

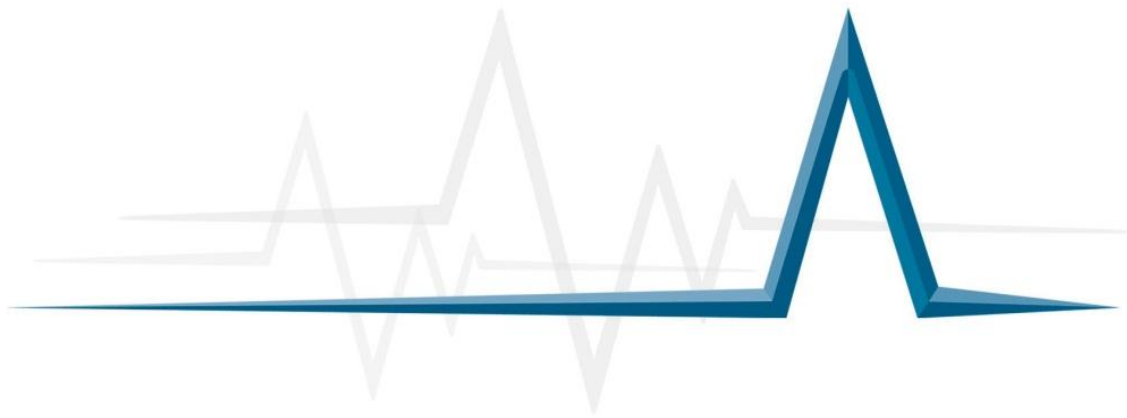
# **Comprehensive Guide For Selecting a Background Screening Firm**



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## Introduction

The purpose of this guide is to increase businesses awareness of the essential elements that should be considered when selecting an outsourced background screening firm. It is our presumption that every business entity wants to maximize their return on investment from services procured, intrinsically understands the value of hiring the best talent and has the desire to provide a safe and secure workplace. To this end, it is our intent to identify critical considerations that will strengthen the quality of selection of a background screening firm which will ultimately lead to higher quality employee selection outcomes.

Our focus is to help businesses select providers that:

- comply with all governing laws,
- have established acceptable business practices,
- demonstrate excellence in protecting consumer personal data based on 'best practices' within the industry and
- adhere to the spirit of accreditation standards established by the National Association of Professional Background Screeners (NAPBS).

We also want to assure readers that the information in this guide is provided from an expert third party and objective viewpoint. Our firm, PreemploymentDirectory.com, is not in the business of providing background checks of any kind, thus, we offer an unbiased view of the selection criteria and process.

This guide provides you with the most current information available and provides general guidelines that should be considered in selecting a background screening firm. The selection criteria identified in this guide should be integrated into your '*Request For Proposal*' process which will yield a higher quality pool of background screening firms for you to select from. We strongly believe that businesses should consider the selection of a background screening firm as carefully as selecting a CPA firm because a good one will keep you out of trouble, while one that doesn't protect applicant or employee data or provide accurate and compliant information can get you into a lot of trouble.

## **Some Compelling Reasons To Conduct Background Checks**

The continued growth of the background screening industry is a testimony to the importance that organizations of all kind have put on the need to check applicants' backgrounds as part of the employment hiring and retention process. Also, it is evidenced in recent research initiatives that the process of conducting employment background checks actually works. One major firms' 2009 Screening Index reported that approximately one out of ten applicants have some type of criminal record and 40-60% falsify or exaggerate information presented on their resume, employment application or CV.<sup>1</sup> Another firms' 2010 Employment Screening Benchmarking Report found that 21% of companies have had an incident which could have been prevented with a comprehensive background check or drug test.<sup>2</sup>

Some real cases:

- Gucci America Inc. terminated their Corporate Counsel when they discovered that his status with the California Bar Association had been inactive for the entire tenure of his seven-year employment as legal counsel for the firm.
- A Manchester, NH firefighter facing charges after the department discovered he was in jail for six months while still working for the department. He used vacation time and other firefighters to cover his shift. It was also discovered that he did not have a driver's license although he worked for the department for 18 years and apparently drove fire trucks for the department.
- A former Accounting Director for the National Kidney Foundation of the Virginias was charged with embezzling about \$175,000 from the charity. He was dismissed after the Foundation learned through a criminal-background check that he had been convicted earlier of embezzling about \$78,000 from the Comfort Inn-Corporate Gateway Hotel in Chesterfield County.
- County employee responsible for depositing customer service revenue in the County's bank account was arrested when it was discovered she stole \$71,000. She was on felony probation at the time she was hired.

