

**CCH-EXP, HRM-PERSONNEL , Evaluation of procedure to obtain criminal conviction information**

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**Evaluation of procedure to obtain criminal conviction information**

Criminal conviction information may be an extremely important part of the background information your company assesses before making a hiring decision. Here is a checklist to ensure that your procedure will yield comprehensive criminal conviction information.

- Be aware of time restrictions.** The seven-year limitation period on reporting criminal conviction information has been removed from the *Fair Credit Reporting Act* (FCRA), allowing consumer reporting agencies to provide comprehensive criminal conviction information. However, state laws may contain time restrictions that are not superseded by the federal law. Sound background checking policies and procedures may depend upon the status of state law.
- Determine the requirements of relevant state law.** Find out whether the law in your state permits a consumer reporting agency to provide all criminal conviction information or whether state law still contains the seven-year limit provision or other restrictive limitations.
- Gauge the importance of complete information to your background investigation.** Some employers need complete criminal conviction information; others, such as day care agencies and federal banks, are required by law to obtain it. Determine how important it is to your company to have all available information. If it is important and cannot be obtained from a consumer reporting agency, consider obtaining the information directly from law enforcement agencies.
- Decide which procedure --consumer reporting agency report or independent investigation --meets your company's needs.**
  - Consumer reporting agency information is adequate --state law does not limit reporting period.
  - Consumer reporting agency information is adequate, even if state law limits the reporting period.
  - Independent investigation necessary --state law limits information reported. Background checks can be conducted through the state justice department or by checking the criminal records of nearby jurisdictions. See ¶335 for more information on how to do these checks; ¶336A contains other important limitations on criminal records inquiries.
  - Lobby.** Consider lobbying your state legislature to repeal any time restrictions imposed by state law.

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