

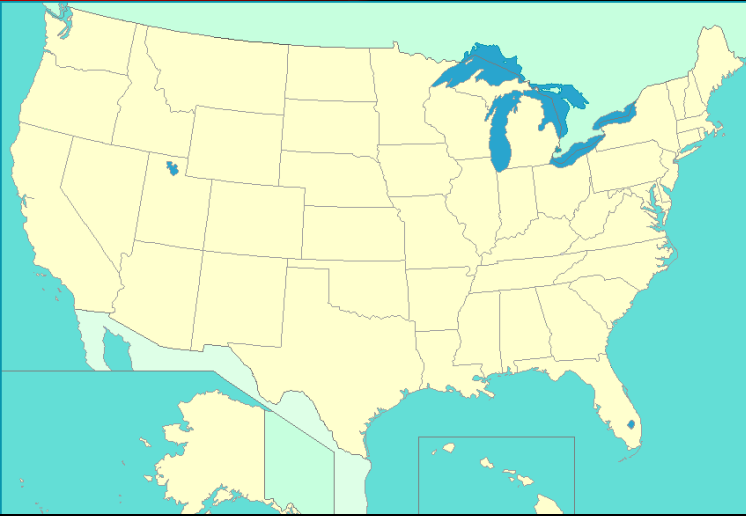
*The Basics of
Background Checks
and Drug Testing*

PRESENTATION TO
**EMPLOYERS WHO
WANT TO KNOW**

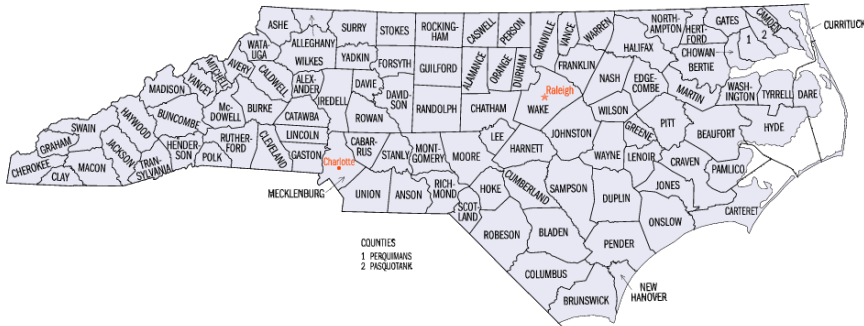
TYPES OF POPULAR BACKGROUND CHECKS

- CRIMINAL HISTORY*
 - County / State / National / International
- Motor Vehicle Reports (Driver Records)
- Social Security Number Validation
- Employment and Educational Verifications
- Drug Testing

CRIMINAL RECORDS



- County Level Searches
- Statewide Criminal Searches
- National Multi-Jurisdictional (Databases)
- Federal Criminal Searches
- Jurisdiction, Case Description, Disposition, Disposition Date typically provided



NATIONAL CRIMINAL DATABASES

- Social Security Number Validation w/ Address History and names used list
- National Criminal Database Search*
- National Sex Offender Search
- **Criminal records found should be confirmed at county level*
- ALL NAMES SEARCHED



EXAMPLE OF SEARCH FOR ALL NAMES

- Name provided is PALMER.
- The Product searches all names associated with the SSN
- Able to retrieve records under the applicant's maiden name, BARNES.

REPORT INFORMATION

FIRST NAME: CATHERINE

LAST NAME: PALMER

DOB: 2/15/xxxx

SSN: xxx-xx-0692

ALERT: SSN IS PRESUMED TO BE VALID. Issued in CA - Issued In Year 1988-1988

CRIMINAL INFORMATION

**POSSIBLE CASE(S) LOCATED. RECOMMEND COUNTY SEARCH(ES)
IN THESE LOCATIONS:**

CASE NUMBER: 044-TR 9802209 CITATION

JURISDICTION: OK AOC Criminal Data

OFFENDER INFO

NAME: BARNES,CATHERINE A

DOB: 02/15/1977

SSN:

GENDER: UNKNOWN

EYE COLOR: UNKNOWN

HAIR COLOR:

WEIGHT: 000

HEIGHT: 000

ADDRESS: 744 ELM AVE ,NORMAN OK 73069

CASE NUMBER: 044-TR 9802209 CITATION

COMMENTS: Case#: 044-TR 9802209 Citation #: C411506

WHY DATABASE SEARCHES?