**21% of companies responding to one survey had an incident which could have been prevented with a comprehensive background check or drug test.**

- The Dean of Admissions at one of America's most prestigious schools, Massachusetts Institute of Technology (MIT) was forced to resign after the university discovered she had lied about her academic credentials. Marilee Jones stepped down from her post after admitting that she had *"misrepresented her academic degrees to the institute."*

Some of the factors that historically have driven the prevalence of background screening include the increasing focus on security as a result of terrorist attacks on New York's World Trade Center, the train station bombing in Madrid, the attack at the Taj Hotel in Mumbai just to name a few. Add to this, the significant rise in occupational fraud (criminal activities such as identity theft, fraud, product, and information theft) along with the usual suspects of workplace aggression and exposure to negligent hiring liability.

Employers are besieged by the advent of these issues, brand exposure, and their potential financial toll:

- According to the Association of Certified Fraud Examiners (ACFE) employees are responsible for approximately 60% of losses due to fraud, information and property thefts,
- ACFE also reports that U.S. organizations lose an average of 5% of their revenues to all forms of occupational fraud.
- A 2009 KPMG Forensic Practice Survey of executives at public companies with revenues of more than \$250 million reported that 36% of the companies surveyed suffered fraud of \$1 million or more.
- The FBI reports that Identity theft is the fastest growing crime in America. Ten million Americans fell victim to it in 2008, a 22% increase over 2007.
- Despite overall workplace violence homicides decreasing, horrific incidents like Virginia Tech and Fort Hood continue to happen and cause tremendous suffering and financial burden on employers. NIOSH estimates that the average cost of a workplace homicide is \$800,000. As a point of reference, the tragic shooting incident at Virginia Polytechnic Institute has cost the university more than \$8 million.



**The tragic shooting incident at Virginia Tech has cost more than \$8 million.**

- ‘Negligent Hiring’ lawsuits are on the rise. Firms have a “*duty of care to protect workers from employees the company knew or should have known posed a security risk.*”<sup>3</sup>
- Lawsuits against screening firms are rising, and although an employer may not always be named as a party in one of these lawsuits, employers should be concerned if a screening’ firm’s practices end up in court.<sup>4</sup>

While the recession of 2009 slowed the pace of background screening, organizations are now responding to the earlier mentioned challenges by continuing to conduct background checks in growing numbers. In a January 2010 poll, the Society for Human Resource Management’s (SHRM) found that 98% of businesses that responded were conducting some form of background check. Another background report in 2010 echoed this with 94% of their surveyed participants stating that they have a background screening, drug screening or employee eligibility program in place.<sup>5</sup>

Also thanks to technological advancements with the Internet and software applications the process is getting simpler, more efficient and cost-effective. Applicant Tracking Systems are increasingly providing businesses with the ability to eliminate multiple data feeds and the capability to access all the relevant information necessary for making hiring decisions in one place and from one source.

In the first edition of this guide, we predicted that the next frontier that both businesses and background screening firms would face is addressing privacy issues and data protection. As far back as 2005 privacy experts were projecting that companies were not taking proper steps to prevent data breaches and that more breaches would occur. We are now faced with a crisis level of data breaches which is spawning proposed new legislation. Much more work and more due diligence in addressing data protection and privacy are necessary. Nuala O’Connor Kelly, Chief Privacy Leader at General Electric articulates the issue best when she said, “*A breach of employee data could be as damaging to a company’s reputation as a consumer data breach,*” she says. “*Privacy is to the information age what the environment was to the industrial age,*”<sup>6</sup> O’Connor Kelly says.



