

THE EEOC OVER-REACHES AGAIN: THE AGENCY'S ONGOING INTEREST IN EMPLOYEE BACKGROUND CHECKS – CRIMINAL AND OTHERWISE

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Jeff Weintraub's article "The EEOC Over-reaches Again: the Agency's Ongoing Interest in Employee Background Checks – Criminal and Otherwise" was featured in the November issue of *HR Professional Magazine*.

The Equal Employment Opportunity Commission is the agency responsible for enforcing many federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, gender, color, religion, national origin, age, disability, or genetic information. The Commission investigates and handles complaints of employment discrimination filed against private-sector employers, employment agencies, labor unions, and state and local governments. The EEOC also brings charges of systemic discrimination – those involving patterns, practices, and policies where the alleged discrimination has a broad impact on an industry, profession, company, or geographic area.

In the article, Jeff provides employers with several best practices to use when hiring, to avoid the wrath of the EEOC and prevent the possibility of discrimination lawsuits.

- Avoid asking job candidates about their arrest records and implementing blanket exclusions based on criminal convictions.
- Inform candidates that a conviction does not automatically constitute a rejection of employment, but instead that consideration will be given to the nature and gravity of the

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offense, the time that has passed since, and the nature of the job sought.

- Restrict the use of credit checks to positions where the applicant's financial history directly relates to the job.

To read the full article, please visit [HR Professionals Magazine](#).