HireRight serves over 60 of the Fortune 500 and thousands of businesses with an affordable, easy-to-use background check service. We’ll guide you quickly through the background check process and provide online consent and notification forms you can use towards ensuring compliance with applicable laws and regulations.

Just visit www.HireRight.com today or call 800-400-2761 to speak with an expert.
Two Be Consistent
Establish a Written Standard

Creating a policy doesn’t have to mean lots of research, but it does mean that you should document who you are going to check and what you are going to check about them. This ensures that every time your company performs a background check, it is done consistently and information gathered is used appropriately for employment decisions. More sophisticated policies may include different rules for different positions. HireRight recommends that you seek legal advice to review your formal policies.

Some of the applicable laws around employment background checks are detailed in the Fair Credit Reporting Act (FCRA) and related information available from the Federal Trade Commission’s web site at www.ftc.gov/credit. The FCRA sets the national standard for employers who want to find out more about an applicant or current employee. It covers much more than credit reports and the FCRA laws apply to most businesses regardless of size.

Three Obtain Written Consent
Use Appropriate Forms Correctly

Government regulations generally require that you must have your applicant’s or employee’s advanced written permission to perform a background check. This requires a disclosure and consent form that should be separate from any employment application form. Some of the applicable laws are detailed in the Fair Credit Reporting Act (FCRA) available from the Federal Trade Commission’s web site at www.ftc.gov/credit. Other applicable laws may differ state by state, so the most conservative and best approach may be to also give a notice of rights at the time a check is requested and include the right to get a copy of any report made.
Four

Check Address History and Social Security Number
Note Discrepancies and Past Addresses

The list of current and past addresses is the foundation for a thorough background check. Knowing past counties the person has lived in is useful for both deciding where to look for criminal records as well as to look for time gaps and location mismatches compared to the information provided by the applicant. There are no perfect sources for past addresses, so the list should be used for further investigation rather than as evidence that a person provided false information.

A person’s Social Security Number (SSN) is typically issued sometime between their birth and first job, so through a SSN Validation you can note if the SSN that your applicant provided you was issued prior to the date of birth that they gave you. Although the Social Security Administration won’t tell you if your candidate has the specific SSN you provided or whether your applicant is lying, a problem with the SSN may cause you to ask for appropriate documentation.

Five

Expose the Criminal Factor
Conduct a Comprehensive Criminal Check

The best criminal background searches are conducted at individual counties since there is no centralized entity controlling all criminal records. One reason is the probability of finding criminal records is highest in a person’s current county of residence since many crimes are conducted near their home or work. County searches are also effective since felonies and misdemeanors are typically prosecuted at county courthouses and their outcomes may not always be reported to state or federal agencies. Comprehensive background checks should include several counties to search locations of past residence and employment. Use a person’s date of birth and all names the applicant or employee has used in recent years when searching for criminal records for best results.

For even more confidence, consider using national criminal database checks to locate additional records from places an applicant or employee may have visited, or places of residence and employment that were not revealed. One caution with national criminal database searches—it’s possible that relying on database records alone may not be legal in some cases so always verify every national criminal database record found at the corresponding county courthouse.

Six

Confirm Work History
Verify Past Employment

You should attempt to verify employment dates, actual compensation and job titles with descriptions by contacting past employers. You can choose to estimate employment dates by asking an applicant to provide copies of first and last pay stubs and estimate compensation by requesting copies of W-2 forms, if you prefer.
Seven

Validate Education
Verify Degrees Obtained

When degrees or education are important for a position, consider validating an applicant’s claims by contacting their educational institutions. There have been several well-publicized incidents of employees overstating their education in recent years. While the causes for this are unclear, perhaps some applicants assume education is not checked by employers. Most educational institutions will confirm dates of attendance and degree or diploma obtained, although some may require a signed consent form. For colleges and universities, try contacting their Office of Academic Records or Registrar’s Office.

Eight

Check Driving History
Order Motor Vehicle Reports

A motor vehicle records (MVR) report can be a good way to identify prospective employees with inappropriate driving records in order to limit company risk when it comes to employees who are driving on company time. It may even help keep your insurance rates down. In some states, convictions for driving under the influence of alcohol or drugs cannot be found on the criminal court records and can only be revealed with a MVR check.

The process to complete these searches is becoming cumbersome, in some cases. Many states consider the MVR to be confidential and restricted to jobs where operation of a commercial vehicle is required. If driving is relevant to positions that you have, it may be helpful to check with the Department of Motor Vehicles in your state to identify the forms required and set expectations for the time it takes to receive information. You can generally find links to Department of Motor Vehicles (DMV) offices at state government official websites.

Nine

Comply with Laws and Regulations
Follow the Rules for Adverse Actions

As an employer, you may have certain additional legal obligations when you intend to take any “adverse action” based in whole or in part on the information resulting from a background check. The term “adverse action” in the employment screening context means any denial of employment or any other decision for employment purposes that adversely affects any current or prospective employee—e.g., you decide not to hire, not to retain or not to promote someone based in part on their background check. One example is the FCRA requirement that prior to taking any such adverse action against the applicant...
or employee, if based in whole or in part on information from the background check, you must provide the individual with a “pre-adverse action” notice that includes a copy of their background check report, and a summary of the applicant’s or employee’s rights as prescribed by the Federal Trade Commission.

A fundamental goal of the “pre-adverse action” notice is to give the applicant or employee an opportunity to review the report to ensure that it is accurate before the employer makes an adverse decision based on that information. Then, if after a reasonable period of time following the pre-adverse action letter you decide to take the adverse action, you must send another notice (the “adverse action” notice) that informs the individual that you have taken the adverse action. Some of the applicable laws are detailed in the Fair Credit Reporting Act (FCRA) available from the Federal Trade Commission’s web site at www.ftc.gov/credit. Other applicable laws may differ state by state.

Stay Ahead of the Curve
Reassess Your Program Annually

Employment background checks are highly beneficial for businesses, but doing them yourself is complicated and time-consuming. This is a situation when “do-it-yourself” probably doesn’t make sense for most businesses, so find an experienced background checking provider and let them do the work for you. Here are some questions to ask when comparing providers:

- Do you specialize in employment background checks exclusively?
- Will you guide my business through the background check process?
- Do you provide access to a library of useful forms, letters, checklists and more?
- Is the process Internet-based so I can start a check at anytime and from anywhere?
- How long do I have to wait for the final results of a background check?
- Have you been performing employment background checks for a decade or more?
- Are there thousands of companies that trust and rely on your background checks?
- Have you performed millions of background checks for your customers?

Perhaps more importantly, the background checking provider you select should help you manage the background checking process and help you navigate applicable laws and regulations so you can fully benefit from the results.
Armed with this basic information about employment background checking for businesses, you can move forward to start feeling more confident about your hiring decisions and better ensure a safer work environment. Remember that an employment law expert is always a good choice to review your company’s forms, policies and procedures.