ASIS INTERNATIONAL

Preemployment Background Screening

ASIS GDL PBS-2009

GUIDELINE

ASIS INTERNATIONAL
Advancing Security Worldwide®

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

ASIS GDL PBS-2009

an ASIS Guideline for Security

PREEMPLOYMENT BACKGROUND SCREENING GUIDELINE

Safety Act Designation

In April 2005, the U.S. Department of Homeland Security (DHS) awarded ASIS International a Designation for its Guidelines Program under the SAFETY Act (Support Anti-Terrorism by Fostering Effective Technology Act of 2002). This Designation is significant in three ways: (1) it establishes that ASIS standards and guidelines are qualified to be a "technology" that could reduce the risks or effects of terrorism, (2) it limits ASIS' liability for acts arising out of the use of the standards and guidelines in connection with an act of terrorism, and (3) it precludes claims of third party damages against organizations using the standards and guidelines as a means to prevent or limit the scope of terrorist acts.

Approved September 2, 2009

ASIS International

Abstract

This guideline aids employers in understanding and implementing the fundamental concepts, methodologies, and related legal issues associated with the preemployment background screening of job applicants.

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

NOTICE AND DISCLAIMER

The information in this publication was considered technically sound by the consensus of persons engaged in the development and approval of the document at the time it was developed. Consensus does not necessarily mean that there is unanimous agreement among every person participating in the development of this document.

ASIS International standards and guideline publications, of which the document contained herein is one, are developed through a voluntary consensus standards development process. This process brings together volunteers and/or seeks out the views of persons who have an interest in the topic covered by this publication. While ASIS administers the process and establishes rules to promote fairness in the development of consensus, it does not write the document and it does not independently test, evaluate, or verify the accuracy or completeness of any information or the soundness of any judgments contained in its standards and guideline publications.

ASIS is a voluntary, nonprofit professional society with no regulatory, licensing or police power over its members. ASIS does not undertake a duty to third parties because it does not have the authority to enforce compliance with its standards. It assumes no duty of care to the general public, because its standards are not obligatory and because it does not monitor the use of those standards.

ASIS disclaims liability for any personal injury, property, or other damages of any nature whatsoever, whether special, indirect, consequential, or compensatory, directly or indirectly resulting from the publication, use of, application, or reliance on this document. ASIS disclaims and makes no guaranty or warranty, expressed or implied, as to the accuracy or completeness of any information published herein, and disclaims and makes no warranty that the information in this document will fulfill any person's or entity's particular purposes or needs. ASIS does not undertake to guarantee the performance of any individual manufacturer or seller's products or services by virtue of this standard or guide.

In publishing and making this document available, ASIS is not undertaking to render professional or other services for or on behalf of any person or entity, nor is ASIS undertaking to perform any duty owed by any person or entity to someone else. Anyone using this document should rely on his or her own independent judgment or, as appropriate, seek the advice of a competent professional in determining the exercise of reasonable care in any given circumstances. Information and other standards on the topic covered by this publication may be available from other sources, which the user may wish to consult for additional views or information not covered by this publication.

ASIS has no power, nor does it undertake to police or enforce compliance with the contents of this document. ASIS has no control over which of its standards, if any, may be adopted by governmental regulatory agencies, or over any activity or conduct that purports to conform to its standards. ASIS does not list, certify, test, inspect, or approve any practices, products, materials, designs, or installations for compliance with its standards. It merely publishes standards to be used as guidelines that third parties may or may not choose to adopt, modify or reject. Any certification or other statement of compliance with any information in this document shall not be attributable to ASIS and is solely the responsibility of the certifier or maker of the statement.

All rights reserved. Permission is hereby granted to individual users to download this document for their own personal use, with acknowledgement of ASIS International as the source. However, this document may not be downloaded for further copying or reproduction nor may it be sold, offered for sale, or otherwise used commercially.

Copyright © 2009 by ASIS International

ISBN 978-1-887056-99-1

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

FOREWORD

The information contained in this Foreword is not part of this ASIS International Guideline and has not been processed in accordance with ASIS' requirements for a Guideline. As such, this Foreword may contain material that has not been subjected to public review or a consensus process. In addition, it does not contain requirements necessary for conformance to the Guideline.

