



## **BACKGROUND SCREENING – HOW TO DECIDE WHO, WHAT AND WHEN**

“Background screening.” “Background check.” What do those terms really mean? They might mean getting information on someone’s criminal history, credit history, references from previous employers, motor vehicle records, possible inclusion in a sex-offender registry...or combination of these. The nonprofit organization needs to determine what kind of screening/checking is appropriate for each staff or volunteer position, then apply those criteria to each person applying for or filling those positions.

Some information might be vital for some positions, but superfluous for others. For example, a criminal history check would be appropriate for anyone with access to sensitive client information or to bank records, but might not be required for someone performing administrative tasks under close supervision, without access to such information. If you anticipate promoting an employee or volunteer to a more responsible position, consider whether a criminal history or credit check might be in order first. Would the person have keys to the warehouse? Would he or she be driving for the organization, or going into clients’ homes? Even if the employee or volunteer has a stellar record in his or her current position, what risk exposures might come with the promotion?

Tailor your screening process to answer these questions:

- Does the person being considered for this position represent an unacceptable risk to clients, staff, other volunteers, or members of the community? If so, the organization would be creating a liability risk exposure for itself by engaging the person.
- Does the position itself pose an unacceptable risk to the person being considered, because of the skill required, hazards involved, physical limitations of the person, etc.?

Keep in mind that the Fair Credit Reporting Act and other federal laws, and their state counterparts, limit the information employers may legitimately obtain on applicants and employees. Also, under the Fair Credit Reporting Act, volunteers or volunteer applicants have the same rights as employees or employee applicants. A number of state laws restrict employers’ use of someone’s credit history or arrest records, for employment decisions. The basic legal standard for background checks is “reasonableness under the circumstances,” and you do not want a judge or jury deciding whether the information you gathered was “reasonable” for a particular position. This is why it makes sense to engage a professional firm to fulfill your background check requirements. A good firm will be able to

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match the depth of its screening to the requirements of the staff or volunteer job, while complying with the ever-shifting legal requirements.

### **Standards and accountability**

Do not consider background screening – however you apply it to the staff or volunteer positions in your organization – a panacea. You might have an employee or volunteer who has never been arrested or even investigated for anything, and has a perfect credit score, but still would be capable of an act that harms the organization or those you serve. That is why you should have written standards for each position, and formal procedures for how staff and volunteers carry out their work, and enforce those standards and procedures.

Hold staff and volunteers accountable. Make sure supervisors understand that just because volunteers are unpaid, that doesn't mean they can't be disciplined, or even terminated, if they fail to follow your procedures. Sometimes in a close-knit organization, people can be reluctant to criticize others. But that reluctance creates a risk that can hurt you. As long as you put the organization and its mission first, you will be able to adhere to the standards and procedures you have established.

**Resource:** Members of Volunteers Insurance Service Association are eligible for a substantial discount on the background screening services of Sterling Volunteers. If you are a VIS member, click on “VIS Member Benefits” when you log into your account. If you are not yet a VIS member, [join now](#) for only \$25 a year to enjoy access to discounts from Sterling Volunteers and a number of other best-in-class providers of products and services for nonprofit organizations.