



INFORTAL WORLDWIDE
STRATEGIC CORPORATE INVESTIGATIONS

EMPLOYMENT SCREENING - 7 BEST PRACTICES YOU NEED TO KNOW

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Does your company believe in a best practices approach to business? Today, most businesses need best practices to remain competitive and achieve optimum profitability.

With over 50% of applicants falsifying information on their resumes and application forms, it is important to check the truthfulness of the information they provide. Most companies that conduct background checks today do so only as a formality. Screening backgrounds has become just another checkbox item that has to be performed to complete the hiring process. However, this approach is a big mistake, especially if you need to select the best applicant for the job and minimize your company's risks and prevent hiring difficult.

How do you hire the best employees consistently? What difference does it make if you have most of the information you think you need? Why do you need to check additional names and counties of residence?

Unfortunately unless you ask these questions, you may be missing very significant information. We have found that most Consumer Reporting Agencies (CRAs) miss 30% to 50% of negative information about applicants, including serious criminal convictions.

Best Practice #1: The correct identity of your applicant is key to an accurate screening program.

You may think you have the correct information, but if you have the wrong identity, then your hiring decision may be incorrect! Most companies think they do have the correct identity from the SSN, but that is actually wrong. If they have the wrong identity then they will get false positives most of the time (i.e. criminal is clear when it should show a conviction). They should see an absolute minimum of 5% criminal convictions (jumps to 70% for temporary hires); most clients our firm speaks with experience less than 0.5% convictions!

Many CRAs that conduct employment screening checks do not advise their clients on the best way to check criminal records and therefore miss a substantial amount of important information. So long as the results are returned quickly, there could be a false sense of security that you have the information you need for your company and to protect your co-workers.

Does the CRA you use to screen employees guarantee that they have the correct identity of your applicant? 99% of them do not. Why not? Because they are only checking a name for you, and do not have the other personal identifiers in hand BEFORE they check court records. What does that mean to you? It means that they will provide information on someone with a similar name, **not your applicant**. If you think that social security number (SSN) is the main identifier for criminal records you are **incorrect**. Driving histories provide date of birth (DOB) which is the **most critical identifier** for criminal

records. For example when you do not have DOB *before* checking court records, then you cannot distinguish between 10 or 20 people who have the same name such as John Smith or Dick Armstrong . Date of birth identification prevents both false positive and false negative results.

Age Discrimination Problems: If you are an employer requesting date of birth on your FCRA Disclosure form, then you are in possession of that person's age before making a hiring decision; why would you accept liability exposure for an age-discrimination lawsuit? Also some candidates show the wrong DOB and you cannot tell which is correct, therefore you may receive the wrong criminal convictions; often resulting in a false positive or "clear" record when a conviction exists.

Best Practice #2: Use SSN to show which courts to search for residence history.

Did you know that date of birth is the primary identifier for criminal records in all 50 states? In fact, SSN is rarely shown on criminal records although SSN is still important, because it tells us where the person has lived (which counties), whether or not they have a valid SSN, whether other people use the same number, and the different names associated with their SSN. SSN may also indicate if the applicant illegally has an additional SSN.

If you do not have the applicant's date of birth, then you will probably not find the correct person that you are searching for. There are millions of common names in the U.S. There may be 20 or 30 people in one county with the same name. Without date of birth it will be very difficult, if not impossible, to know which one is your applicant.

What if your applicant's legal name is John Richard McGraw but he happens to prefer using his middle name and is known by Dick McGraw? Will your background check find that name or will they only be looking for John McGraw?

What if your applicant is arrested and the court clerk mis-typed his name as MacGraw? The conviction will not be found under the name McGraw! Your applicant may have spent some time in jail or prison and may have found out that if they simply move to a different county, their next employer probably will not find their criminal conviction because they are only checking one county of residence. These name mistakes and failure to check additional counties happen far more often than you may realize.

Best Practice #3: DOB is the correct identified for criminal records.

Effective criminal record searches cannot be accomplished with databases (databases are missing 50% of all convictions). Did you know that 50% of all counties in the U.S. do not report ANY criminal records to state or federal repositories. Counties that do report to such databases do not report ANY misdemeanor convictions; only felonies are reported. Therefore so-called National, Nationwide and State databases are missing at least 50% of all criminal convictions.

