



Background Screening Adjudication Matrix & Decision Guide

A practical framework for consistent, job-related and documented review of background-check results

IMPORTANT: This template is a decision-support framework, not legal advice and not an automatic disqualification policy. Employers should customize it to their jobs, jurisdictions, regulatory obligations and risk profile with qualified employment counsel.

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1. Purpose and Operating Principle

This guide helps employers translate background-screening results into a consistent first-level disposition: Proceed, Individualized Review, or Escalate. It is designed to improve consistency without replacing human judgment, applicable law, or an individualized assessment when appropriate.

The framework is built around the EEOC's targeted-screen concept and the Green factors: (1) nature and gravity of the offense or conduct, (2) time elapsed since the offense/conduct and/or completion of sentence, and (3) nature of the job held or sought. The EEOC cautions against across-the-board exclusions and recommends narrowly tailored policies and documentation.¹

2. Three-Level Decision Framework

Status	Disposition	Meaning / Action
GREEN	Proceed	No matrix trigger requiring elevated review. Continue the hiring process, subject to all other job requirements and applicable law.
YELLOW	Individualized Review	A potentially job-related finding is present. Review the Green factors and individualized circumstances before deciding whether the finding is disqualifying.
RED	Escalate	A significant or regulated risk trigger is present. Route to designated HR/compliance/legal decision-maker. RED does not automatically mean “do not hire.”

3. Job-Risk Categories

Assign each position one primary category and any applicable secondary categories. The job-risk profile should reflect actual duties, access and work environment—not title alone.

Code	Job-risk category	Typical exposure / examples
A	General	Routine employee access; no unusual financial, driving, vulnerable-person, safety-sensitive or unsupervised high-trust exposure.
B	Financial / Data	Cash, payments, payroll, banking, credit cards, financial systems, PII, sensitive customer or employee data.
C	Driving / Transportation	Regular driving for work, company vehicles, CDL/DOT-regulated functions, passenger or freight transportation.
D	Vulnerable Populations	Children, patients, elderly persons, dependent adults, residential care, schools, churches or similar settings.
E	Safety-Sensitive	Heavy machinery, industrial environments, hazardous materials, critical infrastructure, weapons/security or roles where impairment creates elevated risk.
F	High Trust / Unsupervised Access	Homes, client sites, keys/badges, controlled areas, valuable property, confidential information, or substantial unsupervised access.

4. Recency Bands

These bands are a starting template—not universal exclusion periods. Clients should validate and customize timeframes based on job nexus, severity, evidence, regulation, jurisdiction and counsel.

Band	Illustrative timeframe	Use
R1	0–3 years	Most recent; generally receives greatest scrutiny when job-related.
R2	>3–7 years	Intermediate recency; evaluate severity, pattern and job nexus.
R3	>7–10 years	Older history; significance generally decreases absent serious, repeated or regulated conduct.
R4	>10 years	Remote history; usually individualized review only when strong job nexus, pattern, legal restriction or exceptional severity exists.

5. Master Adjudication Matrix — Starting Template

Use the matrix as a routing tool. The “default” column assumes the finding is reportable and legally usable. Then apply the job-risk modifiers. Any statutory/regulatory prohibition or mandatory standard overrides this template.

