



HR 1Source

Your Company's "On-Call" Human Resources Department

MANAGER TRAINING Document 3

CONDUCTING PRE-EMPLOYMENT BACKGROUND CHECKS

Employers should have a clear and lawful policy regarding their practices involving pre-employment background checks. Navigating between privacy laws and workplace safety and security can be very tricky. The foundation for such a policy must be based in open communication between the potential employee and the employer.

At least ten (10) states restrict employers from making employment decisions based on information obtained via credit report reviews. Criminal history checks may also be restricted by state regulations due to a reported disproportionate negative effect on minority applicants. Additionally, a national movement to "ban the box" on employment applications has taken root. This rule prohibits employers from including a box on their employment application asking about criminal history. At least twenty-four (24) states and numerous counties have passed laws requiring employers to wait until the applicant has shown to be otherwise qualified initially. Conviction histories may only go back seven (7) years according to the Fair Credit Reporting Act (FCRA).

Here is a brief checklist for employers:

1. Are credit checks relevant to the job for which you are hiring?
2. Have you provided the applicant with a copy of his/her credit report, a written copy of his/her rights?
3. Are criminal history background checks aligned with current EEOC regulations?
4. Have you kept all background check data discovered in a secure and confidential place?
5. Have you screened information gathered from social media, political perspectives and religious views?
6. Have you properly disposed of information gather for applicants who were not hired?
7. Are you certain that you have complied with state and local legal regulations regarding background screening?

Connect with the HR experts at HR 1Source for help with developing or refreshing your background checking practices or any other "people" matters that you encounter in the workplace.

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