



4-1 Discussion: Discussion 4

How would you do a complete background investigation on applicants to minimize concerns about negligent hiring?

To complete this assignment, review the [Discussion Rubric](#) document.

Rubrics

 [Discussion Rubric: Undergraduate](#)


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Week Four Discussion

Amanda Blandford posted Jan 26, 2021 9:01 PM  [Subscribe](#)

Hello Class,

When completing a background investigation on applicants it is important to take the accurate steps to ensure any concerns of negligent hiring are alleviated. The first step in completing a background investigation on an applicant is to obtain written consent from the applicant to do so (Mathis, et al, 2015). This can be accomplished by creating a standard form that all applicants sign during the application process or by inserting the language directly into the application. After obtaining written consent, the next step would be to review, verify and document all information provided in the application (Mathis, et al, 2015). Verification of the information provided is an important step to beginning the background investigation, but it is also important to dig deeper and find out as much

information about the applicant as possible. Conducting a criminal background check is a great start to going above and beyond the information provided by the applicant. Criminal background checks can be completed online and are quite affordable depending on how extensive of a check is requested. Additional checks that can be performed to ensure negligent hiring does not occur are drug screenings, credit checks, and health screenings. Apart from drug screenings, most of these additional checks are related to the nature of the job being applied for. For example, an applicant applying for a position at a bank or other financial institution will most likely be subject to a credit check, while an applicant applying for a job that demands extensive physical activity may be subject to a health screening. Some employers also check applicant's social media platforms to gain a better insight into the personal characteristics of the applicant. While I do agree this is a good tactic to learn more about the applicant's personality, I also feel it is rather risky. Checking social media platforms could potentially increase the likelihood of unethical and discriminatory hiring practices as it could hinder a status-blind decision.

References

Mathis, R., Jackson, J., Valentine, S., & Meglich, P. (2015). *Human Resource Management 15th Edition*. Boston, MA: Cengage Learning

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Last post **yesterday at 6:26 AM**
by Deborah Guenther-Alexiou

4-1 Discussion

Angela Cook posted Jan 29, 2021 1:15 AM [★ Subscribe](#)

Hello, Class.

This is a great topic for discussion this week. It is extremely important that an employer limits liability of harm due to a potential negligent hire by conducting thorough procedures for background investigations on applicants. It is important to review the type of position that is being hired for to determine relevance of potential criminal background for an applicant. As noted by Clark, there is a trend of employers hiring individuals with criminal histories and giving them second chances (Clark, 2019). For instance, the risk of hiring someone with a past charge of DUI ten years ago may not be precluded from a retail job. Identifying the boundaries needed for position and charge, understanding state and federal laws, and being familiar with contracts, regulatory agencies, and standard of care is a must.

In my agency, we work with a vulnerable and aging population who are receiving Home and Community Based Services. The governing bodies related to our regulations are Medicare, The Office of the Long Term Living, Department of Health, and AHCA. I am sure to review the expectations for background checks and follow the most restrictive. For instance, OLTL in PA has a list of prohibitive offenses that I am unable to hire to send into homes. These include a list of felonies and a list where any 2 offenses make an employee unable to enter the home. Interestingly, the rules are more restrictive than those working with children. Having 2 library theft charges restrict those from entering home and I will not employ them.

First, I obtain signed clearances to complete criminal background through PA State Police, I send the employee to complete their fingerprint report, and I have the employee complete a PA Child Abuse Registry application. Next, I conduct a Driver's License Report and investigation. This is important because our employees need to drive from home-to-home and I must be able to show vehicular responsibility. I run the National Sex Offender (NSO) report and an annual basis and prior to hire and also complete a monthly Office of State Inspector (OIG) fraud reports because we bill medicaid. Any history on NSO or OIG reports automatically exclude a candidate. I also complete a PA Medichex/Excluded Providers List check to ensure there are no individuals precluded from participation in the MA Program. Employees who would not pass this check would be immediately dismissed from hiring process. Lastly, I request college transcripts/proof of degree to verify the necessary education and I conduct professional and personal reference checks.

Completing the initial checks and the maintenance safeguards our business from potential negligent hiring.

References

Clark, M. J. M. D. (2019, August 16). *How to Address Negligent Hiring Concerns*. SHRM. <https://www.shrm.org/hr-today/news/hr-magazine/spring2019/pages/how-to-address-negligent-hiring-concerns.aspx>

Mathis, R. L., Jackson, J. H., Valentine, S., & Meglich, P. A. (2017). *Human resource management* (15th ed.). Boston, MA: Cengage Learning.

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Last post **yesterday at 12:25 PM** by Noelle Fatello

4-1 Discussion: Discussion 4

Ashley Colon posted Jan 24, 2021 12:41 PM [☆ Subscribe](#)

How would you do a complete background investigation on applicants to minimize concerns about negligent hiring?

Hello Everyone-

This is a great discussion this week. In my first year of being a RC I would complete their offer letters, background checks, I9s and new hire packets, so I have a little bit of knowledge when it comes to the background checks and processes the companies follows to verify things.

“Background investigations and references checks are employers’ principal means of securing information about potential hires from sources other than the applicants themselves.”

