



2025 Screener's Palooza!

The Latest Legal Developments
Impacting Hiring Practices

September 9, 2025
11 AM Central

EQUIFAX[®]

Thanks for Joining Our Webinar



Welcome!

Thank you for joining our webinar. Stay tuned for more from Equifax!



Questions?

Please enter your questions in the chat box on your screen at any point during the presentation.



Recording

This webinar is being recorded. You will receive an email with a link to view the recording.

To Keep Our Lawyers Happy

- ✔ The information provided herein is intended as general guidance and is not intended to convey specific tax or legal advice. For a legal opinion, please consult your lawyer.
- ✔ This presentation is intended for the education and benefit of our customers and potential customers. This webinar cannot be shared with third parties.
- ✔ The views expressed are those of the discussion leader(s) and do not necessarily reflect official positions of Equifax.
- ✔ Copyright © 2025, Equifax Inc., Atlanta, Georgia. All rights reserved. Equifax is a registered trademark of Equifax Inc.

Investor analysts should direct inquiries via the 'Contact Us' box on the Investor Relations section at [Equifax.com](https://www.equifax.com).

EQUIFAX[®]

2025
Screeners
Palooza!

Your Subject Matter Experts Today



Pam Devata

Partner

Seyfarth Shaw, LLP



Robert Johnstone

Senior Partner Marketing Manager

Equifax Workforce Solutions

EQUIFAX[®]

2025
Screeners'
Palooza!

Today, we're talking about...

- 1 State of the Industry: updates with state and federal regulators
- 2 Negligent Screening / Retention / Hiring
- 3 Updates on Fair Chance hiring and Clean Slate Laws
- 4 "Employer" under CA law being expanded

State of the Industry

- “New” administration with lots of changes
- CFPB—shell organization
 - Rescinding of 67 pieces of guidance by CFPB
 - FCRA –FFD, accuracy guidance
 - Data protection
- Still “investigating” but many cases have dropped
- No “data brokers” rule
- With decreased federal legislation/enforcement, we often see increased state/local enforcement and legislation.
 - Private rights of action against data providers/furnishers/court researchers
 - State Attorneys’ Generals
 - EEO/administrative agencies getting involved (ie CA)



Negligent Screening, Retention, Hiring

- Many more cases involving CRAs
 - Direct suit from plaintiffs
 - Allege duty to third party individual who was hurt
 - Failure to provide adequate screen
 - Failure to find/locate certain records: missed records
 - what does county criminal mean?
 - what are you allowed to report via applicable law and what law applies?
 - Cross/Counter claims from Employer
 - Breach of contract
 - Negligence in performance of duties
 - Failure to discuss
 - Review your Scope/Definition of services
 - Review your vendors/searches/where are you searching for information?



Clean Slate Laws

Clean Slate laws generally:

- Automatically clear certain criminal records – a “clean slate” for the person with the eligible criminal record.
- Operate like an expungement or sealed record, but without action from the individual.
- Require the individual to have completed their sentence and to not have new criminal records for a “waiting period” that varies by jurisdiction.
- Apply to a variety of criminal records and individual circumstances.

Clean slate laws may not result in the actual removal of the eligible record from the public record (or erasure may be delayed). The removal may be by “operation of law.”

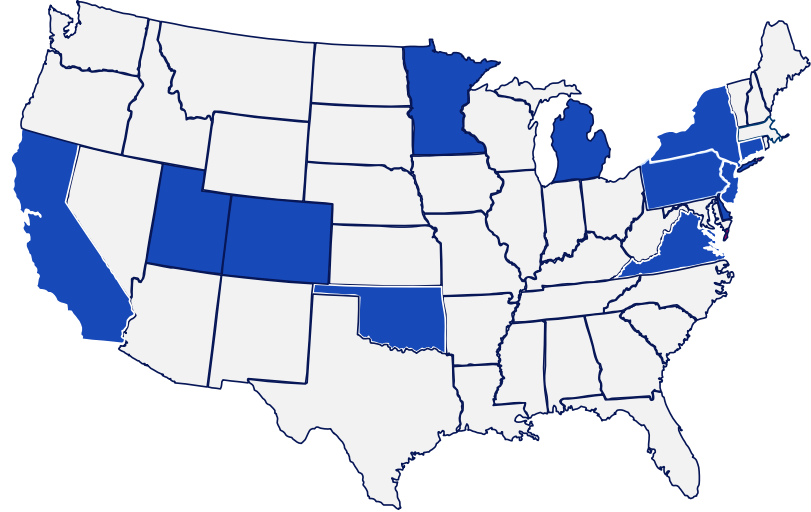


Clean Slate Laws Across the Nation

12 States with Clean Slate Laws:

- 2018: PA
- 2019: UT, NJ
- 2020: MI, CT
- 2021: DE, VA,
- 2022: OK, CO, CA
- 2023: MN, NY

More States and Localities with Pending Legislation (*E.g.*, KY, MO, RI, HI)



What Criminal Records May Be “Cleared” Through Clean Slate Laws

Records eligible for clearance vary by jurisdiction, but include:

- Most non-conviction records
- Many misdemeanor convictions (after shorter wait period)
- Many non-violent felony convictions (after longer wait period)

Records not eligible for clearance:

- Individual has not completed sentence
- Individual has a new criminal record before the end of wait period
- Violent and/or sex-related convictions.



