
The Background Screening Credentialing Council has drafted the following response to a question we have received regarding the US Employment Screening BSOAP Standard, version 2.0. This response is provided for educational purposes only and does not constitute legal advice, express or implied of the BSCC, or the Professional Background Screening Association. Consultation with legal counsel is recommended in all matters of employment law.

For the purposes of this Letter, and to ensure our response applies to both Standards, the terms Organization and CRA may both be used.

TITLE: Clause 2.21

Question 1: As we continue to follow all the clauses of the PBSA including the new ones since the last time we were accredited under the older version, I have a question for you regarding Clause 2.21 Quality Analysis. I understand the critical importance of this clause. One concern that I have is on redoing employment verifications to ensure the quality of our researchers in this area. While we will do whatever is necessary to earn our reaccreditation, let me present a scenario to you.

Scenario 1

- i. Let's say you have an Applicant named Tom. Tom used to work at the ABC Company and now works for the XYZ Company. Let's say that we did Tom's employment verification 6 months ago. Tom gets the job at XYZ Company and is working there. Then, we redo the employment verification at the ABC Company with another researcher to ensure the quality of the employment verification from before.
- ii. First, we are redoing it without asking for permission to contact the employer like we did the first time around. I was advised that this is not necessary because we are not creating a consumer report this time around.
- iii. Second, what if the HR person at the ABC Company knows and calls the HR person and the XYZ Company to tell the XYZ Company to beware because they have been asked to verify employment for Tom. In addition, what if the ABC Company HR person implies that Tom may be looking for another job. This scenario, while probably unlikely could adversely impact Tom at the XYZ Company.

Now, my goal here is not to rewrite Clause 2.21. Perhaps, I am misunderstanding what it is the clause is asking us to do to verify the quality and accuracy of employment verifications. I just want to ensure that we are doing everything the right way so that I can run my CRA the right way. I also do not want my company to get sued because I misunderstood the approach that is supposed to be used for Clause 2.21.

I also recognize that there are other components to check for regarding Clause 2.21 and those are items such as education verifications, credit check, driving history reports, etc. I have been coached that the way we check these is to double check the information received from the SOURCE (with a different resource), to confirm that it matches up with the information which was actually provided to the end user in the background check report initially. If this is how we are supposed to handle employment verifications (rather than redoing them), then it does away with the risk I highlighted in Scenario 1.

Response: Thank you for your inquiry.

This question appears to infer that Clause 2.21 of the Standard requires reperformance of a search at the source as part of all quality audits, but the Council does not adopt this interpretation. The Council's position is that the Standard neither requires nor prohibits reperformance of a search at the source in all cases, instead leaving it to the accredited member or applicant for accreditation to determine in which circumstances reperformance of a search at the source is a necessary, appropriate, and lawful way to ensure quality.

Thank you for submitting your inquiry and giving the BSCC an opportunity to review. We believe we have responded fully to your inquiry. Please let us know if you have any further questions.