You are also required under federal law to check that the information about a criminal conviction is both accurate and up-to-date. The correct way to do this is by checking criminal records at the courthouse with the person's date of birth.

Best Practice #4: Check Federal convictions to prevent interstate crimes and Intellectual Property (IP) Theft.

If you are a high tech or biotech company with IP you must protect, then you need to check federal criminal records so that you find any convictions for Internet related crimes such as IP theft.

These convictions will typically not show up in either county or state criminal records at all. Therefore you should add federal criminal record searches for all applicants with access to confidential IP, including source code.

If you are hiring a CFO or Controller then you need to look at Federal Civil courts to find interstate issues such as SEC Violations or interstate bankruptcies. If you are not doing so, then you are likely not protecting the fiduciary responsibilities of your Board of Directors.

Best Practice #5: Accuracy is key to avoid hiring criminals and dangerous individuals.

Does your CRA proactively recommend ways to improve upon the accuracy of the results you find when conducting background checks? They probably only tell you about new laws and changes in agency fees. Of course these are both important, but are not enough to protect you from highly inaccurate background results.

Infortal is the only company in the Consumer Reporting Industry to provide two separate guarantees:

- 1. We guarantee 100% that we are reporting correctly from court house criminal records; and*
- 2. We guarantee 100% that the applicant's identity is correct.*

Many CRAs provide inexpensive, fast screening with low accuracy. The results frequently show “clear” criminal history when a conviction history really exists. Did your CRA advise you on different background checks designed for your specific employee groups? Or are you simply selecting from a menu of options? Do you know why certain types of checks are important?

To keep their results fast, cheap and easy to use, most CRAs will not tell you what you do not know. For example, if you do not check an alias name does it matter? What if you only check the applicant's most recent county of residence and you miss a felony conviction in a different county? Is that important to you? It should be!

If a history of violence later comes to light, then your company may be liable for substantial damages if that applicant later exhibits violent behavior. The same thing may be true for someone with a history of sexual harassment or other crimes including both felonies and some misdemeanors.

Best Practices #6: Leverage driving convictions to tell you about violent tendencies.

Most clients tell us we don't need driving history unless it is job-related. But aren't you supposed to prevent issues of workplace bullying, intimidation, and violence?

When you have a case of workplace violence, a threat assessment professional will need to determine what is the applicant's propensity for violence? Where is that information found? On their criminal history and their driving history, also sometimes in civil records (belligerent or litigious behavior, or the applicant may have an executor if they have a history of serious psychological issues).

In addition to the key identifier, date of birth, the driving history can also reveal other important items such as: Active arrest warrants (non-criminal arrests), concealed weapons violations, hit and run, resisting arrest, reckless driving, road rage, and evading police.

Best Practice #7: Evaluate trends in the data "Two is a Pattern, Three is a Trend"™

After 25 years experience in security investigations and employment screening, clients often ask Infortal "what is a good rule of thumb when hiring applicants with multiple discrepancies in their backgrounds?".

Our rule of thumb is: *Two is a Pattern & Three is a Trend™*; since this is not an extensive NASA-type background, look at the frequency of issues that are occurring. Even though they may appear to be unrelated issues, they are still important statements about the personality and traits of that individual.

An applicant with one negative in their background may be fine, whereas an applicant with a pattern of three separate issues, even minor issues, may be a relatively "poor hiring risk" before the end of their first year of employment.

When an applicant has multiple issues in their background, this is a good time to explore with the applicant their explanation of how these issues or events occurred. You should listen to their story and evaluate their version of what has occurred. Create a dialog; watch for detailed answers and body language to evaluate whether their story matches what you are seeing in the public records; is their version plausible or do you need to look a little deeper at their qualifications for the job? This is a simple risk management tool: background checks help you to evaluate whether each applicant is a good hiring risk for the company.

Safety & Security: Remember, in HR, you are the company's "first line of defense" to protect employees, co-workers, and company assets; while creating a safe and secure workplace that is good for optimal productivity and making it a good place to work.

If you would like more information about additional best practices in employment screening or how to prevent workplace violence through an effective pre-employment program, feel free to contact us.

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