

## William J. Simmons

Shareholder

Co-Chair, Background Checks Practice Group

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## Focus Areas

Background Checks

Wage and Hour

Healthcare

Discrimination and Harassment

Policies, Procedures and Handbooks

Privacy and Data Security

## Overview

Bill Simmons has represented employers in a wide variety of labor and employment matters, ranging from nationwide class and collective actions to individual lawsuits. A large portion of Bill's practice now concerns talent acquisition and compliance with the array of laws governing hiring.

This includes:

- The Fair Credit Reporting Act (FCRA) and state fair credit reporting acts
- State and local "ban the box" laws
- State and local "salary history ban" laws
- Reviewing and revising 50-state employment applications and offer letters for compliance with equal employment opportunity and other state and local laws

Bill has served as lead or co-lead counsel in a variety of putative class action cases against employers for alleged violation of the FCRA's disclosure, authorization and pre-adverse action requirements. He has also defended employers against class action claims alleging disparate impact in background checks, individual claims under state laws such as the Pennsylvania Criminal History Record Information Act, and discrimination charges related to background checks. Bill

frequently trains in-house legal departments and human resources departments on background check processes and substantive decision-making. He enjoys partnering with employers to completely revamp their approaches to background screening when necessary.

Bill leverages a “360 degree” view of advice, compliance and litigation in the background check and hiring space, as he also directly advises staffing agencies and background check vendors (consumer reporting agencies) and defends them in individual and class action litigation alleging claims such as inaccuracy in reporting, failure to properly handle disputes or file disclosure requests, allegedly deficient notices and procedures, and alleged joint responsibility for employer obligations. Bill has conducted in-depth audits for many small and large consumer reporting agencies, leading to streamlined operational workflows and increased compliance.

Bill is a regular speaker for employers, staffing agencies and consumer reporting agencies addressing talent acquisition and background checks and is an active member of the Professional Background Screening Association (PBSA)’s Government Relations Committee.

## Professional and Community Affiliations

- Member, Labor & Employment Section, American Bar Association
- Member, Litigation Section, American Bar Association
- Pupil, Sidney Reitman Labor and Employment American Inn of Court

## Recognition

- Winner, Nathan Baker Mock Trial Competition, 2005 and 2006
- Recipient, Myron Harkavy Prize
- Named, Marquis Scholar
- Named, Jack Kent Cooke Graduate Scholar
- Named, Saul Tischler Memorial Scholar, *Rutgers University School of Law*
- Order of the Coif

## Education

J.D., Rutgers School of Law, 2007, *With Highest Honors*

A.B., Lafayette College, 2004, *summa cum laude*

## Bar Admissions

Pennsylvania

New Jersey

## Courts

U.S. District Court, Eastern District of Pennsylvania

U.S. District Court, Middle District of Pennsylvania

U.S. District Court, District of New Jersey

## Publications & Press

### **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

### **Employers Face June 1, 2024 Deadline to Comply with Lehigh County, Pennsylvania's New Expansive Anti-Discrimination Ordinance**

*Littler ASAP*

May 2, 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 Insight*

March 13, 2024

### **New Pennsylvania Legislation and Philadelphia Ordinance Amendment Tackle Pardoned Convictions, Expunged Records, and Negligent Hiring Liability**

*Littler ASAP*

January 4, 2024

### **Gainesville First City in Florida to Pass Fair Chance Hiring Law Restricting Private Employers' Use of Criminal History**

*Littler Insight*

February 1, 2023

### **Atlanta Amends Anti-Discrimination Ordinance to Include Protections for Gender Expression and Criminal Histories**

*Littler ASAP*

November 10, 2022

### **Atlanta Amends Anti-Discrimination Ordinance to Include Protections for Gender Expression and Criminal Histories**

*SHRM Online*

November 4, 2022

**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

**Eighth Circuit Holds Article III Standing Was Lacking for an Alleged Violation of the FCRA's "Pre-Adverse Action" Notice Provision**