About ASIS

ASIS International (ASIS) is the preeminent organization for security professionals, with more than 37,000 members worldwide. ASIS is dedicated to increasing the effectiveness and productivity of security professionals by developing educational programs and materials that address broad security interests, such as the ASIS Annual Seminar and Exhibits, as well as specific security topics. ASIS also advocates the role and value of the security management profession to business, the media, government entities, and the public. By providing members and the security community with access to a full range of programs and services, and by publishing the industry's No. 1 magazine—*Security Management*—ASIS leads the way for advanced and improved security performance.

The work of preparing ASIS Standards and Guidelines is carried out through the ASIS International Standards and Guidelines Commission committees. The Mission of the ASIS Standards and Guidelines Commission is *to advance the practice of security management through the development of standards and guidelines within a voluntary, nonproprietary, and consensus-based process, utilizing to the fullest extent possible the knowledge, experience, and expertise of ASIS membership, security professionals, and the global security industry.*

About NAPBS

Founded in 2003 as a non-profit trade association, the National Association of Professional Background Screeners (NAPBS) serves to represent the interest of companies offering employment and background screening. NAPBS offers an opportunity for qualified companies to participate in shaping the body of knowledge and regulations impacting our futures. NAPBS give the screening industry the ability to effectively demonstrate its competence, reliability and willingness to adopt standards.

ASIS and NAPBS in an effort to promote shared cooperative interests collaborated in the revision of the 2006 version of the "Preemployment Background Screening Guideline".

Suggestions for improvement of this document are welcome. They should be sent to ASIS International, 1625 Prince Street, Alexandria, VA 22314-2818, USA.

Commission Members

Jason L. Brown, Thales Australia

Steven K. Bucklin, Glenbrook Security Services, Inc.

John C. Cholewa III, CPP

Cynthia P. Conlon, CPP, Conlon Consulting Corporation

Michael A. Crane, CPP, IPC International Corporation

Eugene F. Ferraro, CPP, PCI, CFE, Business Controls Inc.

F. Mark Geraci, CPP, Purdue Pharma L.P., Chair

Robert W. Jones, Kraft Foods, Inc.

Michael E. Knoke, CPP, Express Scripts, Inc., Vice Chair

John F. Mallon, CPP

Marc H. Siegel, Ph.D., Commissioner, ASIS Global Standards Initiative

Roger D. Warwick, CPP, Pyramid International

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

At the time it approved this document, the PBS Guideline Committee, which is responsible for the development of this Guideline, had the following members:

Committee Members

Committee Chairman: Michael S. Keenan, Forest Laboratories, Inc.
Commission Liaison: Michael E. Knoke, CPP, Express Scripts, Inc.
Committee Secretariat: Sue Carioti, ASIS Secretariat

Kerstin Bagus, LexisNexis Screening Solutions
G. Tim Best, PreScreen America, Inc.
Angela L. Bosworth, Esq., OPENonline
Albert Bueno, General Information Services
Robert Capwell, Employment Background Investigations
Mike Coffey, Imperative Information Group
Arthur J. Cohen, Esq., Concorde, Inc.
Steven R. Cotner, Corporate Intelligence Consultants
Russ Dempsey, JD, LLM, Background Bureau, Inc.
Frederick G. Giles, CPP, CARCO Group, Inc.
William F. Hauswirth, Intellicorp Records, Inc.
Kym Kurey, A-Check America, Inc.
Larry Lambeth, Employment Screening Services, Inc.
Angela Linville, Wachovia Corporation
Patricia McGowan, Personnel Data Research LLP
Jason B. Morris, EmployeeScreenIQ, Inc.
Barry J. Nadell, Nadell Investigations
Berndt Rif, CPP, De Nederlandsche Bank NV
Lester S. Rosen, Esq., Employment Screening Resources (ESR)

