

THE STAFFING PRO'S COMPLETE GUIDE TO **BETTER BACKGROUND SCREENING** RESULTS

Provided by: The Background Investigation Bureau



As a staffing firm, you offer a valuable service to your clients by sourcing talented applicants to join their workforce. Because you have been entrusted with such important work, fully vetting these applicants with background screening is a necessity.

However, not every background check is the same. Plus you also face challenges of compliance, administration, management and speed to hire.

With all these challenges, is better screening worth the effort?

We created this e-book specifically for staffing firms. Explore further to learn:

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Many staffing firms choose to use only a “national” database search. It’s attractive because it’s cheap and fast, but it’s also risky. Being transparent about these risks can help you determine if it’s the right screen for your firm.



THE **FACTS** ABOUT NATIONAL DATABASES

Fact 1: *A complete nationwide database does not exist in the U.S. At best, a national database contains records from only 50% of U.S. courts.*

Fact 2: *Some counties do not report to any state or national repositories.*

Fact 3: *Database searches often return large numbers of records when using common names, resulting in false positives, which can be a liability for organizations.*

Fact 4: *“Instant” database checks are not vetted. The information may be outdated or—worse—it may not even belong to your applicant.*



An Alarming Case Study

To illustrate the dangers of using a standalone database, BIB prepared a comparison for a national staffing firm that processes over 100,000 screens annually. We sampled 993 applicants. These applicants had all been “cleared” via a national screen.

When a professional grade screen was performed, we found:

- **30% of the applicants had records** (almost 300 applicants)
- **Over 5% applicants had violent felonies** (more than 50 applicants)
- One applicant was even **listed on a sex offender registry**.

You may also want to consider that many times your clients hire your applicants permanently and may rescreen these individuals. What if they use a higher quality screen than just a “national”? What if they find something you didn’t?

National databases can be a valuable tool, allowing you to expand the scope of your search. But using them as a standalone could put your clients and your reputation in jeopardy.



If you currently use paper forms for background checks, there's a better way! Break free from paper, and get rid of those old filing cabinets. Use a vendor (like BIB!) that offers an online platform and the ability for applicants to enter their own information. Rid your staff of data entry and efficiency-killing paperwork.

1. Multiple Packages

Create different packages based on client requirements to easily navigate each of your customers' needs.

2. Consolidated Reporting

Get one report for an applicant for the whole background check (criminal, civil, credit), and verifications.

3. Policy Management

Allow your screening firm to facilitate approvals of applicants that meet your or your clients' guidelines. By only reviewing reports with serious offenses, you could reduce your review time by up to 80%!

4. Integrations with your ATS

Most applicant tracking systems can integrate with your background check company, simplifying the talent acquisition process.

5. Single Sign-On

Allows for firms with multiple locations or customer - specific accounts to view everything with one login.

6. Lifetime Document Management

Allows you to easily look up any documents online - not the filing cabinet.

Background screening is a very heavily regulated industry, but compliance doesn't have to be complicated. Let's look at three areas that are most important to employers regarding background checks: responsibilities under the [FCRA](#), adhering to the [EEOC's Guidance](#) and [Ban the Box](#) legislation.

The following responsibilities may seem overwhelming, but a CRA can help. Your CRA should provide you with a compliant sample disclosure/authorization, handle the adverse action notifications and disputes, and keep you up-to-date on relevant laws.

