

Your Candidate Has a Criminal Record: Now What?



4 TIPS for Asking About Convictions and Disqualifying Candidates Based on Criminal Records

93% of organizations that conduct background checks use a Criminal Record Search to evaluate prospective employees.



The Dreaded Question: Asking About Convictions

Do other employers ask candidates about whether or not applicants have been convicted of a crime and if so, when do they ask?

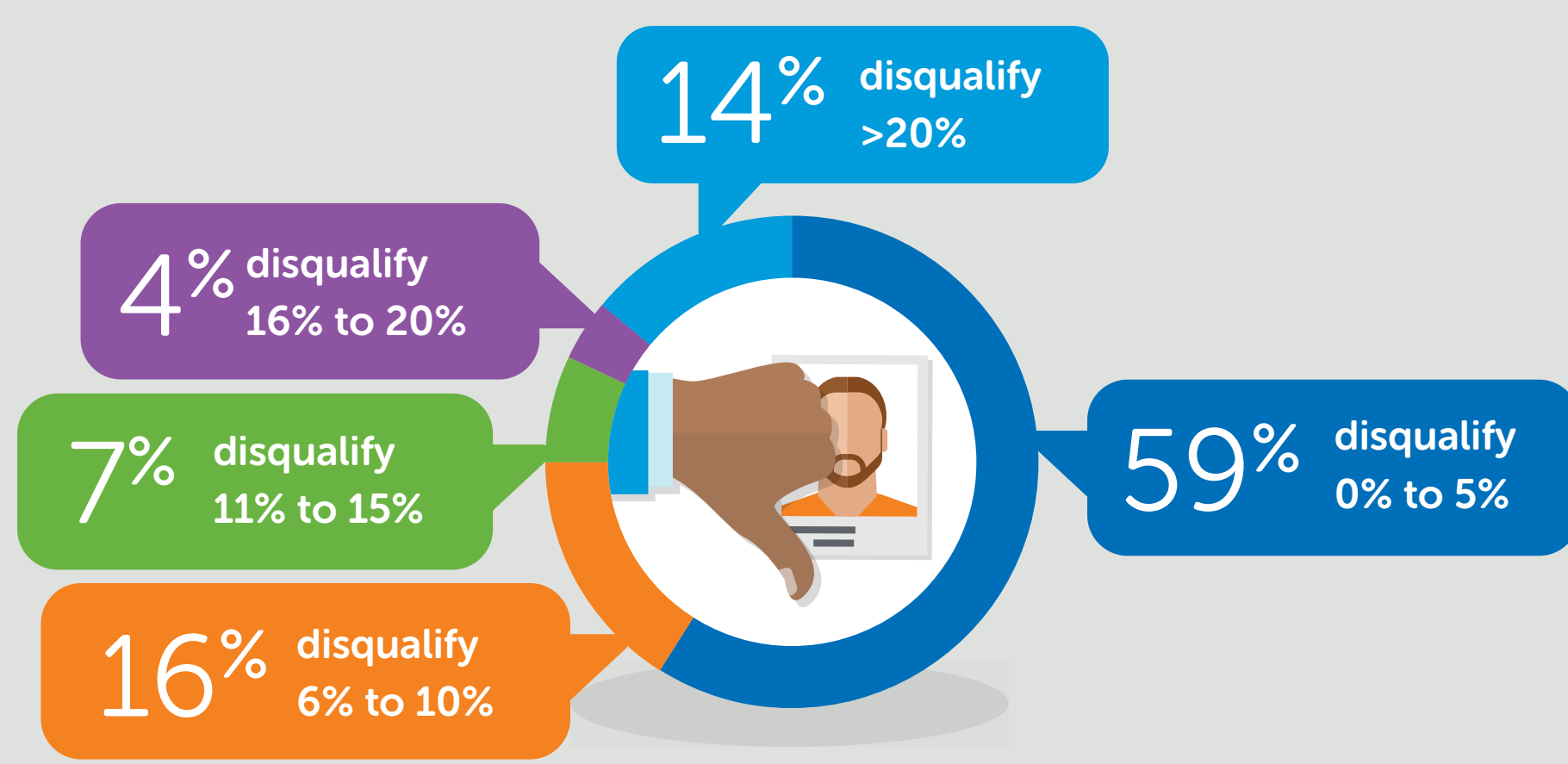


TIP #1

Before asking a candidate if they have been convicted of a crime, make sure you're aware of your city, county and state Ban-the-Box laws. Generally, these laws determine if companies are allowed to ask questions related to a candidate's criminal history on the initial application.

