

Employment Law Update
September 2018

Faulkner, Garmhausen, Keister & Shenk is a Sidney, Ohio based law firm with 14 attorneys. Our practice is ideally located to serve the business and legal needs of our clients along the Interstate 75 corridor in west central Ohio. Our attorneys and staff are committed to providing quality legal services on a timely basis and at a reasonable fee.

We represent clients ranging from large corporations to small enterprises and individuals. We have the resources to assemble a coordinated team of lawyers and support staff to meet the specific needs of each client.

For a list of our attorneys or practice areas please visit our website, available at: www.fgks-law.com, or call us at (937) 492-1271.

This alert is being distributed and published as a service to our clients. It should be viewed as a succinct summary of the law and not as a substitute for legal consultation. Please contact legal counsel to discuss your specific situation and any information found in this alert.

The Fair Credit Reporting Act (“FCRA”) requires, among other things, that employers who obtain background checks from third party sources (“Consumer Reporting Agencies”) must provide a Summary of Consumer Rights to employees or applicants before taking any adverse action based on information received from the background check. In May 2018, Congress passed the Economic Growth, Regulatory Relief, and Consumer Protection Act (the “Act”), which amends the FCRA and permits one who has been the subject of a background check to obtain a security freeze free of charge. The security freeze restricts prospective lenders from obtaining access to a consumer’s credit report, which makes it more difficult for identity thieves to open accounts in the consumer’s name.

On September 12, 2018, the Bureau of Consumer Financial Protection issued a ruling interpreting the Act; stating that employers must include a notice in the Summary of Consumer Rights advising existing and prospective employees of their right to obtain a security freeze. This obligation went into effect on September 21, 2018. Nevertheless, even when a security freeze is issued, the Act provides that one’s credit report information may still be accessed by employers for employment background check purposes.

Employers should ensure that their Summary of Consumer Rights notice is updated to include the mandatory language required by the Act. [Here is a copy of a revised Summary of Consumer Rights recently published by the Federal Trade Commission.](#)

If you have any questions regarding your obligations under the FCRA or when you must provide the Summary of Consumer Rights, please do not hesitate to contact Bryan Niemeyer, Certified Labor and Employment Law Specialist, Faulkner, Garmhausen, Keister & Shenk, A Legal Professional Association, at 937-492-1271 or bniemeyer@fgks-law.com.