

# BACKGROUND CHECK POLICY TEMPLATE

## I. CIRCUMSTANCES AND FREQUENCY AROUND CONDUCTING BACKGROUND INVESTIGATIONS

- Applicants for Employment:** All applicants who are offered employment with [Company Name], hereto referred to as “Company,” will be subject to a background investigation. Offers of employment are contingent on the successful completion of a background investigation and [Insert: drug test, driving history, reference check, etc.] conducted in accordance with Company policies and all applicable laws.
- Current Employees:** Current employees who are being considered for promotion or transfer may be subject to a background investigation if the time elapsed between the last background investigation conducted exceeds three (3) years. Background investigations may also be conducted as part of an internal investigation of alleged employee misconduct.

## II. INFORMATION OBTAINED IN BACKGROUND INVESTIGATIONS

Every offer of employment with the Company will be made contingent on a background investigation. The nature and extent of the investigation will depend on the job duties of the position for which an offer is made. Unless otherwise provided by law, a criminal record will not automatically disqualify an applicant or employee. The following chart sets forth the types of background investigations that may be conducted:

Type of Investigation	Guidelines	Coverage
Criminal History Check	The Company will request criminal records related to felony and misdemeanor convictions in the past seven (7) years. Incidents of particular concern include incidents against persons, incidents involving weapons, incidents involving theft or fraud, and incidents involving drugs or alcohol. <b>[Be mindful of this check if your employees are in a state that adheres to Ban-the-Box laws]</b>	All Positions

<p>Reference checks; verification of past employment, education, military record, driving record, professional certifications, and other information provided by an applicant</p>	<p>The Company will request references from past employers and verify previous employment, education, military service, and professional certifications. The Company will also verify any other information provided by an applicant that it determines is job-related.</p>	<p>All Positions</p>
<p>Credit History Report</p>	<p>The Company will obtain a credit report in situations where there is a business necessity for such information, e.g., security-sensitive positions.</p>	<p>Security-sensitive positions include positions in <b>[Applicable Departments]</b>. These positions involve access to significant levels of cash or negotiable securities, responsibility for the execution or approval of financial transactions, responsibility for accounting related to accounts receivables, responsibility for inventory receipt and control, and access to sensitive data such as the Company’s computer systems, customer credit cards, and personal information.</p>

### III. USE OF INFORMATION OBTAINED IN A BACKGROUND INVESTIGATION

Information obtained from a background investigation will be considered for employment purposes as permitted by federal and state law and in accordance with the Company’s Equal Employment Opportunity Policy.

Information will be reviewed to determine:

- Whether false statements or material omissions were made by an individual on an application for employment or during an interview;
- Whether an applicant or employee, based on the job duties of the position in question, poses a threat to security and/or employee safety in the workplace; and
- The likelihood of an applicant or employee being successful and productive on the job.

In addition to the requirements listed above, before obtaining an investigative consumer report, an employer must clearly and accurately disclose to an individual that the report may include in-depth information about his or her character; general reputation; personal characteristics; mode of living; criminal, driving, and work history, etc. This disclosure must:

- Be in writing,
- Be mailed or otherwise delivered to the individual no later than three (3) days after the report was first requested, and
- Include a statement informing the individual of his or her right to request additional disclosures and to receive a written summary of legal rights.

## **IV. ADJUDICATION**

If the Company reasonably believes the record belongs to the applicant and is accurate, then the Company will determine the applicant or employee's suitability based on:

- a. Relevance of the incident to the position sought
- b. Nature of the work to be performed
- c. Time since the incident
- d. Age of the candidate at the time of the offense
- e. Seriousness and specific circumstances of the offense
- f. Number of offenses
- g. Whether the applicant has pending charges
- h. Any relevant evidence of rehabilitation or lack thereof

## **V. ADVERSE ACTION**

In the event that adverse action is to be taken as a direct result of the findings from an applicant or employee's background check, the applicant or employee will be provided with a copy of the report, the Company's background policy, and the FCRA Summary of Rights, and will be advised of the part(s) of the record that makes the individual unsuitable for the position. The affected applicant or employee will always be given the opportunity to dispute the report.