

Employee Background Screening in the Long Term Care Industry
Seminar Notes

Negligent Hiring

Recent Case Law

- *The burden of performing background checks does not outweigh the necessity.*
 - *Even if similar business in a specific industry are not currently performing background checks, the need to protect clients, employees, and assets creates the need for extensive screening.*
 - *Outsourcing hires from agencies does not absolve the employer of responsibility for background checks.*
 - *A company can be held liable for inadequate screening conducted by a contractor.*
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Legal Obligation

- The applicant must be notified in writing that a background check will be conducted.
 - The applicant must provide written authorization to conduct the inquires.
 - The applicant must provide the following information for a search to be conducted:
 - Full name, including middle initial and former names*
 - Social security number*
 - Current and former addresses*
 - Date of birth*
 - In the case that a credit check will be performed it must be done in accordance with the Fair Credit Reporting Act.
 - Background searches may be conducted for the past seven years.
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Benefits Of Performing Background Checks

- Prevent workplace violence.
 - Discover relevant background details and the potential impact upon your business.
 - Reduce turnover
 - Timesaving
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What Will A Background Check Tell You?

It is estimated that 35% to 40% of all applications and resumes contain misleading, inflated, or false information

- Social security number verification is the first step in a successful background search.
 - Courts, employers, and schools will often use this number to identify applicants.
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- Criminal Conviction Searches
 - Dates
 - Charges
 - Dispositions
 - Sentences
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- Employment Verification
 - Employment dates
 - Position
 - Salary
 - Reason for leaving
 - Full or part-time status
 - Supervisor
 - Eligibility for rehire
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1. How would you rate the applicant's work compared to others with the same responsibility?
2. Did the applicant require close supervision?
3. Where the applicant's assignments completed accurately and on-time?
4. What were the applicant's strong and weak points?
5. Was the applicant professional in manner and appearance?
6. How would you rate the applicant's communication skills?
7. How does the applicant work under pressure and stress?
8. What was the applicant's reason for leaving?
9. Do you recommend the applicant for this position?

- Driver's License Search
 - Current license information
 - Accidents
 - Suspensions and violations

- Education – high school and beyond
 - Attendance
 - Major course of study
 - Degree obtained

- Professional License Verification
 - Type of license or certification
 - Date and place obtained

- Credit Reports

Drug Testing

- An approved substance abuse and mental health service administration laboratory to do the actual analysis.
- Staffed by certified medical review officers available 24 hours a day, 7 days a week.
- Able to provide their clients with a written policy and perform on-site training.
- Availability of their employee training guidelines.
- 18-24 hour turnaround on negative results.
- Ability to test with either hair or urine.
