



SCREENING SOLUTIONS

a newsletter for the clients of Corporate Screening

SUMMER 2012

RESEARCH | COMPILE | ANALYZE | VERIFY

Feature Story

Background Screening How-To: Get Fast Results and Quality Reports

Hiring the right employee takes time - time that employers don't have. Corporate Screening can help you speed up the background check process, with helpful tips that human resources professionals and hiring managers can use to reduce background screening turnaround time.

The Application

Reviewing the employment application for missing information is the first step to ensure quick turnaround for background checks. People tend to rush through the process of completing the application, which means that they often leave areas blank. In addition, if it's hand-written, make sure that answers are legible. Encouraging applicants to completely and legibly fill out the form prior to beginning the background screening process saves time, because Corporate Screening will have more complete information at hand, and it is less likely that we will have to get back to you or your candidate to request missing information.

An additional important piece of information that can be easily overlooked but should be contained on the application is all of the names that the applicant has used. Name changes are common, and can slow down the screening process when trying to verify employment or education, since it can be difficult to verify information if the candidate doesn't

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Client Alert

Summarizing the EEOC Guidance on Criminal Back- ground Checks

As Corporate Screening Services, Inc. (CS) previously reported, on April 25, 2012 the Equal Employment Opportunity Commission (EEOC) issued guidance on the extent to which employers could use criminal history records when hiring. The guidance applies to all employers, not just those that use background screening providers, and are intended to provide more clarity and detail about employers' use of criminal history in making employment decisions, without violating Title VII of the Civil Rights Act of 1964.

For years, the EEOC has asserted that using criminal history in hiring can lead to unintended discriminatory effect (or "disparate impact") on minorities, and uses national data that demonstrate a higher rate of arrests, prosecution and conviction for minorities to support this. Under Title VII, employers cannot treat criminal history differently for applicants/employees based on race or national origin, nor is a neutral policy on hiring people with criminal records (i.e. we do not hire people who have been convicted of a criminal offense) enough, since disparate impact may occur as a result of these types of policies.

If litigation occurs and a plaintiff establishes disparate impact, then employers have to show evidence that there is not. It is not enough for an employer to

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include previous names. A quick check to make sure that the candidate has included all previous names can speed up the turnaround time of the final report.

And finally, when reviewing the application, it's good to review the address section for completeness. Check to make sure that the address contains house number, street name, city, state and zip code.

Verifying Employment and Education

Most of the time this candidate information is requested on the application, and a quick review of the information can save time in the end. Does it contain the entire phone number, including area code? Is the complete address listed, including the city and state? What about the supervisor information – does it contain a full name at a minimum?



Sometimes a previous place of employment is no longer in business or is operating under a new name. This is valuable information, and including it can help speed up the background screening turnaround time. The confidentiality of a job search is another factor to consider. Ask the candidate whether or not they authorize contacting their current employer. Doing so can prevent some potentially sticky situations.

The principal of providing as much information as possible continues with the verification of education. Graduation dates, the correct name of the high school and/or college, as well as including the city and state is basic information that should be included. As with previous employment, if a school or college is no longer operating or is operating under a different name, providing that information can lead to faster results.

The Final Background Report

Corporate Screening is well aware that candidates may not have all of this information being requested. Despite this, we have resources that will provide you with the high quality background screening reports you have come to expect from us. However the more information the applicant can provide, the faster we can provide you with the results you need to make your hiring decision.

Summarizing the EEOC Guidance on Criminal Background Checks (Cont. from page 1)

to demonstrate a diverse workplace. Employers should develop a targeted screen that considers the so called "Green Factors":

- the nature of the crime,
- the amount of time since conviction and/or completing the sentence, and
- the nature of the job.

Additionally, the EEOC recommends employers should perform an "individualized assessment" of applicants/employees. An individualized assessment is not required, however implementing the practice may help protect an employer from and against litigation. "Individualized assessment" means that "an employer informs the individual that he may be excluded because of past criminal conduct; provides an opportunity to the individual to demonstrate that the

exclusion does not properly apply to him; and considers whether the individual's additional information shows that the policy as applied is not job related and consistent with business necessity."

An individualized assessment should consider the following:

- The facts or circumstances surrounding the offense or conduct,
- The number of offenses for which the individual was convicted,
- Age at the time of conviction or release from prison,
- Evidence that the individual performed the same type of work, post-conviction, without any known incidents of criminal conduct,
- Length and consistency before and after offense,

- Rehabilitation efforts,
- Whether the individual is bonded under a federal, state or local bonding program.

The EEOC does not provide guidelines on HOW to make a decision based on these factors (i.e. setting a time limit on using conviction information); instead the EEOC simply offers that these factors should be considered when using criminal history in making an employment decision. Corporate Screening strongly encourages you to seek legal counsel when developing or adjusting your background screening program to meet the requirements set forth by the EEOC.

