

## Background Checks

Effective background check procedures can help produce more informed hiring decisions and protect employees, customers and company assets, but recent developments have resulted in increased scrutiny of employers' background check policies.

### Overview

We have vast experience assisting employers with respect to the development, review and refinement of background check programs, as well as defending against legal and administrative challenges to background check policies and practices.

With a renowned team of accomplished employment litigators, along with attorneys who have testified before Congress and the U.S. Commission on Civil Rights in support of the appropriate use of criminal background checks in employment, we can assist employers with all of their background check-related needs, including:

- Advice regarding whether it is appropriate to “ban-the-box” and forego asking about an applicant’s criminal history on an initial application and alternate means of inquiring into an applicant’s criminal record;
- Guidance on whether a company’s background check procedures are subject to the requirements of the federal FCRA and/or state law and the company’s obligations under applicable laws;
- Review and revision of forms required by state or federal fair credit reporting laws;
- Developing and refining policies that help a company make reasoned disqualification decisions taking into account the EEOC’s guidelines and state law;
- Defense of EEOC or state agency charges of discrimination at the initial stage with the goal of avoiding such charges evolving into class investigations;
- Defense of EEOC or state agency systemic investigations relating to criminal or credit background practices;
- Defense of individual or class-based lawsuits brought by the EEOC or private plaintiffs; and
- Training for corporate human resources and security departments (and other management personnel) on preventive strategies to minimize liability for the use of background checks.