



## Background and Reference Checks

Test your knowledge of background and reference checks with this quick quiz. Contact your local Express Personnel Services for more information or for assistance with your staffing and HR challenges.

1. Due to strict state job reference liability laws, it is best to avoid conducting reference checks on applicants.

**False:** Conducting reference checks is a valuable way to confirm whether an applicant has the qualifications and experience needed for a specific job. They also help protect you from negligent hiring liability. Just make sure you check your state requirements so you know what you can and cannot ask when conducting reference checks.

2. All applicants should sign a release authorizing references and background checks.

**True:** Whenever a company plans to check a person's references and background, it should obtain the applicant's written consent authorizing former employers to provide employment-related information.

3. If I fail to check an applicant's references, I could be exposing my company to negligent hiring claims.

**True:** Negligent hiring claims occur when an employee injures another person or damages another person's property and the employer would have known of the employee's violent tendencies had they checked the individual's background. The best way to protect your company against such a claim is to adopt and follow a stringent plan for checking every applicant's references.

4. It is recommended that companies have a blanket policy allowing them to reject anyone who has a record of a criminal conviction.

**False:** Equal employment opportunity rules generally require employers to have clear job-related reasons for not hiring someone with a conviction record. These guidelines typically advise employers to establish the job-relatedness of an applicant's conviction record by evaluating the nature of the offense, the length of time since the conviction or completion of the sentence and the nature of the job.

5. If I do not hire an applicant because of background information I discovered from a background checking company, I must notify the applicant in writing.

**True:** If the results from the report result in a negative employment decision, you must notify the applicant by following specific procedures outlined by the Fair Credit Reporting Act (FCRA). Some states also have privacy laws that affect the use of consumer credit information in employment decisions. Make sure you check your state requirements.