

What do employers need to know when using criminal records?

Conference on Criminal Records and Employment

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Employer Preparation

Understand the FCRA

- Responsibilities of Users
- Contractual obligations

Understand applicable state laws

- Depth of research permitted
- Use of non-conviction records
- Permitted questions, e.g. “Ban the Box”

Obligation to apply EEOC guidelines and tests

The question of scope

- Number of years “deep” and “wide”
- Risk mitigation concept- limitations

Employer Preparation

The question of relevance

- Job relatedness

Planning for the decision process

- Who makes the decisions?
- How are the decisions made?
 - Is there a roadmap?
 - Ensuring consistency/fair treatment

Planning for the dispute process

- How does the candidate initiate?
- Who evaluates?
- Factual vs. decisional disputes

How CRAs Help

Consultative approach

Providing sample documents

State law guidance

- Redacting non-reportable cases
- Some also redact non-convictions

Recommending program legal review!

Public documents on www.napbs.com

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Q/A