EQUIFAX[®]

©2025 Seyfarth Shaw LLP. All rights reserved. Private and Confidential

2025
Screener's
Palooza!

NY Clean Slate Law

2023 NY Clean Slate Act amended the NY Fair Chance Act.

Effective November 16, 2024

- Eligible misdemeanor records sealed 3 years after completion of sentence
- Eligible felonies sealed 8 years after completion of sentence
- Not eligible: Class A felonies, other violent felonies, sex offenses, other convictions requiring registration as sex offender
- Still accessible: Where “relevant and necessary” for certain positions where the law requires background checks and/or for positions with responsibility for safety of vulnerable populations
- Requires an employer to give a copy of the report/record regardless if taking action as well as the FAQs or language to amend a record
 - [FAQs-CHRI-Access.pdf](#)



EQUIFAX[®]

©2025 Seyfarth Shaw LLP. All rights reserved. Private and Confidential

2025
Screeners'
Palooza!

LA County Fair Chance Act

- **Effective September 3, 2024 –but enforced September 2025**
 - any employer with 5+ employees regardless of location
 - applies to when the physical location of work is in the county (including remote)
- **Private right of action for noncompliance**
- **Significant changes:**
 - job postings-must state qualified applicants will be considered
 - offer letters must list material job duties for a job where criminal history reasonably believes will have a direct/adverse/negative relationship (other specific reqs for regulated entities) and must list all types of info that will be run in addition to criminal history
 - adjudication of criminal history (must be documented in writing and must allow for additional information from applicant; sent via mail AND email)
 - cannot rescind offer because a background check is delayed or taking too long (with some exceptions—like undue burden and after 10 business days)
- **Applies to unincorporated areas of Los Angeles County**
- **Applies to contractors, freelance workers, employees, applicants, temporary workers**



LA County (continued)

- Employers must post notice of ordinance in every workplace/webpages
- Cannot ask about criminal history until after conditional job offer and after criminal background check
- Can only ask 7 years back of information from date of disposition (with exceptions on vulnerable populations)
 - Cannot ask about infractions
- Employer must keep job open for at least 5 business days after detailed pre adverse action with written assessment and if dispute, employer cannot fill position for 10 additional days
- Employers must evaluate additional information from applicant
- Adverse action cannot be taken until after second assessment and notification to submit a complaint for violations of the ordinance and must be sent within 30 days from the individual's initial notice
- Employers must keep records for 4 years



Definition of “Employer” to Include CRAs/Vendors/Software

- Attempt to broaden definition of Employer
 - Fair Chance Act Laws
 - Ban the Box Law
- Many laws require individualized assessment.
- Argument is similar to “old” NY argument from 2014 Consent Decree (grading red/disqualify)
- If a CRA is grading/adjudicating/applying a status there is a possible claim.
- Multiple charges in CA –CRD charges alleging violations of FCA
- Be careful of permissible purpose - site access as non-FCRA
 - gig economy website/platform
 - physical locations



Privacy Laws, Fraud Prevention, ID Verification Tools

- Multiple states have privacy regulations
 - CA (CCPA), CO, TX, CT, FL, MN, VA, and others
- Most have “exemptions” for FCRA covered purposes
- Understand if privacy laws apply to you based on what information you using
- Be mindful of using non-FCRA types of information that could fall into privacy laws.
- Large push on ID Verification tools. Make sure you know what you are getting/selling



EQUIFAX[®]

©2025 Seyfarth Shaw LLP. All rights reserved. Private and Confidential

2025
Screeners's
Palooza!

Additional Claims on the Horizon

- Investigations by Attorney Generals
 - Forms used by employers/ CRAs
 - Failing to do Individualized assessment and aiding/abetting by CRAs
- Employers failing to “reach out” after amendment to a report so CRAs being sued
 - IHRA
 - New York
 - Others
- Sex Offender permissible purpose
 - NV/CA –disclaimers or do not reports



EQUIFAX[®]

©2025 Seyfarth Shaw LLP. All rights reserved. Private and Confidential

2025
Screeners'
Palooza!

Thank you!

For more information,
please contact Pamela Devata
by emailing pdevata@seyfarth.com



EQUIFAX[®]

2025
Screeners'
Palooza!

Partner Success Network

Your Partner for Smarter Screening

Equifax provides our background screening partners with marketing and product expertise and support, helping enable mutual growth and greater partner success.



100+
Active Users

Partner Resource Center

Our enhanced Partner Resource Center provides our screening partners with easy access to marketing tools, industry insights, and personalized support to help boost their sales and better present our data solutions.

[Request Access](#)



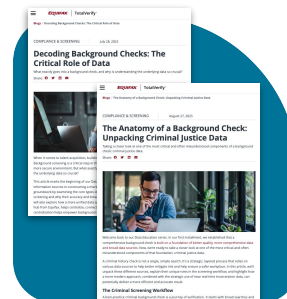
3,500+
Subscribers

Screener's Digest Newsletter

Monthly background screening expertise, news, product updates, and exclusive resources from Equifax to help keep you informed and ahead of the curve.

[Subscribe](#)

New and Existing Subscribers will gain access to an exclusive **Screener's Palooza Recap Guide!**



Data Education Blog Series

This new series explores how various information sources and a more centralized data approach can help enhance candidate profiles, enabling background screeners to provide more efficient and insightful verifications to clients.

[Start Reading](#)

EQUIFAX®

2025
**Screener's
Palooza!**

Q & A

**Have a question
for our speaker?**

Enter it in the
chat now!

Next Steps



1 SURVEY

Complete the survey through the webinar console



Activity ID:
25-YU672

EQUIFAX®



2 CONTACT

Want to talk to someone about your Background Screening processes? Click on the “Want to Get In Touch” button on your webinar console or contact us at:

totalverify.equifax.com/sales/#



3 CONNECT

Subscribe to Screener’s Digest for updates:



2025
**Screener’s
Palooza!**