

Screening Out the Walking Lawsuit

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Lawsuits do not simply happen, but rather, they walk in on two legs and apply for work. Clearly, employers should zealously seek to screen out such individuals using the most sophisticated and legally defensible tools. Some inquiries or tests are prohibited by federal or state employment and discrimination laws. Once an employer has developed its goals and specific information required, it should consider the potential sources from which it may seek information: interviews, former employers, personal references, character references, driving records, vehicle registration records, and bankruptcy proceedings, etc. In addition to these potential sources, an employer's best screening tool remains the employment application and interviews. Each state's laws vary, and an employer is wise to consult with labor counsel regarding that state's unique rules. However, common sense interviewing remains an employer's most effective screening tool.

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