Working Groups Members

Kerstin Bagus, LexisNexis Screening Solutions
Robert Capwell, Employment Background Investigations
Mike Coffey, Imperative Information Group
Arthur J. Cohen, Esq., Concorde, Inc.
Steven R. Cotner, Corporate Intelligence Consultants
Russ Dempsey, JD, LLM, Background Bureau, Inc.
Frederick G. Giles, CPP, CARCO Group, Inc.
Kym Kurey, A-Check America, Inc.
Larry Lambeth, Employment Screening Services, Inc.
Jason B. Morris, EmployeeScreenIQ, Inc.
Barry J. Nadell, Nadell Investigations
Lester S. Rosen, Esq., Employment Screening Resources (ESR)

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

NAPBS Contributing Members

Kerstin Bagus, LexisNexis Screening Solutions
Robert Capwell, Employment Background Investigations
Mike Coffey, Imperative Information Group
Arthur J. Cohen, Esq., Concorde, Inc.
Steven R. Cotner, Corporate Intelligence Consultants
Frederick G. Giles, CPP, CARCO Group, Inc.
Larry Lambeth, Employment Screening Services, Inc.
Jason B. Morris, EmployeeScreenIQ, Inc.
Barry J. Nadell, Nadell Investigations
Lester S. Rosen, Esq., Employment Screening Resources (ESR)

Revision History

This second edition of the Preemployment Background Screening Guideline was approved by the ASIS International Commission on Standards and Guidelines in 2009. The baseline document was published in 2006.

Guideline Designation

This guideline is designated as ASIS GDL PBS-2009.

Keywords

Adverse Action Notice, Arrest, Background Check, Background Screening, Civil Records, Consumer Report, Consumer Reporting Agency, Conviction, Credit Reporting Agency, Criminal Records, Due Diligence, Employment Verification, Fair and Accurate Credit Transactions Act (FACTA), Fair Credit Reporting Act (FCRA), Investigative Consumer Report, Negligent Hiring, Pre-Adverse Action Notice, Preemployment Background Screening.

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

[This page intentionally left blank]

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

TABLE OF CONTENTS

1. SCOPE, SUMMARY, AND PURPOSE 1

1.1 SCOPE 1
1.2 SUMMARY 1
1.3 PURPOSE 1

2. TERMINOLOGY 2

3. WHY CONDUCT PREEMPLOYMENT BACKGROUND SCREENING 6

3.1 MAKING THE BEST HIRING DECISION 7
3.2 PROVIDING A SAFE WORK ENVIRONMENT AND PROTECTING THE PUBLIC 7
3.3 LEGAL RISKS AND LIABILITIES 8

4. DOCUMENTED PROGRAM FOR PREEMPLOYMENT BACKGROUND SCREENING 9

4.1 HAVING A DOCUMENTED PROGRAM FOR PREEMPLOYMENT BACKGROUND SCREENING 9
4.2 WHO IS TYPICALLY INVOLVED IN THE PREEMPLOYMENT BACKGROUND SCREENING PROCESS 10
4.2.1 Human Resource Personnel 10
4.2.2 Security Personnel 11
4.2.3 Business Owners and Managers 11
4.2.4 Legal Personnel 11

5. LEGAL ISSUES AND CONSIDERATION 11

5.1 LEGAL COMPLIANCE 12
5.2 FAIR CREDIT REPORTING ACT (FCRA) 12
5.3 EMPLOYER REQUIREMENTS UNDER THE FCRA 12
5.4 FEDERAL TRADE COMMISSION (FTC) 14
5.5 FCRA DOCUMENT DESTRUCTION RULES 14
5.6 STATE CONSUMER REPORTING STATUTES 14
5.7 REGULATED INDUSTRIES 15
5.8 STATE LICENSING REQUIREMENTS 15
5.9 USA PATRIOT ACT 15
5.10 BANKRUPTCY ACT (11 U.S.C. §525(B)) 15
5.11 SARBANES-OXLEY ACT OF 2002 15
5.12 FAIR TREATMENT AND DISCRIMINATION 16
5.13 PRIVACY 16
5.14 RECORD RETENTION 18
5.15 CRIMINAL RECORDS 18
5.16 ADDITIONAL IMPORTANT CONSIDERATIONS 19

