



# Compliance Best Practices FOR BACKGROUND CHECKS:



**Complete consent forms** before conducting a background check. Employers must adhere to the Fair Credit Reporting Act (FCRA), which requires informing applicants in writing that the screening will be used for employment purposes. This disclosure must be clear, conspicuous, and provided as a stand-alone document to avoid confusion.



**Adhere to the Adverse Action Process.** If a background check leads to an unfavorable hiring decision, employers must follow the FCRA's three-step adverse action process.



**Comply with Ban-the-box Regulations.** Ban-the-box laws, which vary across states and municipalities, restrict when background checks can occur and when employers can inquire into a prospective employee's criminal history, including whether that information can be requested on the application. These regulations generally require delaying the check until after the first interview or a conditional job offer. Employers should also verify how these laws interact with the adverse action process in their jurisdiction.



**Account for Title VII considerations,** as the Equal Employment Opportunity Commission (EEOC) enforces Title VII of the Civil Rights Act, prohibiting employment discrimination based on race, color, religion, sex, or national origin. Employers should ensure that their screening policies do not disproportionately impact protected groups, such as minority populations.