**Key Compliance Components**

You can build compliance controls into your organization’s background-screening program by addressing federal regulations and state and local laws, and internal policies and procedures.

**FEDERAL REGULATIONS**

#### Fair Credit Reporting Act (FCRA)

- When a potential employee is referred by a background screening provider, you receive a report containing information about the candidate.
- When you receive a report, you must send a pre-adverse notice if the candidate remains a potential employee.
- If a candidate asks, you must provide a copy of the FCRA Consumer Disclosure Notice and let the candidate know they have the right to dispute the information.
- If the candidate requests a copy of their report, you must provide it within a reasonable timeframe.

#### EEOC

- The U.S. Equal Employment Opportunity Commission (EEOC) is a federal agency that administers and enforces laws against workplace discrimination.
- The EEOC’s Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions provides guidance on how to make hiring decisions based on an applicant's criminal history.

#### STATE & LOCAL LAWS AND REGULATIONS

In some jurisdictions, there are laws that limit inquiries about a candidate’s prior criminal history and limit the types of questions that can be asked for which records may be required, or require additional steps to be taken.

#### POLICIES AND PROCEDURES

- Have and follow policies and procedures that promote consistency and compliance in the workplace.
- Document your company processes for requesting, receiving, and evaluating background checks, including any Federal, individualized assessment process, standard state notices, adverse action and fair-chance, and compliance with state and local laws.
- Engage your legal counsel to periodically review your policies and procedures.

#### YOUR NEXT STEPS

Make your way through the constantly shifting landscape of regulatory compliance can be daunting, even amidst the abundance of information available. Here are three tips that can help you navigate through this time of uncertainty.

1. **Get to Know “Ban the Box” Laws**
   - **Title VII — Title VII of the Civil Rights Act of 1964**
   - **Fair Credit Reporting Act (FCRA)**
   - **Equal Employment Opportunity Commission (EEOC)**
   - **State and Local Laws**

2. **Background Check Compliance**
   - **Identify the right background screening provider**
   - **Implement the appropriate background screening plan**
   - **Monitor and adjust as needed**

3. **Engage Your Legal Counsel**
   - **Review and update your policies and procedures**
   - **Stay informed about changes in employment laws and regulations**
   - **Consult with legal counsel on specific compliance issues**

**We constantly keep our customers informed about new employment laws and enable them to seek legal advice to help protect themselves from unlimited uncertainty.**

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