

**REPLY TO: CORPORATE OFFICES**

## **Top 20 Best Hiring Practices**

**By**

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Due-Diligence is a term that is often used in many contexts, but in this application, it applies to Background Investigations and Pre-Employment Screening. According to WIKIPEDIA, "Due diligence" is a term used for a number of concepts, involving either an investigation of a business or person prior to signing a contract, or an act with a certain standard of care. The definition continues to include examples in merger/acquisition situations but for the purposes of the hiring process it is often considered the reasonable care that is used by employers to minimize possible risk when making a hiring decision. While the term sounds great and is a commonly used term, what does it really mean to Human Resource Professionals and how can it apply to our everyday employment investigations process.

Here are 20 takeaways that can be applied to your organization today to ensure that you are meeting the highest level of due-diligence, each and every time:

1. **HIRING PROCESS:** Be sure that your organization has an established Hiring Process! This includes interview through final determination...documentation is key.
2. **APPLICATION:** Examine the Application for Employment – Ensure that the rules/regulations are current and that all necessary contents are listed therein and each state in which your organization operates is properly covered and compliant. This should be updated at least semi-annually.
3. **APPLICATION COMPLETION & SUBMISSION:** Ensure that each and every line of the application is answered completely – do not accept “N/AP” or other information that is not complete, this can have an impact on your process including determination of a possible falsification.
4. **BEST TIME TO REQUEST BACKGROUND:** Pre or Post-Offer? Employers should not request the background investigation “post-offer”. It is best to request the background investigation at the appropriate time during the hiring process when you can have multiple individuals being considered for the same position-it is costlier but also non-discriminatory.
5. **BACKGROUND INVESTIGATION RELEASE PROCESS:** Ensure that your firm is using a qualified “third party” that collects all necessary personal (electronically preferred) -information including DOB/SSN to minimize possible discrimination and is compliant with all applicable guidelines.
6. **KNOW YOUR PROVIDER:** Ensure that your Background Investigation Provider is up to date with the latest rules and regulations in the investigative industry (FCRA and other applicable State and Federal Laws) and its employees are certified-you should be receiving notices no less than quarterly with any changes.

7. **CHECK ON PROVIDER:** Before selecting a provider, secure at least 3 references from that provider including specific service related questions regarding the process and be sure to identify any “challenges” in advance. Don’t be afraid to ask your provider for the name of the last three (3) clients that have left them and the reason(s) why and ask if they have ever been the subject of any litigation as it relates to a client.

8. **DISCLOSURES:** Ensure that all necessary disclosures are clearly completed and done so at the appropriate times! There is a process designated for the release signature, separate and apart from the disclosure...be sure that those are kept separate and don’t be the subject of a lawsuit - <http://www.topclassactions.com/lawsuit-settlements/lawsuit-news/16770-whole-foods-hit-class-action-lawsuit-illegal-background-checks>;

9. **BUDGET & SEARCHES:** Know your BUDGET and SEARCHES available! Ensure that you know the level(s) of screening being conducted on each and ensure that the searches are legal, ethical and in accordance with the position(s) being filled-do not use a one size fits all approach.

10. **CRIMINAL CONVICTIONS:** Understand the level(s) being searched, complexity of each area and the sources for the information. Do not settle for arbitrary or “across the board” searches that may imply due-diligence but in reality are not comprehensive. Determine the hit ratios associated with each search level...if it appears too good to be true, chances are it is.

11. **OTHER SEARCHES:** What other searches are available that may be related to the position and can assist with determining if the candidate is a fit? Do not simply conduct a Criminal Convictions Search and assume you have done your due-diligence!

12. **TURN-AROUND TIMES:** Determine the realistic turnaround time of each report and how it impacts your hiring process...rarely are instant searches effective, but neither are searches that require 45 days to complete.

13. **REPORT INTERPRETATION: MOST IMPORTANT!!** Ensure that your report is clear, comprehensive and that a representative is skilled in assisting in reviewing the report and providing guidance to determine whether you will make a positive hiring decision, or move to Adverse Action Process. All reports are not the same and it is critical to properly interpret a report before making a hiring decision. Ensure that your organization has a process to interpret reports and it is clearly documented.

14. **HIRE DECISION:** Yes or No - Have a documented process for both and ensure that all stakeholders are consistent in the process. If Yes, Great! Notify the hiring manager that the process has been completed and you would like to extend an offer. If NO, STOP! Ensure that you are within your proper guidelines to reject a candidate for employment.

15. **ADVERSE HIRING:** Should you choose to not hire the applicant, ensure that you are following the proper state and federal guidelines with notifications, including the Pre-Adverse Action Notice and the Adverse Action Notice. The applicant is entitled to an opportunity to refute any information prior to your making the final decision. Consistency is important in this process as well as non-discriminatory practices.

16. **EEOC:** Be cognizant of EEOC and latest trends with arbitrary discrimination lawsuits as well as the ability of an applicant to file a complaint against you for being discriminatory. Conduct a third-party review of your process to ensure that there are no allegations of discrimination.

17. **INFINITY SCREEN:** Screen employees annually, not just at the time of hire. Many things happen throughout the course of employment that would not be normally identified and make this part of the process.

18. **PHYSICAL SECURITY:** HR is often in charge of this in many organizations. Ensure that you have a solid process for access control, as well as an audit process for any exited employees and visitors, including subcontractors. Conduct a penetration test once or twice per year.

19. **CYBER SECURITY:** Ensure that there is an audit conducted to ensure that all employee and remote devices are properly configured and there are no data or other breaches that could have a significant impact on the organization.

20. **NEGLIGENT HIRING:** Avoid this by ensuring that you are providing a safe environment for your employees. This includes having an awareness policy within the organization to ensure that everyone is aware of their surroundings. They should report any suspicious activity or behavior to security or HR.

The above steps are recommended practices to ensure that the highest level of due-diligence is met in the hiring and employment process. These are best practices utilized by many organizations nationally. For a more comprehensive list or further analysis of your current process, feel free to contact us for a no-cost analysis.