



Employers Using Background Checks Should Review Policies

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Employers interviewing for a position customarily ask for references, resumes and a list of exceptional skills. This is something that any applicant can and should be readily able to supply. Often employers will also conduct a background check – or even ask the job candidate directly about any issues that might be discovered in researching their past that typically include past employment verification, credit score and criminal history.

Once the question is asked, and the answer is supplied either by the applicant or through research, what does an employer do with the information if in fact there is a conviction on the record?

All employers that use criminal background checks extensively to protect property, coworkers, visitors or cash, should carefully review their current policies. It is imperative that they be certain to consider the state law limits and assure that the credit reporting agency used is in full compliance with the FCRA and state laws.

Under the FCRA, the employer must obtain the applicant's written authorization before the background check is conducted. Employers should also consider the position in question when determining which types of searches to include, and use the same searches for every applicant being considered.

Hiring policies should take into consideration the nature and gravity of the applicant's offence, the time that has passed since the conviction or completion of the sentence, and the nature of the job for which he or she is applying. Employers should avoid adopting a policy precluding them from every hiring anyone with a criminal record, felony or misdemeanor. They should also be prepared to explain their decision not to hire any applicant because of the applicant's criminal record.

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