

Background Investigations

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I. Introduction:

Background checks refer to a wide variety of investigations into the history of a job applicant. A background check can be as simple as a single call to a previous employer, or it can involve weeks of exhaustive work by investigators building a full biography of an individual. In the private sector, background checks take two forms: 1) Confirmatory, in which an employer makes calls to verify information an applicant has provided about his or her educational, military, and employment history 2) Investigative, where an employer digs for information that an applicant might try to hide, such as previous terminations or a criminal history.

II. Body

A. Litigation

1. G. L. v. Kaiser Foundations Hospitals Inc.
 - a. Hospital is liable for employee's misconduct only if the hospital was itself negligent for employing or retaining employee.
2. Doris Louise Haight v. Savoy Apartment
 - a. Apartment complex has duty to investigate employee's background.
 - b. Employee had a prior felony conviction.

B. Types of Records

1. Public records
 - a. Voter registration records.
 - b. Driver's history.
 - c. Social security verification
 - d. Criminal arrests/convictions.
 - e. Civil records.
 - f. Workers compensation claims.
 - g. Educational degree verification.
 - h. Military records.
 - i. Professional Associations and licensing boards.
 - j. Vehicle registration.
2. Database Services.
 - a. These services access databases across the country and can provide the employer with extensive record searches for inexpensive fees.
 - b. Success with a database search will depend on the quality and quantity of the identifying data requested by the requester.
 - c. Database services are popular because of convenience.
3. Out Source
 - a. Professional services available for conducting complete background checks.

C. Preparing for the Background Check.

1. Have applicant sign a release authorizing the employer to obtain information from public records.
 - a. Protect employer.
 - b. Warn potential applicants.
2. Get adequate information from the applicant.
 - a. The more complete the better.
 - 1) full names.
 - 2) social security number.
 - 3) driver's license number.
 - 4) full addresses.
 - 5) employment history with no gaps.
 - 6) references.
3. Evaluating the information provided.
 - a. Don't allow a post office box number to qualify as a residence address.
 - b. Be alert to the possibility that a real address may only be a mail drop.
 - c. Be suspicious of dead ends.
 - 1) records not available.
 - 2) working for businesses that went out of business.
 - d. Look for inconsistencies and ellipses.
 - 1) anything that is not where it should be .
 - 2) anything that should be there but is not.
4. Gear the search to verify the data provided.
5. Developed references.
 - a. Ask the question "Who can tell me more about the applicant?"
 - b. These references are more important than those solicited from the applicant.
 - c. These references may be personal references or employment references.
 - d. Actively seek information from individuals not listed by the

applicant.

D. Limitations.

1. The applicant was never caught for crimes committed.
2. Applicant was guilty of a crime but was acquitted or the charges were dropped.
3. Applicant pleads guilty to a lesser charge.
4. Past employers are reluctant to provide honest evaluations.
5. References provided by the applicant are not aware of the applicant's dishonest acts.

E. Detecting Deception in the Pre-employment Interview.

1. Many persons, whether intentionally or unintentionally, go into an interview process intending to deceive the interviewer.
2. Indicators, which must be watched by an interviewer in order to detect deception, include:
 - a. Eye movement - persons who are intending to deceive have difficulty maintaining good eye contact. In many cases, the movement of the eyes can indicate specific information.
 - b. Persons who are intending to deceive are under stress, especially if good rapport has been developed in the interview. They must relieve this stress in some way. A good interviewer can spot these stress indicators.
 - c. Anyone who is intentionally evasive in an interview requires more thoughtful and more direct questioning from the interviewer. Interviewees who intentionally use qualifiers, modifiers, and hedgers when answering questions should raise the attention level of the interviewer. If a question deserves a direct answer then that is what the interviewer should expect.
 - d. The posture and body language of an interviewee can indicate much. Many of the ways that we sit indicate our inner feelings and thoughts.
 - e. Probably the most common way of detecting an interviewee's deception is to take notice of "holes" in the interviewee's chronological description of events. Interviewees will intentionally omit events which would prove to be a discredit to them in the interview process. A good interviewer will ask for a chronological description of events whether it be past job experiences or some other activities and then look for "holes" in that description.

The verbal interviewing of an individual can be the most trusted and accurate prediction of future performance in the job place, but this is only true if interviewers learn effective skills at gathering the much needed information.

III. Conclusion

The purpose for conducting a background investigation is an attempt to verify the applicant's statements, verbal or in writing, that he or she is qualified for the position and a person of high integrity.