**"Privacy is to the information age  
what the environment was to  
the industrial age"**

Another phenomenon that is contributing to the need for background checks and degree verifications is the emergence of diploma mills, fake references and resume providers. These services boldly boast about providing false credentials with the intent to mislead employers about a person's credentials to improve their chance of getting hired. By far the biggest part of the problem is the diploma mills which are offering bogus degrees from fake universities and fake degrees from established universities. It is estimated that there are more than 700 diploma mills operating in the US and about 3,000 throughout the world. Worldwide, the industry is thought to generate as much as \$1 billion annually.<sup>7</sup>

In addition with web sites like CareerExcuse.com and FakeResumes.com helping applicants to provide fake credentials businesses need to be on guard against applicants whom are misrepresenting themselves.

We believe that that these issues will continue to feed the need for background screening well into the future.

Security concerns will continue to be prominent and organizations will increasingly focus more resources on hiring top talent along with reducing costs associated with making poor hiring decisions.

Trends to keep an eye on include: the EEOC's increasing focus on evidence based hiring criteria to minimize the potential for discrimination through the use of credit checks and blanket policies that automatically disqualify previously incarcerated persons. The other issue to watch is I-9 Employment Eligibility Verifications which is likely to evolve as the government increasingly looks at ways of enlisting businesses to be part of the solution for combating illegal immigration.



**“Worldwide the diploma mill industry is thought to generate as much as \$1 billion annually.”<sup>4</sup>**

## About Us:



[PreemploymentDirectory.com](http://PreemploymentDirectory.com) is a fully owned division of **The National Institute for the Prevention of Workplace Violence, Inc.**

PreemploymentDirectory.com is the largest and most comprehensive web based directory of background screening firms designed specifically to make it easy for businesses to quickly find a company to meet their screening needs. The Directory helps businesses to meet the critical need they have to know whom they are hiring and who is on their payroll.

The Directory consists of several sections to guide employers quickly to a company that will serve them best:

1. Alphabetical listing
2. U. S. Domestic Section (firms are listed by their location, State by State)
3. International Section (firms that conduct background screening internationally are listed by country)
4. Vendor Showcase (firms that provide services to the background screening industry are listed by categories like court searchers, software providers, etc.)
5. International Background Screening Resource Center (a comprehensive source for information on worldwide data protection laws, terrorist search information, educational verifications and international training on background screening)

The Directory has more background screening firms listed than SHRM's and Workforce Magazine's Vendor Directories as well as ASIS Internationals' Buyers Guide combined. There are more than a 1,000 background screening firms listed in the directory and it is continuously growing.

The Directory has become a comprehensive tool to support businesses' hiring needs and has become one of the primary sources for finding a background screening firm.

**Website:** [www.PreemploymentDirectory.com](http://www.PreemploymentDirectory.com)

**Publications:**

- **Background Screening & Investigations: Managing Hiring Risk from the HR and Security Perspective** (available at Amazon.com)
- **The Employment Screening Journal** and Background Screening Buyers Guide (the first magazine published exclusively to cover employment screening information and resources)
- ***The Background Buzz*** (the leading online newsletter for the background screening industry; the news source that background screening firms depend on)
- The Complete Hiring Guide to Screen for Violent Prone Individuals

Based on extensive research, the following are key factors that firms should consider in selecting a background screening firm:

### **Service Capabilities**

1. Does the vendor provide 'Full Service' background screening services that will meet your business and hiring needs including the following:

- 
- Identity verification, social security trace, fingerprint, etc.
  - Federal, state, county and multi-jurisdictions (national\*) criminal and civil background checks, including misdemeanors, warrants and felonies, when permitted
  - Reference checks and previous work history
  - Education and professional license verifications
  - Motor Vehicle records
  - Employment verifications and reference checks
  - Sexual offender searches
  - Terrorist watch lists
  - Credit history, within legal guidelines
- 
- Electronic Form I-9 services
  - Federal and State litigation history

\* Note: Currently no one database exists that stores complete up to date records for all County, State and Local criminal records

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2. Does the vendor have the capability to collect information directly from court houses in jurisdictions appropriate to meet your needs?
3. Can the vendor meet your required turnaround time for each type of background check you require?
4. Does the vendor use a variety of methods for meeting your request and reporting needs, including Internet based tools with 24 X 7 access from any computer device at anytime from anywhere as well as fax, e-mail, interactive voice response, and a secure electronic file transfer?
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**The capability to collect direct information from court houses is essential to be able to verify the**

