Understanding Background Checks

The background check process can be very useful and can be an excellent tool in the hiring process. However, a few things need to be kept in mind, if this is a tool you wish to use. There are legal pitfalls that must be avoided. Two basic issues that you must keep in mind include:

A. If you're going to do background checks on one person, you must make sure to do it on all candidates for a position. Failure to be consistent could show a bias towards discrimination. You should, if at all possible, have the same person do all checks for consistency.

B. Remember that any background check should be based on bona fide job considerations. For example, if a person doesn't handle money, you wouldn't want to do a credit check as the candidates handling of money isn't a part of the job. On the other hand, if animal handling and treatment is part of the job, a background check with former employers that includes questions on how the person treated animals in past positions makes perfect sense.

Keeping these two issues in mind won’t guarantee that you are protected from legal ramifications, but it will go a long way toward protecting you and your organization.

Let’s look at some of the basics for completing a successful background check.

- **Why** – Background investigations allow you to verify information shared by a candidate and to more easily compare applicants. When making a determination for hire, having clear and concise facts to compare is always helpful and also lends credibility to the candidate’s application or resume. This also provides you with documentation to demonstrate reasonable care was exercised in the hiring process to avoid hiring a person whose propensities pose a threat of injury to others.

- **What** – Information gathered should be consistent for all particular positions/applicants and should be based on essential job functions. Areas for consideration are:
  - Driving Records
  - Education
  - Criminal Convictions
  - Past Employment

- **When** – This process should happen prior to offering a candidate a position. If information is provided that may put the applicant in a list of “not eligible for hire” – they should be presented with an opportunity to present documentation or an explanation of results found.

- **Where** – Some information may be obtained directly from the governing offices, such as driving records and criminal convictions. In the case of past employment, direct contact to previous employers listed on the employment application can be used. It is wise to obtain a written consent and release of liability allowing you to contact references, including employers and educational institutions.

To aid your background check, professional search companies may be retained. There are many companies that specialize in pre-employment screening. It is outside the purpose of this fact sheet to identify background checking
companies by name. The most important thing to keep in mind is that companies conducting background checks fall into several broad categories. They can range from individuals commonly known as “private investigators,” to companies that do nothing but pre-employment screening, to online data brokers. The National Association of Professional Background Screeners provides a directory of its members on its Web site, www.napbs.com. It is important to note: if you use a third party to provide a background check, you must be sure to comply with applicable state and federal laws, including the Fair Credit Reporting Act, 15 U.S.C. §§ 1681-1681t.

**Background Check-Job Aid: Ten Steps to a Successful Background Check**

1. Review the job description for the position you are filling. Determine what essential job functions are important that a background check can help validate.

2. Where applicable, get written permission from the candidate to access his or her background information. (In many cases this is included on your job application form.)

3. Prepare yourself before contacting the other party. Make sure you have pertinent information about the person to make the other party’s job easier. The easier you make it for them, the more information you will be likely to get.

4. Make contact with the person/organization. Explain that you are doing a background check as part of a pre-employment hiring process and ask for their assistance.

5. Be prepared with questions. Questions should be specific and be based on the position you are filling. If the position you are filling deals with animal care, ask specific questions about the person and how he or she dealt with specific situations. A good question might be, “(Candidate name) is applying for a position with our organization where animal care is a large part of the job. Can you tell me whether he/she did this in his/her past position and to what extent he/she was successful? If you would, please provide examples of both positive and negative situations around animal care.

6. Ask for information to validate specific information you have received such as dates of employment, positions, salary, etc. Validating this information will help to establish credibility in regard to other information supplied by the candidate.

7. If you are met with resistance, ask for other individuals in the organization who may be able to help. Some organizations provide only the basic factual information. If you receive that response, thank the person and consider requesting additional references from the candidate.

8. Consider closing your discussion by asking about rehire of the individual. Asking the organization if they would be willing to rehire the individual will give you a good feel for how the person succeeded in the position and their reason for leaving.

9. Thank the other party offering to reciprocate in the future (to the extent your organization permits you to do so).

10. Understand that information received in the background check is just part of the interview process. It should be considered in conjunction with other information gained in the interview and any job-specific testing that may be done.