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Posted on Sun, Nov. 21, 2004

## In-depth background checks invaluable

By ERIKA D. SMITH

Knight Ridder Newspapers

Do not believe everything you read, especially on a resume.

There is a good chance the applicant who is smiling in your face has lied to you. It may be a white lie that really does not matter. Or it could be a serious lie that could cost your company thousands or even millions of dollars in a negligent hiring lawsuit.

The only way to find out is to adopt a rigorous pre-employment screening process. That means not only a criminal background check, but a drug test, a verification of their education and sometimes a credit check.

"The interview doesn't uncover everything. Not at all," said Jim Gill, a research analyst for Akron, Ohio-based Superior Employment Screening.

"It's the people who are working for you right now. You need to protect them from the people you're bringing in," he added. "You could be hiring an ax murderer."

Companies can do screening themselves, but often, they choose to hire outside firms such as Superior for general background checks or Omega Laboratories for drug tests.

Unfortunately, Gill said, almost as many companies choose not to do it at all. The perception that pre-employment screening costs too much is a deterrent.

In reality, a criminal, credit and drug check starts around \$200 per applicant.

"Would you rather spend \$200 now or \$2 million on a negligent hiring lawsuit later?" Gill asked.

The rule is, if you could have known, you should have known, said Jason Morris, president of Background Information Services. That goes for the truck driver you hired who lied about having a license to the delivery guy you hired who was convicted of rape.

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"They should have known an employee would be a danger to those in the workplace ... or a third party," said Vincent Tersigni, chairman of the employment law practice group at Buckingham, Doolittle & Burroughs LLP in Akron. "I see more of (negligent hiring suits) these days, but it's still an emerging area of the law."

Companies should start with a general criminal and court records search. These days, a lot of this can be done for free on the Web, but other information may require a trip to a government office.

Background Information Services, with its nationwide network of investigators, probably has more resources than most employers. The Cleveland company does a records check in every county where an applicant has lived, worked or gone to school for the last 10 years.

Some Internet services claim to do the same thing for about \$5. But Morris said all they really do is a cursory search of national databases. It is easy to miss things when you do not check at the local level, too.

"You have to pay for the services," he said, warning companies against shortcuts. "It's not going to come cheap."

The easiest thing to check, and often the most fudged, is an applicant's educational achievements. All you have to do is call the university's admissions office.

People lie about degrees they have earned so much Gill can rattle off 10 examples off the top of his head. Morris said the discrepancy rate for his firm's clients hovers around 56 percent.

"It's just making sure you're hiring qualified people," Morris said.

For jobs that require accounting skills, running a credit check can give companies another clue to an applicant's strengths and weaknesses.

"Your personal finances, if you can't handle those why should you think they can handle anything inside a firm," Gill said.

Another big tip about an applicant can come from a drug test. Although the urine test remains the most popular method for pre-employment screening, hair testing is growing fast.

Omega Laboratories in Mogadore, Ohio, specializes in the latter.

"There are multiple ways to beat a urine test," said Omega's president, Jay Davis. He ticked off three Web sites that give step-by-step instructions to prove his point.

So far, hair drug tests have never been proven inaccurate in court. Using an inch and a half of hair, Omega can indicate whether a person used one of five classes of drugs over the last 90 days.

The test costs \$40 and the hair collection - from the head or body - is \$20. That is \$5 to \$10 more than a saliva test and \$15 to \$25 more than a urine test.

The method aside, drug testing is something that tends to be outsourced. But to comply with the Fair Credit Reporting Act, employers should be careful to get signed release forms from applicants.

By law, job applicants must be told an outside company is investigating them - whether it is for drugs or their credit history - and they must authorize it. They also have a right to know the results of that investigation.

If those results happen to be wrong, Tersigni said he does not think the employer should be held liable - at least under most circumstances. "Refusing to hire somebody based on a mistaken belief

is not illegal. Some people might disagree with me, but ..." the attorney trailed off.

But overall, when it comes to any type of pre-employment screening, consistency is key. If you cannot do it across your company, at least do it across each department or job category.

"The best way to do a background check is to the same thing for everybody," Gill said.

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