

Changes in New York State Law Affect Pre-employment Screening

A fundamental shift in the way New York State provides criminal record information took effect Monday July 14th. The O.C.A. (Office of Court Administration) has raised the court fee for searches approximately 200% and has done away with countywide criminal searches for the 13 boroughs in and around New York City.

Nine counties upstate have also cut off all access to public record information for pre-employment purposes. A \$70 criminal check for an applicant who has lived in these areas will now give you a statewide search.

New York State is promising through this statewide search, comprehensive public records for all 62 counties. However, the appropriate agencies have not been able to answer multiple questions from us or other companies in the industry, most notably the scope of years covered, as well as the quality and quantity of information returned.

Background Information Services continues to work with the National Association of Professional Background Screeners (NAPBS) and New York State to resolve all known issues in order to return the most comprehensive, accurate

information possible.

The Boroughs as defined are: *Bronx, Dutchess, Erie, Kings, Nassau, New York, Orange, Putnam, Queens, Richmond, Rockland, Suffolk, and Westchester*. The nine counties that are also participating are: *Allegany, Cayuga, Cortland, Delaware, Erie, Fulton, Hamilton, Montgomery, Orleans and Tioga*.

Conducting a statewide search will be the only way to check these areas. Because of these regulations we will no longer be able to perform an individual countywide search in these 22 areas.

Any counties in NY that fall outside this "jurisdiction" however, will still be run as a countywide search. It is our opinion that performing a countywide search is still the best way to do a criminal background check.

Until the O.C.A. extends the ban statewide, we will continue to do searches at the county level for our clients in those areas. In order to provide you with the most accurate search, we recommend running a countywide search on any addresses that are found outside these areas.

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BIS Plays Leading Role in Creation of National Association of Professional Background Screeners

Background Information Services has become a founding member and "seed money" contributor to the newly formed National Association of Professional Background Screeners (NAPBS). This Association will work with legislative bodies and local courts to increase the access of public record information and establish standards governing the industry. By taking this proactive step, BIS will continue to serve its clients in the most ethical manner possible while maintaining full legal compliance.

Jason Morris, President & COO of BIS has been working on this association for over three years and is thrilled to see this vision come to fruition. "We have believed for a long time that the industry as a whole needs consistency. We have been working very hard with other pre-

employment screening companies to put ideals and ethics in place so the industry can prosper into the future," said Morris, currently the membership committee co-chair. "These goals, along with our desire to have a voice in Washington and other local governments, give us the willingness to make this Association succeed."

NAPBS members must follow a strict "code of conduct," acknowledging that the quality of professional background screening depends upon the willingness of practitioners to observe special standards while acting in good faith.

All Employees of Member Companies shall:

1. Perform professional duties in accordance with the law and the highest moral

principles.

2. Observe the precepts of truthfulness, honesty and integrity.
3. Be faithful and diligent in discharging professional responsibilities.
4. Be competent in discharging professional responsibilities.
5. Safeguard confidential information and exercise due care to prevent its improper disclosure.
6. Avoid injuring the professional reputation or practice of colleagues, clients or employers.

Please visit our website for more information about NAPBS or visit the association website at: www.napbs.com.

Why Does My Criminal Search Turnaround Time Vary So Much?

Through extensive testing, BIS has found the best researchers available nationwide. However, a researcher does not always have full control over when a criminal background search can be completed. Unfortunately, there is no national database that houses this information, or even consistent laws governing the storage and availability of "public record" information at the county level. Sometimes, an individual county archives its files after just a few years. Many do not store hard copy files on site due a lack of space. Older files do not always have the necessary personal identifiers (i.e. DOB, SSN, Address, Drivers License #, etc), therefore, our researchers have to dig a little harder to get the best information available for you.

There are two ways to perform a criminal search: through a public access terminal or by the county clerk. The fastest and most efficient method is through a public access terminal, which is a computer that houses criminal records. When public access terminals are available, they are the first choice for our court researchers. They are available in virtually all suburban and urban areas but are less common in rural counties. Chances are, most of your criminal verifications will take place in counties where public access terminals are available for researchers.

If our researcher sees the need to access a particular case file based on something we find during our investigation, we will take the case number to the clerk and make a copy of the case file. There are some counties in which we are prohibited from making copies ourselves. A contingency like this can literally delay completion of a criminal check for several days because we have to rely on the court employees.