Finding / offense category	R1 0–3	R2 >3–7	R3 >7–10	R4 >10	Job-risk modifier / notes
Minor traffic / non-safety moving violation	G	G	G	G	C: Y if repeated/recent or role requires significant driving
DUI / DWI / impaired driving	Y	Y	G	G	C/E: R when recent or safety-sensitive; otherwise Y
Reckless driving / serious driving offense	Y	Y	G	G	C/E: R when recent; pattern increases scrutiny
License suspended/revoked or required credential unavailable	R	R	Y	Y	C: R if valid license/credential is essential job requirement
Theft / larceny / shoplifting	Y	Y	Y	G	B/F: R when recent/material; otherwise Y
Fraud / embezzlement / identity theft / forgery	R	Y	Y	Y	B/F: R with financial/data access; consider severity and pattern
Burglary / robbery	R	R	Y	Y	B/F/D: R when strong access/safety nexus
Violent offense / assault / battery	R	R	Y	Y	D/E/F: R; assess severity, circumstances, pattern and role interaction
Domestic violence-related conviction	R	Y	Y	Y	D/E/F: R where safety/access nexus; consider applicable weapons restrictions
Sexual offense / sexual misconduct conviction	R	R	R	Y	D/F: R; check statutory/regulatory restrictions and role access
Child abuse / neglect / exploitation conviction	R	R	R	Y	D: R; statutory/regulatory rules may control
Drug possession	Y	Y	G	G	C/E: Y or R depending on recency, impairment/safety nexus and applicable rules
Drug distribution / trafficking	R	Y	Y	Y	C/D/E/F: heightened review based on access, safety and severity
Weapons offense	R	Y	Y	Y	D/E/F: R where weapon/safety/security nexus exists
Property damage / vandalism	Y	Y	G	G	F: Y where property/access nexus exists
Harassment / stalking / threats	R	Y	Y	Y	D/F: R where interpersonal, customer or unsupervised-access risk is material
Computer crime / cyber offense	R	R	Y	Y	B/F: R for systems, data, security or privileged access
Bribery / corruption / abuse of trust	R	R	Y	Y	B/F: R for fiduciary, procurement, leadership or high-trust roles
Other felony conviction	R	Y	Y	Y	Determine offense-specific job nexus; do not use felony label alone
Other misdemeanor conviction	Y	Y	G	G	Determine conduct, severity, pattern and job nexus
Pending criminal charge	Y	Y	Y	Y	Do not treat charge as proof of conduct; review underlying conduct only where legally appropriate
Arrest without conviction / no disposition	Y	Y	Y	Y	Arrest alone is not proof of criminal conduct; do not automatically exclude
Dismissed / expunged / sealed / non-conviction record	G*	G*	G*	G*	*Subject to jurisdictional restrictions; many laws limit or prohibit use
Identity mismatch / possible inaccurate record	R	R	R	R	STOP adjudication; verify identity/report accuracy and follow dispute/reinvestigation procedures as applicable

6. Individualized Assessment Worksheet

Complete this review for YELLOW cases and any RED case not controlled by a mandatory legal prohibition. Document facts—not assumptions.

Assessment factor	Notes / documented rationale
Candidate / Employee	
Position / Department	
Primary / Secondary Job-Risk Categories	
Report Finding(s)	
Nature and gravity of conduct	What happened? What harm or risk did the conduct involve? Felony/misdemeanor labels are relevant but not sufficient by themselves.
Time elapsed	Date of conduct, conviction/disposition and completion of sentence. What has occurred since?
Nature of the job	Which essential duties, access, environment or risks create a demonstrable nexus to the conduct?
Facts and circumstances	Context surrounding the conduct; do not solicit prohibited information.
Pattern / number of offenses	Is this isolated or repeated? Are the events related?
Post-offense work history	Similar work performed successfully after the event? Length and consistency of employment?
Rehabilitation / education / training	Relevant evidence of rehabilitation, training, treatment, certifications or other changes, where legally appropriate.
References / evidence of fitness	Job-related references or other information relevant to fitness for this specific position.
Accuracy / identity	Has the individual raised an identity issue or disputed accuracy/completeness?
Applicable legal / regulatory rule	Federal, state, local, licensing, contractual or industry-specific requirement.
Decision and rationale	Proceed / Proceed with lawful condition / Adverse-action process / Escalate further. State the job-related rationale.

7. Required Decision Flow

- 1. Confirm the report belongs to the correct individual and that the finding is complete enough to adjudicate.
- 2. Confirm the information may lawfully be considered for this position and jurisdiction. Apply any industry-specific statutory or regulatory rule first.
- 3. Assign the position's job-risk category or categories based on actual duties and access.
- 4. Identify the offense/conduct category, severity, disposition and recency band.
- 5. Use the matrix to route the case to GREEN, YELLOW or RED. Do not treat the matrix as an automatic rejection engine.
- 6. For YELLOW and applicable RED cases, perform and document an individualized assessment focused on job-relatedness and business necessity.
- 7. If the employer is considering adverse action based in whole or in part on a consumer report, initiate the employer's compliant pre-adverse-action process before making the final decision.²
- 8. After the applicable process and consideration of any response/dispute, document the final decision and rationale. If adverse action is taken, complete the required final adverse-action notice.²