*Littler Insight*

April 6, 2022

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

*Littler Insight*

August 13, 2021

**Philadelphia Passes Ordinance Banning Marijuana Tests for Many Prospective Employees**

*Littler ASAP*

May 4, 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

**High Court Declines to Resolve Circuit Split on Whether Prior Salary is "A Factor Other Than Sex" that Can Justify a Pay Disparity Under the Federal Equal Pay Act**

*Littler Insight*

July 10, 2020

**When Hiring For Jobs Located In Philadelphia, Salary History Will Soon Be Off Limits Unless Voluntarily and Willingly Disclosed**

*Littler Insight*

February 20, 2020

**City of Columbia, SC Clarifies Coverage of Criminal Records and Salary History Ordinance**

*Littler ASAP*

February 10, 2020

**Columbia, South Carolina Limits Inquiries About Applicants' Criminal and Salary Histories**

*Littler Insight*

October 3, 2019

**New Jersey Adds to Recent Flood of Salary-History Inquiry Bans**

*SHRM Online*

July 30, 2019

**New Jersey Adds to Recent Flood of Salary History Ban Laws**

*Littler ASAP*

July 26, 2019

**Ruling Raises Important Considerations for Independent Contractor Background Screening**

*Littler Insight*

May 8, 2019

**Third Circuit Holds Individual Plaintiffs Lack Standing for Some Alleged Violations of the FCRA's Pre-Adverse Action Notice Requirement**

*Littler Insight*

September 11, 2018

**New Amendment May Soon Affect FCRA Pre-Adverse Action Notice Requirements**

*Littler Insight*

August 30, 2018

**Hawaii Joins Salary History Ban Trend**

*Littler ASAP*

July 6, 2018

**Bloomberg Law's VIDEO Coverage of the 2018 Littler Executive Employer Conference**

*Bloomberg Law*

May 4, 2018

**San Francisco is Likely to Amend its Ban-the-Box Law**

*Littler ASAP*

March 29, 2018

**Kansas City, Mo., Enacts 'Ban-the-Box' Ordinance**

*SHRM Online*

February 12, 2018

**Kansas City, Missouri, Enacts "Ban-the-Box-Plus" Ordinance**

*Littler ASAP*

February 6, 2018

**Background Check Alphabet Soup Creates Nightmares**

*The Legal Intelligencer*

November 17, 2017

**Philadelphia Adopts Regulations Clarifying the Still-Stayed Ordinance Banning Salary History Inquiries**

*Littler ASAP*

October 24, 2017

**Beware Spokeo?**

*National Association of Professional Background Screeners Journal*

May 1, 2017

**Philadelphia Becomes the First Jurisdiction in 2016 to Restrict Employers from Using Credit Information in Employment Decisions**

*Littler Insight*

June 20, 2016

**Pennsylvania May Lead Way in 'Clean Slate' Legislation**

*The Philadelphia Inquirer*

March 22, 2016

**Philadelphia Criminal Background Checks – Fair Chance Hiring Law Poster**

*Littler ASAP*

March 15, 2016

**Pennsylvania Court Rules Background Screening Law Unconstitutional**

*Littler Insight*

January 19, 2016

**In Philadelphia, Sweeping Change on Background Checks**

*Bloomberg BNA Human Resources Report*

December 28, 2015

**Beyond “Ban the Box” – Philadelphia Makes Sweeping Changes to Criminal Records Screening Ordinance**

*Littler Insight*

December 16, 2015

**Littler Elevates 16 Attorneys to Shareholder**

*Littler Press Release*

January 5, 2015

**FCRA Compliance Moves up the To-Do List**

*Today’s General Counsel*

December 31, 2014

**The Old (Law) is New Again: Plaintiffs Increasingly Using Old Pennsylvania Law to Challenge Background Check Decisions**

*Littler Insight*

November 7, 2014

**The Swelling Tide of Fair Credit Reporting Act (FCRA) Class Actions: Practical Risk-Mitigating Measures for Employers**

