions.....

Revisions to HHS (Department of Health & Human Services) drug testing requirements that were to take effect **May 1, 2010** have been deferred to **October 1, 2010**. The DOT (Department of Transportation) is required under the Omnibus Transportation Employees Testing Act (OTETA) to follow HHS testing procedures and protocol as well and, as a result, new DOT revisions are also anticipated for October 1 as well.

HHS and DOT revisions that are expected to go into effect on October 1 include:

- ▶ Lower cut-off levels for cocaine and amphetamine testing.
- ▶ Addition of MDMA (Ecstasy) to amphetamine testing.
- ▶ Mandated 6-acetylmorphine (6AM) testing to establish heroin use

More information is expected over the summer, and Sterling will certainly pass on any new developments to our customers once they become known. Please consider registering for the *Understanding the HHS/DOT Drug Testing Revisions* complimentary webinar that is scheduled for July 22, 2010.

Other Compliance-Based Products

- ▶ *Instructor-Led Training (Online and Onsite)*
 - Designated Employer Representative (DER)
 - Supervisory Substance Abuse Awareness (RST)
 - Employee Substance Abuse Awareness
 - ▶ *Substance Abuse Testing Policy Development/Review - DOT and Non-DOT*
 - ▶ *Mock Substance Abuse Testing Program Auditing*
- Please click [here](#) to learn more.....*

????? Compliance Questions Of The Quarter ??????

Question: What states have restrictions on using credit reports for employment?

Answer: Oregon, Hawaii and Washington State.

Question: Can a credit report be utilized to deny employment?

Answer: Yes, however there should be a direct relationship between the credit report and the individual's job, i.e. a finance position.

Question: Can bankruptcies be used to deny employment

Answer: No, this is actually part of the bankruptcy laws in the United States.

Question: Under the DOT, is a Medical Review Officer also required to receive breath alcohol results prior to reporting to the DER?

Answer: No, the MRO only receives DOT drug testing results from SAMHSA-certified laboratories. The MRO can provide guidance to the DER concerning testing procedure, but is not involved in the reporting of the alcohol test results to the DER as this is handled directly by the BAT (Breath Alcohol Testing Technician) or STT (Screening Test Technician).

Please click [here](#) to submit a question. All will be responded to and two will be selected for posting in the next issue.

There's absolutely no one better than our customers to help the Sterling Compliance Team prepare for the next quarterly publication of the ***Sterling Sentinel***.

Please email your thoughts and recommendations for future articles and content to:

sterlingsentinel@sterlinginfosystems.com



249 West 17th Street, 6th Floor, New York, NY 10011

Telephone (800) 899-2272

101 Creekside Ridge Court, 2nd Floor, Roseville, CA 95678

Telephone (800) 943-2589