(SHRM,2021). There are several factors that employer look at to ensure that the candidates are qualified to work for their organization. These factors include but are not limited to their criminal checks, motor vehicle violations, educations, credit history, or work history. The reason why many companies run a background check is to protect their employees/customers,

helps with hiring quality employers, protects the company, it is mandated by law/regulation, and helps prevent any criminal acts from happening. When a company runs a background check, they typically have it pushed through the ATS (I.E: Workday, or Taleo), this allows the candidate to complete the background check, and at which point allows the RC, Recruiter, and HM to revert back to see where the candidate is at in the process for their background check and what they need to clear in order to make their start date. Typically, a candidate would not be cleared start if their criminal check or motor vehicle check as not cleared. Sometimes a company would allow their candidates to start if their work history and or education hasn't cleared as long as they were able to provide the proper documentation, at which point HR, would review it and make the judge call on whether or not the candidate could start on a contingent until their background check fully cleared. This meant that their employment could be temporary, until their background check came back. I understand why some companies did this because I had a couple of candidates where their education took over 3 months to clear, because they completed their education overseas. However, I also had another instance where a candidate stated they completed their degree, but in reality, they were still 6 credits from getting their degree, and all they had was a certificate, which the position they applied for required a degree, so they had to inform him they he wasn't qualified. In my opinion I don't think a candidate should start unless their background check has been completed, because you never know how long it might take to come back, or what may come back on it. As an employer you have to protect your company from bad things happening. I understand that there will always be one offs, where a candidate can start without being cleared, but you should never rush getting someone hired because they will miss this class, or this hiring period. As HR, we have to ensure the protection of our organizations.

Thank you-

Ashley Colon

References:

SHRM (2021). Conducting Background Investigations and Reference Checks. Retrieved on 21 January 2021 from: [Conducting Background Investigations and Reference Checks \(shrm.org\)](https://www.shrm.org/hr-today/news/articles-and-insights/story-conducting-background-investigations-and-reference-checks)

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Last post **yesterday at 5:55 PM**
by Ashley Colon

Discussion 4

Autumn Dunaway posted Jan 25, 2021 12:42 PM [☆ Subscribe](#)

Depending on the nature of the job position being filled, I believe it is a great idea to do background checks on potential employees. Even though we would like to take people at their word, there are some people that will say anything to get what they want. If the employer is going to do the background check, it is necessary that they pay attention to the laws that come with it. "Any time you use an applicant's or employee's background information to make an employment decision, regardless of how you got the information, you must comply with federal laws that protect applicants and employees from discrimination." (*Background Checks: What Employers Need to Know* 2020) The Federal Credit Reporting Act that protects information collected from the background check is enforced by the Federal Trade Commission. The Equal Employment Opportunity Commission protects employees from discrimination which includes the information gathered from the background investigation.

There are some applicants that might be apprehensive about having their past information seen by potential employers. If this is the case, it's possible that they wouldn't be a good fit anyways. People that are genuinely interested in the job will divulge any possible information in their background that could hinder them from being hired. This can create trust between the employer and potential employee.

Negligent hiring is a problem for many companies trying to fill open positions quickly. It can cost them more in the long run instead of doing it right the first time. Paying attention to when positions might be expected to come available is a good way to shorten the amount of time it takes to fill a position.

Reference:

Background Checks: What Employers Need to Know. Background Checks: What Employers Need to Know | U.S. Equal Employment Opportunity Commission. (2020).

<https://www.eeoc.gov/laws/guidance/background-checks-what-employers-need-know>.

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Discussion 4 BR

Benita Robinson posted Jan 28, 2021 5:23 PM [★ Subscribe](#)

Fortunately, background checks are much easier to obtain because of advancements in technology and access to information online (Mathis, 2017). In addition to verifying the applicant's information, I would hire or contract an accredited vendor to conduct a thorough background check. It would also be beneficial to use social media to gain more insight into the candidate's life. Reviewing sites like Facebook for information about the candidate can be extremely telling because people use the Facebook platform for many things.

Reference

Mathis, R. L. (2017). Human Resources Management 15th Edition. Cengage Learning

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Last post **Thu at 6:27 PM** by
Deborah Guenther-Alexiou

Module 4: Background Checks & Negligent Hiring

Brian Rudrud posted Jan 27, 2021 8:52 PM [☆ Subscribe](#)

Hello Class-

This week brings us into a very important discussion regarding the hiring process, and more specifically conducting background checks and minimizing negligent hiring during the process. There are numerous steps an employer can take to not only source, interview and hire effective candidates but to also reduce the risk of negligent hiring, which is defined as *"when an employer fails to do a background check, and the employee injures someone on the job."* (Valentine, et. al., 2017).

There are some effective steps an HR department can take to reduce risk:

1. Job posting - Ensure that the job posting and application process are compliant with all federal and state labor laws. Ensure wording in the job description is both effective, thorough and specifically job-related and compliant with EEOC/ADA guidance also.
2. Interview effectiveness - Ensure that the interview process is effective, thorough and ensures a thorough analysis of the applicant while avoiding the following:

- *Snap judgements*
- *Negative emphasis*
- *Halo effect*
- *Biases and stereotyping*
- *"Cultural noise"*

3. Ensure that when applicable, if you seek a credit report you follow the Fair Credit Reporting Act, and communicate disclosure, get consent and offer a copy of the credit report that was run. In addition, it is important to remember to stick to legally allowed questions.

