



## COMPLIANCE DOs and DON'Ts FOR YOUR HIRING PROCESS

### DO

- Disclose to your applicants your intention to run a background check *before* you order the background check (FCRA).
- Get their disclosure notice and authorization form *in writing*. (FCRA)
- Send Pre-Notices and Notices of Adverse Action with “A Summary of Your Rights Under The Fair Credit Reporting Act” to **each applicant** you decide not to hire and on whom you’ve ordered a background check. (FCRA)
- Have a written policy about how your company will use criminal records to determine eligibility for employment.
- Enforce your policy (and all policies) consistently.
- Remove “The Question” from your Job Application. (EEOC)
- Ask each job applicant about past convictions and/or any pending charges but do it later in your process and ask only about those offenses that are job relevant.

### DON'T

- Allow your background check provider to report non-conviction or “arrest” records to you. (EEOC)
- Have a blanket exclusion from employment for all applicants with criminal records. (EEOC)
- Use instant data as a primary source for criminal records in your background check protocol. (EEOC)
- Use public or proprietary records in your hiring process unless they are job relevant. Examples: Don’t order driver histories (MVRs) for employees who will never drive for business purposes; don’t order credit reports for employees who don’t have access to cash or confidential information. (EEOC)