

Navigating COMPLIANCE with Your Background Screener

By: Christine Cunneen, CEO of Hire Image LLC

The services offered by background screeners have never been more important. It seems to be in the news on a daily basis—from smaller infractions to complete devastation. While background screening cannot prevent everything, when used correctly, it can protect your organization.

When choosing a background screener, employers understand their immediate needs of accuracy, fast turn-around times, great customer service, and a reliable, secure system. However, there is an even greater picture of which to be aware – **COMPLIANCE!**

Many employers believe their screening provider takes care of all compliance related issues for them. Do not assume this to be true. In fact, the screener is required under the Fair Credit Reporting Act (“FCRA”) to obtain certifications from you which outline the employer’s legal obligations.

Compliance is complicated at the federal and local levels, with rules that are constantly changing. The federal FCRA protects consumers by regulating employers and screening providers. The current lawsuit frenzy is attributable to FCRA statutory damages up to \$1,000 per violation and no cap on class action lawsuits. These lawsuits impact the employer, and often don’t include the provider.

What should you do?

Know your obligations under the FCRA

Did you receive “Notice of Users of Consumer Reports: Obligations of Users Under the FCRA” from your provider? You should read it and understand your obligations, especially the strict requirements of proper disclosures and notification when taking adverse action.

Know your obligations for local jurisdictions

Is your vendor providing you education and/or templates of forms and disclosures needed to comply with local laws and are they updated regularly? There are over a dozen jurisdictions requiring additional notifications at disclosure or adverse action stages, which may require them based on where the employee lives or works. Determine the steps needed for proper notifications for each location.

Ensure training for all users of the background screening report

All employees involved in the screening process should receive training on the proper steps involved. New hires must be trained in the requirements of requesting and communicating the results of background checks.

Review process on consistent basis to ensure compliance

The rules related to background screening are changing all the time. This is not a ‘set it and forget it’ process. Schedule reviews of the process and the team’s adherence to it and request updates from your provider.

It is imperative to have a trusted partner that understands their legal obligations and understands and assists with your obligations. Background screeners who are accredited by the National Association of Professional Background Screeners (NAPBS) have made a commitment to deliver the highest level of industry standards, including consumer protection and legal compliance. Don’t forget, compliance is your responsibility, but insist on a provider who looks out for you too!

Hire Image’s “COMPLY” method assists employers with compliance obligations. Using the “COMPLY” method, we provide free, no obligation, compliance reviews.



ABOUT THE AUTHOR:

Christine Cunneen, CEO of Hire Image LLC, is past Chair of NAPBS and is on the board of RI-SHRM. Hire Image is 100% US-based and accredited and one of the few companies requiring all operational staff to maintain FCRA certification.