



The Ban the Box movement gained significant momentum in 2016. Numerous cities throughout the country adopted this policy, which seeks to remove questions about criminal records from job applications.

Many applications used to ask whether or not the candidate had a criminal record. If so, the individual was asked to check a box. People who marked that box were unlikely to receive further consideration, even if their record was minor and irrelevant to the position for which they were applying.

To help establish a fair hiring process, many cities and businesses have agreed to remove the criminal records question and accompanying box from their applications. This gives job seekers a better chance at finding employment if they have a minor record. Employers can learn about the individual's qualifications, education and other assets first.

When you run a background check, you will see if the applicant has a criminal conviction and can then assess whether or not they are eligible for employment. This is the impetus behind banning the box - encouraging employers to review pertinent facts before making hiring decisions.

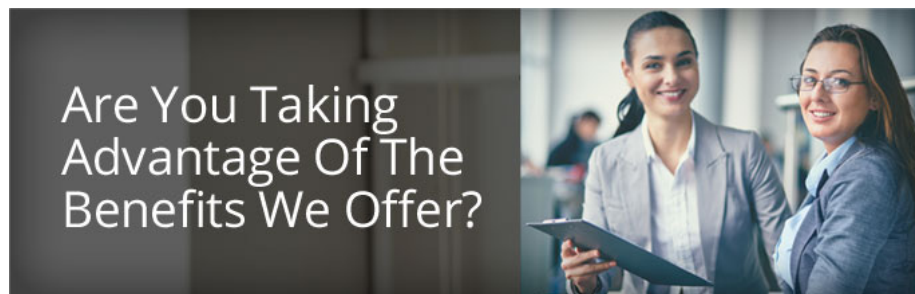
As the **Ban the Box movement** grows, employers must be aware of how this could impact them. This is especially true for national employers who have a standard application for all of their locations. If you're hiring in a city that banned the box, and your application includes the criminal records question, then you will be breaking a local law.

Many more cities are expected to implement Ban the Box regulations in 2017. As new laws are created, businesses must react accordingly or risk fines and other liabilities. To stay ahead of the curve, some businesses have voluntarily removed the box from their job applications. If your applications ask about criminal records, then it is crucial to be aware of local and federal laws wherever you are hiring.

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Backgrounds Online strives to keep up with Ban the Box updates and other pertinent topics so we can help our customers remain educated and compliant. If you have questions about how Ban the Box might affect your business, please contact our expert staff for assistance.



There are many great benefits to partnering with Backgrounds Online:

Unparalleled Service. Our screening specialists are all FCRA certified. We stay current with laws and compliance issues that impact your screening process. If you have questions or need assistance, we are available Monday – Friday from 5am to 5pm PT.

Applicant Self-Submittal. Before we can start a background check, we need information about the candidate such as their full name and date of birth. We give you the option to have your applicant submit their information directly to us. That saves you time and helps reduce the possibility of errors.

Security. Backgrounds Online obtained a SOC 2 report after undergoing an in-depth audit performed by a third-party CPA. Our controls are designed to protect the sensitive data we use in the background screening process.

API. We provide services for submitting screening requests and retrieving results via XML. Results can be easily parsed and formatted to suit your needs.

International Searches. Even if your company is not international, you may wish to hire someone who worked or lived in another country. Backgrounds Online offers International Identity Search, criminal searches and Employment Credit Reports which can expand your hiring capabilities to a global level.

Annual Screenings. If an existing employee incurs a new record that could negatively impact your business, you need to know. A common practice in most industries is to run annual background checks. Since these reports only cover one year, they are a cost effective and expedient way to help protect your business.

If you have questions about these or any other benefits we provide, please contact our support team today.



The Class Action Lawsuit Against Starbucks: What Your Business Should Know



A Colorado-based job seeker recently filed a lawsuit against Starbucks. He claimed the company violated his rights under the Fair Credit Reporting Act (FCRA). Specifically, he alleged that his background check contained inaccurate data and that he was denied employment without having an opportunity to review and dispute the results.

If an employer sees something in a background check that could disqualify a candidate, they must inform the applicant that they are considering an adverse action. The applicant must be granted time to review their report and file a dispute if they feel it is warranted.

According to the lawsuit, the plaintiff did not receive pre-adverse notification. The suit was filed on behalf of him and anyone else who was denied employment without receiving an opportunity to review their results.

This could happen to any business that does not follow **FCRA regulations**. It is essential to take steps to avoid a similar lawsuit.

If a background check contains a record that might disqualify your applicant, you must provide them with pre-adverse notification, a copy of their report and a copy of their "Summary of Rights." Then you must give the applicant time to review these documents. No specific time frame is specified, but best practice is one to four weeks.

During this time you can review your internal policies, ensure you have performed due diligence and prepare your next steps. If no dispute is filed, then you can send an adverse notification and another copy of the "**Summary of Rights**."

Businesses that do not follow the proper adverse notification process could be hit with lawsuits similar to the one Starbucks is facing. To help establish and maintain proper screening procedures, it's worthwhile to develop written documentation that covers how this and other common scenarios will be handled. When creating these documents, remember it is imperative to be transparent, consistent and fair. Establish procedures and refer to them as necessary to protect your company and your brand.

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Backgrounds Online provides the documentation you need when taking pre-adverse and adverse actions. These documents are readily available in the Resource Section of your account. If you'd like to schedule a call to review, please contact us for assistance.

Follow Our Blog



Our blog discusses important topics that can impact your business. We provide a new entry every Tuesday. **Check it each week** for screening tips, current news and more.

Backgrounds Online

1915 21st St. • Sacramento, CA 95811 • 1-800-838-4804
support@backgroundsonline.com • www.backgroundsonline.com