



THE STERLING ADVANTAGE

industry leader

in web-based technology

Provided by the Sterling Infosystems family of employee background screening providers, including Abso, American Background, and Aperion Screening affiliates.

Message from the President.....



On behalf of the entire Sterling Infosystems staff, I want to wish you a very Happy and Healthy New Year.

2010 was a year of enormous growth for Sterling. Through our acquisitions of Abso in Rocklin, CA, American Background in Winchester, VA and Aperion in London, we have continued to expand our global footprint. Through these acquisitions, Sterling has not only added physical office locations around the globe, but we have broadened our technological capabilities, and increased our staff of talented, knowledgeable background screening associates.

We're proud of the tradition of excellence that has brought us to our current position in the industry and with the support of our new investors, Calera Capital, we look forward to a bright future. As we head into 2011 and reflect on our 2010 accomplishments, we thank you for your continuous support.

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?

Ready For a DOT Substance Abuse Testing Audit?

- February 1, 3:00 (EST)

Tell Me More About Paperless/Electronic Chain-Of-Custody?

- February 22nd, 3:00 (EST)

So What Is An MRO Responsible For?

- March 22nd, 3:00 (EST)

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

Compliance Reminders.....

Illinois – Effective January 1, 2011, the ability of Illinois employers to conduct credit checks on applicants/employees and use the information for employment purposes will be significantly restricted.

Massachusetts – If you are using a national employment application, recent guidance provided by Jackson Lewis, reiterates that a Massachusetts specific application without a criminal inquiry is not necessary; however there must be a specific disclaimer in boldface type:

MASSACHUSETTS APPLICANTS ONLY – Under Massachusetts law, an employer is prohibited from making written pre-employment inquiries of an applicant about his or her criminal history. MASSACHUSETTS APPLICANTS SHOULD NOT RESPOND TO ANY OF THE QUESTIONS SEEKING CRIMINAL RECORD INFORMATION.

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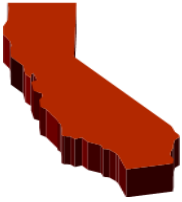
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Helpful Links.....

- 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)

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California Bill 909.....



Effective January 1, 2012, users of reports must notify consumers of the Internet Web site address of any investigative consumer reporting agency conducting a check or, if the agency has no Internet Web site address, the telephone number of the agency, so that the consumer may find information about the investigative reporting agency's privacy practices, including whether the consumer's personal information will be sent outside the United States or its territories. **Sterling will issue a modified form incorporating this requirement in 2011.**

Second, each investigative consumer reporting agency will be required to conspicuously post on its primary Internet Web site information a description of its privacy practices with respect to its preparation and processing of investigative consumer reports, or, if it does not have an Internet Web site, to mail a written copy of the privacy statement to a consumer upon request. This provision imposes no obligations on users of consumer reports.

Maryland – State Focus Regarding Consumer Reporting Agency Limitations.....



The state of Maryland requires that a consumer reporting agency may not reveal information on any consumer report containing records of arrest, indictment, or conviction of a crime which, from the 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.

Automated Enhanced Nationwide Database Search.....

Sterling's Nationwide criminal history database search provides clients with records from virtually all jurisdictions in the United States. Recent advances in technology has enabled Sterling to offer an Enhanced Nationwide criminal history database search, which will automatically search the jurisdictions that contain criminal hits from the Nationwide report in order to deliver up to date, primary source information. To learn more about our Enhanced Nationwide service please call your Customer Service Representative

Substance Abuse Testing Spotlight – Minnesota.....

Employers operating in Minnesota are required to conduct substance abuse testing as specified by federal and state regulations. Some key points regarding non-federal substance abuse testing in Minnesota include:

