

Pre-Employment Screening

At the Absolute Minimum What you Need to Generate Effective Background Checks

It's impossible to find a common standard for thorough background checks into today's expanding employment screening world. Below you will find what I consider to be the *minimum* amount of information needed to do a thorough and effective background check. Keep in mind this recommendation comes from someone who has run an Employment Screening business for 28 years and is also an Expert Witness for Negligent Hiring lawsuits.

Here's how you need to set your standards:

1. An embedded policy in the company's procedures manual to ensure consistency in screening each class of employee.
2. An updated Background Information Form that allows candidates to disclose any and all identification data. This provides a better background check and allows you to discover discrepancy which permits dismissal/elimination of candidacy based on omission of data.
3. Positive Candidate Identification – a background check is worthless if the subject is not really who they say they are. 30% of the population possesses undisclosed aliases!
4. Thorough financial history (credit etc.) to give better identification, current financial condition which is important for fiduciary-based positions, and general responsibility attitude indicators.
5. A thorough driving history even if not driving a company car. This information shows societal attitudes toward basis laws and the attitudes of the subject toward resolution of violations such as Failure to Appear in court for traffic tickets. It is great for identification data and also as an additional responsibility attitude indicator.
6. A multi-level criminal conviction check is critical. Federal, State and Local courts should always be checked. Why? For example: In Los Angeles county many lower grade felonies and high-grade misdemeanors never see the Superior Court level due to busy court calendars. If Superior is the only court searched, much information is missed in the types of crimes that employers need to know before making a hiring decision including: narcotics, crimes of violence etc.
7. NEVER rely on database criminal checks alone for your ultimate decision! This rule can't be stressed enough. These databases, including any online source, lack the perfection which can only be obtained by a hand searched at the jurisdiction. You are essentially buying the amount of investment the purveyor has made in his search logic software, not necessarily in what is being purveyed, if you use these kinds of database services.

As an Expert Witness in Negligent Hiring lawsuits, I have been called many times to testify as

regarding Improper Employment Screening only to render an opinion as to the inadequacy of a database search. This is particularly severe when databases searches miss cases such as rape and murder. Unfortunately it happens a lot.

8. Be sure to QUALIFY your vendor if you are buying third-party background check services. Make sure the vendor is in the business of employment screening and that they update their screening program regularly through counsel. Be sure that they did not just get into this business because it is the latest money-making or marketing fad (that includes all online purveyors of database searches).

Determine the following:

- how long they have been in the *employment screening* business
- how well known or thought of they are in the Human Resources field
- how well known they are by industry associations such as NAPBS and The Background Investigator

9. Find out how they advise their clients as to the soup-to-nuts approach to this type of service. This business is a heck of a lot more than just selling units of data to an end user. It needs to be a symbiotic relationship between the client and vendor since extremely sensitive decisions are being made about consumers. Be aware that a *consumer* is a very important legal term in this field as is defined in the Fair Credit Reporting Act which governs most of the employment screening industry.
10. Have your entire program reviewed by counsel. Changes in this area of the law occur almost daily in the form of “new interpretations,” and if you are caught behind the times, your company opens itself to insane liability.
11. Remember that this service is not to be taken lightly any more. With new laws continuing to be introduced daily and would-be purveyors selling you everything online and instant, you can get into trouble fast if you haven’t thought your employment screening process through. More care and thoroughness at the front end will help you avoid big headaches in the end!

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