

Caution Urged For Criminal Checks In Hiring

News

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Steve Bernstein, a partner in the Tampa office, was quoted in the May 4 *Tampa Bay Business Journal* article "Caution Urged For Criminal Checks In Hiring." The Equal Employment Opportunity Commission (EEOC) recently issued new guidance for businesses on using criminal background information in hiring new employees. The guidelines are designed to clarify existing laws regarding appropriate use of pre-employment background checks to avoid discrimination. The article noted that the result for businesses is more expense in screening employees and a greater burden in determining when to use background checks. Steve said the EEOC has always had the view that criminal background checks can't be used as a blanket disqualifier of job applicants, but the new guidelines "tweaked" the burden of proof in a very subtle way. "An employer has to be able to make the case that a criminal background assessment is job-related and should be able to withstand scrutiny. It's only fair that an employer takes those steps."

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