In my professional life, I have been hiring and making development decisions for over 12 years. I have spent numerous hours recruiting, hiring and developing individuals and leading orientations for numerous restaurants in our metro area. I have been heavily trained on analyzing and effectively interviewing candidates for both external hires and internal promotional opportunities. It is very important to be thorough, kind and courteous and to remember how important it is to hire the right person to make a positive contribution to the company. I love hiring and recruitment initiatives, and seeing employees truly enjoy what we do, and continue to develop their skills and abilities as they grow and succeed in the company. Seeing individuals you have hired stay with the

company for 5-10 years is amazing, and reflective of making positive hiring decisions that helps the business grow. No matter the economic situation or unemployment rate, you need to always conduct a thorough analysis to ensure you are hiring to make a positive contribution to the business, not to hire "warm bodies" (someone to simply fill a position, not based off skill or education).

Have a great week, everyone!

Brian

References

Background Checks: Avoiding Negligent Hiring & Discrimination. (2015, May 24). Retrieved January 28, 2021, from <https://www.vensure.com/human-resources/background-checks-negligent-hiring-and-discrimination/>

Valentine, R.L.M.J.H.J.S. R. (2017). *Human Resource Management*. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781337520164/>

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Last post Thu at 9:15 PM by
Brian Rudrud

Discussion 4-1

Brittany Garner posted Jan 24, 2021 1:15 PM  [Subscribe](#)

A background investigation is highly recommended to acquire information from reliable sources on potential hires. The background check can determine if an applicant is qualified or unqualified due to a criminal conviction or motor vehicle violations.

Employers conduct background checks primarily during the hiring process or if legal proceedings mandate the investigation. The failure to conduct an effective background check can result in embarrassment and lawsuits. In addition, to avoid negligent hiring it's vital to conduct and verify a background screening with a respectable outside source (SHRM, 2021). The third-party source must specialize specifically in background screening and have an honorable reputation. As a manager that wants the best for their company, you can go as far as using social media websites to conduct background checks on potential employees however this is suitable for strictly job selection purposes (SHRM, 2021).

First applicants will go through a pre-employment screening, application testing, interviewing, and a proper investigating background check from someone who is knowledgeable about doing so. Federal guidelines will be reflected on all background checks along with applications meeting EEO guidelines. Furthermore, structured behavioral and situational interviews will ensure that we meet EEO compliance (Valentine, R.L.M.J.H.J.S. R., 2020) Lastly, regardless of the method that is used for interviewing a potential applicant, it's imperative that only job-related questioning techniques will be used (Valentine, R.L.M.J.H.J.S. R., 2020).

Reference:

SHRM. (2021). Conducting background investigations and reference checks. Retrieved from <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>

Valentine, R.L.M.J.H.J.S. R. (2020). *Human Resource Management*. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781337520164/>

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Last post **Thu at 6:51 AM** by
Deborah Guenther-Alexiou

Discussion 4

Danielle Disney posted Jan 24, 2021 3:48 PM [☆ Subscribe](#)

Employers want to avoid negligent hiring. “An employer's liability hinges on how well it investigates an applicant's background” (Mathis,2017). For this reason, I would hire an outside company or third-party vendor to efficiently investigate our candidates on our behalf. Once we field the vendor by way of verifying licenses and reputations, then “these firms can provide such services much more efficiently and effectively” (Mathis, 2017), than we can. My organization would need to ensure we were authorized to conduct the background check by having the applicant sign a release and ensuring that the investigation is relevant to the position.

We would be sure to comply with the, Fair Credit Reporting Act when conducting a credit screening as part of the background check. “The logic is that poor credit histories may signal, either correctly or incorrectly, a certain level of responsibility” (Mathis, 2017). We then would check criminal backgrounds to prevent negligent hiring lawsuits. “Medical information about applicants may be used to determine their physical and mental abilities to perform jobs. Physical standards for jobs should be realistic, justifiable, and linked to essential job requirements” (Mathis,2017). This might include drug testing as part of the medical exam. Typically, this will be performed after a job offer is made and it has been made clear to the applicant they are not really hired until the medical exam is completed and passed.

Lastly, I think it important and wise to follow up with previous employers and to check references. “Work-related references from previous employers and supervisors can provide a valuable snapshot of a candidate's background and characteristics” (Mathis, 2017). These references can also help protect against negligent hiring and help safeguard the company.

Mathis, R. (2017). Human Resource Management. MBS Direct. Retrieved From.
<https://mbsdirect.vitalsource.com/books/9781337520164>

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Last post **Thu at 6:29 PM** by
Deborah Guenther-Alexiou

4-1 Discussion

Dominique Lynch posted Jan 26, 2021 6:55 PM [☆ Subscribe](#)

To minimize concerns about negligent hiring when completing a background investigation I would ask for at least 2 proofs of identification, such as drivers license and passport. I would also contact at least 2 previous companies the applicant has worked for, check any professional and personal sites under their name or email, ask questions about anything they may mention on the resume/application or in the interview to see how they react and explain, and of course run a background check just to double check on everything and see if they "forgot" to mention anything and that it fits what we're looking for in an employee. A couple more things I would consider is a drug test and also make sure they have proof of their education or I would reach out to the school to get some more information on the applicant.

