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WHAT IF A BACKGROUND CHECK



CONTAINS A CRIMINAL RECORD?

Every business should screen applicants and run annual background checks on active employees. This demonstrates a commitment to protecting your customers, staff and reputation.

But what do you do if a report includes a criminal conviction?



Screening Applicants

Background checks for applicants are likely to contain a robust set of criminal searches. When screening someone for the first time you want to see a comprehensive overview that includes reportable convictions the person may have incurred in any state or globally.

Best practice is to only run background checks after conducting a successful interview or extending a conditional job offer. Numerous cities and states have “Ban The Box” or “Second Chance” laws and more are passed each year. Updating your hiring, screening and onboarding policies to ensure they comply with these laws is a positive way to protect your business and bolster compliance efforts.



Annual Employee Screenings

Screening employees annually has become an important best-practice for every employer. This establishes fair and safe policies that benefit everyone. Large corporations like Uber have addressed this by implementing annual screenings for their drivers. Some businesses grant employees direct access to customer's homes or sensitive data. Workers in those industries are likely to be screened twice a year or quarterly.

Annual reports typically contain fewer criminal searches because they only need to check for new convictions. That makes these screenings a cost-effective solution to verify your staff remains eligible for employment and demonstrates you are making ongoing efforts to protect your customers.



Reviewing And Considering Convictions

If a report shows a criminal record, then it's important to thoroughly review the details before proceeding. This might involve answering a few key questions such as:

- How serious was the offense?
- How much time has passed since an offense occurred?
- Is the offense relevant to the individual's position or duties?
- Would employing the person pose a risk for your business, current staff or customers?
- Would employing the person create a negative impression of your business?

Millions of people have convictions that may be minor, outdated or irrelevant to the position for which they are applying. Developing screening policies that discuss what types of convictions are and are not allowable can expand your applicant pool and help you find new employees to grow your business.

When considering a conviction, it is essential to follow Fair Credit Reporting Act (FCRA) regulations and allow the individual to review their background check before making a final decision. This gives the person time to dispute something on their report if necessary. After a reasonable amount of time, typically one to two weeks, your business can choose to not hire an applicant or terminate an employee if they are likely to be a risk.



Why It's Essential To Use A Consumer Reporting Agency

The FCRA and various other laws stipulate what can and cannot be included in a consumer report. For example, some states declare that convictions which were sealed or expunged cannot be included in a background check. A Consumer Reporting Agency (CRA) like Backgrounds Online leverages our knowledge of relevant laws and uses this information to build compliant reports that can legally be used to make important business decisions.

Working with an accredited CRA and running regular screenings can also reduce your insurance costs. Many insurance companies offer premium discounts to businesses that regularly background check employees and contractors because they are actively reducing their liabilities and exposure to risk.



Review Your Policies

Every business should document their screening, hiring and onboarding policies. Should the need arise, this documentation can help prove your business is taking steps to only hire safe, reliable individuals.

After establishing your initial policies, get feedback from your legal counsel before creating final drafts. Review these policies annually to ensure they remain up-to-date with current laws and company standards. If you revise your documentation, make sure all relevant personnel have the latest version.

If you have questions about initial background screenings, annual screenings or criminal background checks we are here to help. Please contact us Monday – Friday from 5am to 5pm PT for expert assistance from our experienced team. We look forward to hearing from you.

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