- Searches hundreds of criminal jurisdictions nationwide as well as sex offender databases
- OFAC SDN List, the FBI Terrorist List and Federal/State/Local Wanted Fugitive Lists
- ALL names and addresses are searched through criminal and sex offender databases

FEDERAL CRIMINAL SEARCHES

Public Access to Court Electronic Records - Windows Internet Explorer

https://pacer.login.uscourts.gov/cgi-bin/login.pl?court_id=00pcl

Windows Live Bing What's New Profile Mail Photos Calendar MSN Share Sign in

Favorites Fulcrum Login (2) National Background Dat... http--www.lpassociates United States Department ... LabCorp Solutions Regist... Suggested Sites Web Slice Gallery

Public Access to Court Electronic Records

Manage My PACER Account | Manage My Appellate Filer Account | Case Search Sign In

PACER
PUBLIC ACCESS TO COURT ELECTRONIC RECORDS

UNITED STATES COURTS

HOME REGISTER FIND A CASE E-FILE QUICK LINKS HELP CONTACT US RSS

CASE SEARCH SIGN IN

PACER CASE LOCATOR

Your browser must be set to accept cookies in order to login to this site. If your browser is set to accept cookies and you are experiencing problems with the login, delete the stored cookie file in your PC. Close and reopen your browser before trying again.

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PACER Login:

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Client Code: ?

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NOTICE: This is a restricted government web site for official PACER use only. Unauthorized entry is prohibited and subject to prosecution under Title 18 of the U.S. Code. All activities and access attempts are logged.

Done Internet | Protected Mode: On 100% 8:45 AM 11/7/2010

CRIMINAL MONITORING



- Monitor employees and volunteers criminal records
- National Database Monitoring (30 days) / *NC is everyday*
- E-mail notification when record is discovered
- HIGHEST LEVEL OF DUE DILIGENCE!

DRIVER RECORDS

- 49 States
- Official DMV and BMV data sources
- Issue/Expiration Dates, Current Status, Any Points or Accidents

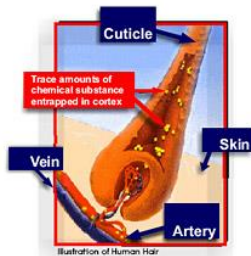
Ohio specific, effective July 2, 2018, customers have the option to choose between a Compliant DL-ID and a Standard DL-ID



DRUG TESTING



- Clinical Lab Based and On-Site Testing kits – Urine / Hair / Saliva
- Department Of Transportation (DOT) Collections and Breath Alcohol Tests



COMPARISON OF DRUG TESTING METHODS

Type	Pros	Cons	Window of Detection
Urine	<ul style="list-style-type: none">*Most reliable results*Least expensive*Most flexibility in testing different drugs, alcohol & nicotine*Most likely of all methods to withstand legal challenge	<ul style="list-style-type: none">*Specimen can be adulterated, substituted or diluted*Limited window of detection	<ul style="list-style-type: none">*Typically 1 to 5 days, THC may be longer
Hair	<ul style="list-style-type: none">*Longer window of detection*Greater specimen stability*Can measure chronic use*Easy to ship and store*More difficult to adulterate than urine	<ul style="list-style-type: none">*Most expensive*Test usually limited to basic 5 drugs*Cannot detect alcohol use*Will not detect recent drug use. (1 to 7 days prior to test)	<ul style="list-style-type: none">*Depends on length of hair. Hair growth = half an inch per month.Specimen shows 3 month history
Oral Fluids	<ul style="list-style-type: none">*Sample obtained under direct observation*Minimal risk of tampering & collected in any environment*Can detect alcohol use*Reflects recent drug use	<ul style="list-style-type: none">*Drugs and metabolites do not remain in oral fluids as long as in urine*Less efficient in detecting THC*Sample dries out, multiple sample testing not practical*More expensive than urine testing	<ul style="list-style-type: none">*Approx. 10 to 24 hours