It is important to take precautious decisions before hiring a person because the employees are the face of the company and they say represent it. So to protect the company legally and also its reputation, it must hire liable people who will take the job serious and do well at it. Employers generally do not assume that people applying for jobs are lying on their resumes and job applications, the background check is more of a final step taken by employers to make sure they are making a sound decision and protect the employer from a number of potential risks (Why do employers do background checks?, n.d.).

Why do employers do background checks?: HireRight. (n.d.). Retrieved from <https://www.hireright.com/background-check-faq/answers/why-do-employers-do-background-checks/>

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Last post **Thu at 6:25 AM** by
Deborah Guenther-Alexiou

Discussion 4

Grant Carter posted Jan 28, 2021 10:14 PM  [Subscribe](#)

Good Evening Everyone,

I hope all of you are continuing to be safe and are doing well.

I had this conversation with a friend on the 20th of this month during Joe Biden's inauguration. He kept posting political messages on his facebook page and I told him I would not hire you because your saying things that can cause serious discord in the long run. The first thing I am checking in regards to a background check is all the social media accounts I can find. I want to see how you represent yourself to the world. This would disqualify a large amount of people who are negligent. I will also see if I can find any mugshots or criminal history for any applicant . I want to see if the person has committed any potential crimes and what exactly happened. " Conducting post-employment [background checks](#) is a best practice that may help reduce the risks associated with negligent hiring and retention claims. More importantly, post-employment background checks can help organizations maintain a safer and more secure workplace." (Hire Right 2009)

Hire Right. (2009) Minimizing the Risks of Negligent Hiring, Pre- and Post-Hire. Retrieved From

<https://www.hireright.com/blog/background-checks/minimizing-the-risks-of-negligent-hiring-pre-and-post-hire>

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Last post **yesterday at 6:43 PM**
by Grant Carter

Discussion 4 - Background Investigation

Haley Garber posted Jan 28, 2021 1:58 PM  [Subscribe](#)

Hi everyone,

All businesses have different processes, but for the majority they follow similar steps during the hiring process. In order to avoid negligent hiring, there are many steps businesses can take to make sure to avoid this issue. Negligent hiring will get businesses no where and will not benefit them in any way, so it is important for them to take these precautions in the beginning. "Negligent hiring happens when you hire an employee with a dubious record who carries on to injure or harm another employee or client in the organization. Negligence in hiring can result in legal issues, lawsuits, fines, and penalties for an employer. This happens when you, as an

employer are found negligent in providing an employee with the capacity to commit a wrongful act against an employee or client. Negligence on the part of the employer occurs in 5 key areas, hiring, on-boarding, training, management, and retention (HR, E., 2019). One thing businesses can do to avoid this issue would be to have interviews in person, to be able to get a feel for what the person is like. Businesses can also check a persons references, and call and have a nice discussion with them about the person who is interviewing to see what their opinion is on the person, and if they feel the person would be a good fit for a position. Other things a business can do to avoid negligent hiring include drug screenings, verify educational history, and employment history (HR, E., 2019). See if the person job hops or can keep a job, see where they have worked, what their responsibilities were, and see what kind of an education they have. Checking to see if a candidate has a record is also another crucial step. Making sure the person isn't a felon, or doesn't have a bad record to where that person would come in the business setting and cause trouble. Businesses need to protect themselves and make sure they hire proper candidates that will only benefit their business.

References:

HR, E. (2019, August 19). What Is Negligent Hiring? Retrieved January 28, 2021, from <https://www.emptrust.com/blog/what-is-negligent-hiring>

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Last post **Thu at 6:18 PM** by
Deborah Guenther-Alexiou

4-1 Discussion: Discussion 4

Heather Dobkowski posted Jan 28, 2021 9:02 PM  [Subscribe](#)

When looking at background checks to minimize negligent hiring concerns, I feel you have to look at the position, industry, and reasonable consideration. At my previous job, we did a background check after we had employed the person. If the background checks back flagged, then we would talk with the employee. For example, we had a fitness instructor who had an arrest for drug possession, but it was a

misdemeanor of possession of cannabis. My CHRO decided that we did not need to meet with them as it didn't affect the position. We also had an employee we hired, but their background check came back with a manslaughter charge. We did have to meet with them. We met and explained that they received their background check. The employee immediately stated they knew it was coming and proceeded to explain their situation. They took responsibility for their actions, demonstrated that they have been taking the steps not to put themselves in that position again, and my CHRO let them know to go head back to shift and that we were here if they needed anything. After they left, we talk it through. Even though it was a severe charge, based on the history and they were forthcoming of the incident, we determined that it was reasonable to believe that they had paid their time and were genuinely working on themselves to get their life back. They later grew to become one of the best managers.

In my most recent position, the company does background checks after an offer is made and accepted but is completed before starting. It's a healthcare organization with stricter rules in place. We try to follow best practices. "Job relevance is also an element in establishing the reasonableness of an employer's exercise of due diligence in a negligence claim." (Clark, 2019). Looking at job relevance is one of the essential aspects of considering background checks and potential negligent hiring. I know our talent and acquisition team looks at the position in regards to charges. If someone has a drug possession charge and applied for a job that handles narcotics, they will most likely have the offer rescinded.