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5. When providing an educational verification, does the vendor verify the legitimacy of the institution as a degree granting entity, that the institution is accredited by a legitimate accreditation organization and for foreign institutions provide equivalency information to U.S. institutions?
  6. Verify that the vendor is certified in states that require Background Screening firms to be certified or require a Private Investigator license.
  7. Does the vendor have a clearly demonstrated process in place to fully explain limitations of national or multi-jurisdictional databases to clients and have a written procedure in place for how criminal hits received from such sources will be re-verified?
  8. Does the vendor maintain records regarding how often their databases are updated and make this information available to clients upon request?
  9. Will the vendor assist you in developing an effective Background Screening Policy, if needed, or if one already exists, will they review your policy and make recommendations for improvements?
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## **Legal Compliance**

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1. Require the vendor to certify their compliance with all applicable federal, state and local discrimination, consumer reporting, privacy protection, data destruction and other governing laws. Verify that the vendor has written procedures in place to ensure that all information sent to client will comply with the law, e.g., arrest records, sealed or expunged records, etc.? In addition, does the vendor provide all necessary FCRA forms, procedures and training in how to appropriately use, as needed?
  2. Does the vendor have an established process in place to monitor and ensure that all 'data furnishers' as defined by FCRA/FACTA, that supply them information about individuals have instituted reasonable policies and procedures that (1) ensure the accuracy and integrity of furnished information and (2) allow individuals to formally dispute the accuracy of certain information that has been provided about them?
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## **Up to 30 States May Require a Private Investigator License to conduct background checks.**

Image reprinted with permission of Covert-Systems.com. Go to [http://www.covert-systems.com/private\\_eye/pdf/pi-catalog-04.pdf](http://www.covert-systems.com/private_eye/pdf/pi-catalog-04.pdf) to check out their products.

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3. Does the vendor certify that all employees of the vendor and their sub-contractors that are involved in processing or who will have access to personally identifiable information sign a confidentiality and non-disclosure agreement that meets your company's requirements? This should include language that addresses new hires and employees leaving the firm. Have your legal counsel review the agreements.

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4. Does the vendor have a written policy and procedure that clearly articulates the process to be used when an adverse criminal record is discovered that complies with the FCRA? At minimum, this should include their process for re-verifying the information an/or notifying the applicant at the time the information is reported as required by law?
5. Does the vendor have a written policy that details how they investigate and certify that all of their sub-contractors are bona fide businesses involved in the legitimate processing of personally identifiable information for a permissible purpose as defined by the FCRA?
6. Does the vendor's policy state that consumer reports will only be issued after a client certifies it will comply with the FCRA and applicable federal and state laws? Also, does the policy affirm that access to personally identifiable information will only be provided to an authorized representative of your firm as prescribed by the FCRA?

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7. Ask the vendor if they have the capability to update you on changes in legal requirements at the state and federal level.
8. If your firm will be conducting background checks on applicants from other countries verify that the vendor is Safe Harbor certified by the US Department of Commerce.

## **Polices and Procedures**

1. Does the vendor certify that all staff, regular, part-time and temporary, have been criminally screened at time of hire and ongoing checks are made to ensure employees continue to have acceptable work backgrounds? This should be a contractual agreement that is part of the service delivery contract.
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**Verifying Adverse Criminal Records that are discovered is essential to accurate reporting.**

2. Does the vendor have a written policy and procedure in place to avoid contacting a current employer if the applicant has requested that they not do so?
3. Review the vendor's policy regarding making employment verification calls to verify the number of times the vendor will attempt before closing the search and ensure this meets with your requirements.