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EEOC Guidance (Cont. from page 2)

EEOC Best Practice Recommendations

The EEOC's best practice recommendations for employers that use criminal record information when making employment decisions are listed below:

- Eliminate standardized rules and policies that exclude people from employment based on criminal records.
- Train managers, hiring officials and decision-makers about Title VII and its prohibition on employment discrimination.
- Develop a narrowly tailored written policy and procedures for screening criminal records by:
 1. Identifying essential job requirements and the actual circumstances under which the jobs are performed.
 2. Determine the specific offenses that may demonstrate unfitness for performing such jobs.
 - i. Identify the criminal offenses based on all available evidence.
 3. Determine the duration of exclusions for criminal conduct based on all available evidence.
 - i. Include an individualized assessment.
 4. Record the justification for the policy and procedures.
 5. Note and keep a record of consultations and research considered in crafting the policy and procedures.
- Train managers, hiring officials and decision-makers on how to implement the policy and procedures consistent with Title VII.
- When asking questions about criminal records, limit inquiries to records for which exclusions would be job related for the position in question and consistent with business necessity.

- Keep information about applicants' and employees' criminal records confidential. Only use it for the purpose for which it was intended.

Again, the EEOC does not provide specifics on how to adhere to the guidelines, especially when it comes to determining whether or not a specific conviction demonstrates "unfitness" for the position. For some convictions, the correlation may be strong (i.e. an individual recently convicted of drug trafficking applying to work for a pharmacy) while other correlations may be more nebulous.

The EEOC falls just short of suggesting employers "ban the box" (not ask an applicant whether or not they have been convicted of a crime on an initial application). However, employers may want to review this portion of their applications and consider eliminating the question on initial applications or seek advice from legal counsel on the best way to address this question on initial applications.

Notable Information

Some takeaways Corporate Screening would like to leave with employers:

- The updated guidance affects all employers, not just those that use background screening providers.
- Conducting background screening in itself is not an issue - there is nothing in the guidance that prohibits or prevents employers from conducting background checks.
- CS recommends that you review the new EEOC guidance thoroughly and carefully with legal counsel and your HR advisor.
- The guidance states that "compliance with other FEDERAL laws and/or regulations that conflict with Title VII is a defense to a charge of discrimination under Title VII."

- If an employer does not have a written background screening policy in place, this is a good time to establish one. If the organization already has a screening policy, it would be a good time to review it, as well as hiring policies. As an example, the EEOC guidance states that neutral blanket policies, such as one in which an employer excludes everyone who has a criminal record from employment, may disproportionately impact minorities. Therefore the EEOC is likely to find that such a policy violates Title VII.

- There is a difference between arrest and conviction records, and employers should be aware that arrest without a conviction is not enough to warrant exclusion from employment. Note, background checks performed by Corporate Screening do not include arrests without conviction, unless the charges are pending.

- State and local laws **ARE** pre-empted by Title VII. Corporate Screening recommends you review this information thoroughly with your legal counsel to determine how it may apply to your business/organization. This is especially important for organizations such as health care facilities that may base hiring decisions on a state mandate. We strongly encourage these types of organization to review their policies in order to address any potential conflicts between state and/or local laws and the EEOC guidelines.

After reviewing your background screening policy with your legal counsel and human resource advisors, Corporate Screening will be here to help you implement any changes. We offer customized solutions to meet your needs and help you remain in compliance.



By Kevin Neudecker, Quality and Compliance Manager

Criminal Searches

We hear it all the time - from friends and family, at parties, from clients and potential clients, from competitors. What exactly is it that we hear? We hear that it is possible to search the entire country for criminal records on a particular person for just a few dollars. We even hear from people that they can do it themselves on the internet for free or for just a few dollars. If that's the case, why do companies pay more-than-a-few-dollars to run criminal searches on potential employees? The answer is the idea that the entire country can be searched by conducting just one cheap search is misleading at best.

We don't have a secret "Bat Computer" that reveals everything about a candidate

Yes, there are databases that contain criminal record information from hundreds of sources throughout the country that can be searched on a particular individual. These databases can be a helpful tool in completing a thorough background investigation; however they are not a Rosetta stone for determining whether or not a candidate has ever committed a crime. The fact of the matter is that there is not a central database that can be searched to determine whether or not an individual has ever committed a crime. We don't have a secret "Bat Computer" that reveals everything about a candidate just by inputting some basic information about the person.

