



Protecting Your Company's Most Valuable Asset... Your Reputation



3 in a series
of 6

KlinkCheck background services

BEST PRACTICES SERIES

Guidelines for a successful background check

Dear Client,

ISSUE 3: Criminal Records Obtaining and Understanding.

We have already covered The Basics, and Verification of Employment and Education. In this issue we explain an important aspect of pre-employment, obtaining and understanding criminal records.

- Issue 1:** The Basics: Terminology and why we sometimes ask you for so many details
- Issue 2:** Verifications: Educational and Employment
- Issue 3:** Criminal Records, obtaining and understanding
- Issue 4:** Other records? What else is available?
- Issue 5:** Facebook and other social networking sites
- Issue 6:** Adverse Action: What do I do when this applicant does not meet my requirements?

Also in this issue:

- [Employment Eligibility Verification \(Form I-9\)](#)
- [E-Verify Delayed Again](#)
- [KlinkCheck Speaking Engagements](#)
- [Previous Issues of "Best Practices Series"](#)

Criminal Records - Obtaining and Understanding

USING CRIMINAL RECORDS AS PART OF AN EFFECTIVE PRE-EMPLOYMENT SCREENING PROGRAM

Most people think that a background check consists of a criminal records' check. As we have learned through our series of Best Practices, this is not the case. Yet, criminal records' searches are an important part of every pre-employment screening program. Unfortunately, however, there is no simple way to search for criminal records, and we recommend that employers use as many avenues as possible to determine whether an applicant has been convicted of a crime.

Some important factors to consider:

- ***There is no complete nationwide criminal background check that covers all states and counties in the United States, but there is a nationwide search that covers multiple counties and states.*** The exception to this is the Federal Bureau of Investigation database or National Crime Information Center (NCIC). NCIC is currently only available to law enforcement agencies and certain industries outside law enforcement which include banks and nursing homes
- ***Federal Criminal records*** - The American judicial system is actually made up of two separate court systems: the state and the federal. When employers fail to search the federal courts for criminal records, they might miss the fact that a job applicant has been convicted of carjacking, money laundering, counterfeiting, embezzlement, and tax evasion.
- ***County Criminal records*** - Searching for criminal records has never been more complex. There are 3,141 counties and county equivalents in the 50 states and the District of Columbia and most of these thousands of counties keep their records in different ways. Complicating matters, due to concerns about identity theft, courts are removing dates of birth, middle names and social security numbers from records, making it difficult to match criminal records with applicants. Finding the right records for the "right" person has become much more challenging, despite technological advances. Take the name, "Robert Smith". There are approximately 2.5 million people in the U.S. with the last name Smith, and even more with the first name of Robert. It takes time, skill and experience to sift through thousands of records to match records to the applicant.
- ***Statewide Criminal records*** - Many states do offer a statewide criminal records' search, but in some cases, obtaining these records can take weeks and sometimes months. Further, most records at the state level are for

convictions only. By searching only the statewide records you would not know if your applicant was awaiting trial or sentencing. Further, some states only report felonies, while others include misdemeanors. Yet, despite these limitations, statewide criminal records' searches can be an important part of a pre-employment screening plan as these searches often yield state-wide convictions.

- **"Nationwide searches"** - We have all seen it, "Instant, nationwide criminal check" for only \$9.95." These promises are made all over the internet. Sound too good to be true? It is. These nationwide searches are extremely limited and often inaccurate.

Recommended Best Practices:

Will job applicants have access to my customer lists, money, inventory, or interact with customers? Will they drive company vehicles? Will they become aware of company plans and strategies? Will they have a company credit card? If the answer to any of these questions is yes, KlinkCheck recommends that you develop a comprehensive pre-employment screening program that includes federal, county and state criminal records' searches.

For further understanding of criminal records please contact us at (800) 836-8916 or see our white paper, "Understanding and Using Criminal Records Checks to Avoid Hiring Problem Employees," located on our website at www.klinkcheck.com

KlinkCheck background services NEWS and ALERTS

New I-9 Forms to take Effect This Week - Starting April 3, 2009 employers must begin using the revised I-9 forms. The noticeable change to the form is that employees cannot use expired identification documents to verify their work eligibility. Unless the government changes its plans. The revised I-9 form is available online from the USCIS web site (www.uscis.gov):

[Questions and Answers regarding changes Handbook for Employers - Instructions for Completing the I-9](#)



Federal Contractor rule delayed until May 21, 2009

The effective date of the final rule requiring certain federal contractors and subcontractors to use E-Verify has been delayed until May 21, 2009.

Upcoming HR Speaking Engagements



April 2, 2009 - Pittsburgh, PA - Jeffrey Klink is a featured speaker at Local Government Academy. The topic, "[Pre-employment background screening](#)."

April 26-29, 2009 - Grand Cayman Islands - Jeffrey Klink is a speaker at the [GAIM Ops Conference](#) on the topic of Anti-Money Laundering.

May 12, 2009 - Pittsburgh, PA - Jeffrey Klink is a featured speaker at the [Pittsburgh Human Resource Association](#). The topic, "Pre-Employment Screening: Reducing Risks through Better Practices."

May 13, 2009 - Morris County, NJ - Dave Nolan is a featured speaker at [The Morris County SHRM](#). The topic, "Preventing and Investigating Employee Misconduct."

Are you planning a meeting and need a speaker? Please contact Jane Yanosick at (412) 201-9123 for these and other topics on which the professionals at KlinkCheck and Klink & Co., Inc. can speak.

Inquiries and contact information

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