8. Special Rules and Guardrails

- Arrests: An arrest by itself does not establish that criminal conduct occurred. Do not automatically exclude based solely on an arrest. Underlying conduct may be considered only when legally permissible and relevant to the job.¹

- Non-convictions / sealed / expunged records: State and local law may prohibit inquiry into or use of certain records. Configure the client matrix by jurisdiction.
- Pending charges: Treat as unresolved. Do not presume guilt. Consider whether legally permissible information about underlying conduct has a demonstrable job nexus.
- Identity / accuracy disputes: Stop the substantive decision when a material identity or accuracy issue is raised. Follow applicable consumer-report dispute/reinvestigation procedures and the employer's process.
- Regulated positions: Federal, state or local law may impose mandatory exclusions, licensing standards, waivers or lookback periods. Those rules override this general template.
- Consistency: Similar cases should be handled consistently. Exceptions should be documented with the job-related reason for the different treatment.
- Confidentiality: Limit access to criminal-history information to those with a business need and retain/dispose of records according to applicable requirements and policy.

9. Client Configuration Worksheet

Before deployment, Red Brick and the client should configure the following items. This is where the generic template becomes the client's operating policy.

Configuration item	Client-specific setting
Client name	
Jurisdictions / hiring locations	
Position families mapped to A–F	
Mandatory industry / licensing rules	
Client-approved recency bands	
Offense categories requiring automatic escalation	
Authorized adjudicators	
Authorized escalation decision-maker(s)	
Individualized-assessment process owner	
Pre-adverse / adverse-action process owner	
Documentation / retention location	
Counsel review date / approver	
Training completion date	
Policy review cadence	At least annually and when laws, jobs or risk profile materially change.

10. Decision Record — Quick Form

Candidate / Employee	
Position	
Job-risk category	
Finding(s)	
Matrix result	
Individualized assessment completed?	

Final disposition	
Decision-maker	
Decision date	
Rationale / notes	

11. Implementation Controls

- Limit matrix access and adjudication authority to trained personnel.
- Use offense-specific categories and actual job duties; avoid “any felony” or “any conviction” blanket rules.
- Build jurisdiction-specific overlays for ban-the-box, fair-chance, credit-history, marijuana/cannabis, salary-history or other applicable restrictions.
- Validate the matrix against the screening package actually ordered for each job family.
- Conduct periodic consistency audits: same finding + same job-risk profile should generally route the same way.
- Review the matrix at least annually and whenever job duties, law, regulation, client risk tolerance or screening products materially change.

12. Legal and Compliance Notice

This document is a general educational and program-design template. It is not legal advice and does not establish that any particular offense is or is not job related, consistent with business necessity, or legally usable in a specific jurisdiction. Employers remain responsible for their employment decisions and should have qualified counsel review their final policy, jurisdictional overlays, mandatory exclusions and adverse-action procedures.

When an employer uses a third-party consumer reporting agency for employment background checks, the Fair Credit Reporting Act imposes requirements before obtaining reports and before/after taking adverse action based in whole or in part on a report. State and local laws may impose additional or more restrictive requirements.²

Sources

1. U.S. Equal Employment Opportunity Commission, “Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII of the Civil Rights Act,” including Green factors, targeted screens, individualized assessment and employer best practices. <https://www.eeoc.gov/laws/guidance/enforcement-guidance-consideration-arrest-and-conviction-records-employment-decisions>
2. Federal Trade Commission / EEOC, “Background Checks: What Employers Need to Know,” and FTC, “Using Consumer Reports: What Employers Need to Know,” regarding FCRA employer obligations and adverse-action procedures. <https://www.ftc.gov/business-guidance/resources/background-checks-what-employers-need-know> ; <https://www.ftc.gov/business-guidance/resources/using-consumer-reports-what-employers-need-know>

Red Brick Workforce Solutions

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