*Littler Report*

August 1, 2014

**US patchwork of social media laws creates confusion**

*Privacy Laws & Business International Report*

October 1, 2013

**Fair Credit Reporting Act Amendment Offers Important Protections From Lawsuits Targeting Background Check Programs**

*Littler Report*

September 10, 2013

**Workplace Policy Institute: Social Media Password Protection and Privacy — The Patchwork of State Laws and How It Affects Employers**

*Littler Report*

May 31, 2013

**Littler Scores Big Win In FLSA Meal Break Suit**

*Littler Press Release*

February 14, 2013

**EEOC Suit Against Employer Screening Applicants Based on Credit History Information Dismissed**

*Littler Insight*

February 4, 2013

**FLSA Court Decertifies Nationwide FLSA Action; ManorCare Workers Not Similarly Situated**

*Bloomberg BNA*

February 1, 2013

**FLSA Class Nixed In ManorCare Meal Break Suit**

*Law360.com*

February 1, 2013

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

*Littler Insight*

August 10, 2012

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

*Littler Insight*

June 26, 2012

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

*Littler Insight*

July 22, 2011

**She Complained, But I'll Sue: Third-Party Employment Retaliation Claims After Thompson**

*New Jersey Law Journal*

April 18, 2011

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

*Littler Insight*

April 14, 2011

**U.S. Supreme Court Holds that Constitutional Privacy Rights Do Not Restrict the Government's Discretion to Background Check Federal Contractors**

*Littler Insight*

January 24, 2011

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

*Littler Insight*

December 22, 2010



**Supreme Court Case Demonstrates Importance of Electronic Media Policies & Training**

*National Human Resources Association Online Newsletter*

Fall 2010

**Must Affirmative Defenses In Employment Litigation Be Plausible After Iqbal?**

*Employment & Labor Relations Law Newsletter*

Summer 2010

**Where Is My Nest Egg? Three Considerations for 401(k) Plan Sponsors Selecting Funds in an Unpredictable Economy**

*Journal of Retirement Planning*

March–April 2010

**Beyond 50 Employees and 33 Percent: Advanced WARN Issues**

*Employment & Labor Relations Law Newsletter*

Summer 2009

**Facing the Factors: Handling ERISA Benefits Cases After Glenn**

*Vol. 194, New Jersey Law Journal 379*

October 30, 2008

**Remedies for Undocumented Workers**

*Vol. 190, New Jersey Law Journal, 914*

December 3, 2007

**Five Years Later: Navigating the Legal Battlefield of IRCA and Undocumented Workers' Remedies After Hoffman**

April 2007

## **Speaking Engagements**

**2024 Littler AI Summit**

Washington, DC

September 23, 2024

**Lunch & Learn: Navigating Background Checks**

Pennsylvania Homecare Association

July 23, 2024

**ChatGPT and Generative AI in the Law: 101**

Association of Corporate Counsel, 17th Annual Paralegal/Legal Assistant Forum

October 13, 2023

**2023 Littler AI Summit**

Washington, DC  
September 21, 2023

**Avoid The Crosshairs As CRA Dispute Reinvestigations Are Being Targeted**

Professional Background Screeners Association (PBSA)  
September 11, 2023

**Law and Order: Cutting Edge Science in Criminal Background Check Decisions**

Littler Executive Employer Conference, Phoenix, AZ  
May 12, 2023

**Beyond Ban the Box: Perspectives on Criminal Background Checks in Employment Decisions**

Society for Industrial and Organizational Psychology, Annual Conference  
April 22, 2023

**ChatGPT for HR**

Bux-Mont Human Resources Association  
April 19, 2023

**Pardons, Expungements and Post-Conviction Relief, Oh My!**

Professional Background Screening Association, Mid-Year Conference  
April 17, 2023

**2022 Philadelphia Regional Employer Conference**

Philadelphia, PA  
October 28, 2022

**Your Data Can Help or Hurt You: What Should You Do?**

Professional Background Screening Association (PBSA) Annual Conference 2022  
September 12, 2022

