

Why Compliance Matters

The simple answer is ... it's the law.

Following compliance best practices also offers a wealth of benefits.



A Positive Applicant Experience

You probably already have a strong focus on your applicant's experience when applying for a position with your business - compliance is an important part of that process. Having compliant policies builds trust and shows potential team members that you are a caring, conscientious employer. It's an essential step towards building a holistic plan that helps establish fairness, transparency and equality.

Every employer should have written compliance procedures they review and update on a regular basis. So where do you begin?



Start With The FCRA

The Fair Credit Reporting Act (FCRA) is a federal law that created rules for employers to follow when running background checks. Think of it as the backbone of your compliance process. There are a few key points to remember:

Prior to ordering a background check, you must provide the people you wish to screen with clear, conspicuous, standalone disclosure and authorization documents. These must consist of nothing other than the necessary content. They cannot contain liability waivers, state laws, employment information or even administrative statements.

In some cases, the results of a background check may cause you to consider denying employment or revoking a conditional offer. Before you do, you must complete a few short steps. Basically, this involves informing the consumer that an adverse action is being considered, sending them a copy of their background check and allotting time for review so your candidate can file a dispute if they feel it is warranted.



Keep Up With State Laws

Several states have additional employment laws. For example, in some locations hiring managers must individually assess each conviction to determine if they relate to the position and legitimately warrant an adverse action.

When reviewing state laws, consider where your candidates and employees live and work. If you operate in various locations, you need to pay attention to applicable laws in each one. Now and then you may have a situation in which someone lives in one place and works in another. Which law do you follow? Experts typically agree it should be the one that benefits your candidate the most.



Review Your Policies Regularly

Laws and best practices evolve. It's critical to have written screening and hiring policies that you review regularly and update as needed. This helps ensure you remain compliant with current laws wherever you operate.

As always, we strongly recommend consulting with legal counsel to confirm your policies are compliant. If you update your policies, remember to share them with everyone who is involved in hiring.



How We Help

Maintaining strong compliance policies empowers you to:

- Make informed decisions and create safe workplaces
- Enhance the employee experience
- Avoid negligent hiring accusations and legal issues
- Build strong teams that are likely to succeed

Backgrounds Online does not offer legal advice or guidance, but we do provide sample forms, an array of educational resources and a highly trained team to process your background checks.

If you have questions or need assistance, please contact us. We can help you customize background check packages for your specific needs and find solutions to your screening challenges.