FCRA (Fair Credit Reporting Act)

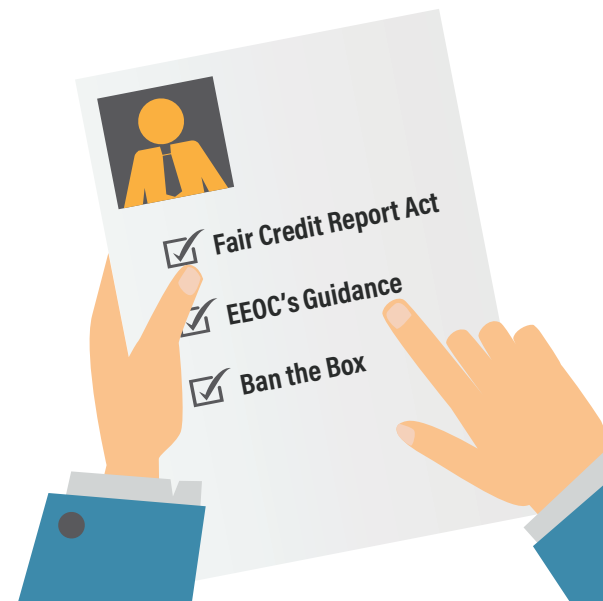
Background checks conducted by consumer reporting agencies (CRAs) are dictated by the FCRA. As an employer using a CRA, it's your responsibility to adhere to these regulations:

Have a permissible purpose.

Reports procured should be for employment purposes only.

Provide a disclosure and obtain an authorization.

Employers must provide a clear and conspicuous disclosure to the applicant in a document consisting solely of the disclosure that explains that a consumer report may be obtained for employment purposes. The applicant also needs to authorize, in writing, permission for you to obtain the report. Remember it should be a standalone document - many employers have been sued based on this requirement of the FCRA.



Provide copy of the report and rights with any adverse action.

Before an applicant may be denied employment, or other adverse action taken, in whole or in part on the basis of the report, certain notifications must be sent to the applicant. The first letter is known as Pre-Adverse and should contain a copy of the report and a copy of "A Summary of Your Rights Under the Fair Credit Reporting Act." This letter provides the applicant a means to dispute any information found in the report. After adverse action is taken, employers must send a second letter or notice required under 615(a) to the applicant.

Employers can't use the information on the report to violate any other laws.

You must keep the contents of the report confidential.

The EEOC

With its 2012 Guidance, the EEOC began to heavily critique the use of criminal background checks in hiring decisions. They have documented their belief that background screening can result in disparate impact. It is important to note that the EEOC guidance is not law but rather recommendations; but they do have the ability to file suit against employers they believe are engaging in discrimination. And they have done so.

Important things to know about the 2012 Guidance:

1. It recommends the use of individualized assessments rather than automatic denials of employment because of criminal history.
2. It discourages the use of bright-line policies, which would automatically deny an applicant employment because of specific guidelines; (i.e. "Anyone with a felony conviction in the last 10 years is not eligible")
3. It cautions against making decisions based solely on arrest records, stating, "the fact of an arrest does not establish criminal conduct has occurred."

Ban the Box

“Ban the Box” is a term that is used to describe initiatives and laws that remove the question on a job application about an individual’s conviction history. Its purpose is to enable ex-offenders to display their qualifications in the hiring process before being asked about their criminal records, which may make it easier for them to get hired. It’s a very hot trend right now with new laws being enacted weekly.

Other elements besides removing the question may be included in legislation. To ensure you are adhering to the laws pertinent to your area, check with your state, county, city or town.



How does the law affect what employers can do with background checks?

Ban-the-box laws typically do not forbid employers from running background checks on their applicants, but some require a delay in obtaining a criminal background check until after the first job interview or until after a conditional offer of employment is made. Some restrict how an employer can use the information obtained in a background check, some require additional notices be given to applicants, and some delay the hiring process by granting a right to appeal employer decisions based on criminal history information.

Turnaround time is one of the most critical elements for staffing firms when choosing a background screener. But how does your screener really calculate their average turnaround time?

Turnaround time is completely jurisdictionally driven. If the records are available electronically (which is true for around half of U.S. courts) then turnaround time is quick. If the courts still require hand or clerk searched methods, turnaround time will be much longer. Searching for older cases adds days, too.

When providers calculate turnaround time, they rarely mention words like “delays” and instead throw out great numbers like 24 hours or less. This average TAT could be skewed though depending on how calculations were performed: either by *applicant* or by *transaction*.

