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KlinkCheck™
— background services — Protecting Your Company's Most Valuable Asset... Your Reputation

Who Do You Work With?

background services
employment vendor legal

5 in a series
of 5

KlinkCheck background services
The ease of KlinkCheck™ with the Expertise of Klink & Co., Inc.

BEST PRACTICES SERIES

Guidelines for a successful background check

Dear Client,

Last in a 5 part series

ISSUE 5: Adverse Action: What do I do when this applicant does not meet my requirements?

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: Adverse Action: What do I do when this applicant does not meet my requirements?

Also in this issue:

- [Obama Administration Supports E-Verify Federal Contracts Rule](#)
- [KlinkCheck Speaking Engagements](#)
- [Previous Issues of "Best Practices Series"](#)

ADVERSE ACTION

The Situation: You have spent weeks interviewing several candidates and have finally narrowed your search to a single person. To your disappointment the background check reveals that the candidate has lied about an arrest record, or has not earned the degree claimed on their application and/or resume. What happens now?

Pre-Adverse Action Letter - As an employer, if you are considering not hiring, promoting, or retaining the applicant/employee based on adverse findings of a background check, you must inform the applicant/employee of the possible adverse action to be taken.

First, the employer must provide the applicant with a copy of his/her background report, and a copy of a document entitled "A Summary of Your Rights under the Fair Credit Reporting Act", before the desired adverse action is taken.

The purpose of the Pre-Adverse action letter is to allow the applicant/employee to respond to any negative findings on the KlinkCheck™ background report.

Perhaps you have discussed the negative information found as a result of the background check with the applicant/employee and they deny, for example, that they were ever convicted of a crime. On some occasions, further investigation is necessary. Perhaps the criminal record information from the state was not correct. Perhaps an error was made by a University or clearinghouse and the applicant did earn a degree. Regardless of the circumstances, we can support you and provide necessary documentation. In general, most findings are correct, but many public records are still maintained manually and errors do occur.

Adverse Action (Final Step) - If the employee/applicant is ultimately denied employment or a promotion, based in whole or in part on information contained in the background report, s/he must be given written notice of adverse action.

The adverse action notice letter need not include the specific reason for the adverse action, but must:

- State that the adverse action is based either in part or in whole on the information contained in the background report provided by KlinkCheck™
- State that KlinkCheck™, the Consumer Report Agency "CRA", did not make any employment decision and does not know the basis for the decision
- Include the name, address, and toll free number of

- KlinkCheck™
- State that the applicant/employee has a right to obtain a free copy of his/her report from KlinkCheck™ within the next 60 days

The Federal Trade Commission "FTC" has opined that a background screening company may fulfill the employer's adverse action notification duties and send adverse action notices on behalf the employer. The employer, however, remains responsible for any duties imposed by the Fair Credit Reporting Act and may be subject to liability if the duties are not performed by the background check company.

Other resources:

[Society of Human Resource Management](#)
[Fair Credit Reporting Act](#)
[National Association of Professional Background Screeners](#)

This completes our five (5) part "Best Practices Series - Guidelines for a successful background check". Please remember to refer to the whole series on our website at www.klinkcheck.com. Please call Jane Yanosick, President, KlinkCheck™ Background Services, to find out why we are the best at protecting our clients from liability and getting the right results. Call 1-800-836-8916 today to schedule an appointment.

For further understanding of alternative searches or to hire KlinkCheck™ background services please contact Jane Yanosick at (800) 836-8916 or visit www.klinkcheck.com.

KlinkCheck background services NEWS and ALERTS



The Department of Homeland Security (DHS) [announced on July 8, 2009](#) that the Obama Administration fully supports the E-Verify Federal Contractor Rule, which is currently slated to go into effect on September 8, 2009. Up until now, the Administration had not formally expressed an opinion on the rule, while pushing back the effective date several times this year.

"After a careful review, the Administration will push ahead with full implementation of the rule, which will apply to federal solicitations and contract awards Government-wide starting on September 8, 2009."

As part of today's announcement, DHS also indicated that it will rescind its

controversial [Senate voted on \(and passed\) an amendment](#) which would have required employers to undertake a series of steps for employees whose names and Social Security numbers do not match.

In related news, the Senate voted on (and passed) an amendment today, offered by Senator Sessions, to the DHS 2010 appropriations bill which would permanently reauthorize E-Verify and codify the Federal Contractor rule. The Senate now has to approve the entire DHS appropriations bill and reconcile it with the House version (which had only a 2-year extension of E-Verify and no Federal Contractor provisions).

Recent HR Speaking Engagements



Upcoming Speaking Engagements

November 17, 2009 - Uniontown, PA - Jeffrey Klink will be a featured speaker at the [Tri-State SHRM Chapter](#). The topic, "Pre-Employment Screening: Reducing Risks Through Better Practices."

Recent Speaking Engagements

May 13, 2009 - Morris County, NJ - Dave Nolan and Jeffrey Klink were featured speakers at The Morris County SHRM. The topic, "Preventing and Investigating Employee Misconduct." Over 90 people were in attendance. For a copy of the presentation please visit the [Morris County SHRM website](#).

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

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™ background services and Klink & Co., Inc. can speak.

Inquiries and contact information

info@klinkcheck.com

In the U.S. 1-800-836-8916 or

Phone: 1-412-201-9123

www.klinkcheck.com

www.klink-co.com

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Society of Human Resources www.shrm.org

Association of Certified Fraud Examiners www.acfe.com

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