So what do these nationwide databases reveal? It's true that the databases contain millions of criminal records; however, they do not contain information from every court in the country. Additionally, the information



is potentially out-of-date and there could be large sections of the country that have minimal coverage in the database. This does not mean these databases are useless; however they are more of a searching tool than an actual criminal record search. When information is located on an individual in a nationwide database, a Consumer Reporting Agency (CRA) must confirm with the court of record that the information in the database is true and accurate. This requirement is detailed in section 613 of the federal Fair Credit Reporting Act (FCRA). Basically, a nationwide search generates clues about a criminal record, but only with a search of the actual court of record can we determine that an individual was ever convicted of a crime.

A nationwide database search should be used in concert with county criminal searches based on the areas a candidate has resided, and other information gleaned from an employment application and a social-security-number trace.

Until every court in the country reports to a central database (something we don't believe will ever happen), it will be impossible to conduct a search of the entire country with just one search. Until then, the "Bat Computer" will just be a product of fiction that makes Batman's job easier. Or more to the point makes it easier for those that write Batman comics, movies, etc. to fill in plot holes.

Corporate Screening Partners with ERC



CS is very pleased to announce its new partnership with ERC, one of Ohio's leading organizations dedicated to Human Resources. ERC (www.ercnet.org) provides member organizations access to HR information, expertise and cost savings that supports the attraction, retention and development of great employees. It also hosts the nationally recognized [NorthCoast 99](#) program and sponsors the [ERC Health](#) insurance program.



"We're thrilled to be partnering with Corporate Screening as we believe their products and processes are tops in the industry," said Pat Perry, President of ERC.

"Background screening is a popular outsourced solution for our members and we think they will be very happy with the service and quality at Corporate Screening."

Corporate Screening looks forward to providing quality background screening solutions for ERC member organizations. As President Greg Dubecky said, "We share many of the same values as ERC, and believe this partnership is a natural fit. We believe that ERC members will appreciate our expertise, as well as our ability to consult with HR professionals and assist them in developing industry-specific hiring programs."



CS News

Welcome New Customers

Corporate Screening would like to greet all of our new customers who have come onboard this summer! A warm welcome to:

- ◇ UNI HealthCare Recruiters
- ◇ Pharmanet/i3 -New Jersey
- ◇ University of Akron Department of Nursing
- ◇ Mennonite College of Nursing
- ◇ University of Cincinnati Blue Ash College of Nursing
- ◇ Illinois State University
- ◇ Georgia Northwestern Technical College
- ◇ Delgado Community College
- ◇ Satellite Unlimited
- ◇ University of Mount Union

CS News

Upcoming Tradeshows & Conferences

Drop by and visit Corporate Screening if you are attending one or more of the following upcoming trade shows and conferences:

- HR Florida State Conference, August 27th and 28th, Rosen Shingle Resort, Booth #620, Orlando, FL
- National League for Nursing Conference, September 19th - 21st, Marriott Convention Center, Anaheim, CA
- American Society for Healthcare Human Resources Administration, September 22nd - 24th, Denver Convention Center, Denver, CO



CS Products

The All-New VerifyStudents Will Launch this Fall

In honor of our 25th anniversary, we are pleased to announce that the “Silver” release of VerifyStudents will be launched in fall 2012. Completely updated and with a new look, we’ve improved on the already easy navigation. Students will find this updated version of VerifyStudents more user-friendly than ever.

VerifyStudents.com



Offering the best in student background checks, immunization tracking and paperless drug screening, the new and enhanced features will also please program administrators, and clinical sites.

Updates include:

- A new student dashboard, where students can easily order and manage background reports, access and store program documents, and stay organized all in one place!
- Mobile functionality—students can receive messages, access information and forward background reports using their mobile devices.
- Easy and intuitive site navigation and online background screening application process.
- Secure site and messaging system to protect personal information.
- Updated website with new look, containing more helpful information for all users.

For more information about VerifyStudents, please contact us at 800-229-8606.

CS News

1987-2012: 25 Years in Business

In 1987 Ronald Reagan was president; FOX television was just in its first year; Microsoft’s DOS 3.3 was released; very few people had ever heard of the internet; and a new investigative business was founded by Dennis Drellishak, Sr.

Fast forward 25 years, and Corporate Screening is pleased to share with you that 2012 marks our 25th “silver” anniversary in business. A trusted partner in background screening, Corporate Screening continues to provide exceptional background screening and HRO-related solutions to some of the nation’s top employers.



“Twenty-five years in business is a significant milestone, and an accomplishment for any business,” said Dennis Drellishak, CEO and founder of Corporate Screening. “Over the years our business has grown, but our commitment to providing top-quality products and services has remained the same. It’s something we have worked

hard to accomplish.”

Thank you to our loyal customers who have continued to place their trust in us, and to our employees who have worked hard to provide exceptional service. We look forward to continuing to provide quality background screening services for another 25 years and beyond!



16530 Commerce Court | Cleveland, OH 44130-6305 | P: 800-229-8606 | F: 440-243-4204