The second way to perform a criminal search is to place it

in the clerk's hand from start to finish and this is the method that takes

...in every instance where we need the help of a court employee or are prohibited from searching public record information ourselves, the search will take longer...

the longest amount of time. This is only done when no public access terminals are available. Using the information you provide us, the clerk gives the researcher a printout of all the case histories on the applicant. Again, if we need to see the case file, this can slow the process tremendously. Some counties cannot perform a clerk search immediately. We are at the clerk's mercy, sometimes waiting several days for a call telling us the search has been finished. It is important to note that in every instance where we need the help of a court employee or are prohibited from searching public record information ourselves, the process will take longer because we no longer control the speed of the search. We are in constant contact with counties we consider "troublesome" throughout the U.S., working with them to improve their processes, thus allowing us to give you the best, most accurate information needed to make a hiring decision.

New Faces at BIS

- **Kelly Lucha** is a graduate of John Carroll University and majored in Marketing and Logistics. Kelly comes to BIS with prior experience in marketing and advertising.
- **Toby Koestner** is an Accounting major at John Carroll University. He joined one of our research teams last month as a Background Specialist and brings many unique qualities to BIS.
- **Natalie Beck** is a graduate of John Carroll University with a Bachelor of Arts Degree in Communications. She comes to BIS from the hospitality industry.
- **Gloria Foradori** has joined BIS' Operations Department. She has previously worked with Southwest Airlines in the Customer Relations Department.
- **Pam Narduzzi** has joined BIS as a Customer Relations associate. She is a graduate of Baldwin-Wallace College and has worked in the theatre industry.



The BIS staff takes a break for a photograph at the 2003 SHRM convention in Orlando, FL. This is the 55th year for this convention. Next year's show will be held in June in New Orleans, LA.

In addition to the SHRM convention, our staff will attend the ASIS convention in New Orleans September 14-17 of this year. Please contact us to set up an appointment.

BIS Fast Facts

- BIS Volume has increased over 200% in the last 12 months
- BIS Turnaround time has decreased by 18% in the last six months
- The amount of searches that have taken over 60 hours to complete has decreased by 30%
- Approximately 56% of applicants' resumes contain a discrepancy
- 13% of all applicants screened by BIS have criminal hits

BIS Opens a Third Office to Accommodate the Rapid Growth of the Company



(From left to right) Jason Morris, Les Fishman Brianna Daniels, and Kevin Bachman review the premier issue of *The Verifier*.



BIS researchers working on the latest batch of Education, Employment and Reference Verifications. (Photos: Jamie Katz)

Our new office allows us to double the amount of researchers without having to expand to another location. It also houses our Customer Relations Department, research teams, conference room, server room, and employee break room.

We have installed additional security measures to limit unauthorized access to all of our offices.

In addition to the new office, we have also renovated our other two offices. One holds our Sales & Marketing Department, the other our Criminal, Data Entry and Operations Departments.

Client Profile: Sarah Looper of Esoterix Inc.

It's not the job you would say is great preparation for a career in HR, but for Sarah Looper, who was working as a restaurant manager, it was just that. "It helped because you're constantly faced with fires and you have to think on your feet. You need to move on and not be sidetracked. Now, I can deal with the unexpected and keep going."

As the HR Benefits Manager for Esoterix Inc., a laboratory company that does scientific testing for critically ill patients in such fields as oncology, endocrinology, and coagulation, Looper has a wide range of responsibilities. "I handle and look at salaries, compensation, take care of interviewing, hiring, recruiting. I work with our managers on labor relations (issues)." It's the latter she said is especially relevant to the company's success. "Those (cases) are really critical. Making sure we're doing everything in compliance and treating everyone evenly and fairly, while at the same time protecting the company."

It's those concerns about equality and compliance mixed with her corporate business acumen that led her to BIS. Ironically, pre-employment screening is the one HR function she does not spend much time on. "I feel safe and trust that BIS is getting me information that allows me to hire great candidates," she said. "I know the information they're getting me is correct, accurate, and thorough. I never have to do

any other follow-up on our candidates."

Esoterix does a comprehensive background screen; from a social security trace and criminal history check to full employment and education verifications. "We want to ensure we're ok legally and make sure the person is upfront and honest on their application. We also like to get a history of the person's employment and make sure the candidate we think is the right person is the right person." She says BIS has been instrumental in allowing her the time and opportunity to tackle the other areas.