- ▶ A written policy must be provided to all applicants and employees **in advance** of testing. Policy must:
 - Include specific components regarding the employer's program.
 - Align with any active CBA (Collective Bargaining Agreement), which must meet or exceed state law and cannot conflict with any state standards.
 - Be posted "in an appropriate and conspicuous location on the employer's premises" with indication that a testing policy has been adopted.
 - Be available during regular business hours "in the employer's personnel office or other suitable locations"
- ▶ Instant testing is prohibited. For alcohol testing, the laboratory must be licensed **as per state specification**.
- ▶ Pre-Employment testing is permitted only following a conditional job offer has been extended to the applicant.
- ▶ Random testing is permitted for employees performing safety-sensitive work ("a job, including any supervisory or management position, in which an impairment caused by drug or alcohol usage would threaten the health or safety of any person").
- ▶ Post-Accident testing is permitted provided **for Cause** criteria are met and the employee "has caused a work-related accident or was operating or helping to operate machinery, equipment, or vehicles involved in a work-related accident".
- ▶ Test results must be reported in writing to the job applicant and employee **within 3 business days** following report of the laboratory result to the MRO. This communication must include specific components (e.g., employee rights and right to retest).
- ▶ A donor's request for a retest of their sample must be made **within 5 days** of the MRO's verification and communication to the donor.

- ▶ Employment cannot be terminated following a first-time violation unless the employee has refused an opportunity for rehabilitation (costs borne by employee).
- ▶ Hair sampling is prohibited.
- ▶ Workers Compensation and Unemployment Insurance benefits are generally denied if the employer demonstrates policy violation. However, unemployment benefits may be granted if an employee was terminated while successfully progressing through treatment or following a professionally diagnosed chemical dependency.

Minnesota’s requirements hold a number of specifications that can make workplace testing somewhat complicated. A strong policy document with clear detail is strongly recommended.

Screening Vendors & Contractors.....

Are your vendors and contractor employees being screened to meet your standards? Can you afford to make important decisions without the confidence that they are held to the same high screening standards you are accustomed?

Sterling’s extended workforce programs have revealed ineligibility rates as high as 20% for some customers. Contact your Sterling representative to discuss available options and effective programs to ensure vendor and contractor accountability.

Other Compliance-Based Products.....

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| <ul style="list-style-type: none"> ▶ <i>Instructor-Led Training (Online and Onsite)</i> <ul style="list-style-type: none"> – Designated Employer Representative (DER) – Supervisory Substance Abuse Awareness (RST) – Employee Substance Abuse Awareness | <ul style="list-style-type: none"> ▶ <i>Substance Abuse Testing Policy Development/Review - DOT and Non-DOT</i> ▶ <i>Mock Substance Abuse Testing Program Auditing</i> <p style="text-align: right;"><i>Please click here to learn more.....</i></p> |
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? ? ? ? ? Compliance Questions of the Quarter ? ? ? ? ?

Question: In Virginia can an employer ask about an applicant’s criminal history?

Answer: Yes, but an employer cannot require that an applicant disclose information related to arrest or criminal charge when the record is expunged.

Question: In the United Kingdom what types of professions are exempt from the protections offered under the Rehabilitation of Offenders Act 1974 and the Rehabilitation of Offenders (Northern Ireland) Order 1978, even where the conviction is spent?

Answer: The following professions are exempt from the protections offered under the Rehabilitation of Offenders Act of 1974 and the Rehabilitation of Offenders (Northern Ireland) Order of 1978:

- Medical practitioners, barristers, accountants, vets and opticians and those employed to uphold the law, for instance, judges, constables, financial services positions and prison officers
- Certain regulated occupations including, firearms dealers, directors of insurance companies, those in charge of certain types of nursing homes and taxi drivers
- Those whose work is concerned with the provision of care services to vulnerable adults and/or the provision of health services, and those who work with children
- Those whose work could put national security at risk such as air traffic controllers and certain employees of the Crown

Question: Under DOT, what is blind specimen testing?

Answer: Blind specimen testing (sometimes referred to as “blind performance” or “blind proficiency” testing) is a quality control method that must be conducted by a C/TPA or a DOT-covered employer with at least 2,000 covered employees to ensure effective laboratory analysis of urine samples (based on standards established by the federal Department of Health & Human Services). The blind specimens, which are known positive, negative, adulterated or substituted specimens, are pooled with other specimens actually collected from job applicants or employees and are sent to an HHS/SAMHSA-certified laboratory for analysis. The CCF accompanying each blind specimen includes fictitious identifiers so the laboratory cannot distinguish the blind specimens from actual job applicant or employee specimens. Following analysis, the laboratory will report all results to the Medical Review Officer and, having foreknowledge of the blind specimens, the MRO will be able to verify the expected result, or establish if a laboratory has made an error. When an error is identified, the MRO will notify the DOT and HHS for investigation.

Please click [here](#) to submit a question. All will be responded to and at least 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:

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