MEDICAL REVIEW OFFICER: MRO

- MRO will confirm POSITIVE results from the lab through communication with the donor and the doctor and/or the pharmacy
- Recommended all POSITIVE results be sent to the MRO



The Legal Truth

SIMPLIFYING THE COMPLICATED LAWS OF CBD AND THC

- *Marijuana is listed as a Schedule 1 Drug on the Controlled Substances Act*
 - Most potential for abuse and dependence
 - No medicinal qualities
 - Doctors cannot “prescribe” a Schedule 1 drug
- *The federal government still considers marijuana and CBD products derived from marijuana in almost any form to be illegal*
 - *Epidiolex is the only CBD derived product from marijuana approved by the FDA*
- *At the federal level, CBD in food and drink is still illegal. The Federal Food, Drug, and Cosmetic Act prohibits adding even approved drugs to human or animal food in interstate commerce*



EMPLOYMENT VERIFICATIONS

- This report verifies the following information:
- Dates of Employment
- Position Held
- Salary Earned, when available
- Additional information provided by employer



EDUCATION VERIFICATIONS

- Verification of degrees at ALL levels
- Colleges and Universities
- Provides the dates attended, diploma earned and date of graduation



EMPLOYMENT INSIGHT CREDIT CHECKS

- Employment InsightSM helps you make better employee hiring decisions by quickly and cost-effectively providing objective and factual credit information.
- Employment Insight is a SOFT hit to an applicants credit and therefore does not provide a FICO score.
- FCRA compliant and provides insight into an applicant's integrity and responsibility toward his or her financial obligations.



LAWSUIT

- Wells Fargo Bank has agreed to a **settlement of \$12 million** to resolve a class action lawsuit after denying employment to a job applicant based on the results of a background check report.
- Applicant claims he was not given a copy of his background check report and other disclosures at least five business days before he was denied employment
- “Adverse Action Class,” includes approximately 6,254 individuals, and the “Impermissible Use Class,” which includes more than 244,000 individuals.

5 STEPS TO STAY OUT OF COURT



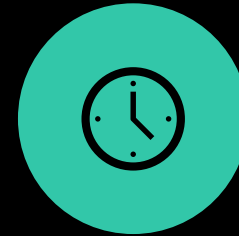
1. GIVE PROPER
DISCLOSURE



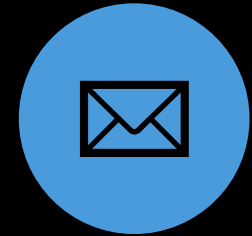
2. OBTAIN
WRITTEN
AUTHORIZATION



3. PROVIDE PRE-
ADVERSE ACTION
LETTERS



4. ALLOW
REASONABLE TIME
FOR CHALLENGE



5. SEND ADVERSE
ACTION LETTER

END USER: DISCLOSURE

The Disclosure must:

- 1. Be Clear and Conspicuous in writing
- 2. NOT be oral
- 3. NOT buried or in small font
- 4. Consist solely of Disclosure
- 5. NOT part of the application
- 6. Made when the applicant applies for job or commences job
- Blanket Disclosure for duration of employment is acceptable

END USERS: AUTHORIZATION

Authorization must be obtained from consumer

- 1. Must be in writing
- 2. May be on the Disclosure
- 3. Blank Authorization for duration is acceptable
- 4. FCRA does not prohibit employer taking adverse action if consumer declines

WHAT IS ADVERSE ACTION?

Adverse Action is any action taken that is adverse to interests of consumer

- End Users – 15 USC 1681m
 - Provide oral, written or electronic notice
 - Provide consumer with report(s)
 - Provide Summary of Rights

ADVERSE ACTION: FOR EMPLOYMENT

For Employment Adverse Action – More stringent with requirements before adverse action is taken

- 1. **PRE**-Adverse Action Notice
 - a) Copy of Report
 - b) Summary of Rights
- 2. Waiting Requirement – “Reasonable” amount of time
 - Recommend 1 week or 5 business days
- 3. **POST** Adverse Action – 15 USC 1681m (a)
 - a) Notice of Adverse Action
 - b) Consumer Report(s)
 - c) Summary of Rights

QUESTIONS?

- Michael Barnes
- President
- Unique Background Solutions
- Michael@uniquebackground.com
- 336-786-7030 x202

