**Tips for Background Checks**

To minimize your liability and still be thorough, follow these smart practices regarding background checks:

* **Follow a clear policy that requires background checks for all staff.** Don’t forget to include background checks for part-time workers, temps, contractors, and volunteers.
* **Use a background check authorization and release form.** This form must be separate from the application. In California, whether you conduct the background check yourself or hire an outside agency, you must obtain the individual’s written permission in a separate document.
* **Provide applicants all required notifications.** California law has stricter notice requirements than federal law. You must notify the applicant that he or she has a right to know the scope of the investigation and to get a copy of the report. If you conducted the check yourself, you must give the applicant copies of public records that you relied on and a notice of his or her rights within a reasonable time.
* **Know the limits of what you can ask about an applicant’s history.** In general, California follows federal law in permitting screening services to report negative information. You can’t ask applicants if they have ever been arrested, but you can ask if they have been convicted of a crime or have a pending criminal case.
* **Document your employment decisions.** Regardless of whether the material in the background check was key to your decision, if your decision is challenged, you will be in a better position to defend yourself if you have documented the process well.
* **Store and dispose of all records related to the background check properly.** Records containing confidential information gained during background investigations should be stored separately, and access to those files should be limited. Federal law requires the proper disposal of background check information. Paper files should be shredded. When your company disposes of old computers, you must ensure that the information has been erased in such a way that it cannot be reconstructed.