



THE EMPLOYER'S GUIDE TO

BACKGROUND SCREENING

A practical guide to building a thoughtful, consistent and candidate-conscious employment screening program.

FOR HR, TALENT ACQUISITION, COMPLIANCE & OPERATIONS LEADERS

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How to use this guide

Background screening is not simply an administrative step after a hiring decision. Done well, it is a defined employment process that balances risk management, job relevance, compliance, speed, consistency and the candidate experience.

This guide is designed for employers, HR leaders, talent acquisition teams and hiring managers who want a practical framework for evaluating or improving an employment background screening program.

Important: This publication provides general educational information, not legal advice. Federal, state and local requirements can change and may vary by jurisdiction, industry and position. Employers should consult qualified legal counsel regarding their specific obligations.

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01 What employment background screening is

Employment background screening is the process of gathering and evaluating information relevant to an employment decision. When an employer obtains a background report from a third-party company that regularly compiles such information, the report is generally a consumer report under the Fair Credit Reporting Act (FCRA).

Screening may support hiring, retention, promotion or reassignment decisions. Depending on the role and lawful business need, a program may include criminal-history searches, identity/address research, employment or education verification, driving records, professional credentials, drug testing and other services.

A sound program begins with a simple question: What information is relevant to the responsibilities and risks of this position?

02 Why employers screen

Employers use screening for different reasons. Common objectives include confirming qualifications, managing position-specific risk, meeting regulatory or customer requirements, protecting people and assets, and making more informed employment decisions.

The objective should not be to collect the maximum amount of information available. A better objective is to obtain information that is lawful, appropriate and useful for the role, then apply the employer's standards consistently.

- Consistency: similarly situated candidates should be screened under the same policy and role-based criteria.
- Relevance: screening components and decision criteria should relate to the position.
- Accuracy: employers need processes that allow potentially incorrect or incomplete information to be addressed.
- Candidate experience: communication, speed and a clear dispute process matter.
- Governance: screening policies should be documented, reviewed and updated as requirements change.

03 Common screening components

Screen	What it can help assess
Identity / address research	Identifiers and address history that can help guide appropriate record searches.
County criminal search	Records held by county-level courts in jurisdictions searched.
Statewide criminal search	State-level repositories or court systems where available and appropriate.
Federal criminal search	Federal court records, which are separate from state and county criminal records.
Multi-jurisdiction database search	Broad record discovery that may help identify jurisdictions requiring additional verification.
Employment verification	Prior employment information, subject to source availability and employer policy.
Education verification	Degrees, attendance or credentials reported by the candidate.
Motor vehicle record	Driving history for roles where driving is relevant.
Professional license / sanction	Licensure, standing or relevant exclusions for regulated roles.

Not every component belongs in every package. Applicable law, job duties, contractual requirements and the employer's risk analysis should drive the design.

04 Criminal-record searches

Criminal-record screening is often misunderstood as a single search. In practice, records are maintained in different court systems and repositories. A well-designed criminal search strategy may use multiple sources for different purposes.

County searches. County courts are an important source of criminal case information. The EEOC's criminal-record guidance notes that county courthouse records typically provide the most complete criminal history at that level.

Federal searches. Federal crimes are maintained in federal court systems and are not interchangeable with state or county searches.

Database searches. Multi-jurisdiction databases can be useful as a broad discovery tool, but employers should understand what a database contains, how often sources are updated, and how potentially reportable records are verified.

Ask your provider to explain where each search looks, what it does not cover, and what verification occurs before information is reported.

05 Verifications and role-specific screening

Background screening can extend well beyond criminal records. Verification services can help employers confirm candidate-provided qualifications, while role-specific services can address responsibilities unique to a position.

- Employment and education verification can help validate material qualifications.
- Motor vehicle records may be relevant when driving is an essential job function.
- Professional license verification can be important for regulated or credentialed positions.
- Sanctions and exclusion searches may be appropriate in certain healthcare or government-funded environments.
- Drug and occupational testing may be used where lawful and appropriate, particularly for safety-sensitive positions.
- Credit information may be restricted by state or local law and should be used only when legally permissible and relevant.

06 Building job-relevant screening packages

One universal package is easy to administer, but it may not be the best program design. Employers can instead group positions by meaningful job characteristics and build screening packages around those characteristics.

Questions to consider:

- Does the employee drive a company vehicle or drive as an essential function of the job?
- Does the role handle money, sensitive financial information or high-value assets?
- Is a professional license, degree or credential required?
- Does the position involve vulnerable populations or regulated environments?
- Are there customer, contract, insurance or regulatory screening requirements?
- Which screening components are genuinely relevant to the risks and duties of the position?

Documenting the rationale for role-based packages helps create consistency and makes periodic program reviews easier.

07 Disclosure, authorization and the FCRA

When an employer uses a consumer reporting agency (CRA) to obtain a report for employment purposes, the FCRA imposes specific requirements. Before obtaining a report, employers generally must provide a clear and conspicuous

written disclosure that a consumer report may be obtained for employment purposes, in a document that consists solely of the disclosure, and obtain the individual's written authorization.

The employer also makes required certifications to the CRA regarding permissible purpose and compliance with applicable FCRA requirements.

The disclosure and authorization stage deserves careful attention. The FTC has specifically cautioned employers against adding extraneous information to the standalone disclosure.

Operational takeaway: Do not treat disclosure and authorization forms as generic onboarding paperwork. Maintain controlled, reviewed versions and confirm that your workflow uses the correct forms for the jurisdictions in which you hire.