Criminal Convictions and Disqualification

You will most likely encounter a candidate with criminal convictions at some point. How often do you disqualify a candidate from employment as a result of the conviction?



TIP #2

You must evaluate a number of factors before making a hiring determination, such as the type of crime, the severity, how long ago it occurred and how that conviction relates to the job. Make sure to have a process in place to remain consistent and fair to all candidates and as always, make sure you're following all laws to avoid discrimination.

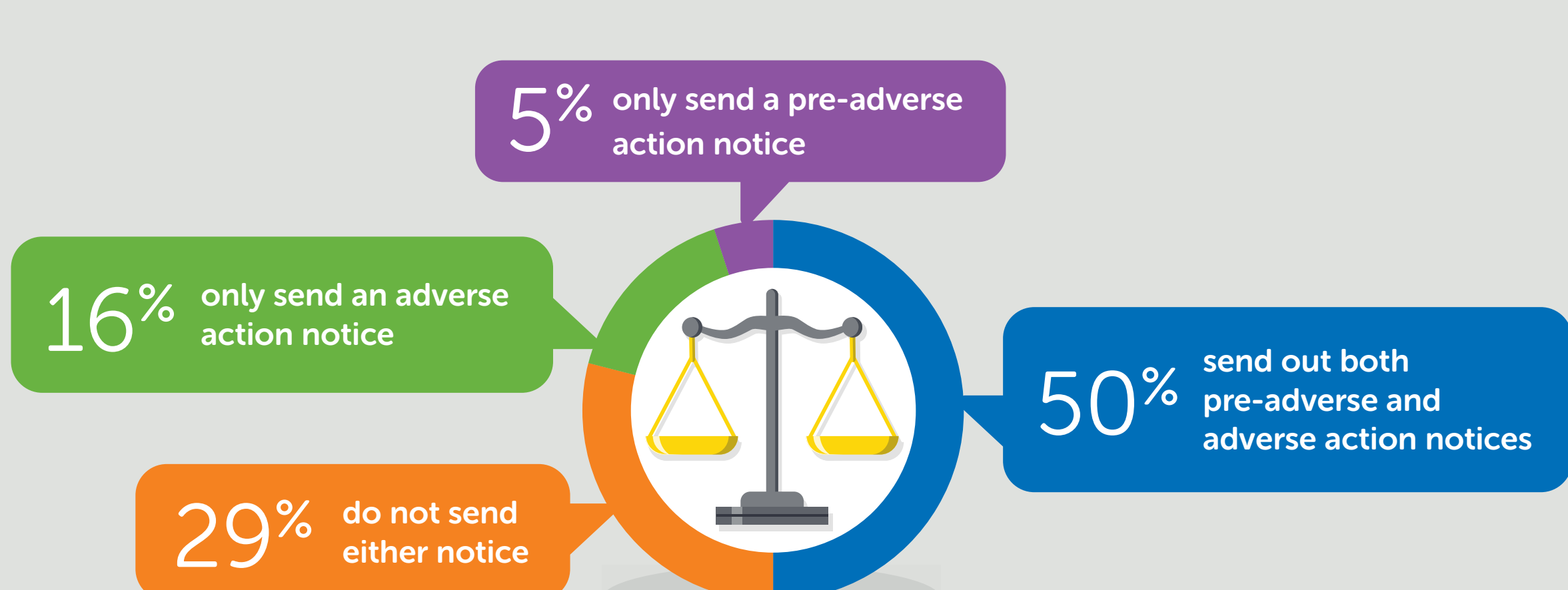
Candidate Convictions and Individualized Assessments



TIP #3

In order to comply with EEOC guidance, employers are encouraged to develop an individualized assessment process which evaluates the important factors surrounding a conviction including the type/severity of a crime, how long ago it occurred, whether the person is a repeat offender, etc. and to allow a candidate to provide you with mitigating factors for why that record should not be considered.

Making the Decision Not to Hire: Pre-Adverse & Adverse Action



TIP #4

You are required by the Fair Credit Reporting Act to initiate the two-step adverse action process. Neglecting this process will expose you to lengthy and costly legal action. Always give the candidate adequate time to respond or dispute, and wait a reasonable amount of time (at least five days) between notices, or longer if needed.

Background screening is an essential part of making a quality hiring decision.

Just because your candidate has a conviction doesn't mean they should be disqualified from the job. Having a documented process and policy in place to make decisions about criminal record disqualifications will help you remain consistent, fair and compliant in your evaluation of prospective employees.



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