## **Information Technology and Systems**

1. Does the vendor have the capability to interface and/or integrate their screening solution with your HRIS and/or Applicant Tracking System (ATS) to allow information to seamlessly flow in and out of your organization's HR system in a secure manner? The desired result is to have the ability to go to one place and retrieve screening information along with other employment related information in one report that facilitates making a hiring decision.
2. With the advent of artificial intelligence and smart programming systems, predetermined hiring criteria can be programmed into a system so each report on an applicant is graded consistently and fairly. Using rules that apply to the various searches conducted during a background screening, a system can electronically evaluate all the information to yield individual search decisions, as well as an overall recommendation. Does the vendor have this ability to create 'smart' systems? Please note that great care needs to be taken to ensure that these systems do not simply identify "pass/hire or fail/no hire" decisions which could conflict with EEOC guidelines that address hiring ex-convicts. For example, a decision matrix that defines positions that involve handling of cash or other valuables and precludes hiring applicants with a conviction within the last seven years for a financial related crime, e.g., embezzlement, grand larceny, etc. This type of selection matrix might be acceptable, while a blanket policy prohibiting hiring anyone convicted of a felony



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**One of the worst things that can happen is to have a current employer contacted for a reference or background check against the applicant's request.**

Image reprinted with permission from Aish HaTorah's award-winning website, Aish.com

would not. Remember all selection criteria used must be job related and have business justification. Ideally the criteria should be included in a job description and reviewed by your labor attorney.

## **Training and Client On boarding**

1. Does the vendor have a documented training process in place for all staff that will be involved in processing or will have access to personally identifiable information? This training should be offered at the time of hire and on an on-going scheduled basis to ensure competency levels are maintained. Training should, at minimum, cover:

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  - Legal requirements for conducting background screening,
  - Effective data protection and privacy to ensure security of information,
  - The essential elements of a background screening policy and key elements of an effective employment background screening program.
  - The vendor should also be required to provide periodic reports that demonstrate that the training is occurring as scheduled.

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2. Ask the vendor to describe their process for implementing the transition to their services.
3. Does the vendor have procedures and processes in place to advise and educate clients regarding:

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  - Their legal responsibilities in conducting background checks;
  - How to order, retrieve, read and understand the information provided in a consumer report
  - Provide appropriate forms including providing sample documents which are needed to legally conduct background checks?

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## **Data Protection, Privacy and Security Measures**

1. Does the vendor have a written Information Security Policy that adheres to known best practices and provides a high level of data



**Training should be offered at the time of hire and on an on-going scheduled basis to ensure competency levels are maintained.**

protection? Ensure that the vendor policy addresses at minimum the following:

- 
- Details the purpose of the collection of an applicant or employee's personal identifiable information,
  - The intended use, and how the information will be shared, stored and destroyed
  - Creates an audit trail of who has accessed information and has a procedure in place to detect, investigate and respond to intrusions.
  - Identifies a specific position or person(s) that are responsible for implementing, managing and enforcing the Information Security policy?
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2. Have your Information Technology staff verify that the vendor and any sub-contractors that are involved with processing personally identifiable information:
- Have system security in place that fully meets your data security requirements and meets background industry standards as defined by NAPBS.
  - Have procedures in place to mask some or all of the social security number from all reports, as well as obscure the year of birth.
3. Have your Information Technology staff closely scrutinize data security processes for communicating and securing data. If the firm utilizes independent contractors or home operators for court records research, verification services or sends data offshore for processing. In addition, if such practices are used by the vendor you should have your Legal Counsel define contractual language to be included in the vendor's agreement with their contractors that addresses:
- 
- The appropriate type and amount of Errors & Omissions insurance coverage that needs to be in force with your firm named as co-beneficiary,
  - The contractors and their employees are held to the same requirements and standards as the vendor's employees,
  - Specific procedures exist to ensure your data is protected and
  - All data protection laws are strictly followed.





**Data Protection and System Security needs to be a high priority evidenced by a comprehensive information security policy and continuous due diligence.**

2. Have your Security staff verify that the vendor and any sub-contractors that process personally identifiable information meet your physical security requirements for securing their systems and meets background industry standards as defined by NAPBS.
3. Verify that a written policy exists that states that an applicant's personally identifiable information or client information is never resold. Make sure this language is built into your contractual agreement.
4. Require the vendor to have a contractual agreement with all of their subcontractors that will be involved with the processing of personally identifiable information or will have access to this information to ensure that these vendors and their employees are held to the same screening standards you have established for your employees. Require the vendor to either provide periodic reports verifying this procedure is being followed or to allow their processes to be audited.
5. Verify that the vendor has a Record Retention and Destruction policy that clearly defines how electronic and paper records will be destroyed and fully complies with Federal Trade Commission (FTC) regulations.