Calculating by applicant indicates that time is measured from when the order was submitted to the conclusion of the final search for the applicant (this is how BIB calculates TAT). *Calculating by transaction*, however, is determined in intervals for each search, which can result in misleading TATs.

For instance, your candidate’s screen may require a county and database search. If the county is hand searched, it may have a TAT of four days, but the database search may only take four hours. A vendor that calculates by transaction will average the two to report the TAT (i.e., about 48 hours). *This type of calculation is not a true representation of the actual time you will be awaiting results.*

Why not just use instant results? Instant results are typically returned in just a few hours or automatically and involve nothing but a name based search against a database. However, no verification at the court of record has been performed, which could leave you open to liability for lack of accuracy and completeness of the record.

THE STEPS TO A RELIABLE SCREEN

A professional grade screen is the most reliable type of screen, including these important steps:

Address History Trace (AHT)

This is a report revealing various names, DOBs and addresses associated with a specific Social Security number. An AHT should go back at least seven years.

Why it's important: *Because an AHT creates a profile of an individual's residence history; this profile determines what jurisdictions should be searched.*

County Searches

Based on the profile created from the AHT, each jurisdiction/county identified should be searched.

Why it's important: *County courts are considered the official court of record because most cases are filed and maintained here. This means the most complete and accurate information is generally located here.*

Criminal Record Database

A database search of over 450 million criminal records regularly collected from thousands of sources.

Why it's important: *Because supplementing a county search with databases casts a wider net and helps find more records. Any records here should always be verified at the court of record or county court to ensure complete information.*

National Sex Offender Database

A comprehensive, real-time search of registered sex offender registries in all 50 states and U.S. territories.

Why it's important: *Because searching every available sex offender registry in real-time provides maximum protection from registered sex offenders.*

Also Known As (AKA) Names

These can include maiden names, nicknames or aliases.

Why it's important: *Because everyone doesn't always use the same name! And not every applicant will provide all AKAs. Having as many possible names to search increases your chances of finding records that may have otherwise been missed.*

Due diligence can and should go beyond the background check. Additional pertinent information that could aid in your decision on whether or not the applicant is a right fit can be uncovered by verifying education, work history and references.

Résumé fraud is a hot topic in HR right now, and for good reason. Research and studies have shown that many applicants may be embellishing résumés or—even worse—straight out lying. SHRM reported that 53% of job applications contain inaccurate information.

Because a résumé is not itself a verifiable document, applicants have begun to take creative license. While some discrepancies may seem trivial (like, say, dates of employment), many can be very serious. Applicants are getting smarter and have more resources these days to perpetuate their fraud. A new industry has popped up over the Internet, labeled as professional deception services. These companies will supply individuals with fake employment histories and references.

Diploma mills are also widespread online, offering diplomas and transcripts from colleges and universities that to most eyes appear legitimate. You should never trust anything provided directly by the applicant, as it's too easy to obtain fakes. Always go to the source for the most reliable verification.

Concerned about lack of resources to verify? Verifications are another service offered by CRAs. Outsourcing this can accelerate your speed to hire. But ultimately, the greatest value of verifying is that you are delivering applicants with the right experience and skill sets to your clients.





In-depth due diligence has great worth, not only for your clients but also for you. It helps protect you from negligent hiring claims and enhances the safety of your clients' workplaces. Although there are challenges to creating a solid screening program, there are solutions which can help you worry less about quality, turnaround times and compliance.

Consider revisiting your policies and procedures today. Need help? We're here, and we'd be glad to introduce you to a better way to background check.

The Background Investigation Bureau

Background Investigation Bureau offers background screening with integrity. We screen, test and verify the backgrounds of your employees and volunteers. Clients love our responsive service and how we accelerate their speed to hire while reducing their costs. With BIB, you get reliable results and easy technology. We're good at protecting what matters and have been since 1995.

BIB is a founding member of and accredited by NAPBS and a member of ASA.

