

Employers Walk Tightrope With Criminal History Questions

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Rosemary Gousman discusses the many concerns employers must navigate when seeking criminal background information on job applicants during the August 12, 2014 XpertHR Podcast.

Most employers conduct background checks of job applicants at some point in the hiring process to help stave off possible negligent hiring claims. But asking criminal history questions of prospective employees can bring its own set of risks. This is especially true in light of the EEOC's 2012 Enforcement Guidance suggesting that an employer's use of conviction records for employment purposes is not unlimited. The Commission also said that arrest records alone should not disqualify an applicant from employment.

A new podcast examines the chief concerns for employers in this area with Rosemary. Speaking of employers, she says, "They just can't have a knee-jerk reaction: 'If you've been convicted of a felony or a crime, we can't hire you.' That's no longer permitted."

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