## **Order Management and Notification**

1. Ask vendor to explain their capabilities to support centralized management of orders from many locations.
2. Ask vendor to describe their capabilities to support multiple locations with different policies.
3. Ask vendor to describe their capabilities to provide batch ordering services.
4. Ask vendor if they are capable of providing individual search results in the time frame defined by your organization and to describe the manner in which the results will be provided, e.g., online, fax, etc.

## **Quality Assurance**

1. Does the vendor have a documented quality assurance policy and on-going process in place to ensure the highest report accuracy is maintained?



**Ensure that vendors' employees are held to the same screening standards you have established for your employees.**

## Financial

1. Does the vendor have demonstrated financial stability over the last three years? Have your Controller or CPA review:

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    - Debt ratio and outstanding debt to analyze whether they are within acceptable industry standards and do not indicate potential problems in the near term,

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  2. Does the vendor have errors and omission insurance or self insurance that meets your company requirements?
  3. Require the vendor to fully disclose previous litigation within the last five years and any that occurs while the contract is in place. Make sure this language is built into your contractual agreement.
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In the above items we have presented, many of the essential factors that should be considered in selecting a background screening firm that will help you make a more informed selection decision.

One tool that we projected would become a big factor in background screening in the first edition was Infinity Screening (post hire employee screening). While it has not yet become the boom that we projected, one study found that 22% of respondents to their survey conduct background checks on internal job candidates so it is clearly growing.<sup>8</sup> Now that the economy has taken an upswing, I believe it is still likely that we will see Infinity Screening continue to grow as businesses recognize it is a valuable tool to manage risk over the tenure of an employee's employment with a firm.

Other areas where we're seeing considerable growth are firms screening their contingent workforce. One firm's report on 2010 Trends in Employment Background Screening indicated that 70% of organizations surveyed screened contract workers.<sup>9</sup> Also in the Department of Labor's Career Guide to Industries, 2010-11 Edition has projected that the temporary workforce will grow 19% over the 2008 to 2018 time period gaining almost 600,000 new jobs which means that screening in this area is likely to increase.

Two additional areas to watch out for include:

- Social networking has stormed onto the scene and is an unstoppable force. Many questions remain about using social networks to collect background information on job applicants, however, one reality is that managers everywhere are going on-line to check out applicants. The challenge for businesses is to finding a way to harness this new media because there is no chance in stifling its use.
- Global screening will likely increase based on SHRM's recent projection that the number of global hires will double in the next ten years. This means that businesses will likely need to significantly increase their international screening capabilities.

Any future plans dealing with selecting a background screening firm should consider the emerging issues mentioned above.

In summary, we have provided comprehensive information to you regarding 'factors' to consider in selecting a background screening firm,' which will provide you valuable assistance in selecting your future service provider.

### **Disclaimer:**

Please note that the specific application of any of the recommendations included in this guide should be done under the auspices of a knowledgeable labor attorney and/or expert consultant with specialized knowledge of background screening. There is no intent to provide legal advice in any form which can only be provided by a licensed attorney.

## Citations

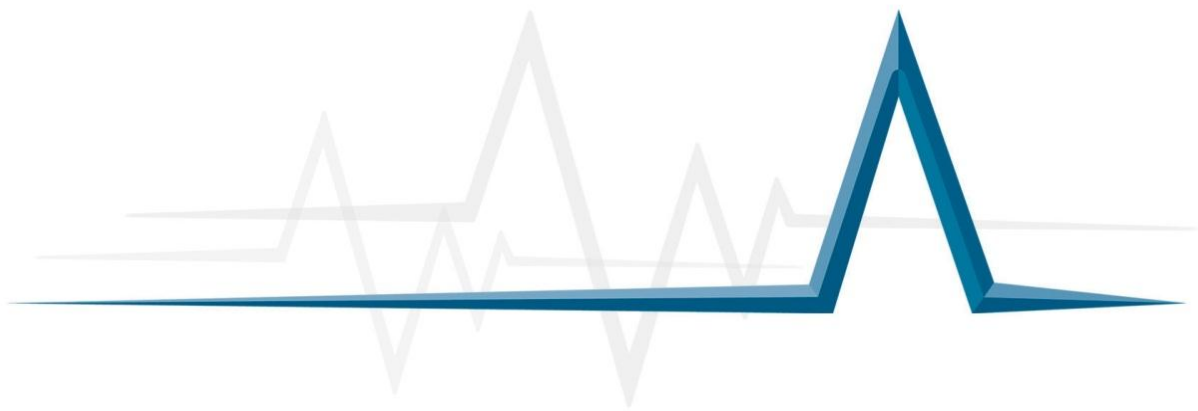
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## **Background Screening and Investigations Managing Hiring Risk from the HR and Security Perspectives**