Reference

Clark, M. (2019, August 16). How to Address Negligent Hiring Concerns. Retrieved January 29, 2021, from <https://www.shrm.org/hr-today/news/hr-magazine/spring2019/pages/how-to-address-negligent-hiring-concerns.aspx>

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Last post **Thu at 10:08 PM** by
Valerie Carroll

Week 4

Jacob Sharp posted Jan 28, 2021 9:05 PM [★ Subscribe](#)

Hello,

When I have had to conduct background checks for both the public and private sector, they mainly go the same way, albeit the background investigations are more complexed with the public sector. Outside of the normal, criminal history, drug test, and personal reference checking, I would also check their work history assuming they put that we are able to call the employer of a past job. IF the job accepted people with a criminal past, I would contact their

patrol officers and what ever else they were mandated to do by the state to ensure that they were keeping their word and get any thoughts that I may not have thought of. If they put any letters of recommendations on their application, I would call the person whom recommended them as well.

Thank You

Jacob

How to Do Employee Background Checks: The Complete Guide. (n.d.). Retrieved January 29, 2021, from <https://www.betterteam.com/employee-background-checks>

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Last post **yesterday at 5:42 PM**
by Grant Carter

4-1 Discussion

Julissa Acosta posted Jan 28, 2021 9:28 PM  [Subscribe](#)

Hi all,

I have been involved in HR at different levels for over 15 years. Up until my most two recent organizations, I didn't have to deal with background checks. My first organization is a non-profit school and my second is a local government agency. It is clear that both of them need to perform in depth background checks to any prospective employee. At both of these organizations, when the need of recruitment arises, aside of posting a detailed job description, and desired KSA's, we also note that the position would be subject to a background check. After the selection process, we contact an organization who performs a thorough background check of the possible future employee. Verifying past employers, references, criminal backgrounds and performing a livescan/fingerprint check in the case of the school, is typically what is included. By doing a complete background check we ensure that our future staff will not pose a threat to the organization, customers or themselves as we aim to verify as much of the information they've provided us.

References:

SHRM.org "Conducting Background Investigations and Reference Checks" Retrieved from: <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>

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Last post **yesterday at 12:06 PM** by Keith Raymond

Dulak Discussion 4-1

Justin Dulak posted Jan 24, 2021 9:11 PM [☆ Subscribe](#)

Before jumping directly into how to conduct a thorough background investigation, it would be best to briefly discuss why companies commit invaluable resources into researching applicants' pasts. The nature and methods of the investigation will vary with the position being filled (teachers and banktellers, for instance, will have different warning signs and criteria for disqualification), but the reasons for doing so are fairly universal. A business's "failure to check the backgrounds of people who are hired can lead to embarrassment and legal liability" (Mathis, Jackson, Valentine, Meglich, 2017). Thus, once more the old saying that an "ounce of prevention is worth a pound of cure" is borne out.

With that logic established, the first step in conducting the investigation can be completed: getting the official approval of the individual being investigated. Only once a signed release from the applicant has been acquired can the process advance. Once more, this is to ensure the candidate is aware of the company's actions and thereby save the company from possible future litigation.

To speak broadly about how a company should conduct the investigation itself is fraught with some difficulty, as every state has laws limiting what information may be collected and considered. As such, the importance of HR professionals understanding their local labor laws cannot be overstated. Moving ahead, though, "many employers check applicants' credit histories," for anything that may indicate the candidate's "level of responsibility" (Mathis,

Jackson, Valentine, Meglich, 2017). Since there, again, legal limitations regarding how this information may be used, it would be best to restrict its collection to jobs with financial responsibilities.

Also commonplace are criminal background checks. These checks are “a legal investigation into a person’s past that helps inform decisions about whether to hire, promote, contract with, or use a person’s services” (Korolevich 2019). Although any employer may decide to use conduct such research, criminal background checks are most prudent and most frequently done for public-facing positions and those involving interacting with children, such as a teacher or school janitor.

All background checks are done to inform the employer of the applicant’s personal and professional history, and thereby reduce the company’s legal liabilities. That said, the choice of which types of checks to conduct is difficult to ascertain without knowing the nature of the industry or job in question. Only with that information could a completely proper path be charted.

References

Mathis, R. L., Jackson, J. H., Valentine, S. R., & Meglich, P. A. (2017). Human resource management. Boston, MA: Cengage Learning.

Korolevich, Sara. (7 October 2019). Criminal Background Checks: What You Need To Know. <https://www.goodhire.com/resources/articles/what-is-a-criminal-background-check/>. Accessed 24 January 2021.

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Last post **January 25 at 7:49 PM** by Deborah Guenther-Alexiou

4-1 Discussion: Discussion 4

Keith Raymond posted Jan 28, 2021 9:20 PM [★ Subscribe](#)

Conducting background investigations can differ slightly depending on the position that is being filled, as well as the field of work. In general there are many steps that can be taken to minimize concerns about negligent hiring. Verification is a good start when trying to minimize any negligence. This can be state or government identification cards/documentation to confirm the individual is, who they say they are. Next, I would have the applicant sign a release form, authorizing the employer to conduct the investigation. With that said, the background investigation must be relevant to the job being performed and is a business necessity (Mathis, 2017).

Other steps can include a credit history and criminal background check. When initiating a check on the applicants credit records, the company must comply with the federal Fair Credit Reporting Act as well as checking the state law in which the company is located (Mathis, 2017). Continuing in the process, it would be beneficial to conduct medical exams in conjunction with drug testing while keeping in mind any legal constraints. Personal references and checks with previous employers would be a step that I would include, while specifically focusing on previous employer contacts.

