



If you're involved in hiring or background screening for a business or organization, then it is imperative to follow federal, state and local laws where you operate. Use these best practice tips to help create a fair, consistent and compliant background screening process.

Document Your Policies

Before you start interviewing and running background checks, document your hiring policies. Include information about what types of background checks you will run for different positions, when you will run them during the hiring process and how you will consider adverse information.

Important To Note:

- **Consistency is essential.** If you run a background check on one person before an interview, but wait until after an interview for another, you could be accused of discrimination.
- **Avoid blanket statements.** Employers should not say anyone with a certain type of conviction is ineligible for hire. Convictions should be considered individually to determine if they are relevant to the position. This is required by law in several states.
- **Consult with counsel.** Before finalizing your policies, share them with legal counsel for their advice and input.
- **Laws change.** Review your policies periodically to determine if anything should be updated.
- **Share.** Make sure everyone involved in the hiring and background screening process has the latest company documentation at all times.

Choose The Right Package

Every position has different requirements. Backgrounds Online makes it easy to create custom background check packages for all of them.

We recommend you start with a comprehensive core of criminal searches that show if a person has violent or otherwise serious convictions and then add position-focused searches. These can include a Motor Vehicle Records Search for someone who will drive on the job, FACIS for anyone in the healthcare industry and anything else that helps you determine if an applicant is eligible and qualified. If you have questions about how we can meet your specific needs, please contact us.

Take Compliance Seriously

We live in a litigious society. Protect the brand you worked so hard to build by complying with laws and best practices such as:

Disclosure. You must disclose the fact that you intend to run a background check.

Authorization. You must receive authorization before ordering a background check.

Ban The Box. Numerous states and cities have Ban the Box laws in place. They all have different regulations, but the basics are typically the same. Most stipulate employers are not allowed to ask about criminal records on job applications. Some specify when you may run a background check such as after an interview or conditional job offer. Keep up with these on our State Laws section.

Salary Disparity. There is a growing movement in the U.S. to fix wage gaps based on gender or other factors. While not every state has a law in place, best practice is to not ask applicants about their salary history.

Non-convictions. You may encounter a candidate who was arrested but not convicted. This typically means charges were dropped or the person was found not guilty. Employers should not consider arrests that didn't result in convictions.

Expungement. Convictions that were later expunged should not be considered. A reputable Consumer Reporting Agency (CRA) that is accredited by the Professional Background Screening Association provides background checks that only contain reportable information you can use to make business decisions.

Be Fair, Consistent and Transparent

Once you have your screening policies documented, stick with them. By being consistent with these policies you are creating a fair and transparent experience for everyone. This helps protect your business and shows you are not singling anyone out.



Know What To Do If A Report Contains Adverse Information

A background check can contain a criminal conviction, evidence that someone does not have the education or employment history they claimed or something else which makes you consider not hiring them. Before making a decision, you must go through a federally mandated adverse action process.

To learn more, read our [Pre-Adverse And Adverse Action article](#).

When a background check reveals a criminal record, best practice is to conduct an individualized assessment. Some states require this and more are likely to follow. The assessment process has three basic things to consider:

1. What was the offense? Was it serious or minor? Millions of Americans have criminal records and many are for items that would not make them ineligible for most jobs.
2. When was the offense? In most cases, employers can only consider criminal records from the last seven years. Employers are urged to consider how much time has passed since an offense took place, whether or not the person has gone through rehabilitation and any other relevant factors.
3. Does the offense relate to the position? If a conviction has no bearing on the person's ability to do the job and they pose no risk, then best practice is to not consider that offense.

Word Conditional Offer Letters Correctly

You can give an applicant a conditional offer of employment before running a background check. It should not contain language that implies they have already received a job. This includes casual phrases like "We look forward to working with you" and declarative statements like "You will earn this much in annual bonuses."

The results of a background check may show that a person is not eligible for hire. If this happens, you don't want the applicant to have any documentation that suggests a promise of employment. Stating that an offer is contingent on the results of a background check is a simple way to protect your business should you need to take adverse action.

Plan For Ongoing Safety

You'll run a background check before hiring – but what if someone on your staff has a new conviction, a change to their license or something else you should know? Once you have your team in place, best practice is to start annual screenings to ensure each person remains eligible and does not pose a risk to your business.

For information on how to take advantage of this crucial service, please contact us.

Use A Consumer Reporting Agency

A Consumer Reporting Agency (CRA) can produce background checks that employers use to make informed decisions. Do not rely on reports sold by public records providers. These companies do not adhere to the FCRA and their reports can be inaccurate and outdated.

Make Sure Your CRA Takes Security Precautions

The background screening process involves sensitive data. It must be appropriately protected at all times. Backgrounds Online undergoes an annual security audit performed by an independent third party. We have received a SOC 2 report with no exceptions (meaning no changes to our safety measures were suggested) each time.

At Backgrounds Online, we consider ourselves to be your partner. Our processing team members earn their FCRA certification and we are accredited by the Professional Background Screening Association. We provide educational resources, compliant forms and a dedicated account manager who can answer your questions, help you create custom background check packages and solve your background screening challenges. If you have questions, please contact us for expert assistance. [a](#)