

Background Check Policy Template

A model written background screening policy covering scope, permissible purpose, consent, individualized assessment, adverse action, recordkeeping, and review. Replace {Employer Name} throughout and confirm every provision against the jurisdictions where you hire.

1. Purpose

{Employer Name} conducts background checks to promote a safe workplace, protect employees, customers, and third parties, verify the accuracy of information provided by applicants, and meet legal, contractual, and regulatory obligations. This policy explains when background checks are performed, what they may include, and how results are used.

2. Scope

This policy applies to all applicants for employment, and where stated, to current employees, contractors, temporary workers, interns, and volunteers of {Employer Name}. Background checks are ordered through SafestHires, a consumer reporting agency, and are conducted in accordance with the federal Fair Credit Reporting Act (15 U.S.C. §1681 et seq.) and applicable state and local law.

3. Permissible purpose and timing

- Background checks are ordered only for a permissible employment purpose and only after a conditional offer of employment, unless an earlier point is expressly permitted in the applicable jurisdiction.
- {Employer Name} does not inquire about criminal history on the employment application in jurisdictions with ban-the-box or fair chance requirements.
- The scope of each check is matched to the duties, access, and risk level of the specific position and is applied consistently to all candidates for that position.

4. Components of a background check

Depending on the position, a background check may include some or all of the following searches. {Employer Name} does not order searches that are prohibited or restricted in the jurisdiction of hire.

- Social Security number trace and address history
- National criminal database search with county-level verification
- County, statewide, and federal criminal records searches
- Sex offender registry and global watchlist / sanctions searches
- Employment and education verifications, and professional license verification
- Motor vehicle records for driving positions, and FMCSA PSP / DOT history where applicable
- Healthcare sanctions screening (FACIS) for healthcare positions

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- Financial Risk Search (bankruptcies, judgments, and liens) for positions with fiduciary or financial responsibility, where permitted
 - Drug and alcohol testing, administered separately from the consumer report

5. Disclosure, authorization, and candidate rights

- Before any consumer report is ordered, the candidate receives a clear and conspicuous standalone written disclosure and provides written authorization, consistent with 15 U.S.C. §1681b(b)(2).
- Candidates also receive A Summary of Your Rights Under the Fair Credit Reporting Act and any state-required disclosures or summaries.
- Where an investigative consumer report may be obtained, the candidate receives the additional disclosure required by 15 U.S.C. §1681d and applicable state law.
- Candidates may request a copy of their report and may dispute the accuracy or completeness of any information directly with SafestHires.

6. Individualized assessment

{Employer Name} does not apply automatic or blanket disqualifications based on criminal history. When a record is returned, a designated reviewer performs an individualized assessment consistent with EEOC guidance and applicable fair chance law, considering:

- 1 the nature and gravity of the offense or conduct;
- 2 the time that has elapsed since the offense, conduct, and/or completion of the sentence;
- 3 the nature of the job held or sought, including duties, supervision, and access;
- 4 evidence of rehabilitation, training, employment history, and references; and
- 5 any additional information the candidate provides in response to a pre-adverse action notice.

7. Adverse action procedure

- 1 If information in a report may result in an adverse decision, {Employer Name} sends a pre-adverse action notice with a copy of the report and the Summary of Your Rights.
- 2 The candidate is given a reasonable period to respond or dispute. {Employer Name} allows five (5) business days unless a longer period is required by state or local law.
- 3 If the decision is finalized, {Employer Name} sends a final adverse action notice identifying SafestHires as the consumer reporting agency, stating that the agency did not make the decision, and preserving the candidate's right to a free file copy within 60 days and to dispute the report's accuracy.

8. Confidentiality, recordkeeping, and retention

- Reports are treated as confidential and shared only with personnel who have a legitimate need to know.
- Reports are stored separately from personnel files, with access controls and audit logging.

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- Records are retained for the period required by applicable law and contract, and then securely disposed of in accordance with the FTC Disposal Rule (16 C.F.R. Part 682).
 - {Employer Name} does not use background check information for any purpose other than the one disclosed to the candidate.

9. Nondiscrimination

{Employer Name} applies this policy without regard to race, color, religion, sex, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, or any other characteristic protected by law.

10. Policy owner and review

This policy is owned by [Title / Department] and reviewed at least annually, and whenever federal, state, or local screening law changes materially. Questions should be directed to [Contact Name, Title, Email].

Approval

Approved by: _____ Title: _____ Effective date: _____
