A RECRUITER’S GUIDE TO FCRA REQUIREMENTS FOR BACKGROUND CHECKS

PLAY BY THE RULES

HOW TO BE MORE FCRA-COMPLIANT & MITIGATE RISK OF LAWSUITS & PENALTIES

FCRA LAWSUITS & PENALTIES ARE ON THE UP-TICK
Failure to comply with FCRA requirements for employers can lead to serious negative outcomes like lawsuits and steep penalties. The Fair Credit Reporting Act (FCRA) is a federal law that regulates how employers use consumer reports for employment screening.

Sources:

READY TO SEARCH SMARTER?
GET IN TOUCH WITH OUR TRUSTED SCREEN TEAM!

To ensure FCRA compliance during the background screening process, consult with legal counsel. If you plan to use a background check for employment screening, you must do two things first to meet FCRA requirements:

1. DISCLOSURE
   Notify the candidate via a stand-alone document that you’re going to use a background check for employment screening. Include the document, “A Summary of Your Rights Under the Fair Credit Reporting Act” in English and Spanish. Include applicable state notices. Provide a reasonable amount of time for dispute after delivering the pre-adverse action notice. Notify the applicant that they may be disqualified due to background check results.

2. AUTHORIZATION
   Get a written authorization from the consumer report from the applicant.

DONT PLAN TO HIRE BASED ON BACKGROUND CHECK RESULTS? HERE’S WHAT TO DO.

PRE-ADVERSE ACTION NOTICE
Include a copy of the background check report.
Include acceptable arbitration.
Include the document, “A Summary of Your Rights Under the Fair Credit Reporting Act” in English and Spanish.

NOTICE OF ADVERSE ACTION
Provide a reasonable amount of time for dispute after delivering the pre-adverse action notice. Notify the applicant that they are disqualified based on the background check report, and provide:
   • Name, address, and telephone number of the consumer reporting agency.
   • That the consumer reporting agency had no part in the hiring decision.
   • That the person may request a free copy of the report and may dispute the information with the consumer reporting agency.

IF THE INFORMATION ON THE CONSUMER REPORT RAISES NO ISSUES THAT MAY NEGATIVELY IMPACT HIRING DECISIONS, CONGRATULAS! YOU’RE ALL DONE.

IF IT DOES, THERE ARE ADDITIONAL FCRA REQUIREMENTS FOR EMPLOYERS.

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TIP:
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WANT TO LEARN MORE ABOUT BACKGROUND CHECKS?
Contact our trusted screening team to learn more about our services and how we can help you stay FCRA-compliant.

DID YOU KNOW?
The Asurint Compliance Department can review your forms based on litigation trends. You can also request our packet of sample forms to help you submit your completed forms online.

WHAT IS THE FCRA ANYWAY?
The Fair Credit Reporting Act (FCRA) is a federal law that regulates how employers use consumer reports for employment screening.

FCRA, ANYWAY?

WHAT IS THE FCRA COMPLIANCE GUIDE HERE!

JUST REMEMBER
This guide is not a substitute for legal advice. This guide is not a substitute for legal advice. This guide is not a substitute for legal advice. This guide is not a substitute for legal advice. This guide is not a substitute for legal advice.

STOP! DON’T START A BACKGROUND CHECK WITHOUT TWO IMPORTANT THINGS.

IF YOU PLAN TO USE A BACKGROUND CHECK FOR EMPLOYMENT SCREENING, YOU MUST DO TWO THINGS FIRST TO MEET FCRA REQUIREMENTS.

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2. AUTHORIZATION
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