6. HOW TO STRUCTURE A PREEMPLOYMENT BACKGROUND SCREENING PROGRAM 21

6.1 THE IMPORTANCE OF THE EMPLOYMENT APPLICATION 21
6.2 CRITICAL ITEMS EVERY APPLICATION FORM SHOULD CONTAIN 23

7. APPLICATION REVIEW 24

8. INTERVIEWS 24

9. APPLICANT SCREENING PROCESS 25

9.1 SCOPE OF THE PREEMPLOYMENT BACKGROUND SCREEN 25
9.2 DESCRIPTION OF THE ELEMENTS 26
9.2.1 Identity Verification 26

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

9.2.1.1 Government Programs *27*
9.2.2 Personal History Verification *28*
9.2.2.1 Home Addresses *28*
9.2.2.2 Criminal Court Record History *29*
9.2.2.3 Sexual Offender Indices *33*
9.2.2.4 Motor Vehicle Record (MVR) Search *34*
9.2.2.5 Credit Reports *34*
9.2.2.6 Regulatory Sanctions and Terrorist Lists *35*
9.2.2.7 Industry Specific Record History *36*
9.2.2.8 Civil Court Record History *36*
9.2.3 Credentialing *37*
9.2.3.1 Education Verification *37*
9.2.3.2 Employment Verification *38*
9.2.3.3 Licensure/Certification/Registration Verification *38*
9.2.3.4 Personal References *39*
9.2.3.5 Supervisor/Co-Worker Interviews *39*
9.2.3.6 Military History Verification *39*
9.2.4 Preemployment Drug Screening *40*
9.2.5 Screening Criteria Appropriate for Position Levels *40*

10. DECISION-MAKING PROCESS 41

10.1 PROCEDURES 41
10.2 AUDITS AND BUSINESS REVIEWS 43

11. APPENDIX 44

11.1 SAMPLE PREEMPLOYMENT BACKGROUND SCREENING FLOW CHART 44
11.2 SAMPLE BACKGROUND SCREENING DISCLOSURE AND WRITTEN AUTHORIZATION 45

12. REFERENCES/BIBLIOGRAPHY 46

12.1 BOOKS AND REPORTS 46
12.2 WEB SITES 47

This is a preview of "ASIS PBS GDL (2009)". Click here to purchase the full version from the ANSI store.

an ASIS Guideline for Security –

Preemployment Background Screening Guideline

1. Scope, Summary, and Purpose

1.1 Scope

The scope of the *Preemployment Background Screening Guideline* is to aid U.S. employers in understanding and implementing the fundamental concepts, methodologies, and related legal issues associated with the *preemployment background screening* of job applicants. This core guideline is focused on U.S. organizations employing people within the United States. (Due to the global nature of many U.S. organizations, it is recommended that the employer work with Counsel to develop a country-specific process to comply with local regulations.) Unless otherwise noted, the search types described in this document are those obtained from sources within the United States.

1.2 Summary

This guideline presents practical information concerning the value of preemployment background screening, the importance of the application form, important legal issues and considerations (such as the Fair Credit Reporting Act, privacy issues, state laws, rules, and regulations), the key elements of preemployment background screening, the types of information to utilize in verifying the key elements, the use of credit reporting agencies in preemployment background screening, and an appendix of a sample preemployment background screening flow chart. Additional preemployment background screening resources are listed in the References/Bibliography section.

1.3 Purpose

Employers, from the smallest to the largest, understand the dual benefits of hiring the best people and providing a safe and secure workplace—both physically and financially—for their employees, customers, shareholders, and the community in which they operate. A key factor is to know as much as you can about the people you want to hire and to know that before hiring them. Hiring a new employee is an important responsibility for any organization. An employer who has performed a thorough preemployment background screening on its applicants is more likely to bring into the organization a highly-skilled person who will prove to be a tremendous asset. Unfortunately, absent a sufficient preemployment background screening, that same employer runs the risk of exposing his or her organization to someone who could ultimately become the organization's greatest liability.