

Be Mindful of the FCRA

News

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The article “Be Mindful of the FCRA” in the September 6 issue of *Talent Management* included a quote from Atlanta partner Jennifer Sandberg.

The article noted that employers may be stuck between a rock and a hard place when trying to check references on potential job candidates.

The risks of negligent hiring, discrimination lawsuits and failing to comply with the federal Fair Credit Reporting Act when checking into an applicants past have led many companies to contract third-party background checking services. Employers that conduct reference checks on their own must be compliant with state and federal anti-discrimination laws.

Questions asked of references should be job related and consistent with business necessity for the position involved.

Those conducting reference checks should be trained on proper topics for discussion, which to avoid and how to handle it when an applicant’s former supervisor volunteers potentially discriminatory information.

Jennifer advised: “If you wouldn’t want to have the conversation with the applicant, you don’t want to have it with the former employer or supervisor. As the potential employer, you have to recognize, that’s not information I want, and that’s not what I’m going to use to make my employment decision.”

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