**Upgrading Your People Practices To Enhance Compliance**

PBSA Annual Conference  
September 13, 2021

**State of the States**

2021 PBSA Mid-Year Legislative & Regulatory Conference  
April 20, 2021

**Background Check Litigation Update**

Professional Background Screening Association, End User Advisory Group  
February 10, 2021

**Brain Twisters in Employment Screening**

PBSA Annual Conference  
September 2020

**We're (Almost) Open: Obligations Employers Will Need to Consider as Businesses Prepare to Resume**

May 27, 2020

**Upgrading Personnel Practices to Enhance Compliance**

PBSA Webinar  
May 27, 2020

**Between a Rock and a Hard Shelter-in-Place | Challenges Employers Will Face When Returning to Work**

May 12, 2020

**FCRA Basics: Spotting Common Traps for CRAs**

NAPBS Annual Conference  
September 10, 2019

**How to Ride the Next Wave of Background Check Class Actions? Get Up to Speed Now on Gnarly State and Local Requirements**

2019 Executive Employer Conference, Phoenix, AZ  
May 9, 2019

**Employers and CRAs as Partners: 5 Tips for Enhancing Compliance and Applicant Experience**

NAPBS Mid-Year Legislative and Regulatory Conference, Arlington, VA  
March 25, 2019

**Local Law Headaches: Philadelphia and Beyond**

Philadelphia, PA  
March 14, 2019

**Human Resource Law from Start to Finish**

NBI Seminar, Philadelphia, PA  
March 13, 2019

**Background Checks**

Littler Executive Employer, Phoenix, AZ  
May 4, 2018

**Hiring Traps for Even the Wary: How Fair Chance Acts, Salary History Bans and Consumer Reporting Laws Continue to Catch Employers Off Guard**

Littler Executive Employer, Phoenix, AZ  
May 3, 2018

**Local Ordinances Impacting the Employment Relationship**

Pennsylvania Bar Institute, Employment Law Institute 2018  
April 26, 2018

**Investigative Consumer Reports: Litigation Trends and the Salary History Ban Movement**

National Association of Professional Background Screeners Mid-Year Legislative & Regulatory Conference  
April 16, 2018

**What Staffing Companies Want (And Don't Realize They Need Yet) In Screening**

National Association of Professional Background Screeners (NAPBS) Annual Conference  
September 19, 2017

**The Million Dollar Sentence and Other Recent Trends in Employment Background Check Litigation**

Philadelphia Bar Association  
August 25, 2017

**Confidentiality Issue Spotting: A Panel Discussion**

City of Philadelphia Law Department CLE  
July 27, 2017

**Digging into Background Checks: Advanced Issues and Complex Relationships**

May 30, 2017

**Digging into Background Checks: Advanced Issues and Complex Relationships**

May 11, 2017

**Addressing Complex Employment Relationships in Background Checks**

National Association of Professional Background Screeners, Washington, D.C.  
March 21, 2017

**What Keeps Clients Up at Night?**

Littler Philadelphia Employer Conference, Philadelphia, PA  
March 7, 2017

**Beyond "Ban the Box" – Building Effective Background Screening Programs**

Philadelphia, PA  
March 17, 2016

**Red Flag Employment Issue-Spotting for Busy Businesses**

Philadelphia, PA  
February 18, 2016

**Beyond "Ban the Box" - Building Effective Background Screening Programs**

Philadelphia, PA  
February 11, 2016

**Classifying Workers Properly: Maximize Profits, Minimize Risk**

Philadelphia, PA  
October 29, 2015

**Compliance Strategies for Multi-Jurisdictional Employers**

Philadelphia, PA  
March 26, 2015

**Avoiding FCRA Night Terrors**

February 26, 2015

**Criminal Records and Background Checks: What Every Employer Needs to Know**

Philadelphia, PA  
September 14, 2011