Mathis, R. L., Jackson, J. H., Valentine, S., & Meglich, P. A. (2017). *Human resource management* (15th ed.). Boston, MA: Cengage Learning.

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Last post **yesterday at 12:00 PM** by Keith Raymond

Kimberly Fullmer - Discussion 4 - Module 4

Kimberly Fullmer posted Jan 29, 2021 4:52 PM  [Subscribe](#)

In an effort to ensure that a complete background investigation was done as to forego any negligent hiring decisions, I would begin with the information at hand on the application for employment.

I would start by performing reference checks as well as verifying previous employment dates. During the interview, I would be sure to ask any questions regarding any gaps in employment listed on the application. If after the interview, I wish to pursue further investigation of this candidate, I would move forward into a more in depth background investigation. The first step in this process would be to obtain consent from the applicant / candidate to perform the more in depth investigation. I would obtain that consent in writing. "Many organizations use outside vendors that specialize in conducting background checks because these firms can provide such services much more efficiently and effectively." (Valentine, 2020) Depending upon whether or not the organization that I am hiring for utilizes an outside agency or third party to conduct their background investigations, I would move forward with that company's process. I would ensure that I am utilizing the same background check process for each and every candidate that I felt could be eligible for the position, to ensure that there would be no grounds for an unfair treatment lawsuit. "Employers conduct criminal background checks to prevent negligent hiring lawsuits. However, they must make sure that these checks are performed consistently and fairly across different employees applying for similar types of positions." (Valentine, 2020)

Once the investigations are complete, I would analyze the data obtained and attempt to make the best hiring decision for the position at hand.

References:

Valentine, R.L.M.J.H.J.S. R. (2020). *Human Resource Management*. [MBS Direct]. Retrieved from <https://mbsdirect.vitalsource.com/#/books/9781337520164/>

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Discussion 4

Megan Koors posted Jan 28, 2021 9:22 PM  [Subscribe](#)

Hello everyone,

There would be several items that would be needed for a background check. The first which most applicants fill out either in their application or resume is their prior work history: employer, dates employed, position, and tasks. Second would be educational history which again would be on the application or resume. The next one is criminal history, and this is usually conducted by a third party who is better equipped to conduct an accurate and thorough background screening, assuming they adhere to certain guidelines and practices with the EEOC (Shrm, 2019). There are also references that an employer can ask for and this could include prior coworkers, family, and friends, but with family friends there is a risk of them 'sugar coating' the truth to help their family member or friend get the position.

Another way to investigate a candidate is social media but that can be a double-edged sword and surprisingly a 2018 HR.com/NABS report showed that 73% of employers were not using social media because it can be controversial (Shrm. 2019). I do see where it could come in handy to get a quick overview of the candidate but the possibility of becoming biased of what is posted could/would happen; if it is done it needs to be done with a 'grain of salt'. Anyway, with the data collected from all the prior history the decision on an applicant could be made on if they would be a good fit or not.

~ Megan Koors

Reference

Shrm. (2019, October 29). *Conducting Background Investigations and Reference Checks.*

SHRM. <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>.

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Last post **yesterday at 12:09 PM**
by Keith Raymond

Week 4 Discussion

Noelle Fatello posted Jan 28, 2021 7:54 PM

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Hi Everyone,

In order to do a complete background investigation on applicants to minimize concerns about negligent hiring I would use many different tools and resources. I would start by verifying employment history. Then I would gather references from previous employers. I would also look to get personal references as well. It's important to run legitimate background checks on potential applicants to look for things like criminal charges pertaining to violent or sexual assault crimes. Pre employment screening such as drug testing and fingerprinting are also helpful to ensure you are hiring a solid applicant. You wouldn't want any felons having access to company information. It's very helpful to do an in personal interview or round of interviews to better get to know your applicant.

Reference

Mathis, R. & Jackson, J. (2011). *Human resource management 13th edition*. Mason, OH: Thomson Publishers.

Thank you,
Noelle

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Last post **yesterday at 5:52 PM**
by Ashley Colon

4-1 Discussion (PB): Discussion 4

Patricia Bertulli posted Jan 26, 2021 7:31 PM

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Hi Class,

OMG! I love this question; I am so excited to answer it. In my current position as a Recruiter this is exactly what I do. First, I make sure I am following all state and federal laws when conducting the background check.

We hire caregivers, and they are in a one-on-one situation. They are in someone's home and we need to ensure they are trustworthy, will conduct themselves with the utmost of integrity. Typically, they are working with the elderly: the vulnerable elderly and I certainly would not want something to happen to any of our clients.

They complete an application which includes a Background Authority page which gives us the permission to pull their background. Here are the steps and a brief reasoning as to why.

1) We pull AHCA background (Agency for Health Care Administration), this is a Level 2 background that you must have your fingerprints done. Once you work at a hospital or in healthcare your employer submits your information to AHCA and you are "on file", if something happens and you are reported to AHCA, or say you were arrested for assault you could become "in-eligible" to work in the healthcare system.

2) We check your license: typically, FL is the easiest state to check this, you are just verifying they have a valid driver's license. All Caregivers need to have a valid U.S. license, with insurance because they may be transporting a client to doctor appointments, or shopping.

3) I check the Federal Database for Sexual Predators. I found one that is also nationwide. I think we all know why I do this.