By W. Barry Nixon, SPHR and Kim Kerr, CPP

352 pages 16 ills

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USD 49.95, Reference

Butterworth-Heinemann Title

ISBN: 978-0-7506-8256-5

**Available on Amazon.com**

### **Book Reviews:**

[Background Screening and Investigations: Managing Hiring Risk from the HR and Security Perspectives](#) is a wide-ranging guide to the technology, resources, policies and procedures, and trends in employment screening. A road map for Human Resource decision makers who are screening potential hires and current employees or who are evaluating outside background screening companies, *Background Screening and Investigations* adds depth to the extensive topics covered, without being overly technical.

The target audience is primarily the employer businesses, not the providers of background check services. Private investigators just getting into the background screening business or those smaller providers who want to brush up on recommended practices and the trends in the industry will also find this a valuable guide. Also, the findings from surveys of the screening practices and objectives of employers is essential for anyone who wants to offer a responsive screening service.

Sandwiched within the essays by over a dozen specialists in the legal, standards setting and metrics, service provider and security/risk analysis arenas are short-hand chapter highlights, and summaries from the differing perspectives of those in human resources and workplace security. There's a lot here.

*Background Screening and Investigations* helps employers think through setting screening policies and practices and whether to outsource, as the vast majority do. Niche services and the expected components of a thorough background screening process have expanded with innovations in data collection. This book describes and evaluates the value of various services — those that are standard and others that are not as regularly employed — such as identity verification, drug testing, reference checks, hand-checks of court records and international screening. With the proliferation of resellers of aggregated electronic criminal records the public and employers may be lulled by the myth of a national criminal records database. There is no substitute — in either comprehensiveness or accuracy — for examining the criminal records index at the courthouse.

The legal mandates for employers and background screening agencies are sufficiently complex that you'll want to peruse this guide for pre and post hire tips.

Tamara Thompson

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The book, “Background Screening and Investigations” is an extremely comprehensive publication dealing with all aspects of the background screening industry. The authors provide great expertise and insight as they guide the reader through the policies, procedures and legal issues surrounding background checks. Written to provide even the most well-informed with the inside facts regarding how the screening industry operates, this book is a must for human resource directors, investigators and those with a true need to know. There is no doubt that the authors conducted professional research to collaborate their decades of experience in the industry and the readers certainly benefit from these efforts. As a private investigator with thirty-years of experience, I was pleasantly surprised by such a well-rounded and extremely well-written book and intend to include this as a mandatory read for my staff.

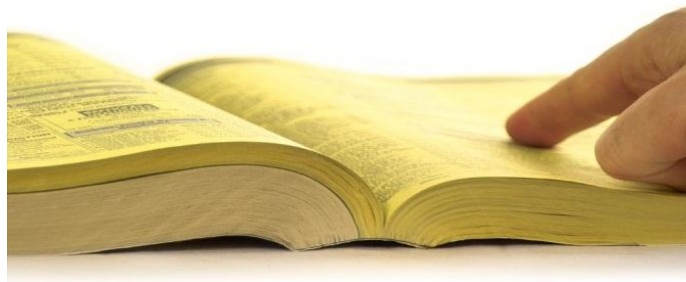
Kelly E. Riddle; TCI, TPLI

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# Want New Customers?

**Our Industry leading directory has more background screening firms listed than all of the following combined:**

- ASIS International's Buyers Guide
- SHRM's Vendor Directory and
- Workforce Magazine Vendor Directory



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