08 Reviewing results and criminal-history decisions

A background report supplies information; it should not substitute for an employer's decision-making policy.

Employers should define who reviews results, what criteria apply, when escalation is required and how decisions are documented.

Federal equal-employment-opportunity requirements also matter. The EEOC advises employers to apply standards consistently and warns that criminal-history policies may create unlawful disparate treatment or disparate impact.

When considering criminal history, the EEOC identifies three commonly referenced factors: the nature and gravity of the offense, the time that has passed, and the nature of the job. The agency also discusses targeted screening and individualized assessment in its enforcement guidance.

An arrest, by itself, does not establish that criminal conduct occurred. The EEOC distinguishes arrest records from conviction records and advises employers to focus on job relevance and the underlying conduct where appropriate.

09 Pre-adverse and adverse action

If an employer may take an adverse employment action based in whole or in part on information in a consumer report, the FCRA requires a process that gives the individual an opportunity to review the information before the decision becomes final.

Before adverse action: provide the individual a copy of the consumer report relied upon and the current A Summary of Your Rights Under the Fair Credit Reporting Act. This advance notice gives the individual an opportunity to review the report and address potentially inaccurate information.

After adverse action: the employer must provide the required adverse-action notice, including information identifying the CRA, explaining that the CRA did not make the employment decision, and describing the individual's rights to dispute the report and obtain another free report within the applicable period.

State or local rules may impose additional steps or timing requirements. The federal process should therefore be treated as a baseline, not necessarily the complete requirement for every jurisdiction.

10 Candidate disputes and accuracy

Candidates have rights under the FCRA to dispute inaccurate or incomplete information in consumer reports. A screening program should have a defined operational response when a candidate raises a dispute.

- Make it clear which organization produced the report and how the individual can contact it.
- Avoid finalizing an employment decision prematurely when required pre-adverse procedures are underway.

- Ensure recruiters and hiring managers know where to route questions.
- Document the status of the employment decision and any updated report received.
- Treat the candidate respectfully; disputes are a normal part of a regulated reporting process.

11 State and local requirements

The FCRA is only part of the compliance landscape. States and municipalities may regulate when employers can ask about criminal history, what information may be considered, how consumer reports are disclosed or authorized, the use of credit information, individualized assessment, notices and adverse-action timing.

Employers hiring across multiple jurisdictions should maintain a process for identifying where a candidate will work and determining whether additional state or local requirements apply.

Red Brick Resource Center: Pair this guide with Red Brick's state-by-state compliance quick-reference guides as they become available.

12 Turnaround time and candidate experience

Speed matters, but turnaround time should be understood rather than reduced to a single average. Court access, source response times, holidays, candidate-supplied information, verification procedures and jurisdiction-specific requirements can all affect completion.

A strong candidate experience includes clear expectations, mobile-friendly authorization, timely status communication, a straightforward dispute path and recruiter visibility into what is actually delaying a report.

Measure more than overall turnaround time. Consider measuring the percentage completed within expected service levels, aging by component, candidate response time, verification bottlenecks and the frequency of manual intervention.

13 Evaluating a screening provider

Technology and price matter, but the quality of a screening relationship is also determined by service, process design, compliance support, reporting quality and how effectively the provider fits into the employer's hiring workflow.

Questions worth asking:

- Can the provider clearly explain its search methodology and sources?
- How are potential records verified and matched to the correct individual?
- What support is available to HR teams and candidates?
- How are state and local workflow differences handled?
- What integrations are available with the employer's ATS or HR technology?
- How are turnaround times measured and communicated?
- How does the provider support adverse-action workflows and candidate disputes?
- Will the provider help review packages and processes as the employer's needs change?

14 Annual program review

Background screening programs should not be 'set it and forget it.' At least periodically, employers should review whether packages, policies, forms, workflows, service levels and provider performance still match the organization's hiring needs.

Annual review questions:

- Are screening packages still aligned to current job responsibilities?
- Are disclosure, authorization and adverse-action materials current?
- Have hiring locations or applicable state/local requirements changed?
- Are decision criteria documented and applied consistently?
- Are turnaround times affecting recruiting or candidate experience?
- Are recruiters and hiring managers trained on escalation and dispute procedures?
- Is the provider delivering the service, responsiveness and reporting quality expected?
- Are there unnecessary searches, duplicate costs or process steps that should be removed?

Next step: Use Red Brick's Background Screening Program Review to evaluate your current program in a structured way.

Primary references

This guide was developed using primary federal guidance. Employers should use current official sources and qualified counsel when evaluating specific legal obligations.

Federal Trade Commission (FTC)

Background Checks: What Employers Need to Know

Using Consumer Reports: What Employers Need to Know

U.S. Equal Employment Opportunity Commission (EEOC)

Background Checks: What Employers Need to Know

Enforcement Guidance on the Consideration of Arrest and Conviction Records in Employment Decisions under Title VII

Criminal Records - Employer Guidance

Consumer Financial Protection Bureau (CFPB)

A Summary of Your Rights Under the Fair Credit Reporting Act

Background Screening Reports - Consumer Rights

Educational disclaimer

This guide is provided by Red Brick Workforce Solutions for general informational and educational purposes only. It is not legal advice and does not create an attorney-client relationship. Laws and regulatory guidance may change, and additional federal, state, local, industry-specific or contractual requirements may apply. Employers should consult qualified legal counsel regarding their specific screening policies, forms, procedures and employment decisions.

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