4) I check the Most Wanted list for the state(s) they have lived in, and the FBI Most Wanted lists. I do this because if they were wanted for a serious offense, for one thing I could call and report them, but we would never hire them.

5) I check the clerk of county records in the counties they have lived in, in all states for all names. This has brought up many items: domestic relations: paternity tests, speeding, DUI, many different charges, some dropped and some not.

We do not conduct a credit check. I do conduct checks on their married and maiden names and in all states/counties they have lived.

It is all public record, we do not use any sites that we have to pay for, in some cases I cannot verify the validity of a license because that state does not have a public site that is free.

I really spend time on this, because I want to make sure we are hiring the right people.

Have a great week!

Pat

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Last post **yesterday at 3:07 PM**
by Haley Garber

4-1 Discussion: Discussion 4

Paula Rojas posted Jan 26, 2021 3:55 PM [★ Subscribe](#)

Good afternoon,

I would complete background investigations on applicants to minimize concerns about negligent hiring by going through the following process. First, I would make sure that our applications state something along the lines of "all potential employees go through an extensive background check". I would also add to the application that it is a legal document and any false information given could lead to termination of employment. This information is to be initialed when submitting the application. The next thing would be to add in the offer letter that employment is contingent on passing both a background check and a drug screen. The drug screens would be completed at a company that we also use for Random drug screens and workers' compensation. When drug screens come back positive the company would notify HR and if they tested positive for an illegal narcotic, HR would notify the applicant and they will not have a job with the company. If they test positive for a legal narcotic they would be asked by the company for a copy of the prescription from their doctor. Then I would do an educational background check. At my previous employer, it was a requirement to have a High School Diploma or a GED for every position so we had to verify. I would verify any college certificates or degrees earned especially if it is a requirement for the position. I would verify employment. There was an occasion at my former job that when I verified employment on an applicant they had never worked for the company so the applicant was not hired. I would only do a credit check if the position was handling large amounts of money like at a bank. And I would be sure to give the applicant a copy of the credit report. Then I would check criminal history to make sure they do not have any warrants. Finally, I would check the references.

Paula

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Last post **yesterday at 2:24 PM**
by Paula Rojas

4-1 Discussion

Rachel Pisacane posted Jan 27, 2021 1:29 PM [★ Subscribe](#)

Completing a background investigation on applicants can prevent negligent hiring and prevent the employer's liability. Negligent hiring is when an employer does not perform a check on an employee's background and the employee later injures or harms someone while performing job duties. (Mathis, Jackson, Valentine, & Meglich, 2017). There are many different ways to go about completing a background investigation on an applicant. I feel that some processes can be more important than others when considering the type of position, the applicant is applying for. The first step, that also protects the employer, is to obtain a signed release from the applicant authorizing the employer to conduct the investigation. With this, the employer must ensure they are only performing a background check process that is relevant to the position. For example: obtaining a credit history report would be much more relevant to the position of a bank teller as opposed to a position for a mechanic. An important process in the background check is checking for criminal background, as I see this being relevant to any position. It is also not uncommon for employers to use social media platforms as a check to provide the more realistic and less polished perception of the applicant if they are not careful of what they post on their platforms. Drug tests are another common check along with criminal history, as I'm sure almost all of us had to have taken a drug test for an employer. However, no matter what a complete background looks like for a specific position "employers should take care to ensure that

background investigations comply with all applicable EEO laws. A risk is that reliance on background investigations alone may result in adverse impact discrimination” (SHRM, 2019). In closing, HR should ensure that all regulations are being complied with, then focusing on verifying the applicant through a complete background check process. This will ensure the safety of the employees and employer and help HR depict whether the applicant is a true fit for the company.

Mathis, R. L., Jackson, J. H., Valentine, S., & Meglich, P. A. (2017). *Human resource management*. Boston, MA: Cengage Learning. Retrieved January 27, 2021, from <https://mbsdirect.vitalsource.com/#/books/9781337520164/cfi/6/22!/4/218/2@0:0>

SHRM. (2019, October 29). Conducting Background Investigations and Reference Checks. Retrieved January 27, 2021, from <https://www.shrm.org/resourcesandtools/tools-and-samples/toolkits/pages/conductingbackgroundinvestigations.aspx>

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Last post **Thu at 6:27 AM** by
Deborah Guenther-Alexiou

Negligent hiring

Scarlett Rogers posted Jan 28, 2021 11:56 PM [☆ Subscribe](#)

Negligent hiring is when employers hire someone who causes harm to the business or its employees by not doing proper checks. There are many ways to mitigate this practice. Background checks are one of the ways. Comparing the industry, company, and position to an applicant's resume is the first step, after ensuring, the person is a good hire, an in-person interview is next. I love getting buy-in from fellow employees so doing a team exercise lead by the employees with a pool of applicants is next. Lastly, before the hiring is the background checks. Letters of recommendations or phone calls to their references, personal and professional are always good. A hard look into their social media and internet activities will tell you a lot about a person. The final step, however not as important, as I believe in the second chance program is a criminal background and driving record. These can tell you a lot about a person, however, they don't paint a full picture of the person you are hiring. Many people make mistakes and change. People o what they have to to survive. I would never want to put my employees in any harm, however, a mistake made when someone is young can stick with them forever.

