



Risk Checklist

The following is a checklist of some legal and practical issues to be reviewed in connection with assessing your background screening program. Not all of these items will necessarily apply to your situation, but we suggest them as a starting point.

1 Are you screening globally?

- Understand local laws regarding screening information and use.
- Check with your screening provider on what screening services are available by country.
- Consider cultural differences when deciding what and how to screen.
- Create different packages as necessary by country and job type.
- Document your policy and ensure to list any unique variances by country.

2 Are you in a regulated industry?

- If you are in a regulated industry, gather requirements and a list of regulations with which you are required to comply. For instance:
 - » Transportation: Department of Transportation (DOT) regulations, rescreening requirements
 - » Health Care: Office of Inspector General (OIG) guidance (federal and state), License and certifications, sanctions monitoring
 - » Oil, Gas, and Energy: Nuclear Regulatory Commission (NRC), Federal Energy Regulatory Commission (FERC), mass-hiring requirements
- Consult with your screening provider to determine which of its screening services may help you satisfy your regulatory requirements, then add those services to your screening packages.
- Consult with your legal counsel to verify that your screening program complies with industry requirements.

3 What jobs or positions require different levels of screening?

- Determine if executives should be screened differently from other roles.
- Determine if those with access to financials, funds, assets, or sensitive material should be screened differently from others.
- Identify roles with regulatory requirements like drivers, pilots, and those who work with the sick, elderly or children.
- Consider each position's physical, digital, and intellectual property access.
- Consider whether employees who work from home require the same screens as those who work onsite.
- Don't forget to review access to safety-sensitive positions (e.g., home care, deliveries, working with children).
- Create screening packages that correspond with roles or levels within your organization.

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Do you have the right criminal history searches selected for your screening packages?

- Consider the types of crimes and their age that would impact a person's ability to perform their role and if your searches cover those crimes (e.g., Identity theft for access to sensitive personal information pulling from federal courts)
- Determine if the position requires driving or crossing several county or state lines.
- Ensure your criminal searches provide source data that is the most accurate and up-to-date information available.

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Have you verified that your screening practices are compliant?

- Verify with your legal counsel that your screening program meets local, state, federal, and industry requirements.
- Ensure that special attention is paid to how the Fair Credit Reporting Act (FCRA) governs your program and program execution.
- Employ legal counsel that will notify you when employment laws change, for instance:
 - » Ban the Box state laws
 - » Use of credit reports
 - » Use of criminal history information
 - » Legalization or medical use of marijuana

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Do you screen your vendors, contractors, and temps?

- Consider whether any of these populations have the same or similar physical, digital, financial, or intellectual property access.
- Verify that your vendor contracts identify any background screening requirements with detail about types of screening packages by position.
- Ensure that your company has a way to validate and enforce adherence to the policy.

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Does your screening program provide your team with visibility across your program?

- Ensure you have a documented policy that is reviewed for compliance and risk every year.
- Create screening packages taking into consideration global, industry, job, and regulatory requirements.
- Consult with your screening provider to make packages easily accessible to those managing employee screening.
- If possible, integrate your screening results with an Applicant Tracking System to have all candidate information in a central location.

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