

MYTH vs. FACT IN PRE-EMPLOYMENT SCREENING

MYTH *Employers cannot use criminal records to make employment decisions.*

FACT Failure to obtain, or attempt to obtain, criminal history information is the single most common reason for employer liability. Arrest records should not be used by employers.

MYTH *Pre-employment screening is not cost-effective.*

FACT Pre-employment screening is very inexpensive, especially compared to the potential costs of a “bad hire,” negligent hiring liability, and losses due to employee theft and fraud.

MYTH *Screening need only be done on full-time employees.*

FACT To avoid negligent hiring liability, all employees should be screened, including: part-time, temporary, & volunteer.

MYTH *Driving records are not available to employers.*

FACT Driving records should be obtained for any employee who drives on company business. Generally, California DMV reports do not contain addresses.

MYTH *Since most employers won't give references on prior employees, it's not worth checking out prior employer references.*

FACT Documentation of prior employment reference checks is a mandatory negligent hiring defense. Even minimal information is useful in uncovering errors in a candidate's job application.

MYTH *If we hire licensed professionals, we don't have to do background checks.*

FACT The courts do not accept proof of license as sufficient evidence of “reasonable care.”

MYTH *Employee screening is a one-time effort.*

FACT Regular checks should be made on any employee who 1) has a position of trust regarding cash, convertible inventory, or finances, or 2) drives company vehicles or drives on company business.

MYTH *Because of discrimination laws, litigation, and risks to privacy, pre-employment background checks should be kept to a minimum.*

FACT “Legal wisdom” now holds that employers are obligated to do background investigations.

MYTH *If we do state-required fingerprinting, we don't have to do background checks.*

FACT Fingerprinting without additional background checks does not protect employers from negligent hiring liability.

MYTH *Only large employers need to do pre-employment background screening.*

FACT Persons with a history to hide gravitate toward small employers, because small employers usually have more informal hiring procedures.

A Matter of **Fact**

Employee Backgrounding & Screening

**Easy & Lawful Retrieval of
Employee Background Information**