<https://www.shrm.org/hr-today/news/hr-magazine/spring2019/pages/how-to-address-negligent-hiring-concerns.aspx>

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Last post **yesterday at 12:35 PM** by Noelle Fatello

4-1 Discussion S.G.

Shani Gomez posted Jan 28, 2021 10:08 PM [☆ Subscribe](#)

Good evening all,

The last thing I want to do is be responsible for setting my company up for a lawsuit. So before I begin anything, I am going to familiarize and hopefully become an expert on the laws before I proceed with any part of my job as an HR professional some day.

Definition of Negligent Hiring-"negligent hiring occurs when an employer fails to check an employee's background and the employee injures someone on the job" (Mathis, et. al, 2017)

Being from the U.S. I am used to background checks. I have held several Federal and State level jobs and know the importance for them in those positions. Because I am so used to them I have never stopped to consider this may not be the case everywhere. Global HR professionals have to be extra cautious with background checks because it seems some other countries frown upon them. "What is a typical process for U.S. HR professionals- verifying past employment and education- is an unusual ordeal for HR practitioners in other countries. They may see it as invasive, unnecessary, or rude" (Smith, 2018). If I find myself as a global professional, I will have to research the cultural norms and legal requirements for multiple countries.

Here in the U.S. we are somewhat of a "sue happy" culture so we need background checks. The irony in this is, we can also be sued for these checks if not done correctly. The first thing I will always do before conducting any type of background check, obtain a signed release form from the applicant. Once this is obtained, I will construct a background check contingent upon what type of job they are applying for. I am only looking for information pertaining to the job they are applying for, nothing more. For example, for a armored car transport position I would probably include a credit report as they will be financially responsible for large sums of money. If I were hiring for a construction position I would not include a credit report.

Mathis, R.L., Jackson., J.H., Valentine, S.R., & Meglich, P.A. (2017). Human resource management. Boston, MA: Cengage Learning.

Smith, A.,J.D. (June 27, 2018). Background checks are viewed skeptically in some parts of the globe. *SHRM*. Retrieved from https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/background-checks-viewed-skeptically-some-parts-of-globe.aspx?_ga=2.172161829.761942467.1611886685-1489696768.1609550489

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Last post **5 hours ago** by Shani Gomez

Discussion 4

Tavara Lee posted Jan 25, 2021 9:42 AM  [Subscribe](#)

Hello class,

Performing a complete background investigation on applicants will help minimize concerns about negligent hiring and prevent damaging consequences. Conducting a criminal background check into possible felony convictions helps determine if an applicant has committed a violent crime or theft as well as determining if the applicant lied on their application (Hauswirth, n.d.). Other important steps a company must take is including background check release forms in the application packet, develop standardized screening searches that are position specific and determine what criteria will disqualify the candidate. Other things to consider are credit checks if you're hiring someone who will handle money and finances, drug testing and work-related reference checks to verify work history and personal references preferable done by phone manager to past manager. Lastly personality and behavioral test will not actually determine background but will give you a good indication of current and future behavior.

References

Hauswirth, W. F. (n.d.). Risk management and background checks-when it comes to your business, you cannot afford to take chances. Retrieved from <https://www.intellicorp.net/marketing/uploadedFiles/IntelliCorp%20-%20Risk%20Management%20Article.pdf>

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Last post **January 25 at 10:43 AM** by Brittany Garner

4-1 Background Investigation

Valerie Carroll posted Jan 28, 2021 9:08 PM  [Subscribe](#)

Hello,

For this week's discussion I would first like to draw on my experience with my current employer. The first step for us with any candidate that has become a first choice after the interview process will be to check their professional references. Of course, no one is going to hand you the phone number for someone who will give them a poor rating, but I have learned to 'listen between the lines' and I've picked up some unexpected things along the way. I've gained better perspective about a candidate from some of the conversations and I still find them beneficial.

Our next step is to extend a job offer contingent upon passing a Criminal Background Check, and we collect their authorization with the offer letter. I've only had one candidate refuse to provide us with the form and we had to rescind our offer. We utilize an online service which turns around the information we need within 48 hours.

We have a somewhat unique but essential investigation we need to because we deal with federal healthcare contracts. I need to run any potential employee's name through the HHS's Office of the Inspector General's exclusion database to ensure that they have not been placed on the exclusion list, meaning they cannot receive federal money for healthcare costs. This could be for a number of reasons including fraud, patient abuse, or other felonies (Verisys, 2020).

Finally, on the new employee's first day, I collect their I9 form, verify their IDs and run their information through the I9 database to ensure they are legally able to work in the U.S. This has become very complex to handle remotely, usually involving paperwork being emailed while setting up a Zoom meeting to look at IDs, but it gets the job done!

We do not drug test prior to employment, but everyone is informed that we reserve the right to drug test if there is cause, such as suspected workplace intoxication, during employment. This issue is certainly becoming more and more complicated as marijuana legislation changes in many states. We do not run credit checks, the nature of our work would does not justify that type of investigating.

References

Mathis, R. L., Jackson, J. H., Valentine, S. R., & Meglich, P. A. (2017). Human Resource Management, Fifteenth Edition. Boston: Cengage Learning.

Verisys. (2020, February 10). WHAT IS THE OIG EXCLUSION LIST? Retrieved from Verisys: <https://verisys.com/what-is-the-oig-exclusion-list/>

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Starts Jan 23, 2021 11:59 PM

Assessment



Discussion Rubric:
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