Pre-employment screening is not the only vital aspect of her job and she sees her role as a strategic business consultant expanding. "I think different facets of HR are very critical in today's day and age. Benefits and medical care are getting more expensive. I think you'll need strong HR people to come in and help employers make money," Looper said. "We need to keep getting good people and retain those high quality employees that make this company so wonderful. HR will continue to prove its worth. Your staff is what makes your company."

While Looper said she enjoys the strategic areas of the profession more, it's the administrative side that sometimes gives

her the greatest pleasure. "I enjoy working with people. I enjoy making sure an employee's family has the correct benefits, salaries are fair and competitive, and that they are treated with respect and dignity."

She says BIS has helped Esoterix by doing background checks. "We can identify a quality person as well as a person who may be a problem. It saves companies so much time and money in the long run," Looper said. Perhaps these can be the areas where HR can continue to contribute strategically. While Looper wishes that HR play a larger role in the organization design of other companies, it is a field she is comfortable with. "I think I'll probably stay in HR forever. There are so many different pieces of

HR that interest me. I'm still learning and growing, and there are so many different areas I could turn to and hone my skills."

It is that variety in the HR world that keeps things interesting for Looper. This sentiment most likely is shared by many in the profession. "There is always something new. The laws are always changing. There is a new employee problem. My schedule always changes and every day is something different. My days are never the same."

"It saves companies so much time and money in the long run."

Commonly Asked Questions: The Social Security Trace

Why is the SSN Trace important?

The SSN Trace verifies that the number supplied by the applicant links to their financial records. It also generates a list of any aliases they may have used. Most importantly, it gives a list of addresses where an applicant has financial records tied to and quite possibly lived at. For example, if an applicant tells you he lived in Houston, Texas, but committed a burglary in Modesto, California, and does not tell you, you would have no way of knowing to look at that county... without the SSN Trace.

Why are there different names linked to my applicant?

It is common to find an alternate spelling of the name the applicant gave you on his/her job application when we begin the background check. Sometimes it is a completely different name. Sometimes it is a letter or two off the name the applicant provided you. Unfortunately, we can never tell whether an a.k.a. was intentionally used or not. Because the name generation is tied to financial records, it could simply be a 5 year old data entry error made by a bank clerk in 1998. It could be an attempt by your applicant to deceive or hide a criminal conviction. There is no way to discern their intent simply by looking at the name.

Why does it cost more to do a background check when additional names are found?

Because there are no universal standards used by the thousands of county courts nationwide, searching each name found is the only way to ensure a comprehensive, diligent background check was conducted. Some counties in America will only return information on criminal convictions if the name, DOB, SSN, etc. are all correct.

For example, say a SSN Trace finds your applicant, Brian Johnson's (DOB, 01/01/1961, SSN 123-45-6789) name spelled two ways: Johnson and Johnsin. If you tell us to check "Johnson" only, and a criminal record is in that courthouse which matches that DOB and SSN but is spelled Johnsin, I may not be given that

information. The only way to get it is to do a check on both names.

Why do multiple SSN's link to my applicant?

There are several possibilities. First, additional SSN's could be the result of a data entry error at some point in the applicant's life when applying for a credit card, cell phone, etc. Second, there could be joint financial accounts linked to a spouse or child, returning their SSN as well. Finally, the SSN provided by the applicant was simply not their SSN or they intentionally used a different one.

Why did a different person and not my applicant link to the SSN? a.k.a, Why does the SSN "not trace" to my applicant?

There are three common scenarios: First, there is no strong financial history for your applicant. Take the above example regarding a data entry error. If your applicant is under 24, and lacks a strong financial history, it is common the SSN Trace will link to another person who has been "accidentally" attached to a # that is not theirs. After all, it is common that one applicant is linked to 2-3 SSN's that actually belong to others, it's common 2-3 others are inadvertently linked to your applicant. If your applicant does not come up, it "defaults" to the person who has used it most often. Asking applicants for a copy of the SSN or Driver's License when they fill out their paperwork (when state and federal regulations permit) can reduce the amount of uncertainty when this arises. Second, the applicant is new to America and their SSN card has not been processed by the appropriate agencies to where we can access it. Third, the # provided by your applicant may not be theirs.

Unfortunately, when the SSN does not trace, it limits our ability to do a comprehensive search, because we can not generate a list of addresses your applicant may have lived at. Internal research shows the SSN does not trace approximately 5% of the time. The age of your applicants and their length of time in America however, are the most significant factors in whether that percent is higher.

What Do You Think?

Are there any stories you would like to see in The Verifier?

What topics about the pre-employment screening industry would you like us